

Exceptional Student Services Procedures Manual

Treutlen County School District

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Chapter 1 - EXCEPTIONAL STUDENT SERVICES PROCEDURES

1.1 Chapter Overview

This chapter serves as the introduction to the Treutlen County School District Exceptional Student Services Procedures Manual.

- **Purpose of this Manual**
- **Applicable Laws and Regulations**
- **Free Appropriate Public Education**
- **Overview of the Manual**

1.2 PURPOSE OF THIS MANUAL

This manual is designed for use by teachers, administrators, parents, service providers, professionals, and others involved in the identification, evaluation, and education of students with disabilities in the Treutlen County School District (referred to as District). The manual is intended to guide the user in complying with federal and state legal requirements as they apply to the District's interaction with students with disabilities and their parents.

This manual frequently refers to District personnel who are responsible for carrying out certain activities, as well as the appropriate contacts if issues arise. If District personnel have any questions regarding the use or interpretation of this manual or any legal or other issues affecting students with disabilities, they should contact the Exceptional Student Services Department at 912-529-7131.

1.3 APPLICATION OF LAWS AND REGULATIONS

Individuals with Disabilities Education Improvement Act (IDEA)

The Individuals with Disabilities Education Improvement Act of 2004, often referred to as "IDEA," provides federal funds to state and local agencies for the education of eligible students with disabilities. In order to be eligible to receive services under IDEA, a student must be determined to be a child with a disability and to need Exceptional Student Services and related services (each as defined under IDEA).

The District receives IDEA funds for the education of students with disabilities only if it complies with the

specific requirements of IDEA. These requirements include, among other things, the requirement to identify and evaluate students who may have disabilities, to determine the eligibility of such students, to develop individualized education programs, to place students in appropriate settings, to follow certain procedural safeguards (including in connection with disciplinary actions), and to protect the confidentiality of student records. These requirements are discussed in more detail throughout this manual.

Congress made changes to IDEA in 2004, and the U.S. Department of Education revised the regulations on August 14, 2006 and December 1, 2008. This manual incorporates those changes.

State of Georgia Requirements

The State of Georgia has adopted its own laws and regulations covering the education of students with disabilities. These largely emulate the requirements of the federal laws and regulations discussed above but in some instances, expand on the federal requirements. The Georgia requirements are incorporated throughout this manual.

Settlement Agreements and Similar Requirements

From time to time, the District may enter into mediation, resolution, and/or settlement agreements or compliance plans in connection with administrative or court actions against the District involving the education of students with disabilities. The terms of such agreements must be carried out by the District in addition to the federal and state requirements discussed above.

1.4 FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

IDEA requires that a student who meets eligibility criteria is entitled to receive a free appropriate public education, often referred to as “FAPE.” Because the meaning of FAPE is important to all the topics covered in this manual, this section discusses its meaning in detail.

Definition of FAPE

The regulations implementing IDEA define free appropriate public education to mean Exceptional Student Services and related services that:

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the Georgia Department of Education, including the requirements of the IDEA;
- include preschool, elementary school, or secondary school education for students age 3 through 21 in the State of Georgia; and
- are provided in conformity with an Individualized Education Program (IEP) that meets the requirements described in
- Chapter 6.0 – Individualized Education Programs of this manual.

The meaning of Exceptional Student Services and related services is discussed in Chapter 6,

Individualized Education Programs. Other components of FAPE are discussed in greater detail below.

FREE

For purposes of FAPE, the term free means that required services are provided without cost to the student's parents. There may be other governmental agencies, insurers, or other third parties (e.g., Medicaid) that have an obligation to provide or pay for services required under IDEA, Section 504 of the Rehabilitation Act of 1973 (Section 504), or the American with Disabilities Act (ADA). That said, the IDEA regulations specify that the District may access a parent's private insurance proceeds only if the parent provides informed consent as described in Chapter 2.0 Procedural Safeguards.

Informed parental consent must be obtained each time the parent's private insurance is accessed, and the parent must be informed that his or her refusal to consent does not relieve the District of its responsibility to ensure that all required IDEA services are provided at no cost to the parents. The IDEA regulations also provide that the District may not:

- require parents of a student with a disability to sign up for or enroll in public insurance programs in order for their child to receive FAPE under IDEA;
- require parents to incur an out-of-pocket expense such as payment of a deductible or co-pay amount incurred in filing a claim for services provided under IDEA;
- use a student's benefits under a public insurance program if that use would
- decrease available lifetime coverage or any other insured benefit;
- result in the family paying for service that would otherwise be covered by the public insurance program and that are required for the student outside of the time the student is in school;
- increase premiums or lead to the discontinuation of insurance; or
- risk loss of eligibility for home and community based waivers, based on aggregate health-related expenditures.

For assistance in locating potential sources of services or funding for services to meet the FAPE requirements, District personnel should contact the Exceptional Student Services Coordinator assigned to their grade level/school. The requirement that services be provided without cost to the student's parents applies only to the costs of Exceptional Student Services and related services. The District may charge the parents of students with disabilities any incidental fees that are normally charged to students without disabilities or their parents as part of the general education program. For example, fees may be charged for classroom supplies, art supplies, etc., if parents of students without disabilities are charged for the same supplies and the supplies are not part of the student's Exceptional Student Services and related services.

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.

APPROPRIATE

The meaning of the term appropriate will depend on the unique needs of the individual student. Under IDEA, an appropriate education to a student with a disability is provided when:

- District personnel comply with applicable federal and state law, and the procedural requirements described in this manual; and the individualized education program developed for the student (as

described in Chapter 6.0 Individualized Education Programs) is reasonably calculated to enable the student to receive educational benefit. The federal regulations implementing IDEA define an appropriate education as the provision of general or Exceptional Student Services and related aids and services that:

- are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met; and
- are based on adherence to procedures that satisfy the requirements for evaluation (described in Chapter 4.0 Evaluation), placement and educational setting (described in Chapter 7.0 Placement), and procedural safeguards (described in Chapter 2.0 Procedural Safeguards).

The District will provide a program that is designed to provide some educational benefit to the student. These educational benefits must be more than minimal, meaning that the program must be designed to result in some tangible gain in the student's abilities.

Extracurricular Activities and Program Accessibility

Treutlen County Schools 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 for students with disabilities in order to provide an 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 Treutlen County Schools, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the Treutlen County Schools and assistance in making outside employment available.

Case Managers will ensure that a variety of educational programs and services available to nondisabled children in the area served by the LEA, including art, music, and Career, Technical and Agricultural Education are available for ESS students. If a program or service is not available, the ESS Administrator should be notified immediately

PUBLIC

The term public education means one that meets the standards established by the Georgia Department of Education, including standards that relate to compliance with IDEA. This requirement does not mean that a student cannot be placed in a private school or facility if the IEP determines that such a placement is needed to provide FAPE.

Students who are Entitled to FAPE

The District is required to ensure that FAPE is available to all students with disabilities, aged 3 through 21, residing within the District, including students with disabilities who have been suspended or expelled from school. FAPE includes the requirement that the District engage in appropriate child find activities for certain children who are not enrolled in the District, such as students in private schools and homeless

students. These requirements are discussed in Chapter 3.0 Identification.

The FAPE requirements specifically apply to students who have been suspended or expelled. For a discussion of the requirements for disciplinary action against a student with a disability, please refer to Chapter 8.0 Discipline.

PROHIBITION ON MANDATORY MEDICINE

Treutlen County Schools will not require parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation or receiving services.

It should not be construed that teachers and other school personnel are prohibited from 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. [34 C.F.R. § 300.174(b)]

LIMITATIONS

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

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.

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 (awarded to students certifying that they have satisfied attendance requirements, unit requirements of 28 for Treutlen County Schools and the state assessment requirements);
- 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, alternative diploma (GAA students only), or a general educational development credential (GED).

The Exceptional Student Services Lead Teacher will ensure that the information provided is current and accurate.

WHEN THE FAPE REQUIREMENT TERMINATES

The District's obligation to provide FAPE to a student ends when:

- the student is found not eligible through a reevaluation;
- the student graduates with a regular high school diploma;
- the student ages out at 22 years old;
- the parent provides the District with a written revocation of consent and the District issues a prior notice of revocation of services; or
- a hearing officer orders the termination.

FAPE FOR STUDENTS IN CHARTER SCHOOLS

Children with disabilities who attend public charter schools and their parents retain all rights to a FAPE.

If applicable, Treutlen County will ensure that our public charter school:

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

FAPE FOR STUDENTS IN PRIVATE SCHOOLS

If the District has made FAPE available to a student in a timely manner, and the student's parent(s) nevertheless unilaterally place(s) the student in a private school or facility, the District is not obligated to pay the costs of the private school placement. These provisions, as well as certain other limitations on the FAPE requirement for students in private schools, are described in Chapter 7.

FAPE FOR STUDENTS IN ADULT PRISON

Under IDEA regulations and Georgia requirements, a student aged 18 through 21 may not be eligible to receive FAPE if:

- he or she is incarcerated in an adult correctional facility;
- not identified as a student with a disability before the incarceration; and did not have an IEP.
- These provisions are discussed in Chapter 5.0 Eligibility.

1.5 OVERVIEW OF THE MANUAL

This manual is organized into chapters, each covering a particular stage in the process of ensuring that students with disabilities receive a free appropriate public education.

2.0 Parent Engagement/Procedural Safeguards

- Chapter 2.0 addresses the procedural safeguards afforded to parents and students under federal and state law. These safeguards include provisions regarding notice, consent, and

participation in certain decisions, as well as requirements for mediation, due process hearings, state complaints, and civil actions.

3.0 Child Find and Referral Process

- Chapter 3.0 addresses requirements for identification of students who may be covered by federal or state protections relating to persons with disabilities. These requirements include child find obligations and the process for referring a student for an evaluation. This chapter also discusses intervention measures that may be appropriate for a student who has not yet been identified as having a disability.

4.0 Evaluation

- Chapter 4.0 addresses the process for evaluating a student to determine whether he or she may have or continues to have a disability. The chapter also discusses the requirements for persons who are involved in an evaluation, as well as certain procedural requirements designed to keep parents informed of and involved in their child's evaluation.

5.0 Eligibility

- Chapter 5.0 addresses the requirements for determining whether a student has a disability and is entitled to receive services under IDEA or the protections of Section 504 and the ADA. These requirements include provisions governing the Multidisciplinary Team and its eligibility determinations.

6.0 Individualized Education Programs (IEPs)

- Chapter 6.0 addresses the development and revision of a student's IEP. The chapter discusses the procedural and substantive requirements for an IEP.

7.0 Placement and Least Restrictive Environment

- Chapter 7.0 addresses the process for ensuring that a student is placed in an appropriate setting in accordance with state and federal Exceptional Student Services law. The chapter discusses the options available for placement in the least restrictive environment (LRE) and specific requirements for certain types of placements.

8.0 Discipline

- Chapter 8.0 addresses the special provisions applicable to governing disciplinary actions involving students with disabilities. It discusses the procedural safeguards that are provided during the student disciplinary process, as well as parents' rights to challenge disciplinary actions.

9.0 Student Records and Confidentiality

- Chapter 9.0 addresses the requirements for the District's handling of the records of students with disabilities.

10.0 Case Management

- Chapter 10.0 addresses the specific responsibilities of Exceptional Student Services teachers as case managers of the students assigned to them. Case management includes file set up and maintenance, adhering to IEP and eligibility timelines, collecting student data and reporting progress on goals and objectives.

11.0 Transfer Exceptional Student Services Students (From Other GA Districts and States)

- Chapter 11.0 addresses the procedures to follow for students that transfer from other GA districts or out of state with an IEP.

12.0 Physical Restraint and Seclusion

- Chapter 12.0 addresses laws and procedures required with the use of restraint and seclusion in school systems. The chapter will include case law that guides the requirements, training offered, types of restraint, and proper reporting options.

13.0 Time and Effort Reporting Requirements

- Chapter 13.0 addresses the reporting requirements for the school district pertaining to employees paid from federal grants.

14.0 Related Services

- Chapter 14.0 addresses the types of related services that may be required for a student to fully access and benefit from Exceptional Student Services services. This chapter explains the referral process for evaluation for and implementation of these services.

15.0 Dispute Resolution

- Chapter 15.0 addresses the available resources and processes available to parents who believe that the school district has not provided FAPE for their child. This includes filing of formal complaints and requests for due process hearings as well as the resolution meeting and mediation process.

16.0 Transition Planning

- Chapter 16.0 addresses the IDEA requirement that students must have a transition plan in place beginning not later than entry into ninth grade or by age 16, whichever comes first or younger if determined appropriate by the IEP team. This chapter explains the required planning and development of the transition plan.

17.0 Private School and Home School Students

- Chapter 17.0 addresses the school district's obligations to parentally placed private school and home school children with disabilities.

18.0 Personnel, Facilities, and Caseloads

- Chapter 18.0 addresses Georgia state regulations regarding maintenance of personnel files,

facility requirements for Exceptional Student Services programs, and maximum class size and caseload size.

19.0 Georgia Network of Therapeutic Supports (GNETS)

- Chapter 19.0 addresses the availability of GNETS as an option in the continuum of Exceptional Student Services services for students with emotional behavior disorders and the referral process for the GNETS program.

20.0 Procurement and Suspension/Debarment Procedures

- Chapter 20.0 addresses the negotiating of contracts for services using federal grant funds and the process for ensuring that federal grant funds are not used with contractors that are suspended or barred

Chapter 2 - PROCEDURAL SAFEGUARDS

2.1 CHAPTER OVERVIEW

The District is required to establish, maintain, and implement procedural safeguards as described in this Chapter. This chapter includes the following sections:

- 2.1 Chapter Overview**
- 2.1 Parents and Communications with Parents and Surrogates**
- 2.2 Notices and Opportunities to Participate**
- 2.3 Consent**
- 2.4 Student Records**
- 2.5 Independent Educational Evaluations**
- 2.6 Disciplinary Placements**
- 2.7 Private School Placements at Public Expense**
- 2.8 Mediation**
- 2.10 Complaints**
- 2.11 Due Process Hearing**
- 2.12 Appeals**
- 2.13 Attorney's Fees**

2.2 PARENTS AND COMMUNICATIONS WITH PARENTS AND SURROGATES

A. Definition of "Parent"

The use of the term "parent" includes:

A biological or adoptive parent of a child;
foster parent, provided that:

- the biological parent's authority to make educational decisions on the student's behalf has been terminated under State law,
- the foster parent has an ongoing, long-term parental relationship with the student,
- the foster parent is willing to make the educational decisions required of the parent under IDEA; and
- the foster parent has no interest that would conflict with the interests of the student.
- A guardian legally authorized to act as a child's parent or authorized to make educational decisions by a court of law; An individual acting in the place of a biological or adoptive parent (Grandparent, stepparent or other relative) with whom the child lives, or who is legally responsible for the child's well-being.

B. Presumption of Parental Authority

When more than one party is qualified to act as a parent, it must be presumed the biological or adoptive parent is the parent unless they do not have legal authority to make educational decisions for the student.

In cases of joint custody, the student's Case Manager will communicate with the parent of enrollment regarding Exceptional Student Services evaluation, eligibility, and placement unless otherwise requested in writing.

C. Surrogate Parents

- A surrogate parent must be appointed whenever:
- The child's parents cannot be identified after reasonable efforts
- The child's parents cannot be located after reasonable efforts
- The child is a ward of the State (surrogate may be appointed by judge)
- The child is an unaccompanied homeless youth

The surrogate parent represents the child in all matters concerning the identification, evaluation, and educational placement of the child, and the provision of FAPE.

- In the cases described above, the Exceptional Student Services Administrator should request the appointment of a surrogate parent from the Exceptional Student Services Coordinator.
- If it is unclear who has legal responsibility for a student or more information is needed regarding surrogate parents, contact the Exceptional Student Services Director, who will maintain a list of eligible persons to serve as surrogate parents.
- The person selected as a surrogate parent must:
 - Not be an employee of the GaDOE, the LEA, or any other agency involved in the education or care of the child;
 - Have no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
 - Have knowledge and skills that ensure adequate representation of the child.

Transfer of Parental Rights to the Student

- In certain circumstances, the parent's rights will transfer to the student, and after rights have transferred, references to "parent" in this manual should be read to mean the student.

The parent's rights under IDEA generally transfer to the student:

- When the student reaches age 18; even if the student is incarcerated in an adult or juvenile state or local correctional institution.

The parent's rights under IDEA do not transfer to the student if:

- The student is adjudged incompetent and a court appoints a guardian for the student (legal guardianship); or
- The student's parent submits an application (Notice of Application to Represent the Educational Interests of an ESS Student at the Age of Majority) to continue to represent their child's Exceptional Student Services interests whose child participates in the state's alternate assessment;

Even after the parent's rights transfer to the student, any notices which ordinarily are required to go to the parent must be provided to both the parent and the student. All other rights accorded to parents under IDEA will transfer to the student. However, at the discretion of the student or of the District, the parent could be invited to attend IEP meetings as "individuals who have knowledge or special expertise" regarding the student. The student and their parents are to be notified of the transfer of IDEA rights to the student through the IEP process, beginning when the student reaches age 17, as described in Chapter 6 — Individualized Education Programs, and when the parent's rights transfer to the student.

Native Language or Mode of Communication

The native language of a parent with limited English proficiency means the language normally used by the parent. The native language of a student with limited English proficiency means the language normally used by the parent of the student. However, for purposes of all direct contact with the student (including evaluation of the student), the student's native language is the language normally used by the student in the home or learning environment. If a person has deafness or blindness or does not have a written language, the mode of communication would be that, which is normally used by that person (e.g., sign language, Braille, or oral communication).

District personnel must make reasonable efforts to ensure that the parent understands, and is able to participate in any group discussions relating to the educational decisions for the student. The efforts should include arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is other than English.

To arrange for an interpreter to attend a meeting, the Exceptional Student Services Director must be made aware 10 days prior to the meeting. The director will work with the Assistant Superintendent to ensure an interpreter is available for the meeting.

When Exceptional Student Services documents need to be provided in the student's native language, the Case Manager will notify the Exceptional Student Services Director, who will have the documents translated. The Exceptional Student Services Director will notify the case manager when the documents are complete and ready to be provided to the parent/student.

2.3 NOTICES AND OPPORTUNITIES TO PARTICIPATE

Notices of Meetings and Other Actions

Written prior notice that meets the requirements described in this Section must be given to the parent of a student in a reasonable time. Reasonable time is defined as no less than 5 school days (District Best Practice is 10 days) unless both parties agree otherwise. The prior notice must be provided before the District proposes or refuses to initiate or change the student's:

- identification as a child with a disability;
- evaluation;

- educational placement; or
- provision of a free appropriate public education (FAPE).

The required notice must 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;
- a description of any other options that the District considered and the reasons why those options were rejected
- a description of each evaluation procedure, assessment, record, or report the District relied upon when the action was proposed or refused;
- a description of any other factors that are relevant to the District's proposal or refusal;
- a statement that the parents of a student with a disability have protection under the procedural safeguards described in this Chapter; and
- sources for parents to contact to obtain assistance in understanding the provisions of the IDEA.

Copies of the notice forms sent to parents must be filed in the student's Exceptional Student Services file, or if the student does not have an Exceptional Student Services file, uploaded into GOIEP.. Copies of the notice forms for IEP meetings should be filed with the student's IEP in the Exceptional Student Services file or uploaded into GOIEP.

Procedural Safeguards Notice (Parent's Rights Document)

District personnel must give parents a copy of the procedural safeguards notice, at a minimum:

- upon initial referral or parent request for evaluation;
- at least once per year;
- when parent requests a copy;
- upon first request for due process hearing;
- first filing of a state complaint during the school year; or
- when the District proposes a suspension that will result in a disciplinary change of placement.

Opportunity to Participate in Meetings and Decisions

Parent must be given an opportunity to participate in meetings with respect to:

- identification;
- evaluation; and
- educational placement of the student; and
- the provision of FAPE to the student.

Meetings

The term meeting does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's IEP. The term also does not include preparatory activities that District personnel engage in to develop a proposal or to prepare a response to a parent proposal that will be discussed at a later meeting. For example, if a member of an IEP Team contacted the school psychologist for ideas about possible positive behavioral intervention strategies to discuss at an IEP meeting, the conversation between the IEP Team member and the school psychologist would not be a "meeting" requiring an opportunity for parent participation.

The Exceptional Student Services Case Manager must take steps to ensure that the meeting is scheduled at a mutually convenient time and place. If neither parent can physically attend the meeting, the Case Manager must use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing. A decision may be made by a group without the involvement of the student's parent if District personnel are unable to

obtain the parent's participation in the decision. In such cases, all efforts to ensure the parent's participation must be documented in the student's Exceptional Student Services file, including at a minimum:

- detailed records of telephone calls made or attempted and the results of those calls (it is District Best Practice that at least one telephone call be made and that follow-up calls be made if staff are unable to speak with the parent directly over the phone; utilize the Communication Log in Infinite Campus)
- copies of correspondence sent to the parent and any responses received (it is District Best Practice that at least one notice be sent by regular mail); and
- detailed records of visits made to the parent's home or place of employment and the results of those visits.

2.4 CONSENT

Definition of Consent

Certain actions with respect to a student with a disability require parental consent, as described below in this Section. Consent means that:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;
- The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- The parent understands that the granting of consent is voluntary and may be revoked at any time.

If a parent revokes consent for evaluation, the revocation is not retroactive. That is, the revocation does not invalidate actions that were taken between the time consent was granted and the time it was revoked. For example, if a parent consents to an evaluation of a student but later revokes that consent, the revocation does not invalidate steps to conduct evaluation components taken by district personnel between the time consent was given and the time it was revoked.

Parental consent must be obtained before:

Conducting an initial evaluation;

- If the parent refuses to consent or does not respond to the District's request for consent for an initial evaluation, the District may, but is not required to, request mediation or request a due process hearing to override the parent's refusal.

Initial provision of Exceptional Student Services and related services to a student with a disability; and

- If the parent refuses to consent or does not respond to the District's request for consent for initial provision of Exceptional Student Services and related services to the student (through the development of an initial IEP), the District cannot use mediation or due process to override the parent's lack of consent. If the parent does not provide consent for the initial provision of Exceptional Student Services and related services, the District will not be in violation of the obligation to make a free appropriate public education available to the student. Parental consent to an initial evaluation does not constitute consent to the initial placement.

Conducting a reevaluation

- If the parent refuses to consent or does not respond to the District's request for consent for a re-evaluation, the District may, but is not required to, request mediation or request a due process hearing to override the parent's refusal.

Parental consent is not required before:

- Reviewing existing data as part of an evaluation or a reevaluation; or
- Under the IDEA and Georgia regulations, informed parental consent need not be obtained for a reevaluation of a student if District personnel can demonstrate that they have taken reasonable measures to obtain parental consent, and the student's parent has failed to respond.
- Administering a test or other evaluation that is administered to all students unless, prior to its administration, consent is required of parents of all students. Additionally, to demonstrate that they have taken reasonable measures to obtain consent [for evaluations where it *is* required], District personnel must have a record in the student's confidential folder of all attempts to obtain consent, including:
- Detailed records of telephone calls made or attempted and the results of those calls (it is District best practice that at least one telephone call be made and that follow-up calls be made if District staff are unable to speak with the parent directly over the phone);
- Copies of correspondence sent to the parent and any response received (it is District Best Practice that at least one notice be sent by regular mail); and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

REVOCATION OF CONSENT

The parent has the right to revoke consent for the continued provision of Exceptional Student Services and related services by submitting a written request for the revocation to the Exceptional Student Services Director (ESSD) assigned to the school. The ESSD will have the parent review and sign a form acknowledging that they understand the rights they are giving up under IDEA by revoking consent. The ESSD will submit the revocation of consent to the Lead ESS Educator assigned to the school/grade. The Lead Educator will respond by issuing the parent a prior written notice to change the student's placement and direct the school to status the date in the student's record:

- The District may not initiate a due process hearing or mediation procedures to continue Exceptional Student Services and related services for a student when their parent has revoked consent.
- If at a later date the parent requests that Exceptional Student Services services be reinstated, the request would be treated as an initial referral and offered an evaluation in the same manner as any other student suspected of having a disability.
- If the parent requests that the Exceptional Student Services records be expunged, Family Educational Rights and Privacy Act (FERPA) procedures for amending records must be followed.
- If the student engages in behavior that may result in a disciplinary change of placement, the student is not entitled to the protections under IDEA. The District is deemed not to have knowledge of a suspicion of a disability and the student will be disciplined as a general education student.
- A parent cannot selectively revoke consent for individual services. The parent's initial consent is for the entire package of Exceptional Student Services and related services. For example, a parent cannot revoke resource services while choosing to retain speech-language services. If a parent disagrees with the provision of any particular service, they must pursue their due process rights by requesting a hearing.

PARENTAL TRAINING AND AWARENESS

Parents may be provided assistance:

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

2.5 STUDENT RECORDS

Under the Family Education Rights and Privacy Act, a parent has the right to:

- inspect and review all student's educational records; and
- district personnel will explain and interpret the records;
- the District may charge a fee for copies of records that are made;
- give written permission before the District can release any personal identifying information to any person not otherwise entitled by law to see this information; and
- the District must keep a record of parties obtaining access to educational records collected or maintained including the name of the party, the date access was given, and the purpose for which the party is authorized to use the record. For a more detailed description of matters relating to student records, see Chapter 9.0 — Student Records and Confidentiality.

A. Confidentiality

All information which identifies a student as being a student with a disability is kept confidential. This includes but not limited to all IEP paperwork, files, and supporting documents. All IEPs and supporting documents are to remain in a secure location, under lock and key, at the school and district level. Information from IEPs will only be shared with staff members who have a need to know.

B. Maintenance

Records will be handled and maintained in such a manner as to ensure confidentiality. Schools maintain the hard-copy file for all active students. This file will be locked in a secure location and maintained by the Exceptional Student Services Director. Anyone accessing these files must sign the access log at the front of each file. All student records are also maintained electronically in a secure database, only accessible to the District Administrator and selected staff at each building.

2.6 INDEPENDENT EDUCATIONAL EVALUATION

Generally, the parent has the right to obtain an Independent Educational Evaluation (IEE) of the student. An independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the District.

If a parent disagrees with an evaluation obtained by the District, the parent has a right to an Independent Educational Evaluation (IEE) at the District's expense, meaning that the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. If the parent requests an independent educational evaluation at the District's expense, District personnel must respond to the request in a timely manner. Therefore, the Exceptional Student Services Director should be notified by the Case Manager or school administrative staff immediately upon receipt of request for an IEE. Upon request, District personnel must, without unnecessary delay, either:

- ensure that an IEE is provided at the District's expense; or

- refuse and initiate an impartial due process hearing, as described below, to demonstrate that the District's evaluation is appropriate.

District personnel may ask the parent why there is an objection to the District's evaluation. However, District personnel may not require the parent to give an explanation, and the District may not unreasonably delay either providing the IEE at the District's expense or initiating a due process hearing to defend the District evaluation.

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at public expense. If a due process hearing results in a final decision that the District's evaluation is appropriate, the student's parent still has the right to an IEE, but not at the District's expense.

District personnel must consider an IEE that meets District criteria, whether paid for by the District or not, in any decision regarding the provision of a free appropriate public education to the student. The results of an IEE may be presented as evidence in a due process hearing regarding the student.

NOTICE OF THE RIGHT TO AN INDEPENDENT EDUCATIONAL EVALUATION

Upon request, District personnel must provide the parent an IEE, information about how and where an IEE may be obtained, and District criteria for an IEE. This information should be made available in a manner that is readily understandable to the general public, including parents whose native language is not English. The information should be made available so that if a parent disagrees with an evaluation, he or she will have access to the District criteria for an independent educational evaluation, as described below.

CRITERIA FOR AN INDEPENDENT EDUCATIONAL EVALUATION

Should the parent obtain an IEE at the District's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same as the criteria the District uses in initiating evaluations. For further information about the District's criteria for an independent educational evaluation, please contact the Exceptional Student Services Director.

2.7 DISCIPLINARY PLACEMENTS

Certain procedures apply for placement of a student in an interim alternative educational setting in connection with disciplinary action against the student. These procedures are described in Chapter 8.0 Discipline.

The parent has the right to have a manifestation determination review, to determine relatedness of the student's behavior to the disability, when the student's school recommends removal of the student from the current educational placement to an interim alternative educational placement for more than 10 school days (cumulative or consecutive) for the student code of conduct.

The District can place the student in an appropriate interim alternative educational setting for up to 45 school days regardless of the relationship to the disability if the student engages in any of the following conduct at school, on school property or at a school function under the jurisdiction of the school, District or State:

- carries or possesses a weapon;
- knowingly possesses or uses illegal drugs, or sells or solicits
- the sale of a controlled substance; or
- inflicts serious bodily injury on another person.

A hearing officer can order that the student be placed in an appropriate alternative educational setting under certain circumstances if the District demonstrates that the student's current placement is likely to result in injury to the student or to others.

The parent has the right to request an impartial due process hearing (see Section 2.9) and have the hearing expedited (see Section 8.5), if the parent disagrees with:

- the school's decision to remove the student to an interim alternative educational placement for more than 10 school days for violating the student code of conduct;
- the determination of the relatedness of the student's behavior to the disability; or
- any discipline-related decision regarding the student's educational program.

2.8 PRIVATE SCHOOL PLACEMENT AT THE PUBLIC SCHOOL EXPENSE

If a student's parent unilaterally places the student in a private school or facility, the District may not be required to pay for the costs of that placement if the District made FAPE available to the student in a timely manner before the parent elects the private placement. However, the parent may enroll a student in a private school if the parent disagrees with the District's offer of FAPE and intends to seek tuition reimbursement. The request for tuition reimbursement may be denied or reduced if:

- the parent does not provide the District with notice of their intent to remove the student from public school at the student's most recent IEP meeting prior to removal; and/or
- the parent does not provide the District written notice 10 days prior to removing the student from the public school.

Disagreements between the District and a parent regarding the availability of a program appropriate to the student, and the question of financial responsibility, are subject to the due process procedures described in Section 2.9.

2.9 MEDIATION

The State and District are required to ensure that formal mediation procedures are established and implemented to allow resolution of disputes resulting from the District's proposal, or refusal, to identify, evaluate, place, or provide the student with a free appropriate public education. The parent may request mediation of a dispute by contacting in writing, either the Treutlen County Department of Exceptional Education or the Georgia Department of Education.

- The State bears the cost of the mediation process.
- The Georgia Department of Education will randomly select one of its mediators to guide the mediation. The mediators will be neutral. The mediator will be qualified and trained in mediation.
- If District personnel are aware of any need that the parent may have for an interpreter that information should be provided to the Georgia Department of Education at the time the mediation is initiated, or as soon as possible.
- Mediation is a voluntary process that brings both parties together with a mediator in an attempt to resolve the disagreement through a structured, yet informal meeting.
- Mediation is an alternative but not a prerequisite to the due process hearing.
- Mediation sessions are held in a timely manner and scheduled at times and in places convenient to the parties.
- Discussions that occur during mediation are confidential and may not be used as evidence in due process hearings or court proceedings.
- Any agreement reached will be a written agreement that is legally binding and enforceable in court.
- The agreement is signed by the parent and a representative from the District. District personnel may initiate mediation of a dispute by contacting the Exceptional Student Services Department, which in

turn notifies the parent, the School Administrator, and the Georgia Department of Education.

2.10 COMPLAINTS

An organization or individual may file a complaint with the Georgia Department of Education; the complaint must be in writing, signed and include:

- a statement that the District has violated state or federal Exceptional Student Services law;
- the facts related to the issue(s);
- signature and contact information of the complainant;
- a description of the nature of the problem; and
- a proposed resolution of the problem.

If a specific school or student is referenced in the complaint, the complaint must also include:

- the name and residence of the student;
- the name of the school the student is attending.

The parent must submit a copy of the complaint to the District and the Georgia Department of Education in which;

- the complaint must allege a violation that occurred within one year of filing;
- the District has the right to respond and try to resolve the complaint or mediate if both parties agree;
- the Georgia Department of Education must complete its review and give its decision within 60 calendar days;
- the complaint includes issues which are also the subject of a due process hearing; the Georgia Department of Education is required to set aside those issues until the due process hearing is resolved;
- any issues which are not the subject of a due process hearing must proceed and be resolved within the 60 calendar-day time frame;
- any issues raised in a complaint have previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding, and the Georgia Department of Education must inform the complaining party to that effect; and
- If a complaint alleges that the District has failed to implement a due process decision, the Georgia Department of Education must resolve that complaint.

After reviewing all relevant information, the Georgia Department of Education will make an independent determination as to whether the District violated a requirement of IDEA. The Georgia Department of Education will issue a written decision to the complainant that:

- addresses each allegation in the complaint;
- contains findings of fact and conclusions; and
- states the reasons for the Georgia Department of Education's final decision.

If the Georgia Department of Education finds that the District has failed to provide appropriate services to a student, it must address:

- how 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 student; and
- appropriate future provision of services for all students with disabilities.

2.11 DUE PROCESS HEARING

REQUEST FOR A DUE PROCESS HEARING

The parent or the District may initiate an impartial due process hearing if they disagree with identification, evaluation, educational placement or the provision of FAPE to the student. A parent may request a due process hearing if the District refuses to identify, evaluate, or appropriately serve the student, fails to consider the results of an IEE, the parent disagrees with a proposed IEP, or objects to termination of the student's **Exceptional Student Services** program.

The parent's request for due process must be in writing to the State Special Education Director and must include:

- student's name;
- student's address;
- name of the school the student is attending;
- a description of the nature of the problem and the facts relating to the problem; and
- a resolution to the problem.

If the request does not include the information above, the District may ask the hearing officer within 15 days of the request to find the due process request insufficient. A due process hearing must be requested within two years from the date the parent or the District knew or should have known about the act or omission that gave rise to the hearing request unless the parent was prevented from requesting a hearing because the District:

- specifically misrepresented to the parent that it had resolved the problem; or
- withheld required information.

When a request for a due process hearing has been received the Exceptional Student Services Director (or designee) must inform the parent of the availability of mediation as described in Section 2.9, as well as any free or low-cost legal and other relevant services available in the area. Apart from due process, the Exceptional Student Services Director (or designee) must also provide the parent information on such legal and other services at any time upon request by the parent. A model form of parent notice requesting a due process hearing is available on the Georgia Department of Education's website.

If District personnel believe that it may be appropriate for the District to initiate a due process proceeding, they should contact the Exceptional Student Services Director. The Director will assist in determining whether due process may be appropriate and in seeking to resolve the child's status during proceedings.

Except in situations of 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.

RESOLUTION

After the District receives a request for due process they must:

- ensure that the parent has received prior written notice of the Exceptional Student Services action(s) related to the issues in the hearing request, or provide a written response to the issues raised in the hearing request, within 10 days of receiving the request if such notice has not already been given;
- convene a resolution session within 15 days (7 days if expedited) of the hearing request unless the parent and
- District agree in writing to waive the meeting or agree to mediation;
- try to solve the issues stated in the due process request during the resolution time period; and

- include the parent, relevant IEP members, and a representative of the District with decision making authority in the resolution session.
- The District may not have an attorney present at the resolution session unless the parent brings an attorney.
- If an agreement is reached, it will be written in a legally binding document and signed by the District representative and the parent. The resolution agreement can be canceled in writing within 3 business days if either party changes their mind.
- If an agreement is not reached to the parent's satisfaction within 30 days (15 days if expedited) of receiving the hearing request, the timeline for due process begins.

CONDUCTING A DUE PROCESS HEARING

Impartial Hearing Officer

Within 5 calendar days after receiving a parent request for a due process hearing, or upon the District's initiation of a due process hearing, the District must forward the request to the Georgia Department of Education. The Georgia Department of Education is responsible for appointing an impartial hearing officer to conduct the hearing. When expedited, the hearing officer must conduct a hearing within 20 school days after the date the hearing was requested.

Stay-Put Requirements- Once a due process hearing has been initiated:

- the District cannot change the student's educational placement during a due process until the legal proceedings are completed (stay-put);
- unless the student is placed in an alternative educational setting for behavior that is not a manifestation of the disability, or
- if the student is removed by the District to an interim alternative educational setting for weapons, drugs, controlled substance or causing serious bodily injury.
- A hearing officer can also remove the student to an interim alternative educational setting for up to 45 school days because it is likely the student may injure him/herself or others.

Disclosure Prior to the Hearing

At least 5 business days prior to the hearing, each party must ensure that any evidence that the party wishes to use at the hearing has been disclosed to the other party and the hearing officer. If required disclosure is not made, the hearing officer may exclude the admission of undisclosed evidence from being introduced at the hearing.

Due Process Hearing

Due Process hearings must be conducted at a time and place that is reasonably convenient to the parent and the student involved.

The District is responsible for:

- notifying the parent (by certified mail) and hearing officer of the time and place set for the hearing; and
- notifying the parent of their rights in a due process hearing and of any free or inexpensive legal services and other relevant services available in the area.

Any party to a due process hearing has the right to:

- be represented;
- be accompanied by and advised by persons who have special knowledge of or training

- regarding students with disabilities;
- present evidence, object to the admissibility of evidence, and object to the introduction of any evidence or recommendation based on an evaluation that was not disclosed to that party at least 5 business days prior to the hearing;;
- confront, cross-examine, and compel the attendance of witnesses;
- obtain a written, or, at the option of the parent, electronic, verbatim record of the hearing; and
- obtain written, or, at the option of the parent, electronic findings of fact and decisions.

In addition, the parent involved in a hearing must have the right to:

- have the student who is the subject of the hearing present;
- a hearing open to the general public; and
- a record of the due process hearing and the findings of fact and decisions at no cost.

The District must take whatever action is necessary to ensure that the parent understands the written notice and the proceedings at the hearing. These steps include arranging for an interpreter for a parent who is deaf or hard of hearing or whose native language is not English. If District personnel are aware of any need that the parent may have for an interpreter, that information should be provided to the Exceptional Student Services Director at the time the due process hearing is initiated, or as soon as possible.

Findings of a Due Process Hearing

The hearing officer is required:

- to reach a decision in the due process proceeding no later than 45 days after the resolution period ends;
- if expedited, a determination must be made within 10 school days after the hearing,
- to base the decision solely on the evidence presented at the hearing; and,
- to mail a copy of the decision to each of the parties within the 45 day period.
- The hearing officer may grant specific extensions of time beyond the 45-day period at the request of either party.
- The Georgia Department of Education must, after deleting all personally identifiable information from a copy of the findings and decision, transmit the redacted version to the Georgia State Exceptional Student Services Advisory Council and make the redacted version available to the public.
- The hearing officer's decision in a due process hearing is considered final, but may be appealed by either the parent or the District as described below.

2.12 APPEALS

Any party aggrieved by the findings and decision in the hearing has the right to appeal the decision of the impartial due process Hearing Officer:

- The request for an appeal must be made (to the Georgia Department of Education) within 30 calendar days after receiving the decision of the hearing officer.
- A party to the hearing may file a cross-appeal within 10 calendar days after receiving notice of the initial appeal.

The State Review Officer who is appointed by the Georgia Department of Education:

- examines the entire hearing record, to make sure required procedures were followed consistent with the requirements of due process and makes an independent decision;
- may give parties an opportunity for oral or written arguments, or both, at the discretion of the review officer;

- seek additional evidence necessary and, if a hearing is held to receive additional evidence, afford the parties the same right under due process hearings;
- must reach a decision and mail a copy or electronic findings of fact and the decision to each party within 30 days after the request for review is made;
- may grant an extension if one of the parties requests; and
- The State Review Officer's decision is final unless a party brings a civil action as described in Section 2.13.

After deleting any personally identifiable information, the Georgia Department of Education is to transmit the redacted version of the findings and decisions to the Georgia State Special Education Advisory Council, and is to make the redacted findings and decisions available to the public.

CIVIL ACTIONS

A civil action may be brought by any party disagreeing with the findings and decision of a State Review Officer in an appeal.

- A civil action may be brought in a state court with jurisdiction or in federal district court.
- The civil action must be filed within 90 calendar days after receiving the decision of the review officer.

Before a civil action may be filed the party must exhaust his or her remedies under the due process and appeal proceedings described above in Section 2.11.

2.13 ATTORNEY'S FEES

Under IDEA, the District may be liable for the reasonable attorney's fees of a parent who prevails in a due process hearing, appeal, or civil action. A parent may be considered to have prevailed in a proceeding if the parent succeeded on any significant issue and obtained some of the benefits sought.

However, in a number of circumstances, the student's parents may not recover their legal fees when they prevail or the award of attorney's fees may be reduced. It is important for District personnel to bear in mind that compliance with IDEA and District policy requirements, including requirements relating to time lines, notices, consent, parent contact, and documentation, may directly affect whether and to what extent the District may avoid liability for attorney's fees.

If the District prevails, parent's attorneys may be liable for the reasonable attorney's fees of the District for bringing actions that are or become frivolous, unreasonable, or without foundation. In addition, the District may recover reasonable attorney's fees from the parent or the parent's attorney if the request for due process was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

Chapter 3

CHILD FIND AND REFERRAL PROCESS

3.1 Overview

In accordance with federal regulations and State Board Rule 160-4-7.03 Treutlen County School District assumes the responsibility for the location, identification, and evaluation of all children age birth through 21 that require Exceptional Student Services and related services.

This chapter describes:

- 3.1 Overview**
- 3.2 Child Find Responsibilities**
- 3.3 Child Find Activities and Compliance Monitoring**
- 3.4 Birth to Age 5: Child Find and Referral**
- 3.4 SCHOOL AGE: Multi-Tiered System of Supports (MTSS)**
- 3.5 SCHOOL AGE: Referral to Exceptional Student Services**

3.2 Child Find Responsibilities

In Accordance with federal regulations and State Board Rule 160-4-7.03 Treutlen County School District assumes the responsibility for the location, identification, and evaluation of all children age birth through 21 that require Exceptional Student Services and related services. All children who are suspected of having a disability and who are in need of Exceptional Student Services are part of the child find process, regardless of age. This includes children who are:

- Birth through three who may or may not be referred to and served by the State's early intervention program, Babies Can't Wait;
- Preschool children, ages three through five, who may not be enrolled in Georgia funded prekindergarten program and kindergarten including children who are parentally placed in private preschools or daycare centers outside the school system;
- Children who are enrolled in a public school in Treutlen County;
- Children who are parentally placed in private and home schools;
- Children who are incarcerated or detained in city/county operated jails or correctional facilities;
- Highly mobile children, including migrant children;
- Children served in community programs such as a rehabilitation center, daycare center, etc., or other municipalities and
- Any other children suspected of having a disability.

District Representatives request to meet annually with representatives from home schools and private schools to share information about their rights under Child Find and inform them of the school district's Child Find procedures. For children transitioning from the Babies Can't Wait program, identification/evaluation and placement for continued Exceptional Student Services services (implementation and IEP) must be completed by the child's third birthday. Screening and possible evaluation of all children with suspected disability ages 3 – 21 will be conducted within 60 days of parental consent

3.3 Child Find Activities and Compliance Monitoring

The District implements its Child Find responsibilities through a variety of activities, including:

- Providing public notices regarding Child Find requirements.
- Conducting and evaluating school-wide student screening activities.
- Implementing multi-tiered systems of supports (MTSS) including Response to Intervention (RTI) and Positive Behavioral Intervention and Supports (PBIS) to address academic and behavioral issues and

- identify students who may need additional support.
- Analyzing assessment results to identify struggling students.
- Accepting and responding to referrals from parents, teachers, and other professionals.

The Exceptional Student Services Director provides sustained professional learning activities on the written procedures for Child Find throughout the school year at monthly department meetings to all Exceptional Student Services staff members. Sustained supervision and monitoring of compliant practices for Child Find is provided by the Exceptional Student Services Director.

The Exceptional Student Services Director works closely with the Elementary School SLP who helps to facilitate all Babies Can't Wait referrals. The MTSS Administrator and the School Psychologist help to monitor the SST and MTSS process and together examine Student Educational Plans (SEPs) for proof of research-based interventions and evidence of fidelity with all measures. Each year, the ESS leadership team meets with Head Start representatives to ensure proper identification and services for students. Additionally, flyers are shared with churches, the library, government agencies, and daycares explaining the services available. Information is also posted on the district website, included in the local newspaper, and all students receive information at the beginning of the year. Parents return these forms signed.

3.4 Birth to Age 5: Child Find and Referral

BIRTH TO 3RD BIRTHDAY

The state's early intervention program, Babies Can't Wait (BCW), is responsible for identifying and providing services to children between the ages of birth and age three who are eligible to receive services due to developmental delays or documented physical or mental conditions that have a high probability of resulting in developmental delay. When the school district becomes informed of a child between the ages of birth to three who has or may have a disability, school district staff will make a referral to Babies Can't Wait or provide the parent with the information so that they can make the referral themselves.

Parents may opt not to be referred to the Babies Can't Wait program. They may request an evaluation from the school district to determine if their child has a disability that may require Exceptional Student Services. These parents are entitled to an evaluation from the district, even if the child is between the ages of birth to age 3. The district is responsible for providing an evaluation but it is not responsible for the provision of a free appropriate public education (FAPE) for eligible children until the child's third birthday.

STUDENTS AGE 3 THROUGH 5

For students who are between the ages of 3-5, the school system:

Step 1: Referral for Screening

- The Pre-K Coordinator, or designee, will attend a transition meeting for Babies Can't Wait Referrals. These transition meetings should be held 90 days prior to the child's 3rd birthday. At the transition meeting the Coordinator will explain the pre-k evaluation process and documents required for transition into the school system.
- Parents may also request a screening for their own child if they suspect concerns or delays. A parent should call the Exceptional Student Services Office for this request. A follow-up welcome letter is sent to the parents with a copy of the Parental Rights document and verification of the screening location and date. The letter also requests parents to provide required documentation of identification on the screening day.
- Screening is not to be considered an evaluation.

Step 2: Pre-K Screening

- The screening for special needs pre-k will consist of: hearing and vision, and assessments in

adaptive, developmental, cognitive, language, and social-emotional domains; a screening is not considered to be an evaluation.

- The Pre-K Team will meet following the screenings and review each file in order to determine if any additional assessments may be needed.
- If further evaluation is requested, the Exceptional Student Services Office will notify the parent and set up a date for the evaluation.
- If no further testing is requested, the Exceptional Student Services Office will notify the parents by phone and follow up with a summary of the results by mail.

Step 3: Evaluation

- The Exceptional Student Services Department will assign the psychologist as the case manager in GOIEP.
- The Exceptional Student Services Department will set a date and time for the evaluation for the assigned psychologist, speech pathologist, occupational therapist, and physical therapist, as needed.
- The psychologist is charged with having the parent sign the Consent for Evaluation at the scheduled appointment. Only a parent or guardian can consent for testing to continue.
- The comprehensive evaluation and eligibility meeting must be completed within **60 calendar days** of the date the Consent for Evaluation was signed by the parent. Best practice is to schedule a meeting no more than 45 days out to ensure compliance.
- After the psychologist has completed the evaluation, the psychologist and/or speech pathologist will:
- Send an email verifying that the evaluation is completed and ready for the school to move forward with the Eligibility Meeting and IEP. This email should be sent to: Pre-K coordinator, the school administrator, speech pathologist, and pre-k teacher, and the ESS Director.
- Within 5 days of sending the email, the psychologist will complete the eligibility report in GOIEP (up to decision making) and send the completed evaluation packet to the case manager assigned to the student. This packet should include the assessment materials, referral information and completed psychological report.
- The ESS Director will assign a case manager (pre-k teacher) once the packet is received. The case manager will move forward with setting up the Eligibility meeting at the child's homeschool. These meetings should be held prior to the **60 calendar days and/or prior to the child's 3rd birthday**. Best practice is to schedule a meeting no more than 45 days out to ensure compliance. *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.*

Step 4: Eligibility and IEP Meeting

- The Eligibility Meeting must be held within **60 calendar days** of when the consent was signed. At the Initial Eligibility meeting, the team will review the results of the evaluation with the parent. If the child is determined to be eligible for Exceptional Student Services services, the team should conduct an IEP Meeting or schedule an IEP within **30 calendar days** of the eligibility determination. **Reminder: BCW IEP must be written and in place by the child's 3rd birthday.** (The IEP process is explained in detail in Chapter 6)

3.5 School Age: Multi-Tiered System of Supports (MTSS)

Students who experience difficulty learning go through various levels or tiers of support called the Multi-Tiered System of Supports (MTSS) process. **THE USE OF MTSS STRATEGIES WILL NOT BE USED TO DELAY OR DENY A FULL AND INDIVIDUAL EVALUATION.**

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.
- Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction.
- The exceptions listed above will be infrequent and the circumstances demonstrating the need for this exception will be clearly documented in the eligibility decision.

Multi-Tiered Support System

Multi-Tiered Support System (MTSS) is the process of teachers changing their instruction based on how well the students have responded to it. MTSS has become the national model for successfully reaching students when they are just beginning to fall behind expected grade-level benchmarks and providing appropriate support and interventions at increasing levels of intensity. Georgia's four-tier MTSS model is used to identify and address students' academic and/or behavior needs.

The State of Georgia requires a Student Support Team (SST) in every public school to provide a problem-solving process to prevent inappropriate referrals to Exceptional Student Services and to prevent unnecessary removal of students from general education, especially Georgia's minority students, in disproportionate numbers. SST is now part of the four tiers of support in Georgia referred to as the Georgia Pyramid of Interventions. The State of Georgia increased its focus on providing high quality research-based instruction, interventions, and data-driven practices to help all students succeed in the general education curriculum.

What Does This Mean For Exceptional Student Services?

MTSS addresses Every Student Succeeds Act (ESSA) and IDEA 2004 mandates, concerns about traditional Exceptional Student Services identification procedures, the disproportionate representation of minorities in Exceptional Student Services, the integration of general and Exceptional Student Services and the delivery of evidence-based programs to students. IDEA 2004 promotes instructional practice and decision-making designed to ensure that inadequate instruction or cultural bias do not lead to the academic or behavioral misidentification of minority students in Exceptional Student Services.

Treutlen County will provide high quality research and evidence-based instruction, interventions, and data-driven practices to help all students succeed in the general education curriculum and to fulfill its mission to ensure that each student demonstrates strength of character and is college or career ready.

Tier 1 (Standards Based Classrooms)

MTSS is an evidence-based approach to early intervention for students struggling with learning and/or behavior in general and Exceptional Student Services settings. Its core principles are that at Tier 1 evidence-based instruction is provided with fidelity, student progress is monitored frequently, students' responsiveness to intervention is evaluated, and instruction is adapted as needed

Tier 1 includes evidence-based instruction which is based on the Georgia Standards of Excellence. It includes effective school-wide behavior support and differentiated instruction to promote higher levels of student engagement and achievement. Based on District Tier Criteria teachers may identify a student he/she has concerns

regarding academic performance, behavior or speech concerns and document their efforts by creating a Tier 1 profile.

Effective instruction is expected in classrooms for all students providing:

- Curriculum standards as the foundation for the learning that occurs in each classroom for all students.
- Fidelity of implementation ensures that 80-90% of students are successful in the general education classroom.
- Instruction and learning that focus on the GPS or GSE, including evidence-based instruction that is differentiated according to the students' various needs.

Tier 2 (Needs--Based Learning)

Tier 2 interventions serve as standard intervention protocols for students who require extended learning opportunities or are not making adequate progress and need additional interventions. Targeted students, defined by universal screening data and other appropriate formative and/or summative data, are provided learning opportunities that are different and specific to their needs determined by data. The expectation for the school includes:

- A standard intervention protocol for identifying and providing research-based interventions based on need and available resources.
- Ongoing Progress Monitoring (PM) to measure student response to intervention and to guide decision-making.
- Tier 2 becomes the answer to the question, "What are we prepared to do when they do not learn?"
- A districtwide/school-wide understanding of assessment data and projected levels of student mastery during the school year at each grade level is required for effective Tier 1 and Tier 2 instruction in all content areas. Teachers and instructional leaders determine concepts, content areas, and/or specific skills needing support using universal screening data, summative assessment and Tier 1 formative assessment data.
- Tier 2 interventions should be pre-planned and developed at the school level, thereby becoming "standard intervention protocols", and should be in place for all students who might need them.
- Tier 2 interventions should not be an endless designation for individual students who are not meeting expectations academically and/or behaviorally, creating a culture of lower expectations for these students.
- Progress Monitoring should be used for students involved in Tier 2 interventions to measure the effectiveness of the instruction and intervention. Transference of learning to the Tier 1, Standards-Based Classroom is the ultimate goal. Collaboration between the school MTSS Coordinator and the team must be frequent and focused on PM data.
- Tier 2 interventions ARE NOT a substitution for Tier 1 instruction, but should be layered in addition to Tier 1.
- Vision and hearing screening should be done at Tier 2 to rule out possible sensory issues which could have an impact on the student's response to intervention(s). Parent permission may be required.

Vision and hearing should be screened when a student enters Tier 2 of MTSS. The school may either administer vision and hearing screening or attach recent documentation of vision and hearing screening obtained from an outside agency (health department, doctor's office, etc.).

Screening assessments and comprehensive educational evaluations cannot be conducted until vision and hearing is either passed or cleared by appropriate medical personnel.

Students may be re-screened 3-4 days after failure unless failure is due to other circumstances that require a longer

wait (colds, earaches).

If you know that the student wears glasses, be sure to test with the glasses. Vision and hearing results must be current within one calendar year and cannot expire prior to eligibility being determined. Often a child may pass near vision but not distant vision. In this case, you may continue the referral process; however, the school should still follow-up with a letter to parents.

- **Failed Hearing (on 2nd attempt)** – The school nurse will complete the Audiological Referral Form and submit the form to the Exceptional Student Services administrator.
- **Failed Vision (on 2nd attempt)** – The school nurse will contact the parent by phone and letter to notify of results. The parent is responsible for scheduling an eye exam and reporting results to the school. If the school suspects the parent is unable to afford the exam or glasses, contact the school's Student Services representative for assistance.

If a parent is unable to follow through with a follow-up audiological or vision exam, the school nurse will inform the school counselor, who will then submit a school social work referral.

Tier 3 (SST Driven Learning)

Tier 3 in Georgia is a unique, individual, diagnostic, and data-driven instructional problem-solving process where the question about a student expands to the “why” as well as the “what”.

- Specialists (school psychologists, counselors, social workers, speech-language pathologists, etc.) participate in the problem-solving process if they have not already been involved at Tiers 1 and 2.
- Problem solving is more in depth and intensive and usually requires gathering and analyzing additional information about the student, performance strengths and weaknesses, background information, etc.
- In addition to the support provided at Tiers 1 and 2, targeted students in Tier 3 participate in learning that is different by including:
- Intensive, formalized problem-solving to identify individual student needs.
- Targeted research-based interventions tailored to individual needs.
- Frequent progress monitoring and analysis of student response to intervention(s).

Each local agency shall develop a SST to include a joint effort of regular and special educators to identify and plan alternative instructional strategies for students prior to or in lieu of a Exceptional Student Services referral. This interdisciplinary group plans for modification in a student's education program and engages in a six-step process to include:

- Identification of needs
- Assessment, if necessary
- Development of an Educational Plan
- Implementation of that Educational Plan
- Follow-up and Support
- Continuous Monitoring and Evaluation

SST still has, and will always have, its core mission of providing individualized, diagnostic analysis, and intervention for students. Because of the set of MTSS procedures in place in Tiers 1 and 2, many of the routine causes of underperformance will be formally addressed earlier than before.

- If a student has not had an opportunity to learn by receiving solid standards-based teaching with differentiated instruction, then it would be premature to fault the student or to suspect a disability.
- There must be accountability for the soundness of data gathered on a student at Tiers I and II before the case can proceed to the SST.

- Interventions must have been implemented with fidelity—consistently implemented following the delivery method and the program originator’s design (time, frequency, etc.).
- At Tier 3, SST must verify the integrity of the existing data. Once an intervention is initiated, a minimum of four data points, and preferably more, will need to be generated to measure progress.
- Best practice supports progress monitoring of the student’s response to the intervention one to three times per week.
- At Tier 3, the length of the intervention will vary by case, but most will occur over a six to twelve week period.
- For students who may eventually be considered by Specific Learning Disabilities (SLD) eligibility, note that the MINIMUM REQUIRED time period for data collection is twelve (12) weeks unless the intervention employed specifically calls for fewer than twelve weeks. (Data collection must be concurrent over the 12-week period.)
- The key consideration is that interventions have been given a reasonable amount of time to work as per their developer’s instructions and that there are enough data points over time to provide a sound basis for making decisions about how the student is responding to the intervention.

When a student experiences success with interventions which were recommended by the MTSS Team, there is no need to refer the student for further evaluation. The MTSS Team must have data to support the decision that interventions are successful at Tier 3 and that the student’s rate of performance improvement will bring him/her close to non-disabled peers. Interventions will continue within the general education environment.

However, when the student is not making adequate progress and the MTSS Team continues to see physical, emotional, and/or academic concerns, the team should consider the need for an evaluation.

3.6 School Age: Referral to Exceptional Student Services

THE USE OF MTSS STRATEGIES WILL NOT BE USED TO DELAY OR DENY A FULL AND INDIVIDUAL EVALUATION.

A MTSS/SST meeting must be scheduled when the school receives a parental request for evaluations either in writing or verbally. The team should address the parental concerns and document the plan/steps moving forward. Written letters from parents must be sent to the Director of Exceptional Student Services for review. All outside psychological evaluations provided by parents must be given to your school psychologist and a copy sent to the ESS Director. The MTSS team should convene to document the review of the psychological report at a MTSS meeting. All Tier (1, 2 & 3) documentation is required with the referral.

Prior to an Exceptional Student Services referral, the SST must have documentation of lack of progress on planned interventions and screening results that were conducted during Tiers 1, 2, and 3. All referral and MTSS documents are entered into the data management system by the assigned general education teacher for Tiers 1, 2 and 3.

If academic and/or behavioral support and progress monitoring indicates that remediation has not resulted in the student closing his/her performance gap, then the team must consider the need for a referral for Exceptional Student Services. At this point, a referral for a comprehensive evaluation may be appropriate. Tier 3 interventions and progress monitoring must be continued until the evaluation-eligibility process is completed. The SST team is not, by referring, diagnosing a disability. However, it is also not their prerogative to decline to refer a student because they doubt that the student would qualify for a disability category.

The referral procedures for school age students are outlined below:

Step 1: Data Review Meetings (1st or 2nd Tier 3 meeting)

The MTSS Chair will set up a Tier 3 Data Review Meeting to discuss the following: prescribed interventions and areas of concern, screening results; and the progress of the interventions. The committee members should include the MTSS Chair, Academic Teachers, School Psychologist and/or Lead ESS Teacher, and any staff members with any other intervention knowledge applicable to the student.

The intent of this meeting is to review the data collection for the student in Tiers 2 and 3. The team should review continued concerns, intervention progress and data points, grades, and determine any changes that may be needed in Tier 3 interventions. The psychologist should review the intervention data for conflicts or concerns and with the team determine:

- If progress **has been made** [the performance gap is closing and the student will meet the targeted goal] on the interventions that has been in place, then the interventions would continue or be adjusted as needed to show continued growth and the team could discuss continued Tier status OR
- If the student **has not made adequate progress** [the student will not reach the targeted goal] on the assigned interventions and progress monitoring does not show improvement, the team can move forward with the Initial Referral Collection.

If the team determines that moving forward with an Exceptional Student Services referral is necessary:

- The MTSS Chair collects the necessary items for the referral packet of information. All referral items must be included in order for the referral to be processed. **The Consent for Evaluation is NOT TO BE SIGNED at this time.**
- All Tier 2 and Tier 3 information should be completed, including the SST referral form. This packet should be sent to the ESS Director for pre-approval.
- Once the referral has been approved, the ESS Director will email the MTSS Chair, school administrator and psychologist confirming approval to move forward.
- The referral packet will be returned to the MTSS Chair.

Step 2: Referral Meeting (SST Meeting)

Scheduling the meeting:

- The MTSS Chair will schedule an SST Meeting, including the parent, teachers, school psychologist, school administrator, speech language pathologist (if applicable), and any other appropriate faculty or staff.
- The MTSS Chair will email a calendar invite to all team members.
- The MTSS Chair will email the school administrator, and the Lead ESS educator will be assigned as the case manager in GOIEP for the student.

During the meeting:

- The teachers and MTSS Coordinator will share the summary of progress monitoring data with the parents,
- The MTSS Coordinator will complete the Exceptional Student Services Referral form and indicate the outcome of the meeting.
- The ESS Lead educator will print and obtain a signed Consent to Evaluate from the parents and provide and explain the Parental Rights Document.

At the conclusion of the meeting:

- The team will collaborate to schedule an eligibility **meeting, no more than 45 calendar days** from the date that consent to evaluate is received by the school.
- The ESS Lead educator will email a calendar meeting invite to the required members for the eligibility meeting. Required members are at a minimum a LEA representative (school administrator), general education teacher, Exceptional Student Services teacher, parent, and psychologist/speech pathologist).
- The Lead ESS educator will create an official meeting notice in Go-IEP and send the notice via US Mail to the parent.

Immediately following this meeting:

- The Lead ESS educator will scan and email the signed the Referral Documents (Consent to Evaluate, V/H results and Exceptional Student Services Referral form) to the ESS Director, school psychologist, and speech pathologist.
- The Exceptional Student Services Director will log the dates into the SST Log and calculate the 60-day timeline date.
- At that point, the Exceptional Student Services Director will send an email confirming the 60-day timeline date to the Lead ESS educator, school administrator, psychologist, and/or speech pathologist.
- The referral folder, along with the signed referral documents should be given to the psychologist and/or SLP at this time.

Step 3: Evaluation for Exceptional Student Services Eligibility

It is a requirement that this meeting be completed within 60 calendar days of when the Consent to Evaluate is received by the school.

Upon email receipt from the Exceptional Student Services Director, the school psychologist will schedule and conduct the necessary evaluation.

Prior to initiating any evaluation, the assigned psychologist/SLP will send the parent a letter stating the approximate timeframe for the evaluation. This letter will also inform parents of their right to request specific details regarding the evaluation schedule in writing.

At least 10 days prior to the scheduled eligibility meeting the school psychologist and/or SLP will confirm the meeting date with the Lead ESS educator. If the evaluation is complete, the Lead ESS educator can assign an Exceptional Student Services teacher as the case manager. If there are extenuating circumstances that may delay completion of the evaluation the school psychologist should notify the Lead ESS educator and case manager so that the meeting can be rescheduled with the parent if needed (still within the 60 day timeline). If the meeting needs to be rescheduled, the Exceptional Student Services case manager will update the calendar meeting notice for participants.

The ESS case manager will send home a second meeting notice with the student.

At least 3 days prior to the scheduled eligibility meeting, the school psychologist and/or speech pathologist will provide the Lead ESS educator and Case Manager with a completed evaluation report and will enter the data from the report into the required sections of Go-IEP. The evaluator is responsible for completing all sections of the eligibility report under the Determination Tab.

Step 4 – Eligibility Meeting and IEP Meeting

The ESS Director and/or Lead ESS educator should facilitate all initial eligibility meetings as the LEA.

The LEA will begin the meeting by: introducing the team members, explaining the parental rights document, and facilitate the flow of the meeting.

The school psychologist and/or speech pathologist should lead the meeting by discussion of the evaluation and eligibility requirements.

At the end of the meeting the LEA will finalize the eligibility report and give the parents a copy of the eligibility report and psychological report.

An Initial IEP meeting must be held within **30 calendar days** of the Eligibility Meeting.

Original documents should be housed in the IEP Vault file (if eligible) or the MTSS File (if not eligible).

The Lead ESS educator will inform the MTSS chair of the team decision. The MTSS Chair will document the meeting outcome and make appropriate changes to the tier status in Infinite Campus.

Chapter 4

EXCEPTIONAL STUDENT SERVICES

PROCEDURES: EVALUATION

Overview

Before Exceptional Student Services or related services can be provided to a student with a disability, the District must conduct a comprehensive evaluation based on the determined scope of the assessment to address all areas of suspected disability. The purpose of this evaluation is to determine whether the student is eligible for Exceptional Student Services services and, if so, to determine the student's Exceptional Student Services programming and service needs. Evaluation of a student is also required in other circumstances, such as when it is suspected that the student no longer has a disability under the Individuals with Disabilities Education Act (IDEA), or may have a disability not addressed by the student's current finding of eligibility.

This chapter describes:

4.2 Initial Evaluations

4.3 Reevaluations

4.4 General Requirements for Evaluation

4.5 Bilingual Evaluation

4.6 Evaluation for Students Involved in the Discipline Process

4.7 Homebound Evaluation

4.8 Evaluation Reports

4.9 Independent Educational Evaluations (IEE)

4.10 Determination of Eligibility

4.2 INITIAL EVALUATIONS

The term “Initial Evaluation” refers to a formal evaluation that considers initial eligibility for Exceptional Student Services services. Initial evaluation applies to:

- general education students with no history of Exceptional Student Services;
- general education students who previously received and were exited from Exceptional Student Services including general education students whose parents revoked consent for the continued receipt of Exceptional Student Services services; or
- all transfer students from other states who have a current out-of-state eligibility that does not support Georgia State eligibility requirements.

Review of evaluation data and determination of need for additional data:

In the case of students transitioning from Babies Can’t Wait Services at age three (IDEA, Part C), or for students from out-of-state that have evaluation records available, as part of an initial evaluation, the combined members of the student’s IEP committee and the Eligibility Team shall review existing evaluation data. Based on that review and input from the student’s parent, the team must identify what additional data if any are needed. The group may conduct its review without a meeting.

Request for an Initial Evaluation Referral

If the parent requests an initial evaluation, either verbally or in writing, District staff must respond formally. **THE USE OF MTSS STRATEGIES WILL NOT BE USED TO DELAY OR DENY A FULL AND INDIVIDUAL EVALUATION.**

The district may determine:

- an evaluation is NOT warranted or determine that interventions will be tried first, then prior written notice must be completed and sent to parents or
- an evaluation is warranted, then proceed with procedures for initial referral procedures outlined in Chapter 3 and continue with MTSS support as needed. A written request from a parent should be forwarded immediately to the Exceptional Student Services Director as the date of this request may constitute informed consent which initiates the 60-day timeline.

4.3 REEVALUATIONS

The term “Reevaluation” refers to the formal evaluation of a student who is already identified as eligible for Exceptional Student Services services under IDEA. Reevaluation applies to:

- students who are routinely evaluated every three years for continuing Exceptional Student Services eligibility in Georgia - unless the team including the parent agree, based on a review of existing data, that an evaluation is not necessary to re-determine eligibility (**Exceptional Student Services eligibility must be reestablished every three years for any student receiving Exceptional Student Services services**);
- students who are evaluated for continuing eligibility for Exceptional Student Services in Georgia under a different or additional eligibility classification. This includes: students who currently hold Significant Developmental Delay or Speech/Language Impairment eligibilities;
- other students whose primary eligibility classifications might change (e.g., SLD to EBD, MID to MOID). A reevaluation is required if there is sufficient information to suspect that a significant change in a student’s physical, psychological, academic, or social functioning is occurring that may

have an impact on the student's eligibility for Exceptional Student Services and/or related services, including situations where the student may no longer need Exceptional Student Services services to receive an appropriate education.

Redetermination

This refers to the first step in the reevaluation process. This step involves reviewing all pertinent existing data that is relevant to determination of a student's eligibility and making an informed decision as to whether the existing data substantiates the student's current eligibility area(s) or if there exists a need for additional data in order to make an eligibility decision.

Review of evaluation data and determination of need for additional data

As part of any reevaluation, the combined members of the student's IEP team shall review existing evaluation data and on the basis of that review and input from the student's parent, identify what additional data if any are needed. The combined members:

- conduct a review of data from existing evaluations, including, without limitation;
- evaluations and information provided by the parents of the student,
- current local or state assessments, classroom-based assessments and observations,
- observations by teachers and related service providers and input from the student's parent,
- identify if any additional data are required to determine;
- whether the student continues to have a disability and the educational needs of the student,
- the present levels of academic achievement and related developmental needs (functional levels) of the student,
- whether the student continues to need Exceptional Student Services and related services, and
- whether any additions or modifications to the Exceptional Student Services and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

Steps for Eligibility Redetermination

Monthly, the Case Manager will review and identify students on his or her caseload that need consideration for eligibility redetermination. Include any students that have an eligibility that will expire prior to September 30 two school years from the current date or students with SDD eligibility that will turn age 9 within that time frame. Example: 21-22 school year- Redeterminations with due dates prior to 9/30/23 must be held within that school year. 22-23 school year- Redeterminations with due dates prior to 9/30/24 must be held within that school year.

The Case manager should make every effort to schedule the Redetermination at the same time as the Annual IEP review. This conference should include an LEA (generally the Exceptional Student Services Administrator), at least one general education teacher, an Exceptional Student Services teacher and when possible, the school psychologist.

Starting a Redetermination in Go IEP

The Case Manager will use the link on the Timelines page to **START REDETERMINATION**. This will open a Redetermination meeting notice. If an IEP will also be developed at the same meeting, select IEP as an additional purpose. The Notice will be provided to the parent at least ten days prior to the meeting date.

- Prior to the meeting, the Case Manager will gather existing data on the student and enter a summary of the data in the Redetermination Meeting form in Go-IEP.
- During this time, the case manager can provide the parent with a VH Screening Consent form. If consent is obtained, the Case Manager or ESS Administrator will provide the Consent to Screen Vision/Hearing to the School Nurse or designated school Vision/Hearing Screener.

Redetermination - Part 1

When completing Part 1 of this form, the team should discuss all factors relevant to the decision regarding continued

eligibility. This information is based on a review of existing data on this child such as performance on goals, observation, interview, or other prior assessments. GO-IEP requires information to be entered in a minimum of three areas. This is a minimum number but most students should have information available in more than three areas. Select all appropriate items from the drop-down menu and enter text in those fields. **Remember to consider those factors that are pertinent to the existing disability area(s).** The text that is entered in these fields should support the decision that will be made regarding continuing each disability area. These statements should clearly outline areas of growth, regression and/or stagnation. Statements like See Psychological Report or See IEP Goals are insufficient.

- A student should not be formally evaluated prior to the Redetermination since Consent to Evaluate would be required prior to completing any formal assessments.
- The Case Manager may consult with the School Psychologist as needed for redetermination, using all existing data within two weeks prior to the meeting date.
- At the Redetermination Meeting, using the Redetermination Meeting form in Go-IEP, the Case Manager will review existing data with the team members. The Case Manager will update the information and/or add information submitted from team members including the parents. The Case Manager will facilitate discussion regarding the data, and guide the team in determining that the student continues to qualify for Exceptional Student Services and related services based on the existing data or that additional evaluation data is needed in order to make a determination of eligibility. The Case Manager will enter the determination decision into the form in Go-IEP including the rationale for the decision.

Redetermination – Part 2: Determination of Need for Additional Data

When completing Part 2 of the Redetermination form, the team selects **ONE** of the following options:

Option 1: Continues to Meet Eligibility (No Additional Evaluation Data Needed)

- No additional information is needed to determine continued eligibility status. This meeting date will become the new eligibility date. The child remains eligible for ALL of the disability categories identified in the previous eligibility report. These disability categories will feed to this section of the form.
- When it is determined that based on the review of existing data the student continues to meet eligibility requirements for the currently identified area of disability, the conference date becomes the new eligibility date.
- The Case Manager will attach any supporting documents in GOIEP (such as physician statements, OT/PT reports, audiological reports, etc.). Supporting documents do not include progress monitoring probes or work samples that are documented within the report.
- Nothing should be handwritten on the existing eligibility report.
- The documents (Redetermination Meeting Report and any supporting documents) will be placed in the student's Exceptional Student Services file.

Option 2: Comprehensive Evaluation Needed (Additional Evaluation Data Required)

Additional information is needed prior to making the decision regarding continued eligibility status. If this option is selected, a comprehensive evaluation is required. The previous eligibility remains in effect until a newer eligibility is completed. The previous due date is still in effect.

A. District-Initiated Comprehensive Evaluation:

- The LEA will print and have the parent sign the Consent to Evaluate form from GOIEP.

- The LEA will sign and date the Consent to Evaluate form “School Personnel Receiving this form” upon receipt from the parent.
- The documents (Redetermination Meeting Report and Consent to Evaluate form) will be placed in the student’s Exceptional Student Services file.
- The Case Manager will email a copy of the documents to the district Exceptional Student Services Department for timeline documentation within 14 days after the Redetermination meeting.
- The Case Manager will provide the nurse with a copy of the Consent to Evaluate for H/V Screening.
- The documents will be reviewed by the ESS Director and forwarded to the school psychologist/SLP.
- From this point, the school psychologist/SLP will be responsible for all necessary evaluations, including the hearing and vision screenings (however, it is helpful if the case manager can obtain these screenings and include this documentation in the reevaluation packet). The psychologist/SLP will send the parent a letter stating the date and time evaluation will occur. This letter will give the parent the opportunity to request in writing a specific date and time for their child’s evaluation.

B. Parent-Requested Comprehensive Evaluation:

- When the parent requests a reevaluation, the team must indicate this on the Redetermination Meeting form (document the request in the parent information section and the meeting notes sections of the forms), and refer the student for a comprehensive evaluation.
- The parent has the right to request a reevaluation under IDEA even if the team does not recommend the reevaluation.
- The Case Manager will print and have the parent sign the Consent to Evaluate form from GOIEP.
- The ESS Administrator will sign and date the Consent to Evaluate form “School Personnel Receiving this form” upon receipt from the parent.
- The documents (Redetermination Meeting Report and Consent to Evaluate form) will be placed in the student’s Exceptional Student Services file.
- The Case Manager will send a copy of the documents to the district Exceptional Student Services Department for timeline documentation within 14 days after the Redetermination meeting.
- The documents will be reviewed by the ESS Director and forwarded to the assigned school psychologist.
- From this point, the school psychologist will be responsible for all necessary evaluations, including the hearing and vision screenings (however, it is helpful if the case manager can obtain these screenings and include this documentation in the reevaluation packet). The psychologist/SLP will send the parent a letter stating the date and time evaluation will occur. This letter will give the parent the opportunity to request in writing a specific date and time for their child’s evaluation.

Option 3: Abbreviated Evaluation Needed (for Specific Purposes)

Note: This option is selected when the team has already determined (via review of existing data) that the student *continues to meet eligibility*, but additional assessment is desired for specific, non-eligibility related reasons.

When Option 3 is selected, the team may decide to do some additional assessment for a variety of reasons. Assessment to gather information DOES NOT result in updated eligibility information and should not be used when considering possible eligibility in additional disability areas.

Additional data may be gathered for the following purposes:

- Aid in instructional planning
- Private insurance coverage
- Social Security

- Post-secondary institution request
- Vocational/Rehabilitation
- When reevaluation is recommended to gather information for the above noted purposes, the team must specify the areas to be assessed for an abbreviated evaluation. The parent must indicate that they agree with continued eligibility in addition to the recommended abbreviated evaluation on the Redetermination Meeting form.
- The Case Manager will print and have the parent sign the Consent to Evaluate form from GOIEP.
- The ESS Administrator will sign and date the Consent to Evaluate form “School Personnel Receiving this form” upon receipt from the parent.
- The documents (Redetermination Meeting Report and Consent to Evaluate form) will be placed in the student’s Exceptional Student Services file. The case manager will email a copy of the documents to the ESS Director for timeline documentation within 14 days after the Redetermination meeting.
- The documents will be reviewed by the appropriate ESS Director and then forwarded to the assigned school psychologist.
- From this point, the school psychologist will be responsible for all necessary evaluations, including the hearing and vision screenings (however, it is helpful if the case manager can obtain these screenings and include this documentation in the reevaluation packet).
- The school psychologist will schedule an appointment with the parent to review and provide the parent with the student’s evaluation results if the purpose of the meeting is for the purpose of providing the report to a 3rd party (Private Insurance, Social Security, Post-secondary Institution request, and Vocational Rehabilitation).
- If the purpose of the additional assessment is for the purpose of Instructional Planning, the Case Manager will schedule an IEP meeting including an LEA, teachers, parent and school psychologist to review, provide the parent with the student’s evaluation results, and make appropriate changes to the IEP regarding instructional planning.

4.4 EVALUATIONS OF TRANSFER STUDENTS

Transfers Within State

A current Georgia eligibility from any Georgia school district can be accepted outright by the District and that eligibility may remain in effect for **up to 3 years** from the date of the last formal eligibility determination. For in-state transfer students, formal evaluation is pursued only when deemed warranted by an IEP Team. Any evaluation under these circumstances is treated as a reevaluation, and the re-evaluation procedures outlined above apply.

Transfers From Another State

An eligibility from another state can be accepted outright if that eligibility meets the same requirements under Georgia law. If the IEP team determines that the eligibility meets State of Georgia requirements that eligibility may remain in effect for up to 3 years from the date of the last formal eligibility determination. The procedures for this circumstance are the same for a reevaluation where the team makes a determination of continued eligibility outlined in the reevaluation section of this chapter. If the eligibility from the transferring state does not meet State of Georgia requirements, the IEP must conduct a redetermination conference to refer the student for a comprehensive evaluation. The procedures are those outlined in the reevaluation section in this chapter; however, the applicable timeline is 60 days from receipt of Consent to Evaluate because the culminating eligibility determination will be an initial in the State of Georgia.

Transfers within GOIEP

The case manager will complete the transfer process in GOIEP once they have made every attempt to obtain the

student's current IEP, Eligibility Report, and Psychological Evaluation. GOIEP will prompt the user to answer questions pertaining to the transfer documents. The case manager will choose the response that most closely aligns to the documentation acquired. If the system does not have the appropriate information to establish eligibility, GOIEP will open a Transfer Redetermination. The IEP committee would meet to hold the Transfer Redetermination and request further evaluation. In this case, the evaluation would be considered initial eligibility and a 60 day timeline would be applicable.

4.5 GENERAL REQUIREMENTS FOR EVALUATION

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

Multidisciplinary Team and Purpose

When a referral for Exceptional Student Services evaluation is made, a multidisciplinary team will conduct the comprehensive evaluation. This team may consist of the district's psychologist, speech-language pathologist, occupational therapist and/or physical therapist, parents, and others as appropriate to the evaluation. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child. General education teachers and teachers of Exceptional Student Services are also a part of the eligibility determination team and are considered qualified professionals as well.

ASSESSMENT AREAS

Performance in Current Educational Setting

This is the behavioral and academic functioning of a student in the environment in which the majority of the student's education occurs. Generally, a student's past and present educational performance is reviewed to obtain information about: achievement test scores; grades; appropriateness of instruction and progress relative to instruction; any prior, scientific, research-based interventions which may involve modification of the classroom environment, curriculum or delivery of instruction; any positive behavioral interventions; disciplinary record; and attendance. The person conducting this portion of the evaluation should also review any information collected through the MTSS Process.

Review of Intervention Data

Any strategy, developed on the basis of individual need, designed to have a remediate effect upon any academic or behavioral difficulties of a student. The term does not include disciplinary procedures applied to a group of students unless, giving consideration to the individual needs of a student, such procedures are demonstrably more appropriate than other strategies. Examples of intervention practices may include, but are not limited to:

- adapting curriculum materials to the needs of the student;
- variations in the techniques employed in teaching the student;
- tutoring or supplemental instruction; and
- using behavior management programs.
- counseling or direct social skills instruction for the student
- modifications to the educational environment

Cognitive Abilities

These are the abilities involving the processes of thinking, reasoning and problem solving. An individually administered, standardized test of cognitive ability must be used as part of the evaluation process, when appropriate,

in assessing the cognitive abilities of a student with a disability. If a score other than the total score of the student on such a test is used to assess the student's cognitive abilities, the procedure must be justified, on the basis of professionally recognized criteria, in the records of the student maintained by the District. Any interpretation of an assessment of cognitive abilities must be made by a licensed school psychologist or licensed or certified psychologist.

Social and Emotional Functioning

The present thoughts, feelings and interactive behavior of a person. If the social and emotional functioning of a student is assessed, the assessment may include:

- observation of the student;
- interview of the student or of any person having personal knowledge of the student; and
- use of a behavior rating scale, an adaptive behavior scale;
- and a self-report inventory.

A student may not be identified as a student with serious emotional disturbance without prior interventions and unless a variety of these techniques is used to assess the social and emotional functioning of the student. Any interpretation of an assessment of social and emotional functioning must be made by a school psychologist or another certified psychologist or licensed mental health professional.

Adaptive Skills

Adaptive skills include communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work. If the adaptive skills of a student with a disability are assessed, the person conducting the evaluation must use a validated adaptive behavior scale. The assessment must include an assessment of any six or more of the following:

- communication;
- self-care;
- home living;
- social skills;
- community use;
- self-direction;
- health and safety;
- functional academics; and
- leisure and work.

Any interpretation of an assessment of adaptive skills must be made by a person qualified to assess adaptive skills through the use of an adaptive behavior scale.

Health

The general physical condition of a person. Generally the assessments for this area include:

- review of health and developmental history;
- hearing and vision screening; and
- physical examination (as appropriate and coordinated with parents).

When the health of a student with a disability is assessed, the following assessments may also be included:

- audiological assessment;
- physical therapy assessment; or
- occupational therapy assessment of the student.

Any interpretation of an assessment of health must be made by a person qualified to assess the condition in issue. An evaluation of a student's health and developmental history is used to determine if the student has one or more health concerns that substantially affect his or her educational performance. It is essential that the student's medical history and current health be evaluated early in the evaluation process so that any health

problems can be identified and, if possible, be remediated prior to conducting other evaluation procedures.

Communication

Skills relating to articulation, phonology, receptive language, expressive language, syntax, semantics, morphology, fluency and the use of the voice. The assessments for communication may include:

- observation of the student;
- interview of the student or of any person having personal knowledge of the student;
- use of information from a parent or teacher of the student; and
- use of a standardized test of speech, language or other communication skills.

Any interpretation of an assessment of speech, language or other communication skills must be made by a speech and language pathologist.

Academic Achievement

Skills related to oral expression, listening comprehension, basic reading, reading comprehension, reading fluency, written expression, math calculation and math reasoning. Academic achievement may be assessed by the following:

- a standardized test of academic achievement;
- curriculum-based assessment; and
- a report by the teacher of the student.

For eligibility for Exceptional Student Services services the assessment must include a standardized test of academic achievement. Any interpretation of an assessment of academic achievement must be made by a person qualified to administer individually standardized tests of academic achievement to the student.

Evaluation Procedures

In selecting tests and other evaluation materials used to assess a student, District personnel must ensure that the multidisciplinary team must:

Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information specific to the student, including information provided by the parent, that may assist in determining:

- whether the student is a student with an IDEA eligibility; and
- the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

Not use any single measure or assessment as the sole criterion for determining whether a student is a student with an IDEA disability and for determining an appropriate educational program for the student.

Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors

Ensure that assessments and other evaluation materials used to assess the student are:

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

Use assessments and other evaluation materials including those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

Select and administer assessments so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

Select assessment tools and strategies that provide relevant information that directly assists team members in determining the educational needs of the student.

Assess the student 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.

Coordinate with students' prior schools if they have transferred from one district to another district in the same school year as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.

Be sufficiently comprehensive to identify all of the student's Exceptional Student Services and related services needs, whether or not commonly linked to the disability category in which the student has been classified.

Timelines for Evaluations

Every effort must be made to complete the evaluation within a reasonable time after the District has reason to suspect that a student may have a disability and need Exceptional Student Services and related services.

Initial evaluations must be completed within 60 calendar days of receiving parental consent to evaluate. (This 60 calendar day time line is from date of consent of evaluation to date of the meeting to review evaluation results for eligibility determination for Exceptional Student Services and related services.)

Holiday periods and other circumstances when children are not in attendance for five consecutive school days shall not be counted toward the 60 calendar day timeline, including the weekend days before and after such holiday periods, if contiguous to the holidays.

Any summer vacation period in which the majority of the District's teachers are not under contract shall not be included in the 60-day timeline.

Consent received 30 days or more prior to the end of the school year must be completed within the 60 calendar day evaluation timeframe.

Members of the multidisciplinary team should document if extenuating circumstances occur such as the parent of the child repeatedly failing or refusing to produce the child for the evaluation, illness, unusual evaluation needs, or revocation of parent's consent for evaluation.

Reevaluations must be completed for each child with a disability at least once every three years unless the parent and the District agree that a reevaluation is unnecessary. If a reevaluation is requested the reevaluation must be completed within 90 calendar days of receiving consent to evaluate.

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

The District is not required to conduct reevaluations for students to meet the entrance or eligibility requirements of an outside institution or agency (e.g., vocational rehabilitation programs, colleges/universities, other postsecondary settings).

4.6 BILINGUAL EVALUATIONS

If there is reason to believe that the student may have limited English proficiency (LEP) and is being considered for referral for evaluation or has been referred for evaluation (as well as when an evaluation has been ordered by a hearing officer), the MTSS chair (or designee) should ensure that the following have occurred:

District personnel must have assessed and documented the student's proficiency in English and the student's native language. This language assessment must include:

- an interview with the student's parent;
- a determination of the language spoken in the student's home;
- the language the student uses most comfortably and frequently;
- the language the student uses to conceptualize and communicate; and
- the student's levels of language proficiency in English and
- the native language if feasible to do so.

Information must be gathered about the student's cultural background, including: the language spoken at home; ethnicity; socioeconomic status; the extent to which school expectations may conflict with cultural expectations; family mobility; and other information which may be relevant to how the student functions at school.

Information must be gathered about the student's mode of communication through observation of the extent to which the student uses expressive and written language and other modes of communication as a substitute for expressive language (e.g., gestures, signing, or unstructured sounds).

If there are indications that a student may use a language other than English, the multidisciplinary team must determine whether a bilingual evaluation is necessary, on a case-by-case basis. For the purpose of making such a determination, the multidisciplinary team must include qualified personnel with knowledge of second language acquisition theory or document consultation with such a professional. When a bilingual evaluation is required, the multidisciplinary team must consult with a Speech Language Pathologist or a bilingual School Psychologist, as needed, in determining which evaluation components must be conducted by qualified bilingual personnel, and which components may be conducted by site-based staff.

4.7 EVALUATIONS FOR STUDENTS INVOLVED IN THE DISCIPLINE PROCESS

In some circumstances, a student who has not yet been determined to be eligible may be entitled to procedural protections under the IDEA. If there was a recognized suspicion of disability prior to the behavior infraction and recommendation of an alternative placement, discipline must cease, unless the infraction involved weapons, drugs or serious bodily harm, and an expedited evaluation must occur. The LEA is deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- the parent of the student had expressed concern in writing, to District supervisory or administrative personnel, that the student is in need of Exceptional Student Services and related services;
- the parent of the student had requested an evaluation of the student; or
- the teacher of the student, or other personnel of the District, had expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Exceptional Student Services Director or to other District supervisory personnel.

Exception: The LEA shall not be deemed to have knowledge that a student is a student with a disability if:

- the parent of the student has not allowed an evaluation;
- if the parent of the student has refused services;
- the student has been evaluated and it has been determined that the student is not a student with a disability; or
- the parent has revoked consent for Exceptional Student Services and related services.

If a request is made for an evaluation during the time period in which the student is pending long-term disciplinary action (i.e. after the discipline infraction has occurred), an evaluation shall be conducted by the school in an expedited manner. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

4.8 HOMEBOUND EVALUATION

Evaluations for Exceptional Student Services eligibility completed for students who are hospitalized or are receiving homebound services must follow standard procedures for evaluation. Evaluation practices may differ in terms of the setting and modifications required to complete evaluations with these students.

4.9 EVALUATION REPORTS

At the conclusion of the evaluation process, a multidisciplinary team report is developed by the school psychologist that summarizes the procedures employed, the results, and any educational implications. The multidisciplinary team evaluation report may include assessment data from general and Exceptional Student Services teachers and related services providers including a school psychologist, speech language pathologist, school nurse, occupational therapist, physical therapist, and other appropriate personnel.

The multidisciplinary team evaluation report must include a detailed, educationally relevant description of the student's needs using data specific to that student.. The report must be written in succinct, readily understandable language, using as little educational jargon as possible. Each report should include, as appropriate:

- student demographic information;
- reasons for referral;
- review of prior/previous interventions and student progress
- and the student's educational history and classroom performance data;
- evaluation methods used;
- any variation from standard conditions in the administration of assessments, including variations in the qualifications of the person administering a test or the method of test administration;
- results of all relevant assessments and interpretations of results, including the student's strengths and weaknesses;
- a description of the student's relevant behavior during the evaluation, and the relationship of that behavior to the student's evaluation results and educational performance;
- if a bilingual evaluation was conducted or considered, the language(s) used to test the student and the methods used;
- environmental, cultural, or economic factors; and
- professional recommendation regarding the student's eligibility for Exceptional Student Services and related services.

The school psychologist must distribute a draft of the evaluation report to the case manager at least one week prior to the eligibility meeting. A draft copy may also be provided for the parent if requested prior to the eligibility meeting. Timely distribution of a draft evaluation report facilitates collaboration and informed decision making.

The evaluation report must be signed by the person(s) conducting the evaluation, provide the dates the assessments were administered, and the date of the completed report. The parent must receive a copy of the evaluation report and eligibility report upon their completion at the formal eligibility meeting. The evaluation report must be maintained in the student's confidential folder.

4.10 INDEPENDENT EVALUATION REPORTS

For comprehensive information regarding Independent Educational Evaluations (IEEs), including parental rights, criteria for public expense, and District procedures, please refer to **Chapter 2.0 – Procedural Safeguards, Section 2.6 (Independent Educational Evaluations)**.

4.11 Determination of Eligibility

Eligibility determination for Exceptional Student Services services occurs only when a student's response to both core instruction and supplemental interventions does not result in movement toward achieving benchmarks resulting in grade level performance. Likewise, a student may be considered for Exceptional Student Services if the individual response to intensive interventions produces meaningful growth, but that growth requires significant and ongoing resources to maintain.

Once assessments and other evaluation measures are complete:

Eligibility Team

A group of qualified professionals and the parents of the child (Eligibility Team) determines whether the child is a child with a disability and the educational needs of the child; and

Documentation

The LEA provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parents.

Exclusionary Factors

In making a determination of eligibility, a child must not be determined to be a child with a disability: if the determinant factor for that eligibility is lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of ESEA); lack of appropriate instruction in math; or limited English proficiency; and if the child does not otherwise meet the program area eligibility criteria for a child with a disability. Procedures for determining eligibility and educational need.

Determination

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 -

- 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,
- And 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.

Chapter 5- EXCEPTIONAL STUDENT SERVICES: ELIGIBILITY DETERMINATIONS

5.1 Overview

Once a student has been formally evaluated, the District must convene a meeting of the multidisciplinary team to determine whether the student has a disability and whether the student is eligible for Exceptional Student Services and related services.

This chapter describes:

- 5.1 Overview
- 5.2 The Eligibility Determination
- 5.3Disability Areas and Guidelines for Eligibility Determination
- 5.4 The Eligibility Report
- 5.5 Roles and Procedures for Eligibility Determinations

Description
Method for Compliance Monitoring
It is the home school’s responsibility to hold the eligibility meeting for a student. The school psychologist and/or speech pathologist must ensure completion of the evaluation and eligibility within the allotted time frame. The designated school administrator should notify the district office of any concerns regarding timeline compliance. The Exceptional Student Services Director will monitor monthly the eligibility meetings and outcomes of each.

5.2 THE ELIGIBILITY DETERMINATION

5.2.1 Eligibility Team Composition

The multidisciplinary team for eligibility determination is composed of an LEA representative (school administrator); the school psychologist that evaluated the child; an Exceptional Student Services teacher; a general education teacher, and the parent. Any other professionals involved in evaluation of the suspected disability should also be a part of the multidisciplinary team and participate in the eligibility determination. These other professionals may include but are not limited to the speech-language pathologist, ESOL teacher, occupational therapist, physical therapist, school nurse, and/or school counselor.

5.2.2 Foundational Principles for Eligibility Determination

Eligibility determination for Exceptional Student Services services occurs only when a student’s response to both core instruction and supplemental interventions does not result in movement toward achieving benchmarks resulting in grade level performance. Eligibility must be made using the convergence of data from multiple sources to document each of the following:

- **Grade level difference**, such as large performance difference compared to peers and benchmark expectations in specific areas (data from statewide testing, district level benchmarks, etc.);

- **Rate of learning difference**, such as large difference in rate of learning compared to the trajectory toward the benchmarks when provided with research based interventions implemented over a significant period [Measures of Academic Progress (MAP), progress monitoring, tiered support];
- **Adverse educational impact**, such as a review of the individual student qualitative and quantitative data that indicates the need for specially designed instruction;
- **Exclusion factors**, such as those that rule out more significant impairments and absence of meaningful instructional opportunities.

5.2.3 Compliance Monitoring for Eligibility Determination

It is the home school's responsibility to hold the eligibility meeting for a student. The school psychologist and/or speech pathologist must ensure completion of the evaluation and eligibility within the allotted time frame. The designated school administrator should notify the district office of any concerns regarding timeline compliance. The Exceptional Student Services Director will monitor monthly the eligibility meetings and outcomes.

5.2.4 General Requirements of Eligibility Determination

Upon completion of a comprehensive evaluation, a multidisciplinary team of qualified professionals and **a student's** parent must determine whether the student is a child with a disability within the meaning of IDEA. IDEA defines a child with a disability as a child who has been formally evaluated, has one or more identified disabilities, and because of that disability, needs **Exceptional Student Services** and related services (based on response to intervention, adverse educational impact, and exclusion factors).

A student must have at least one of the following disabilities, as defined in the Georgia Rules for Exceptional Student Services (160-4-7-.05), to be eligible for Exceptional Student Services and related services:

- Autism spectrum disorder
- Deafblind
- Deaf/hard of hearing
- Emotional and behavioral disorder
- Intellectual disability (mild, moderate, severe, profound)
- Orthopedic impairment
- Other health impairment
- Significant developmental delay
- Specific learning disability
- Speech-language impairment
- Traumatic brain injury
- Vision impairment

A student is not considered eligible for Exceptional Student Services services if the multidisciplinary team determines, through an appropriate evaluation, that a student has one of the above disabilities but does not require Exceptional Student Services and related services.

5.2.5 Exclusionary Factors: Lack Instruction or Limited English Proficiency

A student may not be determined to be a child with a disability if the determinant factor for eligibility is:

- lack of appropriate instruction in reading including the essential components of reading instruction;

The essential components of reading instruction means explicit and systematic instruction in:

- phonemic awareness;
- phonics;
- vocabulary development;

- reading fluency, including oral reading skills; and
- reading comprehension strategies;
- lack of appropriate instruction in math; or
- limited English proficiency; and
- the student does not otherwise meet the eligibility criteria described in this chapter.

5.2.6 Age Ranges for Eligibility

A child with a disability who has an educational need is eligible for services under IDEA when the child turns three years of age. A student's eligibility terminates when the student graduates with a regular high school diploma or reaches age 22, whichever is earlier.

Termination of Eligibility

Any termination of eligibility is considered a change in placement. Termination of eligibility occurs when the student:

- graduates with a regular high school diploma;
- turns 22 years of age; or
- is formally evaluated and found not eligible by the Multidisciplinary Team.

A Free Appropriate Public Education (FAPE) is available to any individual student with a disability who needs Exceptional Student Services and related services. A student may still be eligible for Exceptional Student Services even though they have demonstrated passing grades and are advancing grade to grade. The determination that a student is eligible under this part must be made on an individual basis by an appropriate multidisciplinary team.

5.3 DISABILITY CATEGORIES and SPECIFIC GUIDELINES FOR ELIGIBILITY

In addition to the response to intervention, adverse educational impact and exclusionary requirements, the multidisciplinary team must determine that the student meets the specific criteria under the Georgia Rules for Exceptional Student Services for one or more disability areas. The following sections describe specific criteria for each disability area.

5.3.1 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; Rhett'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:

- Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.
- Educational evaluation to include an assessment of educational performance and current functioning levels.
- 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.
- Behavioral evaluations include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder.
- 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 Services

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:

- **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.
- **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.
- **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 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.
- **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.
- **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.

5.3.2 DEAFBLIND (DB)

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 Exceptional Student Services programs solely for children with deafness or children with blindness. [34 C.F.R. § 300.8(c)(2)]

Eligibility and Services

For a child to be determined eligible for services in special programs for the deaf/blind, the child shall have:

- current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals.
- 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.
- 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 deaf/blind shall be reported in the Georgia Deafblind Census.

5.3.3 DEAF/HARD OF HEARING (D/HH)

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. This therefore adversely affects a child's educational performance.. [See 34 C.F.R. § 300.8(c)(3) & (5)]

- 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.
- 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 Services

The eligibility report shall include audiological, otological and educational evaluation reports. 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.

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.

A comprehensive educational assessment shall be used in the development of the child's individualized education program (IEP). The educational evaluation shall include assessment data from more than one measure and shall include, but is not limited to, information related to academic/achievement levels, receptive and expressive language abilities, receptive and expressive communication abilities, social and emotional adjustment and observational data relative to the child's overall classroom performance and functioning.

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.

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

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.

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.

Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.

Case Managers, in cooperation with the teacher and school nurse, must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

Case Managers, in cooperation with the teacher and school nurse, must ensure that the external components of surgically implanted medical devices are functioning properly. Treutlen County Schools 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).

5.3.4 EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

An emotional and behavioral disorder is an emotional disability characterized by the following:

- An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.
- An inability to learn which cannot be adequately explained by intellectual, sensory or health factors.

- A consistent or chronic inappropriate type of behavior or feelings under normal conditions.
- A displayed pervasive mood of unhappiness or depression.
- 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 Exceptional Student Services 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 Services

A child may be considered for services in a program for children with EBD based upon an eligibility report that shall include the following:

- 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
- Psychological and educational evaluations
- Report of behavioral observations over a significant period of time;
- 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
- Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.

A child must not be determined to be a child with an Emotional and behavioral Disorder if the primary factor for that determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math;
- Lack of appropriate instruction in writing;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Intellectual disabilities;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical education history (multiple school attendance, lack of attendance, etc.).

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.

5.3.5 INTELLECTUAL DISABILITY (ID)

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.

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.

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.

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 Exceptional Student Services. 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.

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.

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.

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.

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.

Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.

Eligibility and Services

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)

- Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and
- 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)

- Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and
- 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)

- Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and
- 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)

- Intellectual functioning below approximately 25; and
- 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.

A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:

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

5.3.6 ORTHOPEDIC IMPAIRMENT (OI)

Orthopedic impairment refers to a child whose severe orthopedic impairments adversely affect their

educational performance to the degree that the child requires Exceptional Student Services. This term may include:

- Impairment caused by congenital anomalies, e.g., deformity or absence of some limb.
- Impairment caused by disease (poliomyelitis, osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.)
- 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 Services

Evaluation for initial eligibility shall include the following:

- 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 of the child's orthopedic impairment, along with information as applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions.
- A comprehensive educational assessment to indicate the adverse effects of the orthopedic impairment on the child's educational performance.
- Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, and 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 Exceptional Student Services programs due to the severity of their sensory or intellectual disability, support by OI staff regarding the implications of the child's orthopedic impairment may be appropriate.

5.3.7 OTHER HEALTH IMPAIRED (OHI)

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

- Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome, and
- Adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(9)]

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

Eligibility and Services

Evaluation for initial eligibility shall include the following:

- 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.
- 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, and 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.

A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math;
- Lack of appropriate instruction in writing;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Intellectual disabilities;
- Emotional disturbances;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical educational history (attendance at multiple schools, lack of attendance).

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).

5.3.8 Significant Developmental Delay (SDD)

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 delay 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

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.

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:

- Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;
- Lack of appropriate instruction in math or math readiness skills;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Emotional disturbances;
- Cultural factors; or
- 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 assessments.

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.

For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, complete evaluation must be obtained to determine if the child also meets eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments or orthopedic impairments. Students with sensory, physical or communication disabilities must receive services appropriate for their needs, whether or not specific eligibility is determined.

Service Delivery

Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing Exceptional Student Services 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:

- Regular Early Childhood Setting;
- Head Start Programs
- Georgia Pre-K Classes
- Community Daycares
- Private Preschools
- Separate Early Childhood Exceptional Student Services Setting;
- Day School;
- Residential Facility;
- Service Provider Location; or
- Home
- 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

5.3.9 SPECIFIC LEARNING DISABILITIES (SLD)

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)]

The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequate progress 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

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

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

Required Data Collection

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:

- At least two current (within twelve months) assessments such as the results of the Georgia Milestones or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
- 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.

Results from supplementary instruction that has been or is being provided:

- 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;
- 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;

- the interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.
- Any educationally relevant medical findings that would impact achievement.

After consent is received from the parents for a comprehensive evaluation for Exceptional Student Services determination the following must occur:

- An observation by a required group member;
- Documentation that the determination is not primarily due to any of the exclusionary factors;
- Current analyzed work samples indicating below grade level performance as compared to the classroom normative sample; and
- Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include:
 - 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 Current Response to Intervention data based on documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.
 - As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

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 achievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by ongoing progress monitoring.

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.

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:

Oral expression- use of spoken language to communicate ideas;

Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels;

- Written expression - ability to communicate ideas effectively in writing with appropriate language;

- Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;
- Reading comprehension-ability to understand the meaning of written language based in child's native language;
- Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;
- 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
- Mathematical problem solving -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.

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.

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 Exceptional Student Services 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 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:

- 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;
- A highly qualified certified Exceptional Student Services teacher; and
- 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.
- 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.

5.3.10 SPEECH-LANGUAGE IMPAIRMENT (SI)

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)]

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:

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

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:

- 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.
- Children who have regional, dialectic, and/or cultural differences;
- Children who have auditory processing disorders not accompanied by language impairment.
- 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 Exceptional Student Services services.

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 disfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include disfluencies evident in only one setting or reported by one observer.

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:

- Anxiety disorders (e.g. selective mutism)
- Differences that are the direct result of regional, dialectic, and/or cultural differences
- 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)
- 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 Services

All of the Exceptional Student Services rules and regulations related to evaluation, eligibility and placement must be followed including:

Evaluation:

- Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.
- 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.
- 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 optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- The evaluation is sufficient to identify all of the child's Exceptional Student Services 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).
- 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 Exceptional Student Services 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 Exceptional Student Services services based on the documented adverse effect of the voice impairment on the child's educational performance.
- 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) [34 C.F.R. 300.304(b)(i)].

Eligibility

Determining eligibility for speech language impaired Exceptional Student Services services includes three components:

- The Speech-Language Pathologist determines the presence or absence of speech-language impairment based on Georgia rules and regulations for Exceptional Student Services, [34 C.F.R. § 300.8(c)(11)]
- Documentation of an adverse effect of the impairment on the child's educational

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

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 effect.

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.

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.

A speech--language disorder does not exist if:

Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or

A child exhibits inconsistent, situational, transitory or developmentally appropriate speech-language difficulties that children experience at various times and to various degrees.

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 effect on the child's educational performance.

Services through the speech-language program shall be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information.

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.

5.3.11 TRAUMATIC BRAIN INJURY (TBI)

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

Evaluation for eligibility shall include the following:

- 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.

Verification of the TBI through the following:

- A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or
- Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.

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

- Cognitive – this includes such areas 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.
- 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.
- Physical/Motor – this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance.

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.

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.

5.3.12 VISUAL IMPAIRMENT (VI)

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:

- 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.
- 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.
- 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 Services

Evaluation for eligibility shall include the following:

- A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child. A report from a neurologist in lieu of the ophthalmologist/optometrist report is acceptable for students who have blindness due to cortical vision impairment.
- A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind (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).
- 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.
- 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.

Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP. 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. Once the low vision evaluation has occurred, the eligibility information shall be updated, and as appropriate, the IEP. **This low vision evaluation must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for vision impairment.**

A comprehensive education evaluation shall be administered to determine present levels of functioning. The impact of the vision impairment on the child's educational performance shall be considered for eligibility.

Educational assessments may include cognitive levels, academic achievement, and reading ability (education assessments related to vision must be completed by a teacher certified in the area of visual impairments). In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel.

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 for the use of braille. For children for whom braille instruction and use is indicated, the individualized education program (IEP) shall include the following:

- Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;
- How instruction in braille will be implemented as the primary mode for learning through integration with other classroom activities;
- Date on which braille instruction will commence;
- The length of the period of instruction and the frequency and duration of each instructional session; and
- 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.
- For those children for whom braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicates absences of braille instruction will not impair the child's ability to read and write effectively.

5.4 THE ELIGIBILITY REPORT

An eligibility report documents the area of disability and should be completed and placed in the child's Exceptional Student Services folder. For a child found not eligible for Exceptional Student Services, a completed eligibility report must be prepared, and a copy should be filed in his or her **MTSS** file. Regardless of finding of eligibility for Exceptional Student Services, the parent of the child shall receive a copy of the eligibility report. The eligibility report shall be comprehensive enough to serve as the evaluation report when necessary. Therefore, all sections of the eligibility report should be completed without statements such as, "not applicable" or "see attached." Information is required to be summarized on the eligibility report; however certain data or reports can be attached only after summarized. The files for students found ineligible for ESS services will be destroyed after five years.

5.5 ROLES AND PROCEDURES OF ELIGIBILITY DETERMINATION

Eligibility decisions must be made by an IEP team. The IEP team must always include someone who is knowledgeable of and experienced in the education of students with the suspected disability. The team must include the student's regular teacher, or if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age.

Step 1: Referral Meeting [SST Meeting]

Scheduling the meeting:

- The Counselor will schedule an SST Meeting, including the parent, teachers, school psychologist, ESS administrator, and speech language pathologist (if applicable)..
- The Counselor will email a calendar invite to all team members.
- The Counselor will email the and the ESS Director will notify and assign the case manager in Go-IEP for the student.

During the meeting:

- Share the summary of progress monitoring data with the parents,
- Complete the Exceptional Student Services Referral form,
- Provide and explain the Parental Rights Document,
- Obtain a signed Consent to Evaluate from the parents.

At the conclusion of the meeting:

- The team will collaborate to schedule an eligibility **meeting 45 calendar days** of the consent to evaluate.
- The School Psychologist will email a calendar meeting invite to required members to be present at the eligibility meeting. Required members are at a minimum a LEA representative (ESS Administrator), general education teacher, Exceptional Student Services teacher, parent, and psychologist.
- The Case Manager will create an official meeting notice in Go-IEP and send the Go-IEP meeting notice via US Mail to the parent.

Immediately following this meeting:

- The Case Manager will scan the signed Consent to Evaluate, V/H results and Exceptional Student Services Referral form into GOIEP and email to the ESS Director..
- The ESS Director will log the dates and calculate the 60 day timeline date.
- The ESS Director will send an email confirming the 60 day timeline date to the ESS Administrator, psychologist, and/or speech pathologist.

The referral folder can be given to the psychologist and/or SLP at this time.

Step 2: Evaluation

Must be completed within 60 calendar days of Consent to Evaluate. The meeting should have already been set up no more than 45 days from the date of consent.

Upon email receipt from the ESS Director, the school psychologist will schedule and conduct the necessary evaluation. Prior to starting any evaluation, the psychologist/SLP will send the parent a letter stating the approximate date and time the evaluation will occur. This letter will give the parent the opportunity to request in writing about knowing the specific date and time for their child's evaluation.

After the evaluation is completed and prior to the eligibility meeting, the school psychologist will write the psychoeducational report and enter data into required sections of the Go-IEP eligibility report (complete all sections until determination).

At least 10 days prior to the scheduled eligibility meeting the school psychologist will confirm the meeting date with the ESS Administrator and Counselor. At this time the ESS Director can assign an Exceptional Student Services teacher as the case manager.

The Exceptional Student Services case manager will send home a second meeting notice with the student. If there are extenuating circumstances that may delay completion of the evaluation the school psychologist should notify the ESS Administrator and case manager so that the meeting can be rescheduled with the parent if needed (still within the 60 day timeline). If the meeting needs to be rescheduled, the case manager will update the calendar meeting notice for participants.

The school psychologist should send the completed psychological report to the ESS Administrator and the case manager at least 3 calendar days prior to the scheduled meeting.

Step 3 – Eligibility Meeting and IEP Meeting

The Counselor, ESS Administrator, or ESS Director should facilitate eligibility meetings as the LEA.

The LEA will begin the meeting by: introducing the team members, explaining the parental rights document, and facilitate the flow of the meeting.

The psychologist should lead the meeting by discussion of the evaluation and eligibility requirements.

At the end of the meeting, the facilitator of the meeting will finalize the eligibility report and give the parents a copy of the eligibility report and psychological report.

An IEP meeting can be held following the eligibility meeting or within **30 calendar days**.

The counselor will note the meeting outcome on the Special Ed Referral Form and change the Tier 3 status to inactive.

All documents should be housed in the IEP Vault file and uploaded into GOIEP (if eligible) or the MTSS File (if not eligible); after five years, the ineligible files will be destroyed.

Chapter 6-

INDIVIDUALIZED EDUCATION PROGRAMS

6.1 OVERVIEW

Once a determination has been made that a student has a disability and needs Exceptional Student Services and related services, an Individualized Education Program (IEP) must be developed for the student in accordance with the procedures and standards described in this Chapter. An IEP is a written program designed to provide Exceptional Student Services and related services in accordance with the student's disability related needs.

This chapter describes:

- 6.2 Prior Written Notice**
- 6.3 Parental Participation**
- 6.4 IEP Meeting Participants**
- 6.5 Consent for Initial Provision of Exceptional Student Services and Related Services**
- 6.6 Revocation of Consent**
- 6.7 Types of IEPs**
- 6.8 IEP Components**
- 6.9 IEPs for Students in Correctional Facilities**
- 6.10 Conducting an IEP Meeting**
- 6.11 Implementation and Monitoring of IEPs**

6.2 PRIOR WRITTEN NOTICE

The Case Manager must provide prior written notice (GO-IEP) to the parent. It is required that a prior written notice be provided to the parent if the district Proposes or Refuses to initiate or change:

- the identification of the child
- the evaluation of the child
- the educational placement of the child
- the provision of a free appropriate public education (FAPE) to the child.

To allow the parent time to fully consider the change and determine if they have additional suggestions, concerns, questions, etc, the District will give the parents 5 school days to submit any suggestions, concerns, or questions before the changes are implemented.

Beginning no later than entry into ninth grade or by age 16, whichever comes first, or younger if determined appropriate by the IEP Team, the prior written meeting notice must indicate that a proposed action of the meeting is to also plan transition services and a copy of the notice must be provided to the student.

The prior written notice of the meeting must use understandable language and be provided in the native language or other mode of communication of the parent. A copy of the prior written notice must be filed in the student's Exceptional Student Services folder and uploaded into GOIEP.

6.3 PARENTAL PARTICIPATION

The Case Manager must take steps to ensure that one or both of the student's parents are present at each IEP meeting or are afforded the opportunity to participate in the development of the student's IEP.

IEP meetings should be scheduled at a mutually agreed upon time and place, and the parent should be notified well enough in advance of the meeting (at least 10 days) to ensure that they will have an opportunity to attend. If neither parent can attend an IEP meeting, the Case Manager must use other methods to ensure parent participation (this should include opportunity to participate via telephone conference call).

The IEP team may proceed with an IEP meeting without a parent in attendance, if and only if, the case manager has detailed records of all required attempts to ensure parent participation.

All efforts to arrange a mutually agreed upon time and place for the meeting must be documented in the student's Exceptional Student Services file, including:

- copies of correspondence (letters, emails, etc.) sent to the parent and any responses received;
- detailed records of telephone calls made or attempted and the results of those calls (enter this information in the Go-IEP communication log); and
- detailed records of any visits made to the parent's home or place of employment and the results of those visits (enter this information in the Go-IEP communication log).

The case manager should take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for a parent who is hearing impaired or whose native language is other than English (procedures outlined in chapter 2).

If a parent leaves an IEP meeting before its conclusion, the case manager should note the parent's departure in the parent concerns section of the Present Levels of Performance and either continue the meeting and complete the IEP or reschedule the meeting to complete the IEP. This would depend on the circumstances surrounding the departure of the parent.

6.4 IEP MEETING PARTICIPATION

Required Participants

The Case Manager is responsible for ensuring that the IEP Team includes the following required participants:

- One or both of the student's parents;
- A district representative who acts as the Local Education Agency **(LEA) representative** and is:
- A building administrator or district administrator who has the authority to commit District resources and ensure that IEP services will be provided;
- qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
- knowledgeable about the general curriculum;
- knowledgeable about the availability of district resources.
- At least one General Education Teacher who teaches the student;
- If the student has more than one teacher, the ESS administrator or Case Manager may designate which teacher(s) will participate.
- If the student does not currently access general education classes, a general education teacher knowledgeable of the grade level curriculum must attend.
- At least one Exceptional Student Services teacher who is or will be responsible for implementing the IEP
- For example a student who receives only speech/language services, the speech/language pathologist would serve as the Exceptional Student Services teacher.
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above (other than the parent).

Additional participants who must be invited

In the case of an IEP that includes transition services or considers the student's transition service needs:

- The student must be invited;
- Upon parental consent, a representative of a participating agency that is likely to provide or pay for transition services must be invited if the IEP is to include transition services or to consider the student's transition service needs.
- A parent can refuse to provide consent for the District to invite other agencies that are likely to be

responsible for providing or paying for transition services.

In the case of an IEP for a student that has reached the age of majority (age 18), the parent may be invited by the student.

In the case of an IEP that includes a related service, the provider must be invited (attendance is not required) if the student's evaluation has identified a need for a particular related service or if a related service is to be discussed as part of the IEP meeting.

In the case of an IEP that includes the related service of transportation, a representative from the transportation department must be invited (attendance is not required) if the following is being discussed:

- consideration of a bus aide;
- consideration of an adjusted schedule;
- consideration of implementing a behavior plan; and
- a medical or safety concern.

In the case of an initial IEP meeting for a preschool child who previously received early intervention services, the case manager must notify the parent that upon the parent's request, the district will invite the service coordinator or representative of the child's early intervention system to participate in the meeting (Babies Can't Wait Representative, Day Care Facility Representative, Private Services Providers such as Speech/OT/PT).

In the case of an IEP for a student whose parent is deaf or whose native language is other than English, the case manager must take whatever action is necessary to ensure the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter. (Ch. 2)

In the case of an IEP for a student enrolled in a private school and receiving Exceptional Student Services services from the District, the case manager must invite a teacher or other representative of the private school to the meeting. If the representative is unable to attend the meeting, the case manager will use other methods to ensure participation (e.g., telephone conference) and consult with the private school representative regarding present levels of performance and progress

In the case of an IEP for a student that receives ESOL services from the District, the case manager must invite the ESOL teacher to the IEP meeting. The ESOL teacher must attend the IEP meeting.

Other participants that may be invited

The District has the right to invite additional participants who have knowledge or special expertise concerning the student to the IEP meeting. The case manager must inform the parent of these additional participants in the prior written notice of the meeting.

If behavioral concerns are going to be discussed, a person who is knowledgeable about positive behavioral supports may be invited. This person may be an Exceptional Student Services teacher, school counselor, school psychologist, behavior mentor teacher or other Exceptional Student Services specialist.

The parent has the right to bring additional participants to an IEP meeting who has knowledge or special expertise regarding the student. The parent determines the knowledge or special expertise of the additional participants. This may include friends, family members, neighbors, attorneys and advocates. The parent may indicate who they are bringing when responding to the proposed meeting arrangements, however, it is not required.

If the parent brings an attorney to a meeting without providing prior notice, the case manager should table the

meeting and reschedule another meeting in which the school district's attorney will attend.

Non-Attendance

The district's expectation is that all required members must be in attendance and remain for the duration of the IEP meeting, although IDEA permits nonattendance of IEP team members.

Excusal

IDEA permits excusal of required IEP team members from an IEP meeting with parent agreement. In rare circumstances when excusal is necessary, the parent and the district must agree in writing to excuse the meeting participant. The Case Manager must complete the excusal form and obtain signed consent from the parent to excuse the team member prior to the meeting. The excused participant must submit in writing to the IEP Team input into the development of the IEP prior to the meeting.

6.5 CONSENT FOR INITIAL SERVICES

Consent for the Initial Provision of Services is obtained before providing initial Exceptional Student Services and related services to a child with a disability. Consent to provide Exceptional Student Services and related services are the consent for any Exceptional Student Services and related services described in the IEP to provide FAPE.

The Case Manager must present the Consent for Exceptional Student Services Placement form to the parent upon proposal of the initial IEP. The Case Manager has access to the Consent for Exceptional Student Services Placement form after the IEP has been audited in GOIEP.

The district may not initiate a due process hearing to provide Exceptional Student Services and related services to a student when a parent refuses to consent to initial services. A student whose parent has refused consent for initial services would not be provided Exceptional Student Services and related services and would continue to receive general education services.

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

6.6 REVOCATION OF CONSENT FOR Exceptional Student Services

A student may only be removed from Exceptional Student Services for the following reasons:

- found not eligible through a reevaluation;
- graduation with a General Education diploma;
- aging out at 22 years old;
- written revocation of consent by parent and the district's issuance of prior notice of revocation of services; or
- the decision of a hearing officer.

The District must respond to any parent request for termination of services. If at any time following the initial provision of Exceptional Student Services and related services, the parent **revokes consent** for the continued provision of Exceptional Student Services and related services;

- the parent must submit a written request for revocation of consent to the case manager. The case manager will have the parent review and sign the Revocation of Consent form. The case manager will give the parent a copy of the form, and explain that they will receive an official notification from the district's Exceptional Student Services Department as to when services will be terminated.

The case manager will scan the form and the original written request from the parent into GOIEP, and then notify the district Exceptional Student Services Director that the parent has officially revoked consent.

Upon notification from the case manager the Exceptional Student Services Director will:

- send the parent a prior written notice to change the student's placement;
- notify the school of the date when services will be discontinued:
- within ten calendar days from the date the prior notice is sent to the parent
- the school will continue implementing the student's IEP until the date indicated in prior written notice.
- document in GOIEP and Infinite Campus of the date that services will be discontinued.
- notify related service providers of the discontinuation of services.
- after services have been terminated through revocation, the school is not required to convene an IEP team meeting or develop an IEP for further provision of Exceptional Student Services and related services;
- the district cannot initiate a due process hearing or mediation procedures to continue Exceptional Student Services and related services for a student when their parent has revoked consent;
- if at a later date the parent requests that Exceptional Student Services services be reinstated, the request will be treated as an initial referral;
- the school district is not required to amend the child's educational records to remove any references to the child's receipt of Exceptional Student Services and related services because of the revocation of consent;
- if the student engages in behavior that may result in a disciplinary change of placement:
 - the student is not entitled to the protections under IDEA;
 - the District is deemed not to have knowledge of a suspicion of a disability; and
 - the student will be disciplined as a general education student.

The parent consent is for the initial provision of Exceptional Student Services and related services generally not for a particular service.

A parent cannot revoke one service (e.g. revoke resource services, but want the speech/language services).

If a parent disagrees with the provision of any particular service, they can pursue their due process rights by requesting a hearing.

6.7 TYPES OF IEPS

Requirements for Prior Written Notice, Parental Participation, and IEP Meeting Participants must be met for all types of IEP meetings.

6.7.1 Initial IEP

Purpose

An Initial IEP is the first IEP developed following the initial eligibility in the State of Georgia.

In the case of a student that was previously determined eligible and then exited from Exceptional Student Services services in Georgia, any new eligibility determination in Georgia would be followed by an initial IEP.

In the case of a student that was previously determined eligible in Georgia and moved to another state or was not in school and then re-enrolled in Treutlen County with an expired IEP and expired eligibility, the district would develop an initial IEP after determination of eligibility.

Timelines

An initial IEP meeting must be convened within 30 calendar days after the date of the eligibility determination.

An initial IEP must be in effect before Exceptional Student Services and related services are provided to the student.

An initial IEP must be in effect by the third birthday if a student is receiving services through an Individualized Family Service Plan (IFSP) and continues to be eligible for services. The Initial IEP team must consider the student's IFSP.

IEP Development

An initial IEP is developed based on current information which may include: educational records, formal and informal assessments, teacher reports and observation data, medical records, interviews with student, parent, and school personnel and any outside information provided by the parent.

6.7.2 Annual IEP

Purpose

An annual IEP is the yearly review and revision of the current IEP.

Timelines

After the initial IEP is developed, the district must ensure that the IEP team reviews/revises the student's IEP periodically, but no less than annually, to determine whether the annual goals are being achieved.

While the student remains eligible under IDEA, the annual IEP must be held before the one year anniversary of the date of the previous annual IEP.

The district must ensure that each student with a disability within the district has a current IEP in effect at the beginning of each school year. The ESS Director or coordinator will assign case managers for each student in GOIEP and provide the case managers with a caseload report in GOIEP within the first two weeks of the school year.

An IEP must be implemented as soon as possible following its development. There can be no undue delay in providing Exceptional Student Services and related services to the student

IEP Development

Prior to the development of the annual IEP, each goal in the current IEP must be reviewed for progress.

An annual IEP must be developed based on current information which may include: educational records, formal and informal assessments, teacher and related service provider reports and observation data, medical records, interviews with student, parent, and school personnel and any outside information provided by the parent.

In the event that the parent cannot, or does not participate in the annual review, the IEP team must proceed with the development of the Annual IEP, provided that the parental prior written notice requirements have been met.

6.7.3 IEP Revision (Amendment)

Purpose

The IEP review/revision is to ensure services continue to be appropriate based on new information and/or district or parental concerns.

Timelines

Any time before the annual review, the parent or the district may request to reconvene the IEP team to review and possibly revise the IEP.

If a parent requests a meeting and the team agrees with the need for a revision, a prior written notice of meeting must be provided to the parent.

If the team disagrees with a parent request to revise the IEP a prior written notice of refusal must be provided to the parent. The meeting notes may serve as the prior written notice of refusal to revise the IEP.

IEP Development

An IEP review and/or revision may be required, as appropriate, to address the following:
the results of any evaluation;

- disciplinary actions that result in a disciplinary change of placement, alternative instructional arrangement;
- lack of expected progress towards the annual goals;
- lack of expected progress in the general education curriculum;
- any proposed placement change;
- information about the student provided to or by the parent; or
- the student's anticipated needs (supplementary aids/services).

During the IEP revision, the entire annual IEP does not need to be reviewed. Items discussed are related to the purpose of the meeting as identified in the prior notice and other areas agreed upon by the team.

Parental Requests to Non-ESS Faculty and Staff

If a parent requests additional services, a reevaluation, has questions and/or concerns with their student's IEP, disability or related services or provides additional documentation related to their student's disability, including medical information, the case manager should be notified immediately. At this time, the case manager will contact the parent to discuss their concerns; they will then notify the ESS Lead Teacher and develop a plan to address the concerns.

6.7.4 IEP Amendment for Transfer Students

Purpose

Upon transfer the IEP team must convene to review all documentation from the transferring district, and an IEP amendment is completed to document this review, and to describe comparable services that will be provided in Treutlen County. The amended IEP will be implemented until the district either conducts an evaluation and/or develops a new IEP.

The IEP amendment meeting for a transfer student will occur for both in-state or out-of-state transfers, with a current Exceptional Student Services eligibility and IEP from another school district.

Transmittal of Records

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

The previous LEA in which the child was enrolled must take reasonable steps to promptly respond to the request from the new LEA.

Timelines

The transfer student should be *registered* and assigned a student number regardless of the Exceptional Student Services programming available at that school.

The transfer student should be *enrolled* as expeditiously as possible (general education support or resource support) and notify the Exceptional Student Services Director or Coordinator

All placements in specialized programs must be formally assigned by an Exceptional Student Services Lead Teacher or Director.

See Evaluation Chapter 4.0, Section 4.4 on Transfer Students for additional information and procedures.

IEP Development

The Case Manager reviews the student's educational records and consults with the parent in order to provide comparable services. FAPE must be provided by either: implementing the current out-of-district IEP as written; or implement the current out-of-district IEP with comparable services (all should be documented on the IEP Transfer Addendum form).

The District is required to provide *comparable services*, which means services that are similar or equivalent to those described in the student's IEP from the previous school.

Educational records may be exchanged between schools without parent consent under FERPA. However, an Authorization for Release of Confidential Information must be signed by a parent to obtain records from outside agencies. It is best practice for the Exceptional Student Services Instructional Specialist to obtain a signed release since many districts will not release the records until receipt of this document.

The IEP team must reconvene within 30 school days after the offer and implementation of comparable services to review all educational records obtained at that time to determine the need for any further evaluations for eligibility determination and to develop an IEP in GO-IEP if the student is not transferring from a GO-IEP district. If evaluation is necessary to establish Georgia eligibility requirements the IEP team will initiate a redetermination in GO-IEP, and develop a transfer IEP.

6.7.5. Homebound IEP

Homebound services offer temporary educational support for students with health issues due to injury or illness. For students with an Individualized Education Program (IEP), Homebound functions as an educational placement when they are unable to attend classes due to a physical or mental illness requiring confinement in a hospital or at home for a minimum of ten (10) consecutive school days. As one of the most restrictive educational placements, all less restrictive options must be thoroughly explored before Homebound instruction is considered. Parents initiate the process by obtaining a Hospital/Homebound application packet from the school.

Application/Referral for Homebound Services

The application packet is a two-part form requiring completion by the parent and physician. The parent is responsible for obtaining the completed physician form.

Anticipated confinement duration must be specified on the physician form. (e.g., six weeks, one month). A non-specific period of time (e.g., lifetime, 99 years, to be determined) is not acceptable.

A description of the student's disability is required. In the case of a student with a **psychological diagnosis**, a **copy** of the psychiatrist's/attending physician's Treatment.

Plan and a **copy** of the therapist's Treatment Plan is also required.

The physician/psychiatrist must include a **Reentry Plan** for the student (a plan to return the student to school within a specified time line).

The completed packet is returned by the parent to the assigned school Hospital/Homebound Coordinator. Homebound Service is considered a placement change for students receiving Exceptional Student Services services and must be determined during an IEP meeting. The school Hospital/Homebound Coordinator will collaborate with the ESSC and/or case manager to schedule an IEP revision meeting **prior to** initiation and termination of Homebound Service.

IEP Development/Meeting

The school in which the student attends is responsible for conducting all events (i.e., homebound revision IEP, annual IEP, three year reevaluation and the anticipated date of return to school).

The Case Manager is responsible for inviting all required members of the IEP team and distributing all necessary notifications.

The school nurse or school psychologist should be part of the IEP Team as appropriate. The school nurse or school psychologist provides current health/psychological information for the IEP.

At a minimum, the homebound revision IEP must include: a statement of present levels of performance impacted by the current medical condition, specially designed instruction needed due to the medical condition, and placement information. In some cases it may be necessary to develop a completely new IEP. The parent should receive a copy of all amended pages of the IEP.

Instruction is intended to reflect the student's educational program as outlined in the student's IEP. The amount of instruction is dependent on several factors: the student's IEP, the age of the student, the grade of the student, the nature of the defined health issues, the identified schedule of the secondary student, and other disability related needs. The actual determination of the amount of weekly instructional hours is determined by the IEP team after due consideration of the above factors.

The Homebound teacher must be provided a copy of the student's Annual IEP and the Revision IEP indicating the need for homebound instruction. The assigned homebound teacher must follow the IEP as written.

If related services are part of the IEP, the Homebound teacher must confirm with the parent that related services are being provided in the home. The Homebound teacher must contact the Case Manager if related services have not been initiated.

During any provision of Homebound services, an adult (other than the Homebound teacher) aged 21 or older must be present.

During any provision of Homebound services, the Homebound teacher is responsible for providing all applicable books, materials, and assignments from the student's classroom teacher and/or service providers; reviewing completed assignments with the student; and returning materials to the student's teacher for grading and/or credit.

The teacher of record is responsible for assigning grades.

Recording and disseminating the report card to the family is the responsibility of the attending school.

If the student will continue to be on Homebound placement at the beginning of a new school year and the doctor's orders have expired, a new application must be completed to update the student's condition and the IEP team must determine if the need for Homebound placement continues.

Homebound is a placement decision, therefore the IEP team must convene an IEP for placement to homebound and placement back to the school campus.

After the IEP meeting, if homebound services are determined to be necessary in order to provide FAPE, the homebound application packet and the decision of the IEP team is sent to the ESS Director so that an instructor can be assigned for the services.

If an extension of Homebound Services is needed, another application must be submitted or, in exceptional cases, a physician's memo or letter may be offered as an extension of the original application if it is within the same school semester. The extension must also identify a specific ending date.

Timelines

A licensed physician completes the referral and provides a treatment plan. The information on the referral must be verified by the Student Services Department before homebound services can begin. The fact that the student will be or anticipated to be absent for an extended period must be substantiated by a qualified physician who is acting within their authorized scope of practice.

It is the responsibility of the school in which the student attends to ensure a timely submission of the form(s) required to receive homebound services in order for the student to have continuity of educational service.

After the receipt of a completed Homebound referral and approval by the Student Services Department, the Case Manager initiates a Revision (Amendment) IEP meeting.

6.8 IEP COMPONENTS

An IEP is designed to provide Exceptional Student Services and related services for a student with an identified eligibility. The IDEA required components of the IEP are described in this section.

6.8.1 Present Levels of Academic Achievement and Functional Performance

Present levels of academic achievement and functional performance are the foundation of the IEP and must adequately describe the needs of the child. The present levels of academic achievement and functional performance (self-help, social-emotional, organizational skills, and/or daily living) include:

- Results of the initial or most recent evaluation and results of state and district assessments that are relevant to the current performance of the child. This may include:
- a summary of formal assessments from the psychological report and/or speech-language evaluation
- results from required Statewide Assessments (these scores are populated from SLDS into IEPs developed in Go-IEP)
- English language proficiency assessment scores for ELL students
- district benchmark assessments

- informal assessments and other progress monitoring data (academic and functional)

A description of the student's academic, developmental and/or functional strengths. Functional performance must be stated even if the student is functioning with age appropriate skill. Consider:

- attendance records
- discipline records
- classroom observations
- performance or progress monitoring data
- student work samples
- teacher-made tests or other achievement tests
- grades
- related services observations/progress/assessments
- transition assessments
- parent input

A description of the student's academic, developmental and/or functional needs (weaknesses). Consider each area of identified disability. Functional performance must be stated even if the student is functioning with age appropriate skill. Consider the following:

- attendance records
- discipline records
- classroom observations
- performance or progress monitoring data
- student work samples
- teacher made tests or other achievement tests
- grades
- related services observations/progress/assessments
- transition assessments
- parent input

A complete statement of the parental concerns regarding their child's education (**Other Discussion Section in GO-IEP**). If the parent does not participate in the IEP meeting the IEP Team must obtain information from the parent to include in the IEP or document previous concerns that have been communicated by the parent (parent-teacher conferences, notes on progress reports/report cards, notes on discipline reports, phone calls, etc.).

A description of the impact of the disability on involvement and progress in the general education curriculum (**Other Discussion Section in GO-IEP**). Describe the ways in which the student's disabilities (consider all identified areas of disability) will affect the student's involvement and progress in the general education curriculum. Also include statements that address each major area of the curriculum that are impacted by the student's disability (**do not include accommodations and placement information**).

6.8.2 Annual Goals and Objectives

The IEP team must develop measurable academic and functional annual goals for the areas of need identified in the present levels of academic achievement and functional performance. The goals and objectives indicated in the IEP must enable the student to be involved and make progress in the general education curriculum, or for preschool children, as appropriate, enable participation in developmentally appropriate activities.

All goals must be derived from the present levels of performance.

Significant deficit areas must be addressed by a goal.

Goals must be specific to the student, measurable and attainable in a year's time. Goals are measurable

when they state:

- direction (increase, maintain, decrease, etc.);
- area of need (reading, social skills, communication, functional, etc.);
- level of attainment or success (grade level, accuracy, etc.); and
- how progress will be measured.

Objectives are developed to describe the amount of progress the student is expected to make toward the annual goals within specified segments of the year, generally coinciding with reporting periods (first grading period, first semester of school year, etc.). Objectives are required for students participating in an adaptive curriculum program; otherwise, objectives are optional.

If the IEP team determines that a student will receive Extended School Year (ESY) services (determination process outlined in the ESY section), the IEP must indicate each goal that will be addressed during ESY.

6.8.3 Transition Services

Transition services are a coordinated set of activities for a student with a disability that is designed within an outcome-oriented process and promotes the student's movement from school to postsecondary activities including postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, or community participation. Transition services are based on the individual needs, taking into account the student's strengths, preferences, and interests. Transition services include: instruction; related services; community experiences; development of employment and other post-school adult living objectives; and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Parental consent must be given prior to a student's participation with an outside agency for transitional services, including, but not limited to, Georgia, Vocational Rehabilitation Agency, High School High Tech, and Easter Seals.

Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, (or younger if determined by the IEP team), and updated annually thereafter, the IEP must include a transition services plan that includes:

- appropriate measurable postsecondary goals based upon age appropriate transition assessments including YouScience and individual interest surveys related to training, education, employment, and where appropriate independent living skills; and
- the transition services (including courses of study) needed to assist the student in reaching those goals.

Additional information and resources for assessing and planning for transition services are available in the transition planning chapter of this manual.

6.8.4 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.

6.8.5 Special Considerations

IDEA requires the IEP team address "special considerations" that are outlined in this section. If the team chooses "Yes" for any of the special considerations, the team may address the consideration in a variety of ways, including goals and benchmarks, a behavior plan, supplementary aids and services, related services, or accommodations and modifications. Each special consideration area that is marked "Yes", must be reflected in the present levels of performance. The special considerations include:

Assistive technology devices and services (required) – if the IEP team selects “Yes”, the team must determine the nature and extent of devices and services and address the needs in the IEP.

Children with disabilities who require assistive technology in order to access a free appropriate public education 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. 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.

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 student and family will also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.

If assistive technology is required for the child to participate in district wide or Statewide testing, the need for technology should be documented in the appropriate section of the IEP and provided to the child.

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.

Communication (required) – if the IEP team selects “Yes”, the team must describe the communication needs and how these needs are being addressed in the IEP (goals/objectives, accommodations, and/or supports).

Alternative Format – if the IEP team selects “Yes”, the team must specify the materials required such as Braille, auditory, electronic texts, and/or large texts.

Blind or visually impaired – The IEP team will only address this consideration when the student is identified as Blind or Visually impaired. If the IEP team selects “Yes”, the team must evaluate reading and writing needs and provide for instruction in Braille unless deemed not appropriate for the student.

Deaf or hard of hearing – The IEP team will only address this consideration when the student is identified as Deaf or Hard of Hearing. If the team selects “Yes”, the team must consider language and communication needs and address these needs in the IEP.

Behavior impeding learning – if the IEP team selects “Yes”, then the team must determine if a behavior intervention plan (BIP) is needed. If the team determines that a BIP is not needed, the team must address the behaviors in the sections of the IEP regarding goals/objectives and/or accommodations and supports. If a BIP is needed a functional behavior assessment (FBA) must be completed prior to the development of the BIP in Go-IEP. The FBA will be uploaded in Go-IEP attached to the IEP. The BIP must include:

- positive methods to modify the environment of the student to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- methods to teach skills to the student so that he/she can replace inappropriate behavior with adaptive behavior;
- methods to enhance the independence and quality of life of the student;
- the use of the least restrictive methods to respond to and reinforce the behavior the student; and
- a process of designing interventions for the student that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student without the use of

aversive or negative means.

English Learner – The IEP team **MUST** address this consideration when the student is identified as an English Language Learner. If the IEP team selects “Yes”, the IEP must include accommodations proven to be effective for English Language Learners in the supplementary aids and services section of the IEP. Access assessment scores must be added to the IEP and should be found in the permanent record.

6.8.6 Specific Populations

Georgia Alternative Assessment (GAA)

The IEP team may determine that the student meets the criteria for participation in the Georgia Alternative Assessment (GAA). This determination is made by the team using the GAA assessment participation form in GOIEP. The student must meet all criteria on the GAA participation form. The IEP team must include a statement in the IEP of why the student cannot participate in a particular general assessment, even with appropriate modifications or accommodations. Additional information and resources for the GAA are available at the Georgia Department of Education website through this link (<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Assessment/Pages/GAA.aspx>). Students that participate in the GAA will not be eligible for a Standard High School Diploma but will be eligible for a State-Defined Alternative Diploma.

Alternative Math Sequence

The IEP team may consider an alternative math sequence for a high school student utilizing the High School Mathematics Decision Rubric in GOIEP. The student must meet **all** of the following criteria:

- Prior to the student entering 9th grade, the student’s IEP team Identified that the student had a disability that affect mathematics achievement;
- The student successfully earns credit for Algebra: Concepts and Connections and Geometry: Concepts and Connections; and
- The student successfully earns course credit for at least two other state-approved mathematics courses, which may include, but not limited to, Mathematics support courses.

The IEP team should not access this rubric in GOIEP until the student has earned credit for Algebra: Concepts and Connections and Geometry: Concepts and Connections or based on current progress the IEP team can safely project that student will earn these course credits in the semester in which the IEP is being developed. Generally, the IEP team would not access the rubric for consideration of an alternative math sequence until the end of the student’s 10 grade year. For students that are recommended for an alternative math course sequence the Case Manager is responsible for ensuring that the IEP team documents the following:

- The student’s disability has precluded the student from achieving grade-level proficiency, as demonstrated by the student’s pattern of performance on the state-mandated test in the area of Mathematics;
- The student’s progress to date in response to appropriate instruction, including Exceptional Student Services and related services designed to address the student’s individual needs, is such that, even if significant growth occurs, the IEP is reasonably certain that the student will not successfully master the standards in Algebra: Concepts and Connections as traditionally delivered in a single course year. The IEP team should first consider enrolling these students in a single advanced mathematics course with instruction delivered over two years prior to other considerations. The determination of the student’s progress has been based on multiple measurements that are valid for the content area of mathematics and that have been collected over a period of time; and
- The student has access to instruction in the state-adopted curriculum and will be required to successfully complete Algebra: Concepts and Connections and Geometry: Concepts and Connections in addition to participating and earning credit in two additional state-approved mathematics courses. As stated above, the IEP team should first consider enrolling these students in a single

advanced mathematics course with instruction delivered over two years prior to other considerations. The student's IEP includes goals that are related to mathematics, support access to the content standards, and are designed to promote the student's progress in the content area state-adopted curriculum.

The Case Manager must inform the parents and students that students who do not complete Algebra: Concepts and Connections may not meet the mathematics admission requirements for entry into a University System of Georgia institution or other post-secondary institution without additional coursework. This communication with the parents and students should be documented in the IEP.

6.8.7 Accommodations (State Required Testing and Student Supports)

State Required Testing

Instructional accommodations or related services that are identified in the IEP are implemented if needed in order for the student to participate in statewide assessments or any other group assessment administered to all students in the classroom. The IEP team will determine appropriate testing accommodations for a student based on multidisciplinary evaluation results, present levels of academic and functional performance, annual goals, short-term objectives, and specially designed instruction included in the child's IEP. Any testing accommodations recommended must be used consistently as part of routine instruction and classroom assessment. Recommended testing accommodations must also meet all the requirements contained in the **Georgia Department of Education Accommodations Manual: A Guide for Selecting, Administering, and Evaluating the Use of Test Administration Accommodations for Students with Disabilities** (<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Assessment/Documents/Resources/Accommodation%20Manual%20August%202015%20FINAL.pdf>). In Go-IEP the team will use the tools to guide decision making for including the student in assessments with appropriate accommodations.

6.8.8 Student Supports

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes or other education related settings in order to enable the student to be educated with nondisabled children and youth to the maximum extent appropriate. The IEP team must consider what aids, services, and other support might be effective in ensuring that the student can be educated in general education classes. Supplementary aids and services may include support for school personnel to help them work more effectively with the child. Supplementary aids and supports can include, but are not limited to:

- Supports to address environmental needs (preferential seating; planned seating on the bus, in the classroom, and in other locations; room arrangement)
- Levels of staff support needed (e.g., consultation, stop-in support, classroom companion, one-on-one assistance; type of personnel support: behavior specialist, health care assistant, instructional support assistant)
- Planning time for collaboration by staff
- Child's specialized equipment needs (e.g. wheelchair, computer, software, augmentative communication device, utensils, restroom equipment)
- Materials needed (e.g., scanned tests and notes into computer, shared note-taking, large print or Braille, assistive technology)
- Organizational assistance (e.g., calendars, timers, teach study skills)
- Social interaction support needed (e.g., social skills instruction, counseling support, facilitated friendships – lunch bunch)
- Positive behavior supports and individual behavior support plans
- Training needed for personnel

6.8.9 Extended School Year (ESY) Determination

ESY are those services a student requires for FAPE beyond the normal school year of the district and are not limited to only summer months.

The IEP team determines the need for ESY services based on a review of data collection and completion of the ESY Considerations form in Go-IEP.

The team may not limit extended school year services to a particular category of disability or unilaterally limit the type, amount or duration of those services.

ESY services must be addressed at every annual IEP. If the IEP team determines that the student is in need of ESY services, the annual goals to be extended must be specified in the IEP. Also the IEP team must document specific services being extended including the frequency, duration, location and provider of the services.

If the ESY decision is deferred to a later date, the team must hold an IEP Review/Revision on or before the deferred date to discuss the data collected and make an ESY determination.

6.8.10 Transportation

The IEP team must determine whether special transportation is required in order to provide Exceptional Student Services and related services to the student. If the team determines that the student requires special transportation, the team must include all specialized equipment, personnel, or other services required to safely transport the student.

6.8.11 Service Components of the IEP

The IEP team always begins discussion of Exceptional Student Services service options by considering how the goals can be met in the general education setting. The team should determine the education services, related services, supplementary aids and services, and assistive technology that are necessary for the student to stay in the least restrictive environment (LRE), continue to have access to grade level standards, and meet the goals in the IEP.

As a minimum, the IEP team must consider service options where the student will have access to the general education curriculum. All service options considered must be documented on the services page of the IEP. The IEP team determines the service required to meet the needs of the student, not the specific site location. Any service recommendation requiring removal of the student from the general education setting requires a written explanation in the IEP of the extent the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities. The services in the IEP must include: Frequency and location of services, Initiation date of services, Duration of services, and Provider of the services

Specially Designed Instruction

The specially designed instruction component of the IEP describes the types of specific instructional services that are needed by the student in order for him or her to accomplish IEP goals and access the general education curriculum. Specially designed instruction may be supportive, corrective, developmental, or therapeutic in nature. These services, which directly relate to the annual goals, include accommodations, modifications, and adaptations in instructional methods, content, materials, techniques, media, the physical setting and the environment.

Specially designed instruction includes services not ordinarily provided for most children of a given age or grade level. Specially designed instruction describes services that are needed in order for the child with an educational disability to learn. In some cases, specially designed instruction is needed for all instructional areas. In other cases, specially designed instruction is content specific. Categorical classrooms or program plans are not a substitute for a description of the services needed. Specially designed instruction does not describe the place where the services will be provided.

Delivery Options:

- Consultative: at least 1 segment per month of direct services from a Exceptional Student Services teacher or related services provider
- Collaboration: direct services from an Exceptional Student Services teacher in the general education class for at least 50% of the segment
- Co-teaching: direct services from an Exceptional Student Services teacher in the general education class for the entire segment
- Separate class: Exceptional Student Services classroom
- Separate school: Exceptional Student Services school
- Home instruction
- Residential
- Hospital/homebound

Related Services

Related services are supportive services that are required for the student with a disability to benefit from Exceptional Student Services. Recommendations made by the related services personnel should be used to guide IEP team discussions. Referrals for any related services are generated by the IEP team. The IEP team should consult with the related services provider to determine the appropriateness of the referral. Related Services assessments require prior written notice and permission to evaluate. The timeline for the completion of related service assessment and reconvening of the IEP team for the review of the report and consideration of the recommendations regarding services is 45 days. The IEP team must document the frequency, duration, and location of the related services in the IEP.

Common Related Services:

- Speech/Language Therapy;
- Physical Therapy;
- Occupational Therapy;
- Orientation and Mobility;
- Audiology (does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device or replacement of that device);
- School Nurse Services;
- Interpreting Services; and
- Transportation.

Adaptive Physical Education

Adaptive Physical Education (APE) is a direct service that can be provided should the IEP team determine that the child is in need of such service. APE is an adapted, or modified, physical education program designed to meet the individualized gross motor needs, or other disability related challenges of an identified student. In many cases, but not all, a child may need APE due to being visually impaired, physically disabled, severely cognitively disabled, severely multiply disabled, or other health impaired. APE services can be provided one-on-one, in a small group, or within the general physical education environment. If the IEP determines that the student requires APE the IEP team must develop annual goals and short term objectives for APE. The team must also determine and document in the IEP the frequency, duration, location, and provider of APE services.

6.8.12 Method for Reporting Progress

At a minimum, progress reporting for IEP goals and objectives must occur as frequently as progress reporting for students without disabilities and this frequency of reporting must be documented in the IEP.

Progress reports must be completed by the case manager and a copy must be given to the parent and a copy filed in the confidential folder for each reporting period.

6.8.13 Consent for Release of Information and Medicaid Reimbursement Form

The District is required to obtain parental consent to share student information with a non-educational public agency such as Medicaid.

The Medicaid form must be completed for all students regardless of whether the student is eligible for Medicaid.

Whether or not the parent gives consent does not impact any services provided in the IEP.

After each initial IEP and redetermination meeting is concluded for students receiving Speech Instruction (SI), Occupational Therapy (OT), Physical Therapy (PT), or nursing services, the Medicaid form must be completed and submitted to Heart of Georgia RESA.

6.9 IEPs FOR STUDENTS IN CORRECTIONAL FACILITIES

Juvenile Facilities

For students in juvenile facilities IEPs will be implemented as written by the sending school/last school the student attended.

If the IEP or reevaluation becomes due while the student is in a correctional facility, it is the responsibility of the correctional facility staff assigned to complete the IEP and/or reevaluation prior to their expiration.

For students with IEPs under the age of 18 in juvenile facilities, efforts to involve parents/guardians should be made whenever possible, unless parental rights have been terminated, or the facility prohibits their involvement. Surrogate parents should be used if parents/guardians are unavailable.

Adult Facilities

While students adjudicated in adult prisons are considered adults by the prison system, a student reaches the age of majority for educational decisions at the age of 18.

For students in adult prisons, the bona fide security or compelling institutional interest of the prison overrides educational issues. In those cases where the District cannot provide Exceptional Student Services services due to prison issues, contacts with the prison and attempts to provide services should be documented. For example, a student may be unavailable for instruction due to disciplinary action.

The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

- participation of students with disabilities in general assessments;
- transition planning and transition services of those students whose eligibility 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; and (Transition services for students in adult prisons are only required for students who will be released prior to aging out of Exceptional Student Services on their 22nd birthday.)
- modifications of IEP or placement

The requirements relating to LRE do not apply. The IEP team of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the student's IEP or placement if the State has demonstrated a bona fide security of compelling penological interest that cannot otherwise be accommodated.

6.10 CONDUCTING AN IEP MEETING

An IEP meeting does not include informal or unscheduled conversations involving District personnel or conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting does not include preparatory activities that District personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Roles and Responsibilities

LEA Representative: Participates in the IEP meeting to:

- Ensure that due process procedures and other procedural safeguards are followed;
- Facilitate group decision making, and if necessary, making a determination and stating the district's position when the IEP team cannot agree; and
- Provide support for, and ensure the implementation of the IEP team's decisions and the IEP after the meeting.

ESS Case Manager

Prior to the meeting:

- Schedules the IEP meeting in coordination with the LEA representative and the parent, completes the prior written meeting notice, and sends the notification to the parent and other meeting participants.
- Reviews any evaluations of the student, gathers data from the teachers or other service providers to prepare a draft IEP in Go-IEP.
- Prepares the draft IEP in Go-IEP.
- Notifies the Lead ESS Teacher to review the draft IEP no less than 5 days prior to the scheduled meeting, if needed.

During the meeting:

- Makes introductions of the team members.
- States the purpose and sets the agenda of the meeting.
- Presents parental rights document and explains parental rights as needed.
- Reviews and updates the Student Profile in Go-IEP.
- Facilitates all discussions for each section of the IEP giving each participant the opportunity to contribute to the development of the IEP.
- Completes the final IEP in Go-IEP adding to the draft that was prepared by the case manager prior to the meeting.
- Ensures that the parent receives a copy of the final IEP document (Draft/Final).

After the meeting:

- Coordinates any follow-up referrals for additional evaluations or related services (including transportation) recommended by the IEP team.
- Ensure that all IEP documents are complete and scans of all IEP documents into GOIEP, and that the originals are properly filed in the Exceptional Student Services file.
- Notify the ESS Director or Lead Teacher that the IEP is ready to be finalized in GOIEP.
- Remind all teachers and service providers to review the new IEP and communicate how these individuals may access the IEP.
- Ensure implementation of the IEP and gather progress monitoring data.

Exceptional Student Services Teacher (when not the Case Manager)

Participates in the meeting by contributing to discussion regarding the present functioning of the student, presenting any analyzed data collected (student work samples, observations, benchmark assessments, etc.), and contributes to

the development of IEP goals and objectives as well as service recommendations.

General Education Teacher

Participates in the meeting by contributing to discussion regarding the present functioning of the student in relation to access of the general education curriculum presenting any analyzed data collected (student work samples, observations, benchmark assessments, etc.), and contributes to the development of IEP goals and objectives as well as service recommendations.

Consensus

Decisions in Exceptional Student Services, which pertain to identification, evaluation, placement, or provision of FAPE, must be made by the team as a matter of consensus or general agreement among involved all parties. The District has the ultimate responsibility to ensure that the IEP includes the services the student needs in order to receive a free appropriate public education (FAPE). For Exceptional Student Services decision-making, the following sequential priorities have been established to assist teams in achieving consensus.

Unanimous Agreement – All participating parties, including parents and their representatives agree on major decisions pertaining to identification, evaluation, placement, or provision of FAPE. When unanimous agreement is NOT achieved, then:

Consensus among District Members – All participating District personnel excluding the parents and their representatives reach general agreement. When consensus among all participating District personnel is NOT achieved, then:

Consensus among District Required Members – All required District personnel excluding other participating District members, parents and their representatives reach agreement. When consensus among all required District personnel is NOT achieved, then:

Lack of Consensus – In the absence of a final decision by District's required members of the IEP team, the team must consider and determine the following factors: a) was there sufficient discussion among team members over outstanding disagreements, and b) is there enough information available to render a decision. Considering these factors, the team has two options:

- Reschedule the meeting to provide thorough discussions on disagreed upon issues and/or gather more information, or
- The LEA makes the final decision during the IEP meeting when the consensus building and problem solving options appear to be exhausted.

Recording a Meeting

A parent can request to record an IEP meeting may be permissible under certain circumstances.

Any parent making a request to record must do so prior to the meeting, and if the parent records the meeting, the District will also record.

In instances where the parent with a disability is requesting the recording to understand the proceeding, the request must be honored by the school staff. The District must make arrangements to record the meeting and the District's recording becomes the official copy.

It is the District's responsibility to record the meeting and provide a copy to the parent.

A copy of the recording must be maintained in the student's Exceptional Student Services file.

Methodology

General instructional strategies and methodology are not required to be included in the student's IEP in order to receive FAPE. However, in rare circumstances, a student's individual needs may require a certain methodology if the IEP team determines that it would be necessary for the student to receive FAPE.

Advocates or Attorneys Present at Meetings

At the discretion of the parent or District, both parties have the right to bring to the IEP meeting individuals who have knowledge or special expertise regarding the student. An advocate or attorney is not a required member of the IEP team.

The primary role of the advocate or attorney is to advise and assist the parent in taking an active and participatory role in the meetings. Their role may also include:

- assuring that the parents receive and are cognizant of their procedural safeguards;
- providing explanation/clarification as necessary to understand the process;
- helping parents articulate their concerns;
- offering positive and proactive suggestions to assist the timely completion and appropriate development of the IEP, and
- participate as part of the IEP team if they have "specialized knowledge" of the student.

The parent has the right to representation at the meeting and ideally would notify the District that they are bringing a representative, however, this is not required. If the parent fails to provide prior notification of attorney representation at an IEP Team meeting, the LEA representative must table the meeting and notify a BOE Exceptional Student Services Administrator (Director or Coordinator). If a parent has an attorney representation at an IEP Team meeting, the District must also have representation.

Before the school can discuss a student with an advocate/attorney when the parent is not present, the school must obtain a written release of information signed by the parent.

Advocates or attorneys are not permitted to direct or take over an IEP meeting, or require District staff to do or refrain from doing a specific act. The District is charged under Georgia Code and IDEA with the responsibility of facilitating IEP meetings, as well as ensuring that the parent has had an adequate opportunity to participate as an equal member of the team. Only the parent can authorize or reject services under Georgia Code and IDEA.

Copies of IEPs

Access to a copy of the IEP must be provided to each regular education teacher, Exceptional Student Services teacher, and related service provider who will be working with the student.

If the District develops a DRAFT IEP prior to the IEP meeting the District should make it clear to the parents at the outset of the meeting that the services proposed by the District are preliminary recommendations for review and discussion with the parents. The District may provide the parents with a copy of the DRAFT proposal prior to the meeting, so as to give the parents an opportunity to review the recommendation of the team and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for the team to have a final IEP completed before the IEP meeting begins.

Time Frames

An IEP must be implemented as soon as possible following its development. In exceptional circumstances, there may be a short delay, such as when the IEP meeting is held during summer break, a vacation period or when

transportation is being arranged. A reasonable time for working out transportation arrangements is three to five days. However, there can be no undue delay in providing Exceptional Student Services and related services to the student.

If additional information is needed to finalize the IEP, an IEP may be reconvened after the additional information is obtained as long as the IEP is developed in a timely manner and consistent with the requirements of the IDEA.

6.11 IMPLEMENTATION AND MONITORING IEPs

Treutlen County Schools will implement procedures and practices to ensure that all students with disabilities receive an effective Exceptional Student Services program that results in progress toward IEP annual goals and in the general education setting.

The Exceptional Student Services Director and ESS Lead Teachers work closely with the ESS administrator and case managers to ensure that IEPs are written to provide services that are in accordance with the student's disability and meets their related needs using student specific data. Case managers will use the [IEP Meeting and Document Checklist](#) developed by GADOE in preparation for IEP meetings. The ESS Director will assure ongoing progress monitoring is collected each nine weeks for students through monthly reviews. These reviews will examine academic and functional progress of students. If students are not making progress on their goal(s), or the student has demonstrated at-risk behaviors, the case manager will contact the ESS Lead Teacher and ESS Director after 4.5 weeks to determine what, if any, steps should be taken. To the extent possible, case managers must have a draft of Annual IEPs for review prior to the scheduled IEP meeting in order to be reviewed for compliance.

Chapter 7 - Placement and Least Restrictive Environment (LRE)

7.1 Overview

After a student's IEP has been developed, their educational placement which includes programs and services must be determined by the IEP team. That level of placement occurs along the continuum of placements available for students with disabilities. Often confused, but not interchangeable, is the term "location".

Location refers to the physical setting, such as the specific classroom or facility where a student's IEP will be implemented.

This chapter describes:

- 7.2 Placement Principles and Procedures**
- 7.3 Least Restrictive Environment**
- 7.4 Individualized Placement**
- 7.5 Continuum of Placement Options**
- 7.6 Special Placement Considerations**

7.2 PLACEMENT PRINCIPLES AND PROCEDURES

Foundational Principles

Treutlen County School District shall implement procedures and practices to ensure that all students with disabilities have an educational placement appropriate to meet their individual needs through a continuum of placements.

Compliance Monitoring

The Exceptional Student Services Director and Lead Teachers ensure that the Treutlen County School District offers a continuum of placements and provides information to ESS staff and administrators on those options. In turn, this information ensures students with disabilities are offered placements in the least restrictive environment given their individual needs.

Time Frames

The student's placement must be determined at least annually.

If there are placement concerns prior to the annual review date, the parent or the District may request to reconvene the IEP team to review and revise the IEP.

An IEP must be implemented as soon as possible following its development. There can be no unreasonable delay in providing Exceptional Student Services and related services to the student.

Determination by IEP Team

The student's educational placement must be determined by a group of persons, including the parent, and other persons who are knowledgeable about:

- the student;
- the meaning of the evaluation data; and
- the placement options.

The IEP team determines the student's placement. When the student requires a level of placement which is not available at the zoned school or within the District, through coordination with the Assistant Superintendent, the ESS Director will determine the location of placement once the IEP team has determined the appropriate placement.

Change of Placement

If at any time the District proposes or refuses to change the student's educational placement, in response to a parent request, the parent must receive prior written notice explaining the District's position.

A revision IEP is required when:

- District personnel or a student's parent believe that the student's placement may be inappropriate; or
- A significant change in the student's placement is being considered by the school.

Any change in a student's placement must be based upon the student's current IEP. When a more restrictive change of placement is considered by the school team, the case manager should contact the ESS Director.

7.3 LEAST RESTRICTIVE ENVIRONMENT

The Least Restrictive Environment (LRE) standard requires the District to ensure that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities:

- are educated with students who are not disabled; and
- special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The LRE standard requires the District to ensure that students with disabilities participate with non-disabled students in non-academic and extracurricular services and activities to the maximum extent appropriate.

Such activities may include: meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups, clubs sponsored by the District, and employment opportunities. LRE requirements apply to both eligible school age students and preschool children.

Exceptional Student Services is not a “place,” but rather a set of services delineated in the student’s IEP. The LRE provision of the IDEA emphasizes services rather than the placement.

7.4 INDIVIDUALIZED PLACEMENT

The content of the student’s IEP determines placement, rather than the placement determining the content of the IEP. The placement decision must be individualized and based on the student’s IEP.

Placement, not location, is determined by the IEP team.

Self-contained classroom school assignments (location) are determined by the Exceptional Student Services administrative staff.

School assignments are made as close as possible to the student’s home if the IEP team has determined a specialized level of service.

Eligibility, administrative convenience, the availability of educational or related services, or the availability of space do not determine placement.

Retention is not an IEP team decision. Retention is governed by District regulation and state law.

7.5 CONTINUUM OF SERVICES

The District is required to ensure that a continuum of placement options is available to meet the needs of students with disabilities for Exceptional Student Services and related services. The continuum must provide for supplementary services (such as resource room or itinerant instruction) in conjunction with placement in a regular education class. The continuum includes, as appropriate, instruction in:

- regular education classes;
- regular education classes with resource room;
- special classes;
- special schools;
- community-based programs;
- home instruction;
- hospitals; or
- institutions.

The continuum of placement options for a child in early childhood Exceptional Student Services may include, as appropriate:

- an integrated or specialized center-based program (i.e., a program in which a group of children receives services at a central location) in a regular or special school;
- a home-based program;
- an itinerant consultant working with a community-based facility; or
- the instruction of the child in a hospital or institution.

7.6 SPECIFIC PLACEMENT CONSIDERATIONS

7.6.1 Preschool Placements

A regular education early childhood program in the public school or community (such as Head Start, Bright from the Start Pre-Kindergarten, Preschool Intervention Services, 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 co-teaching model.
- 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.

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.

7.6.2 Disciplinary Placements

Under certain circumstances involving discipline, the District staff may remove a student with a disability from their current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, including a suspension for more than 10 school days. For a description of these circumstances, see Chapter 8.

7.6.3 Private School Placements

Private School Placements by the District: If a student is placed in an out-of-district placement in a private school by the District, it must provide the Exceptional Student Services and appropriate related services, if any, at no cost to the student's parent and in accordance with the student's IEP. Although the student is placed in a private school, the District remains responsible for the implementation of the student's IEP and must serve the student as it serves students with disabilities in its public schools. If a student requires private school placement, the IEP Team must consult with the Assistant Superintendent before the IEP meeting for assistance in gathering information regarding whether a private school placement may be appropriate for the student.

Private School Placements by Parents: If a parent unilaterally places the student in a private school or facility, the District may not be required to pay for the costs of that placement if the District made FAPE available to the student in a timely manner before the parent elected the private placement. If personnel suspect that the parent may unilaterally place a student in a private school without the District's consent or referral, they should contact the Exceptional

Student Services Director.

Currently, there are no private schools within the Treutlen County School District. If a parent unilaterally places the student in a private school or facility, the parent must contact the Board of Education of the district where the private school or facility is located.

7.6.4 Special School Placements

The State of Georgia operates three schools for students who are deaf or blind (Georgia School for the Deaf, Atlanta Area School for the Deaf, and the Georgia Academy for the Blind). Students receive day services or residential services in these schools through the IEP process. For consideration for placement in any of these three schools the IEP meeting must include the Exceptional Student Services Lead or the Exceptional Student Services Director.

The Georgia Network for Educational and Therapeutic Support (GNETS) is a program designed for students with an emotional and behavioral disorder. The purpose of the GNETS program is to prevent children from requiring residential or other more restrictive placements. Students may be considered for placement in the GNETS program through a referral initiated by the IEP team. The referral must document the severity, duration, frequency, and intensity of one or more characteristics of the disability category of emotional and behavior disorder. This documentation must also include prior extension of less restrictive services and data which indicate such services have not enabled the student to benefit educationally. Prior to consideration for referral to GNETS the ESS administrator must contact the ESS Director.

7.6.5 Residential Placements

If the IEP team determines that a student requires a residential placement in order to obtain FAPE because the student requires programs and services not available within the District, the ESSC or building administrator should contact the Exceptional Student Services Director for assistance in locating and implementing an appropriate residential placement.

7.6.6 Homebound and Hospital Placements

Homebound and hospital placements are considered highly restrictive educational environments for students with disabilities who are unable to attend school due to physical or mental illness, as substantiated by a qualified physician. These placements are temporary and require specific medical documentation and IEP team determination as a change of placement. For detailed procedures, including application, timelines, IEP development, and service provision, please refer to Chapter 6.0 – Individualized Education Programs, Section 6.7.5 (Homebound IEP)

Chapter 8 - DISCIPLINE

8.1 Overview

The District is obligated to provide a free appropriate public education (FAPE) to all eligible students with disabilities, including students who have been suspended or expelled, and is prohibited from applying its disciplinary policies in a manner that discriminates against students with disabilities.

This chapter discusses the requirements for disciplinary actions for a student with a disability:

- 8.2 General Principles and Compliance Monitoring**
- 8.3 Short-Term Disciplinary Action**
- 8.4 Disciplinary Change of Placement**
- 8.5 Long--Term Disciplinary Removal**
- 8.6 Manifestation Determination**
- 8.7 Request for Hearing**
- 8.8 Protections for Students Not Yet Eligible for Exceptional Student Services**
- 8.9 Referral to Law Enforcement Agencies**
- 8.10 Disciplinary Information in a Student's Record**

8.2 GENERAL PRINCIPLES AND COMPLIANCE MONITORING

General Principles of Disciplinary Application

The Code of Student Conduct for the Treutlen County School System applies to all children unless a child's Individualized Education Program (IEP) specifically states otherwise. The Treutlen County School System ensures that parents and students with disabilities receive notice of the rules and regulations applicable to students with disabilities with respect to child management, discipline, and suspension/expulsion upon the student's entry into an Exceptional Student Services program or at the annual IEP review.

Compliance Monitoring

Administrators are trained each summer, which includes a review of discipline reports to determine the effectiveness of rules and regulations for students. The Exceptional Student Services Director and Leads are provided monthly reports from administrators to monitor discipline for students with disabilities.

8.3 SHORT- TERM DISCIPLINARY ACTION

Short-term disciplinary removal for students with disabilities refers to a student's removal from instruction for less than 10 cumulative or 10 consecutive days in a given school year.

Educational Services

Educational services are not required if removal is for a total of 10 school days or less in a given school year if services are not provided to students without disabilities who have been similarly removed.

Behavior plans may need to include a:

- review and/or revision of an existing behavioral intervention plan (BIP); and/or
- functional behavioral assessment if there is no existing behavior plan.

Any break in IEP mandated services equals removal. In-school suspension would not be considered as part of the days of suspension as long as the student:

- participates in the general education curriculum; and
- continues to receive the services and make progress toward meeting the goals in the student's IEP.

If a student is removed from his or her current educational placement for more than a total of 10 school days in a school year, even if these removals do not constitute a change in placement, school personnel must arrange to provide the student educational services to:

- the extent necessary to enable the student to appropriately progress in the general education curriculum; and
- appropriately advance toward achieving the goals set forth in the student's IEP.

Bus Suspensions

- If bus transportation is part of the student's IEP as a related service, a bus suspension would be treated as a day of suspension.
- If bus transportation is not part of the student's IEP as a related service, a bus suspension would not be treated as a day of suspension. The student's parent has the same obligations to get the student to and from school as a nondisabled student who has been suspended from the bus.
- The District must consider whether the behavior on the bus is similar to behavior addressed in the IEP and whether the student's behavior on the bus should be addressed in the IEP or a behavior plan.

8.4 DISCIPLINARY CHANGE OF PLACEMENT

Although District personnel must take certain steps in connection with disciplinary action against a student who has or may have a disability, the most significant procedural protections with respect to disciplinary actions against a student with a disability are triggered when the action constitutes a change in the student's educational placement.

A disciplinary change of placement occurs when a student with a disability is removed from their current educational placement for more than 10 consecutive school days in a school year; or in a series of removals that constitute a pattern when:

- the series of removals totals more than 10 cumulative school days in a given year
- the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

For any disciplinary actions that total less than 10 school days in a given school year, the District is not required to take any action.

- If school personnel have questions regarding whether a series of disciplinary actions may constitute a change in placement, they should consult the Exceptional Student Services Director.

8.5 LONG TERM DISCIPLINARY ACTION CONSTITUTES A CHANGE IN PLACEMENT

Long-term disciplinary removal for students with disabilities refers to a student's removal from instruction for over 10 consecutive school days in a given school year. This removal constitutes a change of placement.

Procedural Safeguards

Procedural Safeguards must be provided to parents when the District proposes a removal that will result in a disciplinary change of placement. Concurrent with the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability, the building administrator or designee must notify the parent of that decision and provide the parent with procedural safeguards notice.

Educational Services (Alternative Instructional Arrangements, AIA)

If a student is removed from their current educational placement for more than a total of 10 school days in a school year, the building administrator must ensure that services are provided to the student with a disability on the 11th day of total removals. These services must be provided to the extent necessary to:

- enable the student to appropriately progress in the general curriculum;

- appropriately advance toward achieving the goals set out in the student's IEP; and
- receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications, that are designed to address the behavior so that it does not reoccur.

8.6 MANIFESTATION DETERMINATION

A manifestation determination meeting must be convened immediately if possible, but no later than 10 school days after the date on which a disciplinary change of placement decision is made.

Procedure

The building administrator contacts the parent to inform them of the recommendation for a long-term removal and to provide them with a charge letter outlining the violations of the Student Code of Conduct. The building administrator must notify the ESS Director and Case Manager so that a manifestation determination/IEP meeting can be scheduled. The ESSC is responsible for the meeting notification and meeting arrangements. Appropriate prior written notice must be provided to the parent indicating disciplinary action and meeting arrangements.

Participants:

- LEA (District Exceptional Student Services Administrator);
- ESSC and/or School Administrator;
- Parent;
- School Psychologist
- General Education Teacher
- Exceptional Student Services Teacher
- Relevant members of the IEP team (as determined by the parent and LEA).

The District is required to proceed with the Manifestation Determination (MD) meeting in a timely manner. If the parent is unavailable to attend within the 10-day time frame, the manifestation determination meeting can be convened without the parent as long as there are documented attempts for the parent to participate.

Manifestation Determination Meeting

The Case Manager will facilitate the manifestation determination meeting. When conducting a manifestation determination meeting, the IEP Team 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 parent to determine:

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

Based on this information, the IEP Team must determine whether the student's behavior that is subject to the disciplinary action is a manifestation of their disability. If the LEA, parent, and relevant members of the IEP team determine that a student's misconduct was caused by or had a direct and substantial relationship to the student's disability, or a direct result of the District's failure to implement the student's IEP, the conduct shall be determined to be a manifestation of the student's disability.

If the IEP Team determines that the behavior was not a manifestation of the student's disability:

- the student is subject to the same disciplinary action as nondisabled peers;
- after the 10th day of removal, students with disabilities must continue to receive educational services until they are placed in the appropriate alternative setting; and

- the parent may request an expedited due process hearing.

The school of record remains responsible for maintaining the student's attendance and grades, as well as, providing assignments/tests until the student is enrolled in the appropriate program/school.

If the IEP team determines that the behavior was a manifestation of the student's disability, the team must either:

- conduct a functional behavioral assessment (FBA) unless the IEP team had conducted a FBA before the behavior that resulted in
- change of placement and implementation of a behavioral intervention plan (BIP); or
- review of an existing BIP for modification, as necessary, to address the behavior.

In addition, the IEP Team should complete all relevant sections of the IEP, as appropriate. The IEP Team may also want to consider if the student needs a reevaluation. The District may not impose disciplinary action and must return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement.

Special Circumstances

The District 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, in cases where a student:

- carried a weapon to school or to a school function under the jurisdiction of the District; or
- The term weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.
- knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function under the jurisdiction of the District; or
- An illegal drug means a controlled substance, but does not include a substance that the student legally possesses or uses under the supervision of a licensed health-care professional, or that is legally possessed or used under federal law.
- had inflicted serious bodily injury upon another person while at school or at a school function under the jurisdiction of the District.
- Serious bodily injury is an injury involving substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty.

The determination of an interim alternative educational setting is determined by the IEP team. However, actual site determination remains the responsibility of the District Administration. A student's parent may challenge removal to an interim alternative placement by requesting a due process hearing. For questions regarding special circumstances, contact the Exceptional Student Services Coordinator for assistance.

8.7 REQUEST FOR A HEARING

A parent may request a due process hearing when they disagree with any decision regarding disciplinary placement or the manifestation determination.

The LEA may request a due process hearing when they believe that maintaining the current placement of the student is substantially likely to injure the student or others.

The hearing officer may order a disciplinary change of placement which may include:

- returning the student with a disability to the placement from which they were removed; or
- ordering a change in placement to an interim alternative educational setting for no more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the child or others.

The State Educational Agency (SEA) is required to arrange for an expedited hearing that must occur within 20 school days from the date that the request is made. The hearing officer must render a decision within ten school days after the hearing.

Stay Put Requirements

The student is to remain in the interim alternative educational setting pending the decision of the hearing officer or until the time period of the disciplinary infraction ends. However, unless the District and the parent agree otherwise, the student's placement in the interim alternative educational setting will end either when the hearing decision is made or when the interim placement is scheduled to expire, whichever happens first.

8.8 PROTECTIONS FOR STUDENTS WHO ARE NOT YET ELIGIBLE FOR EXCEPTIONAL STUDENTS AND RELATED SERVICES

In some circumstances a student who has not yet been determined to be eligible as a student with a disability may be entitled to procedural protections. If there was a suspicion of a disability prior to the behavior infraction and recommendation of an alternative placement, discipline must cease and an expedited evaluation must occur unless the infraction was weapons, drugs or serious bodily harm.

The LEA is deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- the parent of the student had expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the student, that the student is in need of Exceptional Student Services and related services;
- the parent of the student has requested an evaluation of the student; the teacher of the student, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Director of Exceptional Student Services of such agency or to other supervisory personnel of the agency.

Exception: The LEA is deemed not to have knowledge that a student is a student with a disability if the parent of the student has not allowed an evaluation, has refused or revoked services, or the student has been evaluated, and it was determined that the student was not a student with a disability eligible for services under the IDEA.

8.9 REFERRAL TO LAW ENFORCEMENT AUTHORITIES

The protections described in this Chapter do not prevent District personnel from reporting a crime committed by a student with a disability to appropriate authorities. Similarly, these protections do not prevent state law enforcement and judicial authorities from exercising their responsibilities in applying federal or state law to crimes committed by a student with a disability. If District personnel report a crime committed by a student with a disability to appropriate authorities, they must ensure that copies of the student's Exceptional Student Services and disciplinary records are transmitted for consideration by those authorities to whom the agency reports the crime. The student's records may be transmitted only to the extent such transmission is permitted by the Family Educational Rights and

Privacy Act (FERPA).

8.10 DISCIPLINARY INFORMATION IN STUDENT RECORDS

If a student has been or is being subjected to any disciplinary action, the District may include information about such previous or current disciplinary actions in the student's records to the same extent such information is included in the records of students without disabilities. The information may include:

- a description of the student's behavior that required disciplinary action;
- a description of the disciplinary action taken; and
- any other information that is relevant to the safety of the student and other individuals involved with the student.

The District also may transmit the disciplinary information in the records of students with disabilities to the same extent that type of information is transmitted in the records of nondisabled students. If the student transfers to another school, the student's current IEP and any information of disciplinary action as described above must be transmitted with their records.

Chapter 9 - CONFIDENTIALITY AND STUDENT RECORDS

9.1 OVERVIEW

The District is required to follow certain procedures for collecting, maintaining, disclosing, and destroying educational records relating to a student with a disability. Education records include records covered under Family Educational Rights and Privacy Act (FERPA). A record includes printed or handwritten documents, but also includes information recorded in any other way, including computer media, videotape, audiotape, film, microfilm, and microfiche.

This chapter discusses student records and confidentiality requirements:

- 9.2 General Principles and Compliance Monitoring**
- 9.3 Education Records Defined**
- 9.4 Maintenance of Records and Safeguards**
- 9.5 Access to Records**
- 9.6 Copying Records**
- 9.7 Requests for Records**
- 9.8 Destruction of Records**
- 9.9 Amendment of Records at Parents' Request**
- 9.10 Annual notice of Parental Rights**

9.2 GENERAL PRINCIPLES AND COMPLIANCE MONITORING

General Principles of Confidentiality The Treutlen County School System protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. Education records include records

covered under the Family Educational Rights and Privacy Act (**FERPA**). A record includes printed or handwritten documents, but also encompasses information recorded in any other way, including computer media, videotape, audiotape, film, microfilm, and microfiche.

Compliance Monitoring and Oversight The Superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent's consent is forbidden. All persons collecting or using personally identifiable information have received training or instruction regarding department policies and procedures concerning personally identifiable information. The system maintains, for public inspection, a current listing of the names and positions of school system employees who may have access to personally identifiable information. Through Compliance review and the general supervision process, the Georgia Department of Education will ensure these policies and procedures are followed and that the requirements of these rules are met.

9.3 EDUCATION RECORDS DEFINED

Education records include records that are:

- directly related to a student; and
- maintained by the District.

The term does not include:

- records that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person;
- records of School Resource Officer;
- personnel records;
- records that are created or received after a student is no longer enrolled in the District; or
- documents under development, but are not yet completed.

Some of the protections for student records relate to information which is personally identifiable to the student. Information is personally identifiable if it includes:

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

Although this Chapter refers to the rights of the parent, these rights will transfer from the parent to the student when the student reaches age 18. If the general rights of the parent under IDEA are transferred to the student at age 18, as described in the Procedural Safeguards Chapter 2.0, the parent's rights regarding education records will transfer automatically to the student. However, the District is required to provide the parent and the student notice required under the procedural safeguards requirements of IDEA.

9.4 MAINTENANCE OF RECORDS AND SAFEGUARDS

The District is required to protect the confidentiality of personally identifiable information regarding a student. The Student Services Director is the designated District official responsible for ensuring the confidentiality of any personally identifiable information.

The Director shall:

- ensure that all school staff that collect or use a student's personally identifiable information specific to ESS are trained in confidentiality requirements;
- maintain the records in a secure and locked location; and
- ensure that a current list of the names and positions of employees who have access to the records are maintained;
- require that the person(s) who access each student education record signs the access form.

9.5 ACCESS TO RECORDS

General Right of Access

Treutlen County Schools presumes that the parents have the authority to inspect and review all records relating to their child unless we have been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce. [34 C.F.R. 300.613(C)] District personnel must permit the parent to inspect and review any education records relating to their child that the District collects, maintains, or uses under IDEA.

As part of the process of allowing access to Exceptional Student Services records, the Principal is responsible for verifying that the person requesting access has authority to do so. For assistance in determining whether a parent has authority to access a student's education records, contact the Student Services Lead or the Exceptional Student Services Director.

For procedures related to copying records refer to section 9.6

District regulations require that the Principal must comply with a request to access or review records:

- no more than 10 days after receipt of the request to review the records; or
- before any meeting regarding an IEP, hearing, or resolution session.

District personnel must be present to interpret records being reviewed and must follow the record of access procedures as described below.

Record of Access

The District is required to keep an Access Record of parties obtaining access to confidential education records collected, maintained, or used under IDEA. The Case Manager is responsible for including the Access Record form in the confidential file. The record must include the:

- first and last name and title of the party accessing the record;
- date access was given; and
- purpose for which the party is accessing the record.

Parent Right to Access

Parents' right to inspect and review education records includes the right to:

- a response from the District to reasonable requests for explanations and interpretations of the records;
- request copies of the records containing the information; and
- have a representative of the parent inspect and review the records.

In order to provide meaningful explanations of records for a parent who may be unable to read due to blindness, inability to read English, distance, or other reasons, the Principal or designee must take steps to provide an interpreter, an oral explanation, Braille versions of documents, or an opportunity to review the documents over the telephone, as appropriate. In addition, copies of certain documents may be provided to a parent. Confidentiality information shall be given in native languages appropriate for the population served by Treutlen County Schools.

If any education record includes information on more than one student, the parent has the right to inspect and review only the information relating to their own child, or to be informed of that specific information. District personnel should ensure that they block out or omit information about other students on copies of education records or take other measures to avoid disclosure to unauthorized persons.

The District is required to provide the parent, on request, a list of:

- the types and locations of education records collected, maintained, or used by the District; and
- District employees with authority to access student's personally identifiable information.

The District shall:

- inform the parent when personally identifiable information is no longer needed to provide educational services to the student
- maintain a permanent record of the student's name, address, telephone number, grades, attendance, classes attended, grades completed and the year they were completed; and
- not disclose personally identifiable information except as authorized by law.

Rights of access extend to student teachers and related service interns who have a legitimate educational interest in accessing educational records.

Specific requirements apply to maintenance and disclosure of disciplinary information included in a student's records. These requirements are discussed in the Discipline Chapter 8.0.

9.6 COPYING RECORDS

If a parent requests a copy of an education record

District personnel shall comply with the request within a reasonable period, but not more than 45 calendar days after receipt of the request.

The District is allowed to charge a fee for copying (.25 per copy), but may not charge a fee for searching or retrieving information. The fee may be waived if charging the fee would effectively prevent the parent from exercising their right to inspect and review the documents.

9.7 REQUEST FOR RECORDS

Written parental consent must be obtained before personally identifiable information in the student's records is disclosed to anyone other than officials of the District collecting or using the information under IDEA.

FERPA prevents District personnel from disclosing personally identifiable information in a student's education record, except if the parent or eligible student provides the signed Authorization for Release of Confidential Information consent form.

The written consent must:

- specify the records that may be disclosed;
- state the purpose of the disclosure; and
- identify the party to whom the disclosure may be made.

Under FERPA schools may disclose, without consent, directory information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Also, FERPA allows schools to disclose records without consent to the following parties or under the following conditions:

- school officials with a legitimate educational interest;
- other schools to which a student is transferring;
- specified officials for audit or evaluation purposes;
- appropriate parties in connection with financial aid to a student;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- compliance with a judicial order or lawfully issued subpoena;
- appropriate officials in cases of health and safety emergencies; and
- state and local authorities, within a juvenile justice system, pursuant to specific State law.

However, the district must make a reasonable attempt to notify the parent, unless the disclosure was initiated by the parent or eligible student, or unless the district's annual FERPA notification includes a provision that education records will be forwarded upon request to other institutions where the student seeks admission or intends to enroll or is already enrolled. The parent is entitled to a copy of the record that was disclosed and has the right to a hearing.

If a student transfers to another school in the District, the student's records must be forwarded to the new location.

9.8 DESTRUCTION OF RECORDS

In accordance with federal regulations under the Individuals with Disabilities Education Act (**IDEA**) and the Family Educational Rights and Privacy Act (**FERPA**), Treutlen County Schools maintains specific procedures for the destruction of special education records.

Policy on Record Destruction: The District's policy is to destroy a student's Exceptional Student Services records after the student's 22nd birthday. This process involves either the physical destruction of documents or the removal of personally identifiable information from records.

Information Retained Permanently: Even after the destruction of comprehensive special education records, the District, not the Exception Student Services Department, will permanently maintain a limited set of essential student information. This permanent record, which is not subject to a time limitation, includes:

- The student's name
- Address
- Telephone number
- Grades
- Attendance record
- Classes attended
- Grade level completed
- Year completed

This minimal information is retained to meet future verification needs for purposes such as social security benefits or post-secondary enrollment.

Parental Rights Regarding Record Destruction: Parents have the right to request the destruction of personally identifiable information contained within their child's special education records once it is no longer needed to provide educational services. If a parent wishes to make such a request, they should contact the school Principal, who may then consult with the Student Services Department to facilitate the process.

The District ensures that all procedures for record destruction comply with state and federal laws, safeguarding student privacy while fulfilling necessary record-keeping obligations.

9.9 AMENDMENT OF RECORDS AT PARENT'S REQUEST

Request for Amendment

The parent may request the District to amend information in their child's education records if the parent believes that the information:

- is inaccurate
- is misleading; or
- violates the student's privacy rights or other rights.

The parent must submit the request in writing to the Principal or designee to explain which information is being challenged and the reasons for their objection to the information.

The Principal or designee will contact the Exceptional Student Services Director who will inform the parent within 10 days in writing of the determination, the reasons for the decision, and the right to appeal.

Appeal

The parent has the right to appeal the determination to the Superintendent, within ten school days after receipt of the Exceptional Student Services Director's letter. The Superintendent or designee, shall hold a hearing with the parent within fifteen working days of receipt of the appeal.

Hearing

Upon a parent's request, the District is required to provide an opportunity for a hearing to challenge information in the student's education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The parent's request for a hearing should be forwarded to the Superintendent or designee.

Requirements:

- the hearing must be scheduled within fifteen working days after receipt of requests
- reasonable notice must be provided to the parent of the date, time, and place of the hearing;
- the hearing must provide the parent a full and fair opportunity to present relevant evidence, and the parent may be assisted by an attorney or other individual at the parent's expense;
- within five working days after conclusion of the hearing, the Superintendent or designee, must inform the parent of their decision in writing; and
- the parent shall be notified of the decision by certified mail.

If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, District personnel must amend the information accordingly. District personnel are responsible for informing the parent in writing that the information has been amended.

If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Superintendent or designee must inform the parent of their right to place in the student's District records a statement commenting on the disputed information or setting forth any reasons for disagreeing with the information. Any such explanation that is placed in the student's records must be maintained by the District as part of the student's records as long as the record or contested portion is maintained by the District. If the student's records or the contested portion are disclosed by the District to any party, the explanation must also be disclosed to the party.

9.10 ANNUAL NOTICE OF PARENTAL RIGHTS

District is required to notify parents annually of their right to:

- inspect and review the student's education records;
- seek amendment of the student's education records that the parent believes are inaccurate, misleading, or that violate the student's privacy rights;
- consent to disclosure of personally identifiable information unless an exception applies; and
- file an administrative complaint regarding alleged noncompliance with records requirements.

The District provides annual notice to the parent about these rights in print format distributed to all parents at the beginning of each school year. These rights are also available to parents through the Treutlen County Board of Education website. The District is required to provide annual notice in a manner that effectively notifies parents who are disabled, or who have a primary or home language other than English.

Chapter 10

CASE MANAGER RESPONSIBILITIES

10.1 OVERVIEW OF CASE MANAGEMENT

10.1.1 Role and Core Responsibilities of the Case Manager

The Exceptional Student Services Department of Treutlen County School District outlines the comprehensive responsibilities for case managers assigned to students with disabilities. Case management is a critical function that ensures students' educational rights are met and that all procedural timelines are adhered to. Each Exceptional Student Services student is assigned a certified Exceptional Student Services staff member as their case manager. A certified Exceptional Student Services staff member may serve as both a Specialist Case Manager and a Service Provider.

It is the Case Manager's responsibility to ensure that Exceptional Student Services and related services are provided to the child as outlined in the child's IEP, and to make a good faith effort to assist the child in achieving the goals listed on the IEP. This includes, but is not limited to, the following core duties:

- Monitor IEP and Eligibility dates and assure timely completion of both.
- Be knowledgeable of the educational history, IEP goals, accommodations, and services for each student.
- Verify that all accommodations and services are implemented according to the most recent IEP.
- Ensure general education teachers and paraprofessionals have access to planning information such as accommodations, services, behavior intervention plans, and assistive technology.
- Provide a copy of the BIP to the Exceptional Student Services Administrator for each student on the caseload.
- Update staff of any revisions to the IEP and services throughout the year.
- Plan and implement specialized instruction for mastery of IEP goals and objectives.
- Keep data documentation for each student.
- Coordinate and obtain progress monitoring data for IEP goals and objectives.
- Record progress on current goals and objectives and send with each report card.

10.1.2 District Oversight and Compliance Monitoring

The school ESSC monitors timeline compliance through GOIEP reports for each case manager regarding IEPs, Eligibilities, and Progress Reporting. The ESSC conducts yearly record checks of both the hard copy file and GOIEP with the case managers. Additionally, the ESSC conducts quarterly data checks, which include data collection for progress monitoring on goals and objectives, transition goals, and ASPIRE activities.

This chapter provides detailed guidance on the Case Manager's responsibilities in regard to the following areas:

- **10.2 File Management**
- **10.3 File Setup**
- **10.4 Requests for Records**
- **10.5 IEP Implementation**
- **10.6 Progress Monitoring**
- **10.7 Progress Reports**
- **10.8 FTE and State Student Record**

10.2 FILE MANAGEMENT

The school file contains legal documents which include the Exceptional Student Services referral, eligibility reports, comprehensive educational evaluations and Individual Education Program Plans. The school file is the official Treutlen County School District file and is the only complete hard copy. The file is considered confidential and should only be viewed only by authorized personnel. The case manager must keep the file secure at all times. Sign the file out

of the file room if it is removed for a meeting or review. Sign the access sheet each time. This file must be present at every IEP review. Return the file to the file room by the end of the day.

10.3 FILE SETUP

Each Exceptional Student Services file consists of four “tabbed” sections organized in chronological order from bottom to top. These tabs can be obtained from the Exceptional Student Services file room. The Tabs are outlined below as they would appear in the actual file folder.

Access Sheet

- Place on the inside of the folder, on the right flap.
- Most recent Medical Report and Medicaid Form under the Access sheet.
- Sign when the file is reviewed at the beginning of the year.
- Sign when reviewed at any other time during the year.
- Sign at each IEP

TAB 1: Individual Education Plans

- IEP Addendums and Revisions to Current IEP
- Current Year IEP
- Notice of IEP Meeting
- Adaptive Transportation Form (when appropriate)
- All Other IEPs (build from bottom to top)

TAB 2: Eligibility Redeterminations

- Redetermination Consideration Report (current on top)
- Most Recent Psychological Report *Should always be directly under current Redetermination
- Re Eligibility Report
- Reevaluation Report
- Consent to Reevaluate
- Redetermination Meeting Notice
- All Other Redetermination Consideration Reports

TAB 3: Exceptional Student Services Referral Information

- Initial Consent to Place
- Initial IEP
- Initial Eligibility Report
- Initial Evaluation Report
- Referral to MTSS Tier 3 or Babies Can’t Wait
- Minutes of Review Meeting
- Referral to Exceptional Student Services for Evaluation
- Parental Consent for Evaluation
- Referral to MTSS Tier 2
- Updated Student Education Plan
- Permission for MTSS Screening
- Hearing and Vision Screening
- Response to Intervention Data
- Observation
- Analyzed Work Samples
- Achievement Assessments

- Behavior or Adaptive Skills Assessment
- FBA/BIP (as appropriate)

After each annual review the case manager must scan the paperwork into GOIEP and ask the ESS Director or Lead Teacher to finalize the IEP in GOIEP. The case manager will then file the new IEP information into the folder and return it to the ESS File Room.

10.4 REQUESTS FOR RECORDS

An *Authorization to Release Records and Confidential Information Form* must be obtained and forwarded to the BOE for records to be provided to any third party (ex. Physician, Forwarding School Systems, Advocates, DFCS, DJJ, Attorneys). The records release form can be found in the Google Repository. Parents requesting copies of the entire student file must still provide a request for records in writing to the BOE. Copies of the current year IEP, Comprehensive Educational Evaluation, or Eligibility Report may be provided by the local school to the parent upon request.

10.5 IEP IMPLEMENTATION

An IEP must be implemented as soon as possible after the meeting at which the IEP is developed or revised, except when:

- The meeting occurs during the summer or a vacation period; or,
- There are circumstances that require a short delay, such as arranging transportation.

When a Student's IEP must be in Effect

Each student that is in need of Exceptional Student Services and related services, with a current eligibility, must have an IEP in effect at the beginning of the school year. This should be followed with fidelity and implemented on the first day the student is in school.

Access to the IEP

Each teacher or school staff person (including paraprofessionals and bus personnel, as appropriate) who is responsible for the implementation of the IEP must have access to it. The Case Manager is responsible for notifying each teacher, service provider, or school staff member who has responsibilities for IEP implementation (specifically, the accommodations, modifications and supports that must be provided for the child in accordance with the IEP). General education teachers, Exceptional Student Services teachers, and related service providers may access the IEP through SLDS and/or GO-IEP. The Case Manager will verify through the IEP access log that each teacher and related services provider responsible for implementation of the IEP has accessed the IEP electronically within 10 days of the IEP implementation date and when schedule changes/service provider changes occur. The Case Manager will provide hard copies of the IEP to other service providers that do not have access to SLDS and/or GO-IEP such as paraprofessionals, bus personnel, etc. The Case Manager will maintain a Contact Log and record when copies of the IEP were provided to service providers.

Implementation of the IEP

The IEP must be implemented in the educational environment identified in the IEP. The student's class schedule and school assignment must be consistent with the identified Least Restrictive Environment on the IEP.

All IEP services must be implemented by appropriate service providers. The appropriate service providers are identified on the service page. Service providers must document the initiation and provision of each service in the

Contact Log when the IEP is implemented, each time the IEP is revised, and at the beginning of each school year. Additional documentation that IEP services are being provided should be documented in attendance records, teachers' lesson plans, class lists, providers' schedules and caseload lists.

All IEP services must be provided without interruption. The Contact Log must contain documentation to show that all IEP services are implemented by the legal initiation date. If services are to be interrupted or have been interrupted, the Case Manager must notify the ESS Lead immediately. The ESS Lead will coordinate with the ESS Director and Case Manager to plan for make-up for any missed services and communicate the plan to the parents/guardians. The Case Manager must document how missed services are made up and when the services are made up.

The Case Manager must document indirect services. Indirect services are any services notated in the Supplementary Aids, Services, and Supports section of the IEP provided for the Case Manager, other teachers, related services providers, and paraprofessionals. The Case Manager may document when the indirect services were provided in the Contact Log.

All identified instructional and testing accommodations and/or modifications must be fully implemented. The Case Manager is responsible for working with any general education teachers to ensure that accommodations and/or modifications are planned for and provided for the students on his or her caseload. Teachers may document accommodations provided directly on student work, maintaining a working file of student work or progress monitoring, lesson plans, personal contact logs, and the Communication Log in Infinite Campus or GOIEP (as appropriate).

10.6 PROGRESS MONITORING

The National Center on Student Progress Monitoring defines Progress Monitoring as a scientifically based practice that is used to assess students' academic performance and evaluate the effectiveness of instruction. To implement progress monitoring, the student's current levels of performance are determined and goals are identified for learning that will take place over time. The student's academic performance is measured on a regular basis (weekly or bi-weekly). Progress toward meeting the student's goals is measured by comparing expected and actual rates of learning. Based on these measurements, teaching is adjusted as needed. Thus, the student's progression of achievement is monitored and instructional techniques are adjusted to meet the individual student's learning needs.

The assessment tools selected for progress monitoring should be specific to the skills being measured. Progress monitoring can be as simple as marking X's or checkmarks on a sticky note as a student remembers to raise his or her hand during a class discussion. It may involve detailed notes requiring specialized professional interpretation for a student exhibiting severe, challenging behavior. However, most progress monitoring involves collecting meaningful data toward meeting academic goals and informing instruction on success of interventions being implemented. Curriculum Based Measures (CBMs) are frequently used for progress monitoring of academic IEP goals. For example, in reading, an appropriate progress monitoring tool would target the specific essential elements of reading with an individual student having difficulty, such as phonemic awareness, phonics, fluency, vocabulary and/or comprehension.

According to IDEA, IEP teams are obligated, through Progress Monitoring Procedures, to collect data to provide evidence for a student's progress toward the goals in their IEPs. Research indicates effective progress monitoring for Exceptional Student Services students should occur weekly. The Case Manager is responsible for progress monitoring and oversight of progress monitoring if data is to be collected by another Exceptional Student Services teacher, general education teacher, or paraprofessional. All documentation should be kept for that student (see next section) and be available for review periodically. The steps for progress monitoring are:

- Establish a benchmark for performance (IEP goal) and plot it on a chart (e.g., using reading probes, the student will read orally at grade level 40 words per minute by May 20th). It must be plotted at the projected instructional period, such as the end of the school year.
- Establish the student's current level of performance – baseline (e.g., 20 words per minute).
- Draw an aim line from the student's current level to the performance benchmark.
- Monitor the student's progress consistently (e.g., every Monday). Plot the data.
- Analyze the data on a regular basis, applying decision rules (e.g., the intervention will be changed after six data points that are below the aim line).
- Draw a trend line to validate that the student's progress is adequate to meet the goal over time.
- Enter the data into GOIEP under Progress Monitoring for that student.

Data Notebook/File

The Case Manager is responsible for maintaining a progress monitoring data notebook/file for each student on his or her caseload. The documentation data should include the following for each IEP goal and objective: a copy of the IEP goals/objectives or list of goals, charts and graphs of data probes including the intervention used, work samples to support data probes, secondary and related service data (this may be a one-time per year summary of progress given to the Case Manager from the provider of the service – Speech/Language, VI Services, DHH services, OT, PT). The data notebook will be checked quarterly by the ESS Director and/or Lead with a rubric for necessary components. Feedback will be provided to case managers after the data review, GOIEP review, and foster discussion on continuing or changing interventions based on data.

10.7 PROGRESS REPORTS

IDEA requires the reporting of progress toward mastery of IEP goals at least as often as progress reporting for nondisabled students. The Case Manager is responsible for ensuring that all progress monitoring data from each team member is entered in the GOIEP progress report. Prior to the last day of the reporting period, all data must be entered into the progress report. The Case Manager is responsible for generating the progress report in GOIEP and sending a copy electronically as an attachment or in a confidential sealed envelope to the parent according to the district's reporting schedule. Progress reports should be sent to parents:

- Pre-K through K: every 9 weeks
- Grades 1-5: every 9 weeks
- Grades 6-12: every 9 weeks

At each Annual IEP Review, the Case Manager will print a copy of the cumulative progress report to share with the parent.

10.8 FTE AND STATE STUDENT RECORD (SR)

FTE reporting refers to the state funding mechanism based on student Enrollment and the educational services local school systems provide for the students. FTE data is collected twice each year – the first Tuesday in October and the first Thursday in March. Data collected on each count day can be thought of as a “picture” of the scheduled instructional services provided for the students by the local school system on that specific date. One FTE (Full-Time Equivalent) is equal to six “instructional segments.” An Instructional segment is the service provided to a student during one-sixth of an academic day. For purposes of reporting FTE, the academic day is thought of as being divided into six equal segments of instructional time.

Prior to the FTE reporting cycle, the Case Manager is responsible for verifying the accuracy of each student's services with the student's schedule and SR reporting events in GOIEP. The ESS Director will explain the process for their school

for data verification at the beginning of the school year, and set the schedule for this process.

The Case Manager is responsible for verifying that each student's Exceptional Student Services records are accurate for SR reporting with the ESS Director. Below are the required SR reporting events, and a description of how the events are to be reported in order to prevent error codes. All errors must be corrected before SR sign-off in June; therefore, it is important to confirm with your ESSC prior to the last day of post planning that all Exceptional Student Services events are reported accurately. Generally, the ESS Director will correct any SR errors, but the Case Manager is responsible for maintaining the supporting documents in the hard file. The Exceptional Student Services reporting events for SR are:

- Students must have a record for the Initial IEP Meeting (event '05') or IEP Annual Review (event '07').
- Students must have a record for the Initial Eligibility Determination (event '04') or the Eligibility Redetermination (event '08').
- The date for the IEP Annual Review (event '07') should be greater than the date of the IEP Placement (event '06') and the Initial IEP Meeting (event '05').
- If the Initial IEP Meeting (event '05') date is greater than 1 year, and no newer record is reported for IEP Annual Review (event '07') an error will be generated in the State Student Record.
- If the IEP Annual Review (event '07') date is greater than one year an error will be generated in the State Student Record.
- If the Initial Eligibility Determination (event '04') is greater than three years and there is no Eligibility Redetermination Date, (event '08') an error will be generated in the State Student Record.
- If the Eligibility Redetermination Date (event '08') is greater than three years, an error will be generated in the State Student Record.
- The Exceptional Student Services Exit Event Code (event '09') is reported only when a student is no longer eligible for Exceptional Student Services services.
- If an Exceptional Student Services student withdraws and also reports a Exceptional Student Services Exit event (event '09'), the withdrawal date must be after the event date reported for exit event.
- The Exceptional Student Services Exit Event Code (event '10') is reported only when a parent revokes consent for Exceptional Student Services services. If an Exceptional Student Services student withdraws and also reports an Exceptional Student Services Exit event (event '10'), the withdrawal date must be after the event date reported for exit event (event '10').
- Student Present at Conference and Parent Present at Conference must be coded 'Y' or 'N' for Initial IEP Meeting (event '05') and the IEP Annual Review (event '07').
- For students with a Primary Area of Exceptionality, and are in grade 9-12 or age 16 or older, the Student Present at Conference must be 'Y' or 'N' for the Initial Meeting (event '05') and the IEP Annual Review (event '07').

Chapter 11

TRANSFER STUDENTS: PROCEDURES AND REQUIREMENTS

11.1 OVERVIEW OF TRANSFER PROCEDURES

11.1.1 Purpose and Guiding Principle

A student's right to a Free Appropriate Public Education (FAPE) is not affected by access to prior records; all students must receive FAPE. Therefore, when a student with an Individualized Education Program (IEP) transfers into a new school district, whether in the same State or a different State, the new district (in consultation with the parents) must initially provide FAPE to the student, including the provision of services comparable to those described in the student's IEP from the previous school district. This chapter provides information on the state options for out-of-state transfers and in-state transfers, as well as the District's procedures for processing Exceptional Student Services transfers to ensure that the transferring student receives FAPE.

11.1.2 District Oversight and Compliance Monitoring

The Treutlen County School District (TCS) implements robust procedures for both in-state and out-of-state transfers to protect students with disabilities' right to FAPE. The Student Information Coordinator sends a weekly report of students whose GTID numbers have been claimed and who were previously reported as receiving Exceptional Student Services to the ESS Lead. The ESS Lead verifies that enrollment procedures have been followed for each student. The ESS Director ensures that GOIEP enrollment options are marked correctly and that services are being implemented for students upon enrollment, including the completion of an IEP or IEP Amendment.

11.1.3 Chapter Scope

This chapter discusses the procedures and requirements related to:

11.2 Options for Out of State Transfers

11.3 Options for In-State Transfers

11.4 Enrollment Procedures for Transfers

11.5 Placement Procedures for Transfers

11.6 State Student Record Recording for Transfers

11.2 OPTIONS FOR OUT OF STATE TRANSFERS

The State allows the following options for out of state Exceptional Student Services transfers:

Adopt out of state eligibility and IEP

The adoption date is the date of the initial eligibility for Georgia, but the eligibility expiration date is 3 years from the date of the prior state's eligibility determination.

The initial IEP date for Georgia is the date the IEP was adopted, but the IEP expires as indicated on the IEP from the prior state.

The initial placement date is the date services are initiated in Georgia.

Accept out of state eligibility/IEP but move the information to Georgia eligibility and IEP forms.

The eligibility information is entered into GOIEP and the documents uploaded; the date of transfer is the initial eligibility date for Georgia. The expiration date is three years from the date of the Georgia eligibility determination.

The initial IEP date for Georgia is the date of transfer of information to the Georgia IEP. The IEP expires as indicated on the Georgia developed IEP.

The initial placement date is the date services were initiated in Georgia.

Eligibility information is inconsistent with Georgia State eligibility requirements and will warrant an evaluation.

Obtain consent to evaluate.

The evaluation is an initial evaluation for Georgia; therefore, the 60-day timeline applies.

Initial eligibility determination must occur within 60 days of the consent to evaluate being signed by a parent or guardian.

The initial IEP must be developed within 90 days of consent to evaluate.

Initial placement and initiation of services in Georgia must occur within 90 days of consent to place.

If the student enrolls after the timeline has begun, but prior to determination, the district must ensure sufficient progress to prompt completion of the evaluation and the parent and district must agree to a specific time when the evaluation will be completed.

11.3 OPTIONS FOR IN-STATE TRANSFERS

Procedures for any student that transfers to Treutlen County from another Georgia county:

Adopt all eligibility and IEP information from the prior GA district

Adopt the eligibility date from the prior district. The eligibility will expire three years from the date of the prior district's eligibility determination.

Adopt the IEP date from the other district. The IEP will expire as indicated on the IEP from the prior district.

Services are initiated on the date the IEP from the other district is adopted.

Develop and implement a new IEP

The District may initiate a referral for a reevaluation for eligibility redetermination if eligibility from the prior district is in question.

The IEP team develops a new IEP with the parent.

Services are initiated on the date indicated on the new IEP.

11.4 ENROLLMENT PROCEDURES FOR TRANSFER STUDENTS

Enrollment begins with the school registrar or other designee. The registrar informs the parent of the enrollment requirements and has the parent complete the enrollment packet. The registrar will ask the parent if his or her child was in Exceptional Student Services; if so, the parent will verify on the school's registration form how the child was served at the prior school. The registrar will notify the building ESS Lead and Exceptional Student Services Administrator that a student with special needs is enrolling.

Exceptional Student Services records should be submitted to the school registrar by the parent or guardian at the time of the student's enrollment. However, if the parent/guardian does not present the student's records to the

school, the school registrar must contact the student's previous school to request his or her Exceptional Student Services records, including:

- the student's IEP;
- the most recent psycho-educational evaluation report;
- any functional behavior assessments and behavior intervention plans; and
- current eligibility report.

The school registrar will notify the assigned ESS Lead of the transfer and give all records to the ESS Lead to be scanned into GOIEP. If the above records are available at the time of enrollment, are faxed to the school registrar immediately, or verified by phone the ESS Lead or Case Manager will:

- Schedule a transfer IEP placement meeting with the parent. The procedures for the transfer IEP meeting are outlined in the next section.
- If records are not readily available at the time of enrollment, the student must be enrolled for general education services until records are verified from the previous district.
- The school registrar and ESS Lead will document all contacts and attempts to obtain and verify records from the previous school district.
- If records cannot be obtained after three attempts, the ESS Lead should contact the Exceptional Student Services Department for assistance. Once records are verified and received, the ESS Lead or Case Manager will then schedule the transfer IEP placement meeting.

11.5 PLACEMENT PROCEDURES FOR STUDENTS

After Exceptional Student Services records are received and verified for a transfer student, the ESS Lead or Case Manager will set up a transfer IEP placement meeting to determine eligibility as needed and plan for services comparable with those provided in the previous school district. The ESS Lead will document the interim services and share with stakeholders. The IEP Placement Meeting should take place within 30 days of receiving the transfer paperwork.

The ESS Lead or Case Manager must ensure that the necessary participants are included in the transfer IEP placement meeting (for example, the school psychologist must be included for out of state transfers, and the SLP must be included if the student received speech services in the previous district). The ESS Lead must provide prior written notice of the transfer IEP placement meeting to the parent of the student.

The IEP team must review eligibility information from the previous district. Generally, the IEP team will adopt the eligibility from an in state district. For out of state transfers, the ESS Director would carefully review the eligibility before determining eligibility.

For Out of State Transfers

If the IEP team determines that an evaluation is necessary to establish eligibility in Georgia the evaluation is treated as an initial and the 60-day timeline applies. The ESS Lead is responsible for working with the case manager to process the Redetermination packet and send the packet to the ESS Director.

If the transferring eligibility information is consistent with Georgia eligibility requirements, the IEP team may adopt the current eligibility. The initial eligibility date is the date that the IEP team adopts the eligibility report from the previous district, but the expiration date is three years from the date of the transfer eligibility report.

The IEP team may choose to have a redetermination and establish that additional information is needed. Information from the transferring eligibility report and develop a new eligibility report for Georgia. The initial eligibility date is

the date the new eligibility determination was made, and the expiration date is three years from the initial Georgia eligibility date.

The ESS Case Manager will obtain a signed consent for placement from the parent upon the parent accepting the adopted IEP, amendment of the adopted IEP, or the new IEP.

For In State Transfers

If the IEP team determines that a reevaluation is needed for continued eligibility the evaluation is treated as a normal reevaluation and the applicable timeline is 90 days.

The IEP team must review the transferring IEP and determine if the services can be matched. IDEA requires that comparable services be provided.

Adopt the current IEP, amend as needed to provide comparable services; or develop a new Treutlen County IEP.

A new consent for placement is not required since the student already has consent for placement from the previous Georgia district. The ESS Lead should obtain a copy of the original consent for placement from the other district if not provided at the time records were requested.

11.6 STATE RECORD FOR TRANSFER STUDENTS

The ESS Director is responsible for properly recording State Student Record data in GO-IEP for transfer students.

First time Georgia students - must report all events as initial events. The following records are required for new Exceptional Student Services students from out of state: Initial Eligibility Determination, Initial IEP Meeting, and Initial IEP Placement.

If the student has a current out of state eligibility and IEP but was reported in the State Student Record in the prior school year – Do not report initial data. Students must have a record for IEP Annual Review and a record for Eligibility Redetermination.

In-state transfers must have a record for IEP Annual Review and a record for Eligibility Redetermination.

Exceptional Student Services Coordinators Review State Student Record errors during each FTE cycle. Errors are investigated by the Exceptional Student Services Director.

Chapter 12 -

MindSet

12.1 OVERVIEW AND GUIDING PRINCIPLES

12.1.1 Purpose and Prohibitions

The use of physical restraint is prohibited in Georgia public schools and educational programs except in situations where the student poses an immediate danger to themselves or others and is not responsive to less intensive behavioral interventions, including verbal directives or other de-escalation techniques. The use of seclusion is strictly prohibited in Georgia public schools and educational programs. This aligns with Georgia State Board of Education Rule 160-5-1-.35: Seclusion and Restraint for All Students, which prohibits seclusion and limits restraint use.

12.1.2 District Philosophy and Approach

Treutlen County Schools (TCS) recognizes that managing challenging behavior while delivering engaging instruction can be intense. The methods and strategies taught by the Mindset program are designed to help educators foster positive and successful learning environments. The Board acknowledges that in certain limited situations, the use of physical restraint by adults employed by the Board may be necessary. Decisions regarding physical restraint require personal deliberation and judgment, and this policy provides guidance and direction for employees in exercising their discretion. Nothing in this policy shall interfere with the duties of law enforcement or medical emergency personnel, including School Resource Officers, if applicable.

12.1.3 Compliance Monitoring

Each Principal will determine a time and method to ensure that appropriate staff members, parents, and students are familiar with Georgia code JGF (2) 160-5-1-.35. All schools within the district are expected to develop a Crisis Prevention (CP) team. Principals are responsible for assuring that a CP team is identified for the school and that the team participates in training and updates in accordance with the guidelines set forth by MindSet. It is an expectation of Treutlen County Schools that each school have a team of staff members who are trained in the use of physical restraint. Proper documentation of any incident requiring the use of physical restraint is mandatory. Staff member(s) implementing the procedure must submit an Intervention/Restraint Report of the incident to his or her administrator. It is highly recommended that the form be completed with the ESSC or Administrator. The Principal or Designated Administrator is required to sign the report and responsible for notifying the parent(s) and Exceptional Student Services Department within 24 hours from the use of physical restraint. The district level Exceptional Student Services Coordinator reviews all restraint reports and keeps a file of all reports.

12.1.4 Chapter Scope

This chapter will define physical restraint and other forms of restraint that are strictly prohibited in Georgia public schools, as well as what does and does not constitute seclusion. This chapter will outline the District's requirements and procedures for training and the use of physical restraint, including reporting requirements.

12.2 Definitions

12.3 Training Requirements

12.4 Nonviolent Crisis Prevention Training

12.5 Procedures for Using Physical Restraint with Students

12.6 Reporting Requirements

12.2 DEFINITIONS

The different types of restraint and seclusion are defined below. All are prohibited in Georgia Public schools with the exception of physical restraint. Physical restraint may only be used under exceptional circumstances that are outlined in section 12.3.

Chemical restraint – any medication that is used to control behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition.

Mechanical restraint – the use of any device or material attached to or adjacent to a student's body that is intended

to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.

Prone restraint – a specific type of restraint in which a student is intentionally placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the prone position.

Physical restraint – direct physical contact from a trained adult that prevents or significantly restricts a student’s movement. The term physical restraint does not include prone restraint, mechanical restraint, or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.

Seclusion – a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out, in-school suspension, detention, or a student requested break in a different location in the room or in a separate room.

Time out – a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

12.3 TRAINING REQUIREMENTS

Each Principal will determine a time and method to ensure that appropriate staff members, parents, and students are familiar with Georgia code JGF (2) 160-5-1-.35, along with procedures regarding the use of behavior management techniques, physical restraint, and seclusion. The principal will maintain documentation of sign-in logs of all necessary parties attending the meeting when this information is reviewed.

Treutlen County School District has selected the MindSet program and procedures for managing aggressive behavior. The purpose of this program is to facilitate insight, raise awareness, enhance skills, and ultimately certify professionals in a system of preventing and managing aggressive behavior. With a goal to set in motion a process of increased awareness, skill development, and appropriate parameters for individuals and organizations to eliminate the need for physical restraint or seclusion, teachers will be actively involved in preventing aggressive behavior.

All schools within the district are expected to develop a Crisis Prevention (CP) team. Principals are responsible for assuring that a CP team is identified for the school and that the team participates in training and updates. A CP team list shall be sent to the central office designee each year within the first month of school. Only MindSet trained staff should engage in the use of physical restraint under conditions outlined in section 12.5.

It is an expectation of Treutlen County Schools that each school have a team of staff members who are trained in the use of physical restraint. Any staff member can participate in the training provided; however, there are required members to the CP team. At least one Administrator in the building; All ESS faculty and staff; and the Principal and Central Office have the authority to designate staff members to participate, if it is deemed necessary for his or her safety or the safety of others.

12.4 DE-ESCALATION AND PHYSICAL RESTRAINT INTERVENTIONS

MindSet is offered within the Treutlen County School District. There are three options offered for certification with MindSet, Full Instructor Certification, Foundations Training Instructor Certification, and a recertification option. Currently, Treutlen County has developed a system to ensure staff members have ongoing, proper training for restraint use. A Full Instructor Certification option is intended for administrators or teacher-leaders; these trainers will provide district training.

Mindset teaches a core philosophy of using non-harmful and non-physical means to address students with acting out behaviors. During training, staff will learn how to:

Promote Choice and Trust

- A person in crisis can and will choose alternatives to aggressive behavior if given the opportunity.
- Fear and a sense of powerlessness often fuel aggression.
- Trust and opportunities for choice can counteract fear and the sense of powerlessness.

Avoid Power Struggles

- Human emotions can “tip the scale” in a crisis situation.
- Present yourself as an ally and assess your body language.
- Get in your CAR (calm, aware, respectful) before, during, and after crisis situations.

Seek Pro-Action vs. Reaction

- Timing is essential in effectively managing a crisis situation.
- Use good judgment in not under-reacting or over-reacting.
- Both staff/teachers and consumers/students should develop specific pro-action strategies relative to creating a safe environment.

Set-up Everyone For Success

- To achieve a “culture of prevention”, everyone involved must establish and implement “customized strategies” for creating safe environments.
- Consistency and teamwork are essential ingredients of a safe environment.
- Consumers/students must be empowered to become their own risk managers.

12.5 PROCEDURES FOR PHYSICAL RESTRAINT

The following procedures for the appropriate use of physical restraint must be followed by staff members in working with Exceptional Student Services students. These procedures apply to all Exceptional Student Services students in all school settings, programs and activities subject to the exceptions noted in the definition section of this guidelines document:

- The use of physical restraint in the management of severe student behavior is prohibited unless there is a dangerous situation and physical restraint is necessary to protect the student or another person or persons;
- When practicable, other less intrusive interventions should have been attempted if time and circumstances permitted, and failed to manage that particular behavior. Explanation for why other interventions were deemed inadequate or inappropriate will be provided;
- Physical restraint is not a teaching procedure or behavioral intervention and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse or destruction of property or disruption;

- Physical restraint procedures will be performed whenever possible by certified trained staff members with at least two staff members present at all times to monitor the intervention and the student's safety;
- The use of physical restraint is used only for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self or others;
- The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint;
- Staff members will monitor the student for any safety or medical concerns, including risk of injury.

12.6 REPORTING REQUIREMENTS

Proper Documentation of any incident requiring the use of physical restraint is mandatory. Staff member(s) implementing the procedure must report the incident to their administrator as soon as possible. It is highly recommended that the form be completed with an ESSC or Administrator. The Principal or Designated Administrator is required to contact and report the incident to the parent(s) and Exceptional Student Services Department within 24 hours from the use of physical restraint.

Procedure for Informing Parents of Physical Restraint

The building Principal, or designee, will make good faith efforts to contact a parent or guardian of the student who has been physically restrained as soon as is reasonable, but within 24 hours of the time when the restraint occurred. The following procedures apply to parental notification:

- Subsequent to a student being physically restrained, reasonable efforts will be made and documented to verbally communicate with the parents or guardians;
- Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, including leaving a voicemail, email, in person, or by letter. These efforts will be documented;
- An Incident Report will be given to the parent and/or guardian. This should also be documented.
- The parent will be advised of the circumstance and course of events leading up to, and resulting in, the restraint and how the situation was resolved.
- School staff members will engage in one or more of the following follow-up actions with the parent(s) or guardian(s) as appropriate: debrief of the incident, co-plan future proactive and prevention strategies, conduct a functional behavior analysis (FBA), develop a new or modify current behavior intervention plan (BIP).

Chapter 13

TIME AND EFFORT REPORTING FOR IDEA

GRANTS

13.1 OVERVIEW

13.1.1 Purpose and Requirements

All employees charged to federal IDEA grants must maintain accurate time and effort reporting. Any employee funded with IDEA grants is required to document the time they spend working on the grant's objectives. This documentation demonstrates that the amount budgeted and claimed for personnel costs is accurate and directly supports the grant's objectives. Time and effort records are housed by the sub-recipient (Treutlen County Schools) and are not submitted directly to the awarding agency. These records are subject to review during audits, monitoring visits, IDEA complaints, or other situations that require the sub-recipient to provide evidence that time funded by the federal grant was spent working toward the grant's objectives.

13.1.2 District Procedures and Compliance Monitoring

The Treutlen County School District (TCS) ensures that employees funded with federal IDEA grants document their time through time and effort records. Employees who spend 100% of their time working toward the grant's objectives will certify their work activity twice annually. Employees who split their time between the grant's objectives and another program will document their time working on the grant objectives monthly. The Exceptional Student Services Director will monitor compliance for time and effort documentation and maintain these records. For employees spending 100% of their time on grant objectives, their time will be certified by the building principal in January and June. The principal will return this certification to the Exceptional Student Services Director, who will cross-reference it with monthly payroll reports. The building principal will be notified by the Exceptional Student Services Director if the certification is discrepant against payroll reports, at which time the principal will be required to recertify. Transportation personnel will be certified by the Transportation Director. The Exceptional Student Services Director will review and sign monthly certifications for employees who are split-funded with IDEA grants, and these certifications will be maintained on file.

13.1.3 Chapter Scope

This chapter outlines the specific reporting requirements and procedures for meeting these requirements, including:

13.2 What is Required: Types of Time and Effort Records

13.3 Single Cost Objective – Semi-Annual Certification

13.4 Multiple Cost Objective – Personnel Activity Reports (PARs)

13.5 Multiple Cost Objective – Single Funding Source – PARs Required

13.6 Procedures for Semi-Annual Certification and PARs

13.7 Reporting of Substitutes for IDEA Grant Employees

13.2 WHAT IS REQUIRED: TYPES OF TIME AND EFFORT RECORDS

There are two types of required time and effort records: general semi-annual certifications and detailed monthly reports. The type of record that must be kept is based on the job responsibilities of the individual charged to the grant. The job responsibilities are referred to as either "single cost objective" or "multiple cost objectives."

The difference between a single cost objective and multiple cost objectives is determined by how an employee works, not how the employee is funded.

13.3 SINGLE COST OBJECTIVE – SEMI ANNUAL CERTIFICATION

An individual who has a single cost objective has a position that is dedicated to a singular purpose. For example, an Exceptional Student Services paraprofessional is considered to have a single cost objective because this paraprofessional works only with Exceptional Student Services students. An individual who has a single cost objective would complete semi-annual certifications. A semi-annual certification is a sign-off twice a year (usually every six months) by the employee *or a supervisor* with first-hand knowledge of the employee's work.

Semi-annual certification should identify:

- Employer's Name
- Employee's Name
- Federal Program
- Reporting Period
- Employee's Position
- Single Cost Objective

13.4 MULTIPLE COST OBJECTIVE

An individual who serves different student populations needs to complete monthly Personnel Activity Reports, often referred to as PARs.

PARs need to be completed at least monthly, after the work has been completed. The PAR must reflect the individual's total work time and identify the portion of time spent on the federal project. The PAR *must* be signed by the employee. The PAR must be supported with documentation of actual effort, not estimates.

Supporting documentation could be a work calendar, work product, time log, or class schedule. The employee who signs off on the PAR must have supporting documentation for the time reported. Relying on time estimates identified in the grant budget rather than actual time recorded through a work calendar or class schedule will result in an audit or monitoring finding of unallowable costs.

A school psychologist may be an individual who needs to complete PARs instead of a semi-annual certification. If the school psychologist is funded through IDEA but is also funded locally to work with students who do not have disabilities, she has "multiple cost objectives" because she works with both Exceptional Student Services and non-Exceptional Student Services students. Her monthly PARs would document 100% of her work schedule and identify the amount of time she spends working only with students with disabilities and time working on "non-federal activities."

The required information that must be on the PARs is:

- Employer's Name
- Employee's Name/Position
- Federal Program
- Reporting Period
- 100% of Work Activities
- Employer's Signature

PARs, for employees working on multiple cost objectives, must follow these standards:

- **After-the-fact record:** The PAR must be created after the work has been executed. Projections of how an employee is expected to work or position descriptions would not be sufficient.
- **Total activity:** The PAR must account for the total activity for which each employee is compensated, including part-time schedules or overtime.
- **Monthly:** The PAR must be completed at least monthly and must coincide with one or more

- pay periods; and
- **Signed and dated:** The PAR must be signed and dated by the employee. Unlike the semi-annual certification, signature of a supervisor alone would not be sufficient, however, the supervisor could sign in addition to the employee.

13.5 MULTIPLE COST OBJECTIVE – SINGLE FUNDING SOURCE – PARs REQUIRED

In some situations, an individual could be charged to a single federal funding source but have multiple cost objectives. This may occur with IDEA funding if the individual is charged to both the flow-through grant and also funded with coordinated early intervening services (CEIS) funds. If a school psychologist is charged to the regular IDEA grant to work with Exceptional Student Services students and also to the CEIS portion of the grant to work with regular education students, then she would need to keep PARs to document the time spent with Exceptional Student Services versus the time spent with non-Exceptional Student Services students (as well as any other time outside of federal funding).

13.6 PROCEDURES FOR SEMI ANNUAL CERTIFICATION AND PARs

Semi-annual certification is maintained by the Exceptional Student Services department for periods July 1 – December 31 and January 1 – June 30. The Exceptional Student Services Director maintains a list of all employees funded through IDEA grants. In December this list was cross referenced with payroll reporting from the finance department. Any single cost objective employee that received payroll during the reporting period will receive a semi-annual periodic certification form from the Exceptional Student Services department on the last work day in December. The employee or supervisor must return the original signed semi-annual certification form within 5 work days to the Exceptional Student Services department. This process will be repeated in May each year with the semi-annual certification forms sent to employees at least five days prior to the last day of school. In the event that an employee no longer works for Treutlen County Schools the supervisor of that individual will be required to sign the semi-annual periodic certification form.

13.7 PROCEDURES FOR REPORTING OF SUBSTITUTES FOR IDEA GRANT EMPLOYEES

Substitutes for any Exceptional Student Services paraprofessional or teacher funded through IDEA grants are not required to complete semi-annual certification nor PARs. However, time and effort must be verified through other means. Each building principal is responsible for maintaining this documentation through proper sign-in procedures for all substitutes. The building principal will follow the procedures below utilizing this sign-in document:

- Highlight any federally funded paid substitute.
- Place the account number of which this employee is to be paid at the bottom of the document.
- Forward a copy of the document to the appropriate federal program Manager (for IDEA grants send this document to the Exceptional Student Services Director).

Chapter 14

RELATED SERVICES

14.1 OVERVIEW OF RELATED SERVICES AND SENSORY IMPAIRMENT SUPPORT

14.1.1 Purpose and Guiding Principles

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

In Treutlen County, many related services are provided through independent contracts with service providers. These services are provided after the IEP has been implemented to support a student in achieving IEP goals and objectives. In some cases, the referral for a related service may be part of the initial special education referral process.

14.1.2 Compliance Monitoring

The Exceptional Student Services Director or designee assures that students receive services appropriately. In addition, the Exceptional Student Services Director, or designee, will monitor all referrals made for students in Treutlen County.

14.1.3 Chapter Scope

This chapter describes the referral process and the documentation required for various supportive services, including:

14.2 General Referral Process for Related Services

14.3 Specific Related Services: Referral and Procedures

14.4 Services for Sensory Impairments

14.2 GENERAL REFERRAL PROCESS FOR RELATED SERVICES

The decision to complete a referral packet should be made as the result of an IEP meeting where the need for the referral was discussed and agreed upon by the team. The current IEP should be amended to clearly document the areas of educational concern and the student's weaknesses which may require assistance from related services. The case manager will complete the referral form and obtain the parents' signature. If the referral is a part of an initial Exceptional Student Services evaluation or reconsideration, then the system's consent to evaluate can be submitted in lieu of the parent signature on the form.

The referral form and supporting documents are sent to the Exceptional Student Services office for the director's signature. A record of all referrals is kept by the director or his/her designee.

The Referral for Related Services Form is used to request the services of Occupational Therapy, Physical Therapy, Audiology and/or Orientation and Mobility. Depending on the service requested, a set of supporting documentation may be required.

New Referrals

- The school sends the referral form along with supporting documentation, meeting minutes or amended IEP where the need for the referral was discussed, to the Exceptional Student

Services Office.

- Ensure to check the appropriate box under Source of Referral.
- Under Required Attachments to Referral, check the boxes that indicate which attachments are included.
- The related service provider will contact the case manager and schedule a time to observe/evaluate the student. When completed, the case manager will be notified to schedule a meeting to discuss the results of the observation/ evaluation.
- The related services provider shall provide a written report of the results of the observation/evaluation.
- The written report must be summarized in the present level of performance of the student's IEP and attached to the student's file in GO-IEP by the service provider. Attaching the report to the student's file in GO-IEP does not negate the entry into the IEP.
- If needed and agreed upon by the team, services must be added to the IEP.

14.3.1 Occupational Therapy (OT)/Physical Therapy (PT)

OT & PT are a Related Service – Related Services are designed to assist Exceptional Student Services students in meeting goals and objectives established by the IEP or 504 team. Prior to a Related Services referral, the student must be found eligible for Exceptional Student Services in one or more qualifying eligibility categories. Related services should not be added to an IEP or 504 plan prior to completion of the referral process.

New Referral Process:

New referrals are initiated as the result of a meeting where the need for the related service was discussed and agreed upon by the team. Best practices are for the OT or PT to be made aware of the upcoming referral and when this meeting will be taking place. The therapist can then work with the case manager to determine if it would be helpful to have them attend the referral meeting.

The case manager or other individual designated by the school/system is responsible for completing the referral form and obtaining the parent's signature.

If the referral is a part of an initial Exceptional Student Services evaluation or reconsideration, then the District's consent to evaluate can be submitted in lieu of the parent signature on page 1 of the referral form.

The following documents must be included in the submitted referral:

- Completed referral form
- Meeting minutes (IEP, SST/MTSS Process or 504) where the team discussed the need for a OT/PT referral)
- Supporting work samples (mandatory for OT handwriting referrals)
- Medical information (private evaluations, physician reports, hospitalizations, etc.)

The referral and all supporting documents should be sent to the Director of Exceptional Student Services for review. After ensuring referral is complete, the ESS Director will sign the referral.

The case manager and/or teacher should anticipate contact from the service provider within 10 working days of receiving the referral. If the case manager has not heard from the service provider, please contact the ESS Director.

When the Occupational and/or Physical Therapist has completed their evaluation, they will notify the Case Manager. The Case manager will schedule a meeting with the IEP team to discuss the evaluation results and determine if services are warranted.

The service provider will provide the case manager and parents with a report of any assessments conducted,

outcomes, and recommendations.

If needed, services will be added to the IEP or 504 plan during the meeting to discuss evaluation results.

Important: Referrals received after April 15 will be processed and the service provider(s) will be notified, however, due to state testing and end of the year activities, only critical referrals will be completed. All referrals received after April 15 will be addressed at the beginning of the following school year.

Transfer Student with Related Services on IEP

This pertains only to students who transfer with OT or PT services on their IEP.

The case manager notifies the therapist of the transfer student who receives OT/PT services.

Therapist and case manager should discuss if their attendance in the transition meeting is necessary. Although their attendance is not mandatory, there are occasions when it would be helpful (i.e. IEP contains an intensive amount of services, goals are unclear, etc.)

If transfer IEP is accepted on an interim basis, the therapist will meet with the committee at the end of the interim placement with recommendations for educationally relevant therapy based on observations, any assessments conducted, and goals developed by the committee.

If transfer IEP is accepted without an interim period, the therapist may request an IEP meeting to discuss concerns regarding goals or service delivery.

A copy of the IEP and completed referral (including parent signature) are sent to the ESS Director.

Parent signature is required on the Referral to allow the therapist to conduct observations and assessments needed to determine the appropriateness of the student's level of service in the new educational environment.

Important Exception: Due to Georgia licensure rules, physical therapists are not allowed to provide direct services to students until they are in possession of a physician's referral. School staff can speed this process by requesting the referral from the parents or have the parent sign a release form to obtain the referral from their new physician. The PT will begin providing service as soon as the physician's order has been received.

Preschool Referral

Many very young students transition into preschool Exceptional Student Services programs having received Occupational Therapy or Physical Therapy from Babies Can't Wait (BCW). It is important to note, BCW services are determined based on medical, not educational needs. Receiving OT and/or PT services through BCW does not automatically transfer with students once they begin receiving services through their school system. Most preschool programs have curriculum in place to address the basic fine and gross motor needs of the developing child.

Unless educational needs are evident, best practices are for the Preschool Exceptional Student Services Teacher to observe the student for a period of time to determine if specialized services of an OT or PT are warranted. As a reminder, Related Services are designed to assist the Exceptional Student Services student in meeting the goals and objectives established by the IEP team. When the Exceptional Student Services Teacher is unable to address a student's physical needs within the established curriculum, a referral should be initiated. **Please Note: Follow the New Referral Process outlined in this section.**

There are times when a referral should be initiated as a part of the transition process:

- The student uses equipment for positioning, ambulation, or self-help areas
- The student is known to have severe physical needs that cannot be met with preschool curriculum alone.

With significantly involved students, the OT or PT should be part of the transition team. In these cases, the OT/PT, lead therapist, or ESS Director will attend the transition meeting to assist with completion of the transition plan and referral for services. It is imperative to contact the therapist when these students begin the transition from early intervention to school. Therapist involvement throughout the transition process will ensure the necessary support and equipment are in place when the student begins school.

14.3.2 Audiology

The Related Services Referral form should not be used when the school is requesting a hearing re-test. There is a separate form for this service. The re-test is provided by the Treutlen County School Nurse and is not considered a related service. The form should be used:

- When audiology services are being requested to support a student who is receiving Deaf/Hard of Hearing services.
- When a student has hearing aids.
- When an Exceptional Student Services student has a history of permanent or fluctuating hearing loss.

14.3.3 Orientation and Mobility (O&M)

Only students who are eligible for Exceptional Student Services services under the category of Visually Impaired can receive Orientation & Mobility. Students should already be eligible for VI services or are being evaluated for Visually Impaired Eligibility. The Teacher of the Visually Impaired can advise the school as to the need for a referral for Orientation & Mobility services.

Transfer with a Related Service on the IEP

The case manager notifies the therapist that there is a transfer student and the amount of service on the IEP.

Therapist attendance at the interim meeting is not mandatory, but the therapists may need to attend if the incoming IEP contains an intensive amount of service (more than 30 minutes per week).

The case manager will provide the therapist a copy of the IEP and a copy of the completed Related Services Referral form.

The parent must sign consent on referral form to cover any evaluations/assessments needed to determine the appropriateness of the student's level of service in their new educational setting. If the system is reevaluating the student, a copy of the parental consent may be substituted.

The therapist may note on the bottom of the original referral form that they have received a copy of the IEP and other pertinent documents.

The case manager will forward the referral to the Exceptional Student Services Director.

The therapist will begin to serve the student, including any assessments and/or observations that are needed.

If the transfer IEP was accepted on an interim basis, the therapist will meet with the committee at the end of that interim placement with recommendations for educationally relevant therapy based on the goals developed by the committee.

If the transfer IEP was accepted without an interim period, the therapist may request a new IEP meeting if he or she has concerns regarding the goals or service delivery.

14.3.4 Interpreting Services

Interpreting services are provided for students who are deaf or have a severe hearing loss and test data or progress monitoring data indicate that available classroom accommodations are not sufficient to provide the student with access to the curriculum. In many cases these students' needs cannot be met within the Treutlen County School District. In such circumstances, the IEP team should meet to decide which services are necessary to provide FAPE. The student's LRE and placement must also be considered.

The case manager shall generate the meeting notice in GOIEP.

This process should not be used if you require an interpreter to be present for an IEP meeting.

14.4 Services for Sensory Impairment

Deaf and Hard of Hearing Services (DHH) and Visual Impairment (VI) services are not a related services and a referral form for either of these services cannot be submitted as a stand-alone document. Each disability is an eligibility category of its own. Students must be found eligible for these services either through the initial referral or redetermination process.

14.4.1 DEAF HARD OF HEARING SERVICES (DHH)

The Referral for Deaf/Hard of Hearing referral form must be included in the initial referral or redetermination packet and forwarded to the Exceptional Student Services Director. The supporting documents are identified on the form. Check the line next to requested documents and include them with the packet.

Ensure you check the box that identifies the source of the referral.

Include the following documentation in the referral package for new referrals/re-evaluations:

- Vision Screening (Passed-must be less than one-year-old).
- Audiological Evaluation (Must be from a licensed audiologist and less than one-year-old).
- Parental consent to evaluate.
- Minutes documenting the discussion of an evaluation/revaluation.

Otological Report completed by the physician (less than a year old). Best practice is to have the report as part of the initial packet; however, you can take up to 90 days after placement to obtain the report.

Once received the report should be attached to the eligibility report.

Include the following in the referral package for transfer students:

- Most Current Audiological Evaluation (from a licensed Audiologist)
- IEP indicating D/HH services
- Eligibility

The Referral for Deaf/Hard of Hearing form must be reviewed and signed by the school administrator before it is sent to the Exceptional Student Services Director.

14.4.2 VISUALLY IMPAIRED

The Referral for Visually Impaired Services form must be included in the initial referral or redetermination packet and forwarded to the Exceptional Student Services Director. The supporting documents are identified on the form. Check the line next to requested documents and include them with the packet.

Ensure you check the box that identifies the source of the referral.

Include the following documentation in the referral package for new referrals/re-evaluations:

- Current Georgia Eye Report.
- Current Hearing & Vision Screening (Vision may be omitted if student is not capable)
- Parental consent to evaluate.

Minutes documenting the discussion of an evaluation/revaluation

Include the following in the referral package for transfer students:

- Current Georgia Eye Report
- IEP indicating Visually Impaired services
- Eligibility Report indicating that student meets criteria for VI services

The Referral for Visually Impaired Services form must be reviewed and signed by the school administrator before it is sent to the Exceptional Student Services Director.

14.4.3 Speech-Language Services for PDHH Students

Speech and language services can be provided as a related service when a language delay is having a negative impact on academic achievement but the delay is not significant enough to qualify as a disability. Depending on the type and severity of the delay, the language delay may or may not require the services of an SLP.

The student must first complete the referral/eligibility process and be found not eligible as a student with a language disability.

The language delays are more academic instead of a disability.

Language goals and objectives can be added to the IEP.

However, this is a rare occurrence. Most DHH students who exhibit language and or articulation delays will qualify for speech services and require the services of an SLP.

Chapter 15

DISPUTE RESOLUTION

15.1 Overview

15.1.1 Purpose and Guiding Principles

Disputes regarding the rights and services of students with disabilities and their families can be resolved through a variety of means. The initial step a parent should take is to contact the student's case manager or principal. If the issue cannot be resolved at this level, parents should then contact the Exceptional Student Services Director. Often, disputes are resolved efficiently at the school district level with minimal time and conflict. For all other disputes, formal resolution processes such as filing a formal complaint, mediation, and/or a due process hearing are available. Additional dispute resolution guidelines are also found in Chapter 2 of this procedures manual.

15.1.2 District Approach and Compliance Monitoring

The Treutlen County School District (TCS) ensures that any complaints and/or disputes regarding Exceptional Student Services are addressed expeditiously. Most complaints and/or disputes can be resolved at the school level through the IEP process. The first point of contact at the school level for dispute resolution is the ESS Case

Manager. Each school also has an ESS Lead Teacher and an administrator, usually an Assistant Principal, assigned as the building administrator for Exceptional Student Services. Any complaint or dispute that cannot be resolved at the school level should be referred to the Exceptional Student Services Director.

The ESS Administrator will investigate any complaint/dispute initiated by a parent. After investigation, the ESS Administrator will contact the parent with a resolution, which may require an IEP meeting. Any complaint/dispute reported directly to the building principal or Exceptional Student Services Administrator will be reported to the ESS Director so that a resolution can be coordinated. If the parent does not agree to resolve the complaint/dispute, the ESS Lead or building administrator will refer the issue to the Exceptional Student Services Director for alternative resolutions and contact the parent.

Formal complaints and requests for a due process hearing should be reported directly to the Exceptional Student Services Director. The Exceptional Student Services Director will notify the school board attorney of receipt of the formal complaint or due process hearing request. The Exceptional Student Services Director will coordinate a resolution meeting with the parent for any filing of a formal complaint or due process hearing request. After a formal complaint has been investigated by the Georgia Department of Education (GaDOE), the Exceptional Student Services Director will ensure that any noncompliance is corrected within guidelines established by the GaDOE. The Exceptional Student Services Director will ensure that any orders issued by an administrative law judge (ALJ) as the result of a due process hearing are implemented in a timely manner.

15.1.3 Chapter Scope This chapter discusses the requirements and procedures for:

15.2 Formal Complaint

15.3 Mediation

15.4 Due Process Hearing

15.2 FORMAL COMPLAINT

Any organization or individual can file a formal complaint alleging the violation of the Individuals with Disabilities Education Act (IDEA) procedures or of Georgia rules or the failure of a party to comply with the written agreement of a mediation or resolution process. The complaint must be filed within one year of the alleged violation. The formal complaint form can be found on the Georgia Department of Education website. The complaint must include the following:

- A statement that a public agency has violated a requirement of the IDEA or Georgia rules for Exceptional Student Services;
- The facts based on the statement; and
- Suggested resolutions.

The complaint filed must be sent to the Exceptional Student Services Director and the Georgia Department of Education by the organization or individual filing the complaint. Once the complaint is received and reviewed by the Exceptional Student Services Director, the organization or individual filing the complaint will be contacted in order to present a proposal to try to resolve the complaint. If the proposal is accepted, the GA DOE investigation will be discontinued. The individual accepting the proposal must notify the GADOE of this decision. If the proposal is not accepted, then the GA DOE investigation will continue. A response from the Exceptional Student Services Director will be sent to both the GADOE and the individual filing the complaint within 10 days of receipt. Along with this response the Exceptional Student Services Director will provide a copy of the parental rights document to the individual filing the complaint.

Within 60 calendar days of the receipt of the complaint the GADOE will issue a written decision that addresses each allegation in the complaint and contains findings of fact and determinations of compliance or noncompliance. The timeline may be extended to accommodate for mediation or other exceptional circumstances with respect to a

particular complaint. When a violation of the law or regulations has occurred, a resolution will be required. The resolution may include technical assistance activities, compensatory services, reimbursement or other corrective actions to achieve compliance. The decisions of state complaints cannot be appealed.

15.3 MEDIATION

Mediation is a non-adversarial process conducted by a qualified mediator appointed by the GA DOE. The Formal Complaint Form provided by the GADOE includes a section for those willing to participate in the mediation process. If an individual filing the complaint checks “yes” for mediation, and the Treutlen County School District is in agreement to this, then the mediation process will begin. The complaint investigation may still proceed during the mediation process. If both parties reach a resolution as a result of mediation, the resolution agreement is drafted by the mediator and signed by both parties. The mediator will notify the GADOE of the agreement, and the complaint is closed. The Exceptional Student Services Director will ensure that the components of the mediated agreement are implemented.

15.4 DUE PROCESS HEARING

Parents or the school district may request a due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of Exceptional Student Services and related services to the child. Usually, a due process hearing is requested when other dispute resolution means have been unsuccessful.

A due process hearing request must allege a violation occurred not more than two years before the date the parent or school district knew (or should have known) about the alleged action that forms the basis of the request. To request a due process hearing, the following steps must be taken

The initiating party will inform the other party and the GADOE of the request. If the parent is the initiating party, then the request only needs to be sent to the school district. It is the responsibility of the school district to forward the request to the GADOE.

The request must be completed in its entirety on the Due Process Hearing Request Form found on the GADOE website.

Once the request is received by the GADOE, then the Office of State Administrative Hearings (OSAH) will be contacted for assigning an Administrative Law Judge (ALJ).

An ALJ will proceed over the hearing and will contact both parties to set up arrangements

The Treutlen County School District is responsible for:

- Contacting the GADOE legal services department to provide notification of receipt of the due process hearing request on the date received, and
- Providing written notice to the initiating party of the hearing regarding the issues stated in the request within 10 days of receiving the request.

The Parent is responsible for:

- Responding to the school district within 10 days of receiving the due process hearing request within 10 days if the parent is the receiving party.
- Providing sufficient information with the request to ensure the school district understands why the request is being made if the parent is the initiating party.
- Consider using the resolution meeting or mediation to resolve the conflict; and providing notice to the school district if agreeable to using the resolution meeting or mediation.

If the Treutlen County School District believes the due process request is insufficient to warrant a hearing, then the school district will notify the ALJ within 15 days of receiving the request. If the request is deemed insufficient by the ALJ, then the parent must refile the request or withdraw the request. The Treutlen County School District must offer the option of a resolution meeting within 15 days of receiving the due process hearing request and prior to the initiation of the hearing.

The resolution meeting must include the IEP team and a representative of the school district that has decision-making authority.

The resolution meeting may not include an attorney for the district unless the parent is accompanied by an attorney.

If an agreement is reached during the resolution meeting, then a written settlement will be developed and signed by both parties. The agreement is binding after a 3 day review period or through the state. The agreement must be implemented by the end of the 30 day resolution period or the due process hearing will proceed.

If no agreement is reached, the timeline for the due process hearing (45 days) begins upon notice to the ALJ.

If both the parent and the school district agree in writing to waive the resolution meeting, then the resolution meeting need not take place.

The school district and the parent can choose to use mediation to resolve the due process hearing request in lieu of a resolution meeting or when the resolution meeting did not result in a settlement agreement. A due process hearing must be conducted and the decision issued by the ALJ within 45 days of the hearing request. The timeline begins when the school district received the request. Extensions to this timeline may be allowed to accommodate for mediation or other circumstances. Such extensions must be filed with the ALJ and approval is at the discretion of the ALJ.

More information and GADOE forms regarding the dispute resolution process please visit the GADOE webpage: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/default.aspx>.

Chapter 16 - TRANSITION PROCEDURES

16.1 Overview

16.1.1 Purpose and Guiding Principles

Transition services are designed to prepare students to make the crucial transition from the world of school to the world of adulthood. In planning what type of transition services a student needs, the IEP Team considers areas such as postsecondary education or vocational training, employment, independent living, and community participation. For students with disabilities, these choices may be more complex and require extensive planning.

16.1.2 District Approach and Compliance Monitoring

Transition requires support from multiple sources for the student and their family to make informed choices, develop connections, and access necessary services. Transition planning begins not later than the first IEP to be in effect when the student begins ninth grade or turns 16 (or younger if determined appropriate by the IEP team) and is updated annually thereafter.

Case managers must develop and update transition plans for each student on their caseload, as appropriate. The

ESSC will review transition plans to ensure they are written in a compliant manner. The ESS Director will review two transition plans from each middle school and high school, and as appropriate from elementary schools, to ensure plans are being written in a compliant manner. The ESSC and ESS Director will provide case managers with corrective feedback when appropriate.

16.1.3 Chapter Scope

This chapter serves as the procedure manual for developing transition activities and writing compliant transition plans, covering:

- 16.2 Transition Definition**
- 16.3 IDEA Requirements for Transition**
- 16.4 Transition Assessment**
- 16.5 Writing Transition Plans**
- 16.6 Developing Transition Activities**

16.2 TRANSITION DEFINITION

Transition is the successful transition of students with disabilities from school to post-secondary environments which should be a primary focus of educators who work with these students. The purpose of transition planning is to assist students with disabilities to build the skills and supports they need to successfully reach post-secondary goals. Transition is important in order to prepare students for change, ensure that appropriate steps are being taken to help students become more self-determined.

Transition planning begins at the elementary level and continues through high school. Although there are multiple components, the basis of transition planning includes:

- A results-oriented process which focuses on education and training needed to help students reach their long-term goals
- Facilitates the movement from school to post-secondary activities.
- Based on the student's needs; taking into account preferences, interests, strengths, and skills

16.3 IDEA REQUIREMENTS FOR TRANSITION PLANS

Written transition plans as part of the IEP, must be completed and in effect by the time the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP team and is updated annually thereafter. The IEP must include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and (2) the transition services (including course of study) needed to assist the child in reaching those goals. Course of study should focus on instructional and educational classes and experiences that will assist the student to prepare for transition from secondary education to postsecondary life and a regular high school diploma. It should relate directly to the student's post-secondary outcome goals and show how the planned course of study is linked to these goals. The course of study should be meaningful to the student's future and motivate the student to reach successful post school outcomes.

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

16.4 TRANSITION ASSESSMENT

The five main components of transition are: instruction, related services, community experience, daily living skills and the development of employment and other post-school adult living objectives. Case managers must conduct appropriate assessments in the above areas to determine the student's transition needs and the services that address

those needs.

A clear understanding of the student's strengths and needs is critical to developing and implementing effective transition plans. The purpose of transition assessment is to help Individualized Education Program (IEP) teams determine the appropriate courses of study and community/vocational experiences that the student will need to be successful in post-school goals. Whether a student is interested in pursuing postsecondary education, trade school, employment (supported included) or other activities associated with adult living, assessments will provide valuable information about the student's abilities and deficits.

For further guidance and examples regarding Transition Assessment refer to the following link for the State Transition Manual: [State Transition Manual](#). The Case Manager will insure that the appropriate Transition Assessments are given to each student that is of transition age or grade, on their caseload. The assessment can include interest inventories, questionnaires, surveys, and skills inventories. Assessments should include input from students, parents, and teachers and case managers.

It is the expectation of Treutlen County that the Transition Assessments are completed at least one month prior to the annual IEP review. Allowing this time will assure that the case manager has all of the information to work on the Transition Plan with the student. Within Treutlen County Schools, we have a list of assessments for students:

- Adaptive Curriculum Students- Career Clusters Inventory, Transition Questionnaires for teachers, parents, and students
- Students participating in General Education - YouScience, O'NET, Transition Questionnaires for teachers, parents and students

Once the assessments have been distributed and collected from the participants, the case manager may then move forward with the development of the Transition Plan within Go-IEP.

16.5 WRITING TRANSITION PLANS

Case Managers will compile and review Transition Assessment data and progress monitoring for current Transition Goals and Activities with the student. Once those have been completed, the case manager and student will review post-secondary goals for employment, education, and/or independent living and update as needed. Transition goals and activities for the upcoming **IEP** will be developed by the case manager and student that support the post-secondary goals utilizing all data from transition assessments and checklists.

When writing the Transition Plan in **Go-IEP**, the case manager must address all areas within the plan. The following sections must include:

16.5.1 Preferences

Areas of consideration include course of study, post-secondary education, vocational training, employment, continuing education, adult services, and community participation:

- Student's grade and age,
- Diploma track
- Student's interests and preference (tasks or career related, can include social if it can be linked to a vocational skill)
- Info on courses that the student has taken related to their career interest, or courses that the student can benefit from
- Info on other experiences the student has had related to future goals, or experiences that can be beneficial.
- "According to the Transition Questionnaire..." Should reference any transition assessment that was used which relates.

16.5.2 Post-Secondary Goals

These goals are to be achieved after graduation and there must be a completion goal for Education and Training and Employment.

- Uses “After graduation,” “After completion of high school,” or “Upon exit from public school”
- Statement entered for Education and Employment (Independent Living section as appropriate)
- Goals address what student will do after graduation
- Goals use the word “WILL” (not “plans to, would like to, is interested in, desires,” etc.)

16.5.3 Education and Training Goals

Goals based on academics, functional academics, life-centered competencies or career/technical training needs and job training. Goals should be related to what the student will do to gain more education or training to reach their post-secondary goal:

- Credit recovery to graduate on time
- Intervention classes to improve test scores
- Tutoring and Help sessions when grades fall
- Seeking assistance before course tests
- Functional academic skills in the community
- Measurable - ask yourself “How do I know when they have completed this?”

For each post-secondary goal area, transition goals and activities (yearly goals), data will be collected and completed by the **IEP** review date.

16.5.4 Employment Goals

Goals based on occupational awareness, employment related knowledge and skills, and specific career pathway knowledge skills. Goal is related to what the student will do to develop their employment skills or greater knowledge of a career:

- Career awareness activities (interest inventories, occupational portfolios, research, etc.)
- Job Acquisition Skills (applications, interviews, etc.)
- Job Shadowing
- Completing chores at home
- Measurable - ask yourself “How do I know when they have completed this?”

16.5.5 Community Participation Goals

Goals based on knowledge and demonstration of skills needed to participate in the community (e.g. tax forms, voter registration, building permits, social interactions, consumer activities, accessing and using various transportation modes). Goal is related to what the student will do to increase their involvement in the school or local community, and as a contributing citizen, such as:

- Transportation- knowing and assessing
- Communication/Interaction- engaging with peers
- Consumerism: making purchases, using post office
- Activities: Volunteering, clubs and sports, etc.
- Civic duties: Taxes, voting, selective service, legal status to work
- Measurable - ask yourself “How do I know when they have completed this?”

16.5.6 Adult Living Skills/Post School Options Goals

Goals based on skills for self-determination, interpersonal interactions, communication, health/fitness, and the knowledge needed to successfully participate in Adult Lifestyles and other Post School Activities (e.g. skills needed to manage a household, maintain a budget, and other responsibilities of an adult). Goal addresses the student’s need to improve areas such as:

- Self-advocacy- knowing disability, speaking up for oneself, expressing strengths and weaknesses, making preferences known
- Home Living Skills- independently caring for chores and other activities as assigned, following a schedule and calendar, etc.
- Health/Fitness- care that is critical to reaching post-secondary goals

- Adult responsibilities- making appointments, keeping schedule of important dates
- Finances- checking and savings account, paying bills
- Meal Prep- Planning, shopping for, and preparing meals.
- Measurable - ask yourself “How do I know when they have completed this?”

16.5.7 Daily Living Skills Goals

Goals based on adaptive behaviors related to personal care and well-being to decrease dependence on others. (Broad based goals that focus on the carrying out of a task independently- NOT the teaching of a new skill). Goal is related to what the student will do to increase independence or appropriate behaviors, such as:

- Hygiene, Toileting, Initiation, Cleaning
- Measurable - ask yourself “How do I know when they have completed this?” Activities clearly spell out the actions needed.

16.6 DEVELOPING TRANSITION ACTIVITIES

The statement of transition services includes a multi-year plan of strategies and activities that will assist the student to prepare for postsecondary activities such as postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation.

For each goal listed in the transition plan, there must be at least one activity or strategy selected to assist the student in completion of the goal. IEP teams should specify the expected date of implementation (March 2021, Fall 2022). The dates of implementation can be from the date of the IEP meeting to any date prior to the student’s expected date of high school graduation. The Case Manager is responsible for arranging, providing and/or implementing each activity or strategy. When others are involved in the transition process, the case manager should also share the specific responsibilities and monitor continual progress (student, parent, school staff, etc.).

Data and progress notes on goals should be documented within the transition plan. Progress Notes should remain in the plan from year to year, as to create a fluid log of information from year to year.

Case Managers will compile and review Transition Assessment data and progress monitoring for current Transition Goals and Activities with the student. Once those have been completed, the case manager and student will review post-secondary goals for employment, education, and/or independent living and update as needed. Transition goals and activities for the upcoming IEP will be developed by the case manager and student that support the post-secondary goals utilizing all data from transition assessments and checklists.

When writing the Transition Plan in Go-IEP, the case manager must address all areas within the plan. The following sections must include:

Preferences:

Areas of consideration include course of study, post-secondary education, vocational training, employment, continuing education, adult services, and community participation:

- Student’s grade and age,
- Diploma track
- Student’s interests and preference (tasks or career related, can include social if it can be linked to a vocational skill)
- Info on courses that the student has taken related to their career interest, or courses that the student can benefit from
- Info on other experiences the student has had related to future goals, or experiences that can be beneficial.

- “According to the Transition Questionnaire...” Should reference any transition assessment that was used which relates.

Post-Secondary Goals:

These goals are to be achieved after graduation and there must be a completion goal for Education and Training and Employment.

- Uses “After graduation,” “After completion of high school,” or “Upon exit from public school”
- Statement entered for Education and Employment (Independent Living section as appropriate)
- Goals address what student will do after graduation
- Goals use the word “WILL” (not “plans to, would like to, is interested in, desires,” etc.)

Education and Training:

Goals based on academics, functional academics, life-centered competencies or career/technical training needs and job training. Goals should be related to what the student will do to gain more education or training to reach their post-secondary goal:

- Credit recovery to graduate on time
- Intervention classes to improve test scores
- Tutoring and Help sessions when grades fall
- Seeking assistance before course tests
- Functional academic skills in the community
- Measurable - ask yourself “How do I know when they have completed this?”

For each post-secondary goal area, transition goals and activities (yearly goals), data will be collected and completed by the IEP review date.

Development of Employment:

Goals based on occupational awareness, employment related knowledge and skills, and specific career pathway knowledge skills. Goal is related to what the student will do to develop their employment skills or greater knowledge of a career:

- Career awareness activities (interest inventories, occupational portfolios, research, etc.)
- Job Acquisition Skills (applications, interviews, etc.)
- Job Shadowing
- Completing chores at home
- Measurable - ask yourself “How do I know when they have completed this?”

Community Participation: Goals based on knowledge and demonstration of skills needed to participate in the community (e.g. tax forms, voter registration, building permits, social interactions, consumer activities, accessing and using various transportation **modes**). Goal is related to what the student will do to increase their involvement in the school or local community, and as a contributing citizen, such as:

- Transportation- knowing and assessing
- Communication/Interaction- engaging with peers
- Consumerism: making purchases, using post office
- Activities: Volunteering, clubs and sports, etc.
- Civic duties: Taxes, voting, selective service, legal status to work
- Measurable - ask yourself “How do I know when they have completed this?”

Adult Living Skills/Post School Options:

Goals based on skills for self-determination, interpersonal interactions, communication, health/fitness, and the knowledge needed to successfully participate in Adult Lifestyles and other Post School Activities (e.g. skills needed to manage a household, maintain a budget, and other responsibilities of an adult). Goal addresses the student's need to improve areas such as:

- Self-advocacy- knowing disability, speaking up for oneself, expressing strengths and weaknesses, making preferences known
- Home Living Skills- independently caring for chores and other activities as assigned, following a schedule and calendar, etc.
- Health/Fitness- care that is critical to reaching post-secondary goals
- Adult responsibilities- making appointments, keeping schedule of important dates
- Finances- checking and savings account, paying bills
- Meal Prep- Planning, shopping for, and preparing meals.
- Measurable - ask yourself "How do I know when they have completed this?"

Daily Living Skills:

Goals based on adaptive behaviors related to personal care and well-being to decrease dependence on others. (Broad based goals that focus on the carrying out of a task independently- NOT the teaching of a new skill).

Goal is related to what the student will do to increase independence or appropriate behaviors, such as:

- Hygiene, Toileting, Initiation, Cleaning
- Measurable - ask yourself "How do I know when they have completed this?"
- Activities clearly spell out the actions needed.

16.6 DEVELOPING TRANSITION ACTIVITIES

The statement of transition services includes a multi-year plan of strategies and activities that will assist the student to prepare for postsecondary activities such as postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation.

For each goal listed in the transition plan, there must be at least one activity or strategy selected to assist the student in completion of the goal. IEP teams should specify the expected date of implementation (March 2021, Fall 2022). The dates of implementation can be from the date of the IEP meeting to any date prior to the student's expected date of high school graduation. The Case Manager is responsible for arranging, providing and/or implementing each activity or strategy. When others are involved in the transition process, the case manager should also share the specific responsibilities and monitor continual progress (student, parent, school staff, etc.).

Data and progress notes on goals should be documented within the transition plan. Progress Notes should remain in the plan from year to year, as to create a fluid log of information from year to year.

Chapter 17

PRIVATE AND HOMESCHOOL STUDENTS

17.1 Overview

The information in this chapter explains the provisions related to, and benefits available to, children with disabilities

who are enrolled by their parents in private schools, including religious schools, when the provision of FAPE is not at issue. In IDEA, these children are often referred to as “parentally placed private school children” with disabilities, and the benefits available to them differ from the benefits for children with disabilities in public schools. Children who are home schooled within the boundaries of the school district are considered parentally placed private school students for the purpose of Exceptional Student Services.

The school district’s obligations to parentally placed private school children with disabilities are different from its responsibilities to those enrolled in public schools. Parentally placed children with disabilities do not have an individual entitlement to services they would receive if they were enrolled in a public school. Instead, the school district is required to spend a proportionate amount of IDEA federal funds to provide equitable services to this group of children. Therefore, it is possible that some parentally placed children with disabilities will not receive any services while others will. For those who receive services, the amount and type of services also may differ from the services the child would receive if placed in a public school by the parents or in a private school. The school district is required to consult with private school representatives and representatives of parents of parentally placed children with disabilities during the design and development of Exceptional Student Services and related services for these children.

After timely and meaningful consultation with representatives of private schools and parent representatives of parentally placed private school children with disabilities, Treutlen County School District will conduct child find activities for children attending private elementary and secondary schools that are located in its district. They also will provide Exceptional Student Services and related services to eligible parentally placed children with disabilities who are designated to receive services and attend private schools located within the district.

Children with disabilities enrolled in private schools located in Treutlen County School District will access IDEA benefits from Treutlen County School District, even if the families reside within the geographic boundaries of another school district. This includes children who reside out of state but attend a private school located within the geographical boundaries of Treutlen County School District.

This chapter describes:

- 17.2 Proportionate Share Calculation**
- 17.3 Private School Consultation**
- 17.4 Written Affirmations and Complaints**
- 17.5 Child Find for Parentally Placed Private School Students**
- 17.6 Parental Consent**
- 17.7 Equitable Services**
- 17.8 Preschool Children with Disabilities**
- 17.9 Individualized Service Plan (ISP)**
- 17.10 Data Collection and Record Keeping**
- 17.11 Special Needs Scholarship Program (SB10) – Public/Private School Transfer**
- 17.12 Placement of Children by Parent When FAPE is at Issue**
- 17.13 Children with Disabilities in Private Schools Placed for Referred by Treutlen County**

Schools

- 17.14 Use of Funds**

17.2 PROPORTIONATE SHARE CALCULATION

To meet the requirements of IDEA, every year each school district must expend a proportionate share of federal IDEA funds on equitable services for parentally placed private school children with disabilities. Determining the

amount of federal IDEA funds to be expended on parentally placed private school children with disabilities is critical to ensuring the school district meets its obligation to spend a proportionate share of these funds on Exceptional Student Services and related services for these children. The formula for determining the proportionate share is based on the total number of eligible (not on the number served) parentally placed children with disabilities aged 3 through 21 attending private schools located in the district in relation to the total number of eligible public and private school children with disabilities aged 3 through 21 in the school district's jurisdiction. The formula for determining the proportionate share is:

of eligible private students with disabilities / Total # of students (public and private) with disabilities = % X 3-21 Allocation = Proportionate Share

The same formula is used to calculate the proportionate share for the IDEA preschool sub grant for students age 3-5.

The proportionate share is calculated each spring after notification from the Georgia Department of Education of the IDEA grant allocations. At this time the Exceptional Student Services Director will utilize the home school report in SLDS and the current year private school report (DE 111) from each private school located in the district's jurisdiction to calculate the proportionate share for the next school year. The Exceptional Student Services Director or designee will review current Exceptional Student Services eligibility for any current home school student identified as a student with disability on the home school report. Only those homeschool students with current Exceptional Student Services eligibility will be included in the proportionate share calculation. The same procedure will be used for students on the private school report. The Exceptional Student Services Director or designee will cross reference any private school students currently on a service plan (not IEP) with those reported on the home school and private school reports. This will ensure that private school students on a service plan are accounted for and not duplicated in the count. The total number of public Exceptional Student Services students in the calculation will come from the October FTE count (FT004).

17.3 PRIVATE SCHOOL CONSULTATION

Consultation is essential for ensuring that the school district provides parentally placed private school children with disabilities an opportunity for equitable participation in programs assisted or carried out under IDEA. The school district is required to consult with both private school representatives and parent representatives of parentally placed private school children with disabilities. The consultation process should occur throughout the school year so that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in Exceptional Student Services and related services as determined as a result of the consultation process. Consultation meetings should include a discussion of the following topics:

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

After the Proportionate Share has been calculated for the next school year, the Treutlen County School District will schedule a timely and meaningful consultation meeting with private school representatives and parents for parentally placed private school students. This meeting is scheduled prior to the beginning of the school year. The

Exceptional Student Services Director or designee will notify the private school representatives via email and US Mail of the scheduled consultation meeting. Parents of homeschooled students with a current year homeschool submission on the homeschool report in SLDS will be mailed invitations to the consultation meeting. The Exceptional Student Services Director or designee will also include with the consultation meeting an invite a feedback survey that can be completed and returned to the district prior to the consultation meeting. The Exceptional Student Services Director will include common questions from the survey in the meeting agenda and/or reply directly to the parents.

Annually, in the fall, the Federal Programs Director schedules a consultation meeting with private school representatives located within the district's jurisdiction. The purpose of this meeting is to provide timely and meaningful consultation regarding services available to private schools from all Federal programs and to plan for the next school year. The Exceptional Student Services Director or designee participates in this consultation and the topics listed above are discussed. If there are any carry-over proportionate share funds from the previous school year, the meeting participants will plan how these funds will be spent. ESS and related services provided by Treutlen County Schools to parentally-placed private school children with disabilities, including materials and equipment must be secular, neutral, and non-ideological.

17.4 WRITTEN AFFIRMATION AND COMPLAINTS

The LEA must obtain a written affirmation statement from the private school representatives who participated in the consultation process that timely and meaningful consultation has occurred. If the private school representatives do not provide a written affirmation within a reasonable period of time, the Exceptional Student Services Director or designee will schedule individual appointments with these representatives to review the information shared at the consultation meetings; at which time the written affirmation will be obtained.

Consultation must be both timely and meaningful and occur during the design and development of Exceptional Student Services and related services for parentally placed children with disabilities to access benefits from IDEA. If private school officials believe that consultation has not occurred in a timely and meaningful manner or that the Treutlen County School District has not given due consideration to their views, they have the right to complain to the Georgia Department of Education. To submit a complaint, the private school officials must provide to the Georgia Department of Education the basis of the noncompliance by the school district and include the applicable provisions in the regulations, and the school district must forward the appropriate documentation to the Georgia Department of Education. If the private school officials are dissatisfied with the response from the State, they may submit a complaint to the U.S. Secretary of Education, and the State must forward appropriate documentation to the secretary.

17.5 CHILD FIND FOR PARENTALLY PRIVATE SCHOOL PLACED CHILDREN

The Treutlen County School District must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the district. The child find process must be designed to ensure the equitable participation of parentally placed private school children with disabilities as well as to generate an accurate count of these children. After timely and meaningful consultation with representatives of private schools and representatives of parents of private school children with disabilities, the school district must conduct a thorough and complete child find process to accurately determine the number of parentally placed children with disabilities attending private schools located in the district. These child find activities must be similar to those the LEA undertakes for public school children. The child find process for private school children must be completed in a time period comparable to that for public school children. This includes a requirement to conduct initial evaluations within 60 days of receipt of parental consent. The costs of carrying out child find, including individual evaluations, may not be considered in determining whether the school district has

met its obligations to expend a proportionate share of federal IDEA funds on providing equitable services. Child find obligations, including individual evaluations and reevaluations, exist independently from the requirement to expend a proportionate share of federal IDEA funds to provide equitable services to eligible parentally placed children with disabilities.

Private School Child Find Procedures

Parents contact the private school representative to inform of their concerns and request a SST meeting.

Private schools may have their own Exceptional Student Services referral process which may include obtaining parent permission for vision/hearing screenings, academic assessments, behavior ratings, and observations.

The private school representative will contact the Treutlen County School District SST Coordinator,

The SST Coordinator will schedule a SST meeting at the private school with the student's teachers and parents.

At the SST meeting, the team will discuss the reason for referral, areas of concern, class performance, screening results and strategies/interventions that have been implemented, etc.

Based on the review of information at the SST meeting, the team will determine if further screening assessments are needed through the SST process or if referral for Exceptional Student Services evaluation is warranted.

Based on the determination, the SST Coordinator will obtain appropriate consent and process the referral. If the school district disagrees with recommendation for evaluation, the SST Coordinator will notify the Exceptional Student Services Director.

The Exceptional Student Services Director will issue prior written notice to the parents explaining why the district will not conduct an evaluation.

Upon completion of an Exceptional Student Services evaluation, the SST Coordinator or designee will coordinate a special eligibility meeting. If Exceptional Student Services eligibility is established, the school district will offer FAPE through an IEP with services at a public school in the district. In the case of a student attending a private school from another public school district, the parent will take the IEP to that district for implementation. If a parent refuses this offer of FAPE, the school district may offer a services plan for equitable services (the student would need to meet eligibility criteria for areas that equitable services are offered).

Home School Child Find Procedures

Parents of homeschooled students will contact the school's MTSS Coordinator, to schedule a SST meeting. The SST meeting will be scheduled at the school in which the student was zoned to attend.

An appropriate grade level teacher and the school SST Chair will be asked to attend the SST meeting.

Parents should bring to the SST meeting work samples, prior evaluations, home school assessment results, impact of strategies that have been implemented, and vision/hearing screening results if available.

At the SST meeting the team will discuss the reason for referral, areas of concern, class performance, screening results and strategies/interventions that have been implemented, etc.

Based on the review of information at the SST meeting, the team will determine if further screening assessments are needed through the SST process or if referral for Exceptional Student Services evaluation is warranted. Based on the determination, the SST Coordinator will obtain appropriate consent and process the referral. The ESS Director will

then begin the evaluation process.

Upon completion of an Exceptional Student Services evaluation, the MTSS Coordinator or designee will coordinate a special education eligibility meeting. If Exceptional Student Services eligibility is established, the school district will offer FAPE through an IEP with services at a public school in the district. If the parent refuses this offer of FAPE, the school district may offer a services plan for equitable services (the student would need to meet eligibility criteria for areas that equitable services are offered).

If the school district disagrees with recommendation for evaluation, the MTSS Coordinator will notify the Exceptional Student Services Director and they will issue prior written notice to the parents explaining why the district will not conduct an evaluation.

17.6 PARENTAL CONSENT

The IDEA regulations include new requirements related to obtaining parental consent. When the parent of a homeschooled or private school child with a disability declines to provide consent for an initial evaluation or reevaluation to determine the child's eligibility under IDEA, the school district may not use its consent override procedures to seek to conduct the evaluation and, thus, may not include the child in the annual count of the number of parentally placed private school children with disabilities.

If the school district evaluates a parentally placed child and determines the child eligible under IDEA but the parent refuses the provision of equitable services under a services plan, the school district must include this child in the count of eligible parentally placed private school children with disabilities in that district.

Another new requirement addresses the exchange of information between school districts. This is particularly important given that the responsibilities for ensuring the delivery of equitable services have shifted from the school district of the child's residence to the school district where the child's private school is located. Parental consent must be obtained before any information regarding a parentally placed private school child is shared between school districts. Parents and private school officials should be aware of this requirement in order to ensure that the children can participate equitably and receive the services and benefits available under IDEA.

17.7 EQUITABLE SERVICES

The Treutlen County School District has determined, after consultation with representatives of private school students with disabilities and parents of students with disabilities who have been placed by parents in private schools, that the following services will be provided by Treutlen County School District and as identified on the student's services plan:

- Speech and/or language and other related services;
- Transportation (if necessary to benefit from or participate in the services).
- In addition, private school staff will be informed of, as appropriate and as capacity permits, of opportunities to participate in professional development offered by the school district.

17.8 PRESCHOOL CHILDREN IN PRIVATE SCHOOL

Preschool children with disabilities aged 3 through 5 who are enrolled by their parents in private elementary schools are considered to be "parentally placed" if the private preschool or daycare program meets the definition of "elementary school." "Elementary school" is defined as a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. Children with

disabilities, aged 3 through 5, enrolled in a private school or facility that meets the state's definition of an "elementary school" would be considered parentally placed and the equitable participation provisions would apply. Children with disabilities ages 3 through 5 enrolled in a private school or facility that does not meet the state's definition of "elementary school" would not be eligible for equitable services. However, the state's obligation to make FAPE available to eligible children with disabilities aged 3 through 5 remains.

17.9 INDIVIDUALIZED SERVICE PLANS (ISP)

Each parentally placed private school child with a disability who has been designated to receive Exceptional Student Services and/or related services must have a services plan. The services plan describes the specific Exceptional Student Services and/or related services that the school district will provide to the child. The school district must ensure that a representative of the private school attends each meeting to develop the services plan. If the private school representative cannot attend, the school district will use other methods to ensure participation, including individual or conference telephone calls. This will help ensure communication about the child's needs among key stakeholders.

A services plan should reflect only the services the school district will provide to a parentally placed private school child with a disability who is designated to receive services. The services plan also must, to the extent appropriate, be developed, reviewed, and revised consistent with the requirements related to the IEP team, parent participation, and when IEPs must be in effect.

Service Delivery (Including On-site) Services may be provided on the premises of private, including religious, elementary and secondary schools, to the extent consistent with state and federal laws. Services may also be provided at an alternate location in a manner deemed appropriate by the school district. Services will be provided by Treutlen County School District Staff. Services will be scheduled during the regular school day. In making decisions about the delivery of services, including the location of services, and transportation, the LEA will engage in timely and meaningful consultation and give due consideration to the views of the private school representatives and representatives of parents of parentally placed private school children with disabilities.

The assigned Case Manager (SLP) will utilize Go-IEP to develop services plan meeting notifications, the services plan document, and eligibility redeterminations. The Case Manager (SLP) is responsible for delivery of services and regularly reporting progress monitoring and updating progress reports in Go-IEP. The Case Manager (SLP) must maintain detailed therapy notes including the dates services were provided and the time frame of delivery for each session (beginning and ending time). The Case Manager (SLP) is responsible for coordinating all Services Plan meetings including inviting the ESS Lead Teacher in which the private school is located to act as LEA for the meetings. The ESSC will verify that progress reports are completed timely in Go-IEP and periodically check the data notebooks kept by the Case Manager (SLP). The Exceptional Student Services Director or designee will conduct periodic observations of services being delivered by the SLP.

17.10 DATA COLLECTION AND REPORTING

Under the IDEA data collection requirement, the school district must gather and maintain data on children with disabilities enrolled by their parents in private schools and submit the data to the Georgia Department of Education. The school district must collect information about the number of children evaluated; determined to be children with disabilities; and served.

This data is submitted annually to the Georgia Department of Education in the school district's Timelines Report. Collecting this data provides valuable information regarding the extent and scope of the equitable services provision

under IDEA and assists in ensuring that parentally placed children with disabilities are able to participate equitably in IDEA.

The Case Manager (SLP) must maintain a log of services delivered. The Case Manager will monthly record the number of sessions provided for each student on a service plan. This information is recorded on the log maintained by the service provider and uploaded monthly into GOIEP under the Documents tab. The Exceptional Student Services Director will review this log monthly to calculate the expenditures to date for direct services based on the hourly rate of the therapist providing services.

17.11 GEORGIA SPECIAL NEEDS SCHOLARSHIP PROGRAM (SB10)

The Georgia Special Needs Scholarship (GSNS) Program is a school choice program available for special needs students attending Georgia public schools who are served under an Individualized Education Plan (IEP).

To newly qualify for the Georgia Special Needs Scholarship Program for the upcoming school year a student must meet ALL the following requirements:

- **Student Eligibility Criteria 1**- A student must have a parent/guardian who currently lives in Georgia and has been a resident for at least one calendar year.
- **Student Eligibility Criteria 2**- A student was enrolled and completed the 2024-2025 school year in a Georgia public school in grades kindergarten through twelfth.
- **Student Eligibility Criteria 3**- A student was reported as attending a Georgia public school by a school district(s) during mandatory student counts conducted in October 2025 and March 2026.
- **Student Eligibility Criteria 4** - A student does not need to have an Individualized Education Plan (IEP) for the entire school year to qualify for the GSNS Program. A student must have received Exceptional Student Services services during the 2024-2025 school year through an IEP. A student must be reported by a school district(s) in either the October 2024 OR March 2025 student counts OR in the final student record as a student receiving Exceptional Student Services services by the end of the 2024-2025 school year.

At the end of the school year, school systems update student records for students served by an IEP after the March count to reflect that they are Exceptional Student Services students. By mid-July the database for the scholarship calculator is updated to include these students.

If a student meets the eligibility criteria for the GSNS Program; a parent/guardian has the right to request a transfer from a student's current public school to:

- Another public school within their district of residence; or
- Another public school district outside their district of residence; or
- One of the three state schools for the blind or deaf; or
- A private school authorized to participate in the GSNS Program. Funds received through the GSNS Program can only be used to pay for tuition and fees at a private school authorized by the State Board of Education to participate in the program.

Funds cannot be used to pay the costs of out of district tuition, charter schools, or other options available under public school choice.

Notice regarding the GSNS program is provided to parents by the Case Manager at initial Exceptional Student Services eligibility meetings, and by the Case Manager at IEP annual reviews. For parents that wish to request a

transfer to another public school in Treutlen County School District for the next school, the application must be submitted to the Exceptional Student Services Department by June 30th.

Parents that wish to transfer their child to a private school that participates in the GSNS program must make that request through the Georgia Department of Education website (<https://lor2.gadoe.org/gadoe/file/de6846f0-cc46-4bc5-8ba3-af915ffc267b/1/GSNS%20-%20ELIGIBILITY%20FOR%20SCHOLARSHIP.pdf>) and the participating private school. If the child qualifies for equitable services through proportionate share, the parent and/or private school may request those services by contacting the Treutlen County School District Exceptional Student Services Director.

17.12 PLACEMENT OF STUDENT BY PARENT- FAPE QUESTION

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

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

17.13 CHILDREN WITH DISABILITIES IN PRIVATE SCHOOLS PLACED OR REFERRED BY TREUTLEN COUNTY SCHOOLS

Treutlen County Schools will ensure that a child with disability who is placed in or referred to a private school or facility by a Treutlen County School as a means of providing special education and related services will be provided special education and related services in conformance with an IEP (Rule 160-4-7-.06 Individualized Education Program);

At no cost to the parents; It provides an education that meets the standards that apply to education provided by the GaDOE and the LEA; and Has all of the rights of a child with a disability who is served by the LEA. [34 C.F.R. § 300.146]

GaDOE/DES shall:

- Monitor compliance of these children through procedures such as written reports, on-site visits and parent surveys;
- Disseminate copies of State standards to each private school and facility to which a LEA has referred or placed a child with a disability; and
- Provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them. [34 C.F.R. § 300.147]

17.14 Use of Funds

An LEA 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. An LEA 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. [34 C.F.R. § 300.141(a) - (b)]

Use of personnel. An LEA 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. [34 C.F.R. § 300.142(a)]

In order to provide services to private school children with disabilities as described in this rule, a LEA 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 LEA supervision and control. [34 C.F.R. § 300.142(b)]

Separate classes prohibited. An LEA 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. [34 C.F.R. § 300.143(a) - (b); § 300.131(a)]

Property, Equipment, and Supplies. The LEA must control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment and property purchased with those funds. [34 C.F.R. § 300.144(a)]

The LEA may place equipment and supplies in a private school for the period of time needed for the program. [34 C.F.R. § 300.144(b)]

The LEA must ensure 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. [34 C.F.R. § 300.144(c)]

The LEA shall remove equipment and supplies from a private school if they are no longer needed for special education purposes or the removal is necessary to avoid their unauthorized use for other than special education purposes. [34 C.F.R. § 300.144(d)]

No funds under IDEA Part B may be used for repairs, minor remodeling, or construction of private school facilities. [34 C.F.R. § 300.144(e)]

Chapter 18

PERSONNEL, FACILITIES, AND CASELOADS

18.1 Overview

The Treutlen County School District will ensure that Exceptional Student Services services are delivered by professional staff that meet highly qualified status. Personnel are staff members employed by the Treutlen County School District. Facilities are designated locations for providing job-related services. Caseloads are the number of students assigned to an Exceptional Student Services staff member who is responsible for the development, implementation, review, and revision of IEPs. This chapter outlines the procedures for maintaining a highly qualified staff for delivery of Exceptional Student Services services, appropriate facilities and appropriate caseloads.

18.2 Maintenance of Credentials for Professional Employees

18.3 Classroom Size and Appropriateness

18.4 Maximum Class Size and Caseloads

18.5 Compliance and Monitoring Responsibilities

18.2 MAINTENANCE OF CREDENTIALS FOR EMPLOYEES

Obtaining and maintaining appropriate/current credentials is the ongoing responsibility of any professional employed by or under contract by Treutlen County School District. The Human Resources Department shall maintain copies of appropriate credentials during the application process, and subsequent years when credentials are renewed. Each teacher's qualification status is verified at a minimum of once annually by the HR department during CPI reporting.

Teachers of students with disabilities, prior to employment, shall have a valid Georgia Teaching Certificate with an endorsement appropriate for the disabilities of the students they serve. Additionally, Exceptional Student Services teachers must meet the highly qualified teacher requirements for their respective teaching assignments, as designated by federal and state guidelines. Exceptional Student Services teachers must be highly qualified for any content area in which they are identified as a teacher of record.

Treutlen County Schools will recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities.

Related service personnel who deliver services in their discipline or profession must maintain current, State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis. [34 C.F.R. § 300.156(b)(2)]

The required standard credential for all personnel providing educational interpreting for children who are deaf or hard of hearing in LEAs, regardless of job title, shall hold a current Georgia Quality Assurance Screening (G-QAS) rating of Level III or higher in both interpreting and transliterating, as approved and maintained by the Georgia Department of Labor/Vocational Rehabilitation Program (DOL/VR), and/or documentation of advanced interpreting skills and qualifications through current national certification from the Registry of Interpreters for the Deaf (RID), and/or documentation of advanced interpreting skills and qualifications through current national certification from the National Association of the Deaf (NAD) Levels III, IV or V, and/or documentation of advanced interpreting skills and qualifications through a current Educational Interpreter Performance Assessment® (EIPA) rating of Level 3.5 or higher. The EIPA rating cannot be more than five years old.

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

18.3 CLASSROOM SIZE AND APPROPRIATENESS

Instructional areas for students with disabilities shall be located in classrooms with students of similar chronological age and shall be comparable to other classrooms within the school. This means comparable to other classrooms in regards to appropriate furnishings, materials, supplies and equipment to meet the needs of the class or individual children to be served. Students with disabilities should not be served in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction. GA BOE rule requires thirty-eight square feet 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.

The building principal is responsible for securing adequate facilities for students with disabilities served in his/her school.

The Exceptional Student Services Director checks for appropriate size of classroom facilities at least once annually. Any noted irregularities regarding the physical size/space or access to Exceptional Student Services facilities are reported to the Assistant Superintendent for Operations and the building principal for resolution.

18.4 MAXIMUM CLASS SIZE AND CASELOADS

The Treutlen County School District will adhere to State Board Rule 160-4-7-.14 in regards to maximum class size and caseloads. Maximum Class Size and Caseloads for personnel serving children ages 3 to 5 are listed below:

- Full Day Program – Maximum Class Size = 8 – Maximum Caseload = 16
- Part Day Program – Maximum Class Size = 12 – Maximum Caseload = 32
- Community Program – Maximum Caseload = 32

The chart below outlines the maximum class size and caseload limits for students ages 6 to 22 based on program area:

Program Area	Delivery - Self Contained (SC) or Resource ®	Maximum Class Size without Para	Maximum Class Size with Para	Maximum Caseload
Mild Intellectual Disability	SC	10	13	14
	R	10	13	26
Moderate Intellectual Disability	SC	NA	11	11
Severe Intellectual Disability	SC	NA	7	7
Profound Intellectual Disability	SC	NA	6	6
Emotional Behavior Disorders	SC	8	11	12

	R	7	10	26
Specific Learning Disabilities	SC	12	16	16
	R	8	10	26
Visual Impairment	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 Impairment	SC	11	15	15
	R	7	NA	55
Orthopedic Impairments	SC	NA	11	11
	R	4	5	15

Each paraprofessional 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 maximum class size for any Exceptional Student Services class. Additional paras to be used to increase maximum class size for any Exceptional Student Services class must be approved by the Exceptional Student Services Director.

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

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

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 Exceptional Student Services program category if instruction is provided in a team/collaborative (co-teaching) model or consultative model.

18.5 Method for Compliance Monitoring Responsibilities

Credentials and licenses of Exceptional Student Services personnel are verified and maintained by the HR department. Each teacher's qualification status is verified at a minimum of once annually by the HR department during CPI reporting.

Building principals are responsible for hiring all Exceptional Student Services certified and licensed personnel with the exception of related services personnel. Building principals verify credentials of Exceptional Student Services personnel during the employee application process, and credentials are maintained by the HR department. Building principals are responsible for maintaining adequate classroom space for serving students with disabilities including the provision of appropriate furniture, instructional materials and equipment. Building principals are responsible for following GA BOE rules regarding class size and caseloads for students receiving Exceptional Student Services services.

Related services personnel are hired by Heart of Georgia RESA – including OT, PT, audiology, orientation and mobility

specialist, DHH teachers and VI teachers when available. Credentials and licenses for these personnel are maintained by Heart of Georgia RESA and available upon request to the district. If a service is needed and Heart of Georgia RESA is unable to provide the teacher/therapist, contract services may be necessary. In such cases, the Human Resources Director will maintain the credentials and licenses.

Monitoring of Exceptional Student Services class size and caseloads – the building principal or principal designee is responsible for monitoring class size and the ESS Director or designee reviews the caseload at least twice annually. Caseload managers at each elementary school are responsible for posting segment sheets at least twice annually (during the fall and spring FTE cycle). Class size and caseloads at the secondary schools are reported through the student information system. The ESS Administrator at each building will review these reports and notify the Exceptional Student Services Coordinator of any noncompliance. Upon report the Exceptional Student Services Director will work with the building principal to resolve the noncompliance which may require rescheduling or moving/hiring additional staff.

Classroom facilities are checked at a minimum of once annually by the Exceptional Student Services director or designee. Any facility issues regarding class size, access and/or safety are reported by the Exceptional Student Services Director to the building principal and Assistant Superintendent for Operations. The Assistant Superintendent for Operations and Facilities Director shall include the Exceptional Student Services Director in plans for any new building construction or renovations where students with disabilities are to be served. The Treutlen County School District shall provide classrooms of suitable size in a distraction-free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served.

Chapter 19

THE GEORGIA NETWORK OF THERAPEUTIC
SUPPORTS (GNETS)

19.1 INTRODUCTION

The Georgia Network for Educational and Therapeutic Support (GNETS) comprises 24 programs which support the local school systems’ continuum of services for students with disabilities, ages 5-21. The programs provide comprehensive educational and therapeutic support services to students who might otherwise require residential or other more restrictive placements due to the severity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD).

This chapter describes:

- 19.1 Introduction
- 19.2 Continuum of GNETS Service Delivery and Environments
- 19.3 GNETS Referral Process
- 19.4GNETS Consideration for Services
- 19.5 Transfer Students from Other GNETS Programs or Residential Treatment Programs
- 19.6 Other Duties and Responsibilities

Description

The Treutlen County School District shall maintain a full continuum of Exceptional Student Services services and placement for those services. The Treutlen County School District will ensure 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 a student’s 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.

Method for Compliance Monitoring

District Level – The Exceptional Student Services Director will approve all referrals for consideration of GNETS services. The Exceptional Student Services Director will participate in all IEP amendment meetings and annual reviews for students receiving GNETS services. The Exceptional Student Services Director will verify all FTE reporting and student record recording for students receiving GNETS services.

School Level – The designated Exceptional Student Services administrator in each building will monitor implementation of behavior interventions and collaborate with case managers when behavior interventions are not working. The ESS administrator will collect and review all documentation from the Case Manager for any student to be considered for GNETS services. The ESS administrator will ensure that the IEP is current, annual reviews have occurred, the FBA/BIP is current and reevaluation is current.

19.2 CONTINUUM OF GNETS SERVICE DELIVERY AND ENVIRONMENTS

Students receiving services through a GNETS Program are referred by the local school system through the Individual Education Program (IEP) process. An IEP team may consider consultation or in-class services by a GNETS program for a child with an emotional and behavioral disorder based upon documentation of the severity of the duration, frequency and intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation must include prior extension of less restrictive services and data which indicate such services have not enabled the child to benefit educationally. For children receiving in-class services, local schools are actively involved and exit criteria are developed upon entry into the GNETS program.

GNETS consultation services may include a request for FBA coaching, classroom observation and written feedback, or records review with feedback. In-class services are provided at Heartland located in Montgomery County.

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 of severity of the student’s 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.

19.3 GNETS REFERRAL PROCESS

In order for a student to receive services through a GNETS program the student must be referred through the IEP process. Prior to initiating a referral for GNETS services, the ESSA must consult with the Exceptional Student Services Director. The Exceptional Student Services Director will review all relevant information prior to initiating any referral for GNETS services. After this review, the Exceptional Student Services Director will notify the ESSA if there is or is not enough supporting documentation to consider a GNETS referral. The appropriate supporting documentation includes:

- Current IEP

- Current FBA – within the past year
- Current BIP (proof that the BIP has been revised based on student’s needs and implemented with fidelity)
- Comprehensive evaluation results within the last three years
- Progress monitoring data
- A Continuum of placements has been offered within the district

If there is sufficient documentation, the Exceptional Student Services Director will determine whether to seek GNETS consultation services or an initial referral for direct services. The Exceptional Student Services Director will send the GNETS consultation packet or referral packet to the ESSA for completion. The appropriate packet which will be completed by the case manager. The ESSA will send the completed packet back to the Exceptional Student Services Director who will forward it to the Heartland Student Review Panel. The Heartland Student Review Panel reviews cases on a monthly basis. After review, the panel will notify the Exceptional Student Services Director whether consideration for GNETS services is warranted or not. If not, the panel will make suggestions for revising the referral packet or recommendations for behavioral strategies that may be implemented by the school. If consideration for GNETS services is warranted, the Exceptional Student Services Director will coordinate an IEP team meeting including the parents and the GNETS Director or designee.

19.4 GNETS CONSIDERATION OF SERVICES (IEP TEAM MEETING WHERE GNETS IS RECOMMENDED)

According to SBOE 160-4-7-.15, if the IEP team recommends GNETS services, the following documents must exist in the student’s records: Placement, not location, is determined by the IEP team.

- Current IEP
- FBA/BIP administered within the past year
- Comprehensive re-evaluation within the last 3 years

It is best practice to include the following documents to assist with immediate services delivery.

- Completed Guiding Questions Checklist (on TCS Google Drive)
- School History
- GNETS consultation documents

The information related to the guiding questions checklist mentioned above should be clearly documented within the present level of performance section of the student’s IEP. This will require an amendment of the current IEP. If the IEP team recommends consult services, the specific services will be notated by the case manager in the support section of the IEP and/or minutes. If the IEP team recommends direct services, IEP goals should be developed and/or revised to include the behaviors that necessitate placement in the GNETS program and the data that supports the placement decision as well as the criteria that will be considered to insure that the student is served in the least restrictive educational placement. For direct services, the services section of the IEP should be amended to reflect the amount of services, location of services. Transportation services to and from home to the GNETS facility should be added to the IEP. The IEP team should consider transportation needs for students participating in any extracurricular activities or partial day GNETS services. The Case Manager will complete the transportation form and submit it to the Transportation Director after the IEP meeting. The ESS Director will inform the Student Information System Coordinator of the change in placement and start date for services at Heartland.

19.5 TRANSFER STUDENTS FROM OTHER GNETS PROGRAMS OR RESIDENTIAL TREATMENT PROGRAMS

For students who move in that have been receiving services from another GNETS facility, reciprocal services should be implemented immediately. When the student enrolls in the school, the building ESSA should contact the Exceptional Student Services Director. The Exceptional Student Services Director will then contact the GNETS program director to coordinate timely implementation of services as well as a follow-up IEP meeting.

Students that transfer from a similar placement in another state or are released from a long-term hospitalization or residential program should have an IEP meeting to determine appropriate services. Upon enrollment of such students, the ESSA should contact the Exceptional Student Services Director who will coordinate an IEP team meeting with the GNETS program director.

19.6 OTHER DISTRICT DUTIES AND RESPONSIBILITIES

The Exceptional Student Services Director will verify that GNETS students have been appropriately coded for FTE reporting cycles in October and March each year. The Exceptional Student Services Director will confirm that all student record events are correct for GNETS students and correct any errors prior to SR sign-off.

The Exceptional Student Services Director or designee will attend all IEP amendment meetings and annual reviews for students in the GNETS program. The Exceptional Student Services Director will collaborate with GNETS administration and staff during IEP meetings to determine appropriate opportunities for students to have access to general education activities.

Upon receipt of attendance reports, progress monitoring reports and report cards, the ESS Director will coordinate placement of these documents in the student's permanent education record.

The Exceptional Student Services Director will communicate any discipline offenses reported by the GNETS program administration into the school's administration.

The Exceptional Student Services Director or designee will facilitate passing of information to the Exceptional Student Services Administrators and case managers received from monthly meetings with the GNETS Director. This information includes any changes in the referral process, special student events and community outreach at GNETS, and professional learning opportunities.

CHAPTER 20

PROCUREMENT AND SUSPENSION/DEBARMENT PROCEDURES

20.1 Overview

Executive Order 12549 provided that, to the extent permitted by law, executive departments and agencies shall participate in a government-wide system for non-procurement, debarment and suspension. A person who is debarred or suspended shall be excluded from federal financial and nonfinancial assistance and benefits under

federal programs and activities. According to 34 C.F.R. Part 200.212, non-federal entities and contractors are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180. These regulations restrict awards, sub-awards, and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

20.2 Compliance Monitoring and Documentation

20.3 Procedure 1: State Exclusion List

21.4 Procedure 2: Federal Exclusion List (SAM)

20.2 Compliance Monitoring and Documentation

The Exceptional Student Services Director, under direction of the Human Resource Director, is responsible for ensuring that any businesses contracted for delivery of Exceptional Student Services services on behalf of Treutlen County School District are not disbarred or suspended from entering into contracts or negotiations in which federal funds are used. For each business that is considered for contracts for delivery of Exceptional Student Services services in Treutlen County School District, the Exceptional Student Services director will utilize the Georgia Department of Administrative Services website link listed above to check that the business is not on the State of Georgia Suspended and Debarred Suppliers list. If the business is on this list, the Exceptional Student Services Director will not enter into a contract with this supplier. A copy of the current list will be kept on file for verification.

20.3 Procedure 1: State Exclusion List

Any agency that receives federal grant funds may not enter into agreements or contracts with any entities that are disbarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. The Treutlen County School District will ensure that no federally funded program will enter into contracts with businesses that are disbarred or suspended per the Excluded Parties List System by the GSA.

The Excluded Parties List System is provided as a public service by the General Services Administration (GSA) for the purpose of efficiently and conveniently disseminating information on parties that are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 C.F.R. 9.404, and each agency's codification of the Common Rule for Non-Procurement suspension and debarment.

<http://doas.ga.gov/state-purchasing/law-administrative-rules-and-policies/state-suspended-and-debarred-suppliers>

If a business is listed, the Treutlen County School District cannot enter into business contractions, negotiations, or services with this business.

20.4 Procedure 2: Federal Exclusion List (SAM.gov)

In addition to checking the Georgia Department of Administrative Services, the Exceptional Student Services Director, under the direction of the Human Resources Director, will also use the System for Award Management (SAM) to check that a business is not suspended and debarred from doing business with the federal government. If the business is identified suspended or debarred, the Exceptional Student Services Director will not enter into a contract with this business. The Exceptional Student Services Director will maintain a copy of the verification that a contracted provider is not suspended or debarred. Instructions for using SAM is listed below:

- Go to www.sam.gov
- Click the "Search Records button"
- You do not need to enter a username or password
- Enter the search information such as a company name, individual name, DUNS number or GAGE Code.
- Click on the "Search" button
- Any information that matches your search criteria will be returned
- Not all vendors are registered in SAM. If a vendor doesn't come up during a search, the vendor doesn't have an exclusion.
- If multiple results are returned with the same name, you will need to verify the address to determine if you are viewing the correct vendor. You can view the address by clicking on the "+" next to the "Status"
- If the indicator box is "green" and states "Entity" this vendor is not suspended or debarred. Treutlen County School District can purchase goods/services from this vendor.
- When you are ready to search for the next vendor, click on the "Clear Search" button.
- If the indicator box is "purple" and states "Exclusion" this vendor is suspended or debarred. Treutlen County School District cannot purchase goods/services from this vendor.