



Mountain Education

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

Special Education Manual

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Section 1: Purpose, Vision, Mission and Guiding Principles

ME Special Education Mission Statement

“Moving Mountains for Our Students with Special Needs”

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

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 student with a disability and need special education and related services (each as defined under IDEA).

Mountain Education receives IDEA funds for the education of students with disabilities only if it complies with the specific requirements of IDEA. They 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 Plans, 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.

Section 2: Free Appropriate Public Education (FAPE) (State Rule: 160-4-7-.02)

Description: Mountain Education will ensure that a Free Appropriate Public Education is provided to all students with disabilities. FAPE means special education and related services designed for a student's unique needs. The student's education must be designed to help the student make progress in school.

Method for Compliance Monitoring: The Special Education Director, Special Education Regional Liaisons, and Special Education Coordinators provides sustained professional learning activities on the best practices for providing FAPE annually. In an effort to prove FAPE at each campus, all special education teachers and general education teachers are required to document all specially designed instruction, contacts and check-ins with all SWD via the Infinite Campus Contact Log and Student Service Log. If the student does not have regular attendance, all good faith efforts to provide FAPE are documented. Special Education Regional Liaisons review the Infinite Campus Contact logs and Campus Special Ed Contact Logs quarterly to ensure that all special education teachers are providing specially designed instruction as aligned with the students individualized education plan.

FAPE inclusive for students aged 3 to 21: Full Educational Opportunity & FAPE for students aged 22:

All children with disabilities between the ages of 3 through 21 are entitled to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school. If a student is receiving special education services upon reaching age 22, Mountain Education will serve the student until the end of the school year in which the student turns 22. It is the goal of Mountain Education to secure the successful transition of students to their desired post school outcomes and will collaborate to complete that transition by age 22. The adult student and parents will be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22. FAPE will no longer be provided by Mountain Education upon a student graduating from school with a general education diploma. This rule will be reviewed at the annual review prior to the student graduating and/or at the Summary of Performance meeting.

FAPE provision by 3rd birthday:

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

1. The obligation to make FAPE available to each eligible child residing in the LEA begins no later than the child's third birthday; and
2. An IEP or an IFSP is in effect for the child by that date.
3. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

FAPE for incarcerated students:

Incarcerated Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) must receive their educational programs. Each of these agencies

provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ and DOC are public schools and should be treated as other public schools when providing records in an expeditious manner. Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE. A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. Districts need to work closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the district's obligation is to provide FAPE.

Definition of regular high school diploma:

Students in Georgia Public Schools are required to earn 4 credits in English/Language Arts, 4 credits in Mathematics, 4 credits in Science, 3 credits in Social Studies, 3 credits in CTAE and/or Modern Language/Latin and/or Fine Arts, 1 credit in Health and Physical Education and 4 Elective Credits. All state-supported high schools shall make available to all students the required areas of study. A course shall count only once for satisfying any unit of credit requirement. Students meeting this criteria will earn a general high school diploma. For specific required courses see State Rule 160-4-2-.48. Mountain Education students are required to earn 23 credits to earn a general education diploma.

Delay of services not allowed:

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

Medicaid payment allowances and limitations:

Mountain Education does not require parents to sign up for or enroll in public benefits or insurance programs for their child to receive FAPE. Furthermore, Mountain Education does not require the parents to incur any out-of-pocket expenses such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided, but may pay the cost the parents would otherwise be required to pay; and the school system will not use a child's benefits under a public benefits or insurance program if that use would:

- Decrease available lifetime coverage or any other insured benefit;
- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and are required for the child outside of the time the child is in school;
- Increase premiums or lead to the discontinuation of benefits or insurance; or
- Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenses.

Mountain Education will obtain parental consent prior to accessing a child's or parent's public benefits or insurance for the first time and after providing notification to the child's parents. The parental consent to access a child's or parent's public benefits or insurance:

- Specifies the personally identifiable information that may be disclosed or information about the services that may be provided to a particular child, the purpose of the

disclosure (e.g., billing for services provided under IDEA), and the agency to which the disclosure may be made (e.g. the Georgia Department of Community Health); and

- Specifies that the parent understands and agrees that the school system may access or parent's public benefits or insurance to pay for services provided under IDEA.

Notice to parents regarding use of benefits:

Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the school provides written notification to the child's parents that includes:

- A statement of parental consent provisions
- A statement of the "no cost" provisions
- A statement that the parents have the right to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program at any time; and
- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program does not relieve the school system of its responsibility to ensure that all required services are provided at no cost to the parents.

Residential placement:

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

Provision of accessible instructional materials:

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

Provision of assistive technology:

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

Assistive technology evaluations:

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

Home use of assistive technology:

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

Extracurricular activities accessibility:

Mountain Education does not offer extracurricular activities.

FAPE and Extended School Year:

Mountain Education operates as a year-round school.

Access to physical education and specially designed physical education:

Mountain Education offers physical education classes with a certified teacher. Classes are designed to support the physical needs of each student.

Programming options and equal access:

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

Hearing equipment checks:

Mountain Education ensures that hearing aids worn in school by students with hearing impairment, including deafness, are functioning properly. Mountain Education ensures that the external components of surgically implanted medical devices are functioning properly. Mountain Education is *not* responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Prohibition of mandatory medication:

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

Section 3: Child Find Procedures (State Rule: 160-4-07-.03)

Description: Mountain Education assumes the responsibility for the location, identification and evaluation of all high school aged students that require special education and related services that are currently enrolled at Mountain Education. All students who are suspected of having a disability and who are in need of special education are part of the child find process, regardless of age. An educational diagnostic evaluation of all children with suspected disability ages 14-21 who attend Mountain Education will be conducted within 60 days of receiving parental consent for evaluation.

Method for Compliance Monitoring: The Special Education Director provides professional learning activities on the written procedures for Child Find annually to all Mountain Education staff. Sustained supervision and monitoring of compliant practices for Child Find is provided by the Special Education Director and Special Education Regional Liaisons. The Regional MTSS/RTI Coordinator and the campus counselors help to monitor the RTI and MTSS process and together examine the student plans for proof of research-based interventions and evidence of fidelity with all measures.

Annual child find activity is published through public notification system:

Child Find is a process that districts use to identify, locate, and evaluate all children, in the district, birth through 21, who are suspected of having disabilities that may result in a need for special education and related services. Districts must have policies and procedures in place to ensure the identification, location, and evaluation of these children; and public notification must be given before any significant Child Find activities are implemented. Mountain Education completes Child Find responsibilities in a variety of ways which are included but are not limited to the following:

- Mountain Education's Child Find responsibility resides with its enrolled population.
- Child Find notice and information posted on the Mountain Education website.
- Collaboration with other public agencies such as the Divisions of Mental Health, Family and Children's Services, and Community Health, parent request, and our Response to Intervention (RTI/MTSS process).

Provides for identification, location and evaluation of children with suspected disability ages 3-21 including:

Children birth through age three:

Mountain Education is a choice high school. ME enrolls students in grades 9 through 12, therefore, the obligations for preschool children do not apply.

Children (students) enrolled in the LEA schools including public charter schools

Mountain Education is a choice high school. ME enrolls students in grades 9 through 12, therefore, the obligations for Child Find reside in the enrolled population of Mountain Education. At each campus, the MTSS facilitator will set up a Multi-Tiered System of Supports (MTSS) team to review the academic progress and results of

interventions of individual students. The MTSS team at the site is responsible for reviewing the data from the Universal Screener and selecting the point at which students will be identified for interventions. Teachers can also refer students to the MTSS team for review. If the MTSS team suspects a student may have a disability, the team, with parental permission, can refer the student for an evaluation.

Children (students) who are suspected of being children with disabilities

The MTSS team at each campus is responsible for reviewing the data from the Universal Screener and selecting the point at which students will be identified for interventions. Teachers can also refer students to the MTSS team for review. If the MTSS team suspects a student may have a disability, the MTSS team can refer the student with parental permission.

Highly mobile children, including migrant children

Mountain Education has policies and procedures to ensure that all students who are suspected of having a disability, including those who are homeless, are wards of the State, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated.

Children who are detained or incarcerated in jails or correctional facilities

Mountain Education will implement Child Find duties for youth (currently enrolled at ME) who are incarcerated in jails or other correctional facilities operated by local municipalities. Georgia DJJ and Georgia DOC will implement Child Find duties for the youth enrolled in their respective facilities.

- Mountain Education will monitor when a student with a disability is incarcerated in a local jail. The LEA where the jail is located will be responsible for FAPE as long as the local jail will allow for services.
- A student with a current IEP who is in the local jail, such as those managed by city or county agencies are entitled to FAPE. However, the local jail may deny services.
- Mountain Education will need to work closely with the local jail in order to gain access to the student and to deliver services. Mountain Education will document all correspondence with the local jail, especially if the local jail will not permit the ME to provide FAPE to the child with a disability.
- Mountain Education will attempt to develop interagency agreements with the local jail to ensure the needs of students with disabilities are met.
- An IEP Team should convene and determine appropriate services.
- The student may be counted as present as long as services are being offered.

Children who reside in the LEA and are enrolled in homeschool/study programs

Child Find information is published on the Mountain Education website. If a child (students) who is home-schooled is determined eligible for special education and related services, the LEA in which the child (student) resides has the obligation to provide services. Mountain Education is a choice high school for students in 9th through 12th grade. Special education and related services will be provided for those students when they are enrolled at Mountain Education.

Parentally-placed private school children, including religious, elementary and secondary schools

Child Find applies to children with disabilities parentally-placed in private schools or home schools. They are not entitled to a free appropriate public education (FAPE), but districts will provide services based on a proportionate share of federal funds. If a child is suspected of having a disability that is parentally placed in a private school or home school and needs evaluation for special education and eligibility consideration, the Special Education Director should be contacted.

If an LEA state completion High School and a traditional LEA serve the same demographic area, the LEA state completion High School's Child Find obligation extends only to students enrolled in the LEA state completion high school.

Screening & Referral:

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

A referral may be made by anyone who has a concern about a child's development. Children may be referred by any of the following:

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

All referrals are considered confidential. Parent(s) have the right to refuse services.

The counselors and the Special Education Department Head at each Mountain Education campus are trained annually on Child Find Rule and Procedures and will serve as the initial point of contact. Each registrar follows the procedures below:

- Upon registration, a student and parent/guardian are provided with a registration form that requests information regarding prior participation in program areas that include Special Education.
- In addition, the Central Office Special Education Administrative Assistant surveys records in the State Longitudinal Data System and GUIDE to ensure that every entering student is served for Special Education that has been identified in prior systems.
- Once a written request for services is received, the registrar will notify the Special Education Director. IDEA does not require that a child receive scientific, research, or evidenced-based interventions before being referred for consideration for eligibility for special education and related services. However, per the State Child Find Rule, the implementation of a

multi-tiered system of supports, including the use of scientific, research, or evidenced-based interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)(b). If a parent or teacher request an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement).

Parent Request Procedures:

Parents may suspect their child has a disability and is in need of special education services. They will be directed to contact the campus and express their concerns to the Campus Principal.

The following procedures should be followed:

- Parents make a verbal or written request for services. Campus Principals and Special Education Regional Liaisons are notified.
- Campus Principals and Special Education Regional Liaisons discuss the request with the parent. The parents are asked to complete the Parent Interview Form. Parental rights are given and explained.
- The parent completes the Parent Interview Form and returns it to the Campus Principal.
- The Campus Principal gives form to the Special Education Regional Liaison who contacts the Director for Special Education.
- Informed Consent Meeting is held.
- The school district team reviews the request and all relevant information regarding the student to determine if the request for special education evaluation and eligibility consideration is accepted or not accepted.
- If the request is accepted, the Special Education Department Head will send a letter to the parent along with the parental consent for evaluation form, evaluation instruments description, and parent rights. All students will be evaluated and eligibility determined within 60 days of parental consent.
- Within 24 hours of the campus receiving the consent form, the Special Education Department Head will scan and send it to the Special Education Director and the School Psychologist.
- If the request is not accepted, the Special Education Director will provide a letter and prior written notice to the parent indicating the information reviewed and why the system is denying the request and other options the system is recommending or offering along with a copy of parent rights.
- If the parent disagrees with the system's decision, the parent has the right to request a due process hearing.

- The parent should contact the Special Education Director to request a due process hearing.

If LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as basis for the decision. The parent challenges by filing a formal complaint or requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation.

Pyramid of Interventions:

To comply with the Child Find Rule for children in kindergarten through 12th grade, Mountain Education uses the Georgia Student Achievement Pyramid of Interventions, a framework developed by the Georgia Department of Education. It is expected that all teachers will seek ways to meet the unique educational needs of all children within the general education program by using this multi-tiered system of interventions.

Implementation of the Pyramid of Interventions requires three essential components:

1. Multiple tiers of interventions service delivery
2. A problem-solving method
3. An integrated data collection system to inform decision at each tier of service delivery

Tier I and Tier II interventions are implemented and documented in the general education program by the classroom teacher. With Mountain Education's unique structure, student: teacher ratio and support staffing serve as Tier I intervention. Tier II interventions could also be implemented through school programs that exist outside of the classroom. This added flexibility within the general education classroom enables teachers to differentiate instruction to meet the needs of each student without implementing the formalized Multi-Tiered System of Supports (MTSS) process.

If a student does not achieve success through Tier I and Tier II interventions, research-based Tier III interventions can be implemented through the formal MTSS process. At Tier III, data is collected to determine the student's response to interventions that have been implemented. Students who do not make progress with the individual interventions provided at Tier III may be referred for an evaluation to determine eligibility for special education and related services. Consequently, Tier III serves as a Child Find responsibility for students who may need special education and related services. The school psychologist must be invited and attend all Tier III meetings. Tier IV was developed specifically for students who need specialized instruction that cannot be provided through the general education program alone.

Mountain Education may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. Interventions and documentation of such may be developed during the evaluation period to support the other information the evaluation is gathering.

Professional Learning and Monitoring:

The Special Education Director provides professional learning on the written procedures for the Child Find Rule to all faculty members annually. The Special Education Director and Special Education Regional Liaisons provide ongoing training throughout the year through professional learning activities may include but are not limited to:

- Faculty meeting presentation
- Principal's Meetings
- Meeting with student service staff
- Trainings with special education staff
- New case manager orientation

Sustained supervision and monitoring of compliant practices for Child Find is provided by the Special Education Director.

Section 4: [Evaluations and Reevaluations \(State Rule: 160-40-7-.04\)](#)

Description: Eligibility determination for special education 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 special education if the individual response to intensive interventions produces meaningful growth, but that growth requires significant and ongoing resources to maintain.

Method of Compliance Monitoring: When a referral for special education evaluation is made, a multidisciplinary team will conduct the comprehensive evaluation. This team may consist of the district psychologist, educational diagnostician, 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 special education are also a part of the eligibility determination team and are considered qualified professionals as well. Special Education evaluations are monitored by the Special Education Director for timeline compliance. Initial evaluations must be completed within 60 days that the parent/guardian provides consent for the evaluation. For reevaluations, the evaluation must be completed within 90 school days. Referrals for initial evaluations are reviewed for compliance by the Special Education Regional Liaison. Completed initial evaluation reports are reviewed for compliance by the Special Education Director. The Special Education Director or the Special Education Regional Liaison participates in all initial special education eligibility determination meetings.

Initial evaluation referral process:

The IDEA requires that before a child can receive special education services, the school district must determine whether the child requires specialized instruction and meets eligibility requirements for special education. The school district must conduct (or arrange for) a comprehensive evaluation that:

- provides sufficient data to determine whether the child is a child with a disability;
- documents how the disability affects the child's academic, developmental, social/emotional, and/or behavioral performance in school; and
- provides appropriate information for the development of an Individualized Education Program (IEP), if eligible.

The term "Initial Evaluation" refers to a formal evaluation that considers initial eligibility for special education services.

Initial evaluation applies to:

- general education students with no history of special education;
- general education students who previously received and were exited from special education including general education students whose parents revoked consent for

- the continued receipt of special education services; or
- all transfer students from out of state who have an out-of-date eligibility and/or eligibility that does not meet Georgia State eligibility requirements.

Time frames for evaluation:

Mountain Education is a year-round school and therefore, does not have summer breaks that will interfere with the evaluation timelines. Holiday periods and other circumstances when children are not in attendance for five consecutive school days are not counted toward the 60-calendar day timeline, including the weekend days before and after such holiday periods, if contiguous to the holidays.

60 calendar days:

Once the signed Consent for Evaluation form is received, the evaluation process will be completed no later than 60 calendar days.

Exceptions:

The time frame described above does not apply if:

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

Parental Consent:

A designated school staff member will schedule a "Final MTSS" meeting with parents, psychologist, administrator, Special Education Regional Liaison Special Education and teacher(s). The MTSS team must include documentation of interventions attempted, observations, and any assessment results. If the MTSS committee agrees to refer the student for psychological evaluation to assist with determining eligibility for special education services, the MTSS completes the referral for special education. The special education department head and/or case manager will obtain required information for the evaluation and will submit the referral packet to the Regional Special Education Coordinator. The referral to Special Education is made through the Georgia On-Line IEP program. A trained special education teacher at each campus enters the initial referral data into the GOIEP and sends the Permission to Evaluate form for parent signature. Accompanying the Parental Consent for Evaluation form will include a list of areas to be assessed, Procedural Safeguards for Special Education, and a Parent Questionnaire.

If the parent refuses to give consent for the evaluation, the school district may, but is not

required to, pursue the evaluation through mediation or a due process hearing. See 34 C.F.R. § 300.300(a). If the child is homeschooled or placed by the parents in a private school at their expense, the school district cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation. See [34 C.F.R. § 300.300\(c\)\(4\)](#).

Reevaluation Consideration:

A reevaluation determination, consistent with federal and state statutes and regulations, is required for special education students at least once every 3 years, unless the parent and school system agree that reevaluation is unnecessary. The 60-day timeline does not apply to reevaluations. The purpose of reevaluation is to decide if further information is needed to determine if a disability continues to exist, to establish present levels of performance, or to determine where the student continues to need special education and related services. If the IEP/reevaluation committee determines that no additional information is needed, the committee can proceed with reevaluation determination meetings. The date of the new reevaluation determination is the date the decision was made not to conduct a reevaluation for eligibility determination.

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

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

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

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

Teams must consult with and include the School Psychologist in the redetermination discussion. If the team decides a reevaluation is appropriate the following procedures are followed:

- Provide copy of Parent Rights
- Obtain consent to evaluate from the parent
- Referral to school nurse for hearing/vision screening
- Complete Referral for Evaluation Form (see below)
- Obtain Case History (completed by parent)
- Provide other documentation, if applicable

Once the reevaluation has been completed by the school psychologist, the case manager will contact the parent to schedule a meeting to review results and to develop a new Eligibility Report. If appropriate, the current IEP will be amended to reflect the new eligibility results, additional goals and objectives, etc., with vital information supplied in the Meeting Minutes section of the IEP. The date of this IEP/Eligibility meeting will become the new eligibility date. All paperwork will be provided to parent and forwarded to Central Office

Note: Mountain Education considers the consent to evaluate to be valid up to one year after it has been signed by the parent. If a parent refuses consent for reevaluation, Mountain Education may determine, based on the current data and other information, that the student either continues or does not continue to be eligible.

Comprehensive Evaluations:

Mountain Education conducts a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. When a referral for special education evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. The team may include psychologist, speech-language pathologist, occupational therapist and/or physical therapist, and other areas as appropriate to the evaluation. The student's parents are considered as members of the team.

Review of existing data, & Identification of additional data:

Existing data is reviewed and if needed, additional data is gathered.

Use of a variety of appropriate evaluation tools:

In conducting an evaluation, Mountain Education uses a variety of appropriate tools and technically sound instruments to assess the relative contribution of cognitive, emotional, and behavioral factors, in addition to physical or development factors.

Administered by trained and knowledgeable staff:

Evaluation tools are administered by trained and knowledgeable staff, including a contracted psychologist.

A request for consent to evaluate is to be signed by the parent. Once the consent to evaluate is received, proceed with the following steps:

- Obtain a hearing and vision screening from the local health department if not current within one year. Mountain Education covers the cost of this screening. If the parent cannot visit the local health department, arrangements are made with the Mountain Education nurse to complete the screening.
- Analyze Interventions or Implement Interventions if not in place
- Multi-Tiered System of Support Minutes/Intervention Strategies/Progress Monitoring
- Review Other Data including the Permanent Record, Current Classroom assessment and progress, Results of Statewide Assessments, Attendance Data, Disciplinary History
- Complete Classroom Observations
- Interview Current and/or Previous Teachers
- Signed consent form is stamped with date received by registrar or special education teacher
- Review Previous Data (other previous or independent evaluations, medical reports, information from previous schools)

- Review Questionnaires and/or Forms from Respondents
- Special Education Coordinator reviews referral packet
- Once the packet is approved by the Special Education Coordinator, the lead special education teacher uploads all referral information in the GO IEP platform.
- The lead special education teacher notifies Special Education Director and the school psychologist that packet is complete
- Psychologist will conduct a comprehensive evaluation (within 60-days of the consent for evaluation) that provides sufficient data to determine whether the student is a student with a disability; document how the disability affects the student's academic and/or behavioral performance in school; and provide appropriate information for the development of an IEP, if eligible
- After the evaluation is complete, psychologist will notify lead special education teacher and request eligibility meeting to be scheduled
- Lead special education teacher, will schedule meeting with parents, teachers, student, campus Special Education Department Head, psychologist, counselors, and Special Education Regional Liaison
- Lead special education teacher will send notification of meeting to parents and confirm meeting date/time with involved parties
- Hold a meeting to determine eligibility within 60 days of receipt of signed parental consent the multidisciplinary team determines whether a disability exists based on state criteria and what the impact is on the education of the student. If there is significant impact, the team may determine that the student is a student who needs special education and related services.
- Write/Complete Eligibility Report (regardless of whether or not the student is eligible)
- If eligible, notify the Registrar and Special Education Director of results. All documentation is uploaded to the documents tab in GOIEP.
 - If eligible, an IEP will be written.
 - If not eligible, notify Special Education Director of results. Documentation will be uploaded in the Person's Documentation in the SIS.

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

- Are selected and administered so as not to be discriminatory on a racial or cultural basis,
- Are provided and administered in the child's native language or other mode of communication and in the format most likely to yield accurate information on what the child knows and can do academically, developmentally, and

- functionally, unless it is clearly not feasible to so provide or administer,
- Are used for purposes for which the evaluations or measures are valid and reliable,
- Are administered by trained and knowledgeable personnel, and
- Are administered in accordance with any instructions provided by the producer of the assessments

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

Determination of Eligibility:

Students' ages three through twenty-one years of age may be determined eligible for twelve Special Education Categories. Every student placed in Special Education must first be determined eligible for services by the Individual Education Program (IEP) team. If the student **does not meet eligibility** for a special education program, regular education options are discussed, and the student is referred back to the Multi-Tiered System of Support Team for follow-up and continuing interventions, as needed.

Eligibility team:

Eligibility is a team decision. However, a DRAFT eligibility report can be started prior to the meeting that includes summarized results of the evaluation. The case manager and school psychologist, as well as other service providers as appropriate, work together to complete the DRAFT eligibility report. If the student meets eligibility requirements an eligibility meeting will be held within the 60-day timeline.

The parents must be notified of the proposed date, time, and location of an Eligibility/IEP meeting to give them sufficient time to plan to attend or contact the school to reschedule the meeting. The case manager is responsible for scheduling an eligibility team meeting within the 60-day initial timeline window. The school must give the parents every opportunity for a convenient, mutually agreed upon meeting time as well as the option to reschedule so that the parents may attend.

Once the comprehensive evaluation is completed, the case manager will schedule an eligibility meeting prior to the eligibility due date. The eligibility team will determine if the student is eligible for special education services. The eligibility meeting provides an opportunity for all parties involved in the education of the student to meet to review the data and provide input to determine if the student meets eligibility requirements as indicated in the state special education rules. The parent is included on the team and is provided a copy of the evaluation report as well as a copy of the eligibility report/decision. Often a parent will request a copy of the evaluation report prior to the eligibility meeting. The law does not require that the parent be provided with a copy of the evaluation report prior to the eligibility decision. On occasion, it is appropriate to provide the report prior to the meeting. Other times, the report is not provided until a time at which the evaluation specialist can meet with the parent to explain the results of the evaluation. Evaluations contain information that may be confusing to a parent. Mountain Education always considers parent requests to have the evaluation report explained to them by qualified professional examiners. If the results are confusing or upsetting to the parent, it may be necessary to conduct

a meeting to discuss the results of the evaluation and convene a later meeting for the eligibility decision. If there is no report from an evaluation specialist, such as the psychologist or speech language pathologist, then the eligibility report serves as the evaluation report providing that it is comprised of the following data: student identifying information, case history, hearing and vision screening, summary of interventions, summary of progress monitoring, area of difficulty, tests results, individual student data, exclusionary factors, decision-making for eligibility, summary of considerations, determination of eligibility and eligibility information. The eligibility report is the documentation that verifies if the student is or is not eligible for special education services.

The case manager will notify the parent in writing of the date and time of the eligibility meeting. After three attempts to schedule a meeting with the parent, the eligibility team will proceed with a meeting without the parent.

If the parent failed to attend the meeting where eligibility and placement were decided, the date for initiation of services must be at least 10 days from the date of the IEP meeting to allow proper notice and opportunity for the parent(s) to respond (assuming the parent agrees to the placement and signs the Consent for Placement form). The student's case manager will send the parent a copy of the eligibility report, the IEP, psychological report, parental rights and Consent for Placement form by mail for review and signature, following up with a telephone call to ensure understanding.

Documentation of evaluation results:

Upon completion of the administration of assessments and other measures, the eligibility team, a group of qualified professionals and the parents of the student, determine whether the student is a student with a disability and what impact this has on the educational needs of the student. If there is an adverse impact, the team may determine that the student is a student who needs special education and related services. Evaluation report(s) and an eligibility report are created regardless of whether the student is determined eligible or ineligible. Mountain Education shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. An evaluation report will be created to include the following:

Evaluation Report:

- Must be completed within 60 calendar days of Consent to Evaluate.
- The school psychologist and speech-language pathologist will schedule and conduct the necessary evaluations
- After the evaluation is completed and prior to the eligibility meeting, the school psychologist and speech-language pathologist will write the evaluation reports and enter data into required sections of the GOIEP eligibility report (complete all sections until determination).

Exclusionary Factors:

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

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

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

Determination of the disability and the need for special education:

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

An IEP is required for each student that is eligible for special education and is reviewed at least annually. For initial referrals, the expectation is for the IEP meeting to occur on the same day following the eligibility meeting. When this is not possible, then an IEP must be developed within 30 days of the initial eligibility meeting if the student is found to be eligible for special education services. The IEP is developed to meet the special needs of the student as identified by the assessments, observations, and other data collected during the referral process. The IEP is developed after the student is determined eligible for services. Once the IEP is developed, the parent must sign consent for placement for special education services prior to implementation of the IEP.

Section 5: [Eligibility Determination and Categories of Eligibility \(State Rule: 160-4-7-.05\)](#)

Description: Eligibility decisions must be made by an IEP team. The multidisciplinary team for eligibility determination is composed of a LEA representative; the school psychologist that evaluated the child; a special education 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.

Method for Monitoring Compliance: It is the campus' responsibility to hold the eligibility meeting for the student. The school psychologist and/or speech pathologist must ensure completion of the evaluation and eligibility within the allotted time frame. The designated school Special Education Department Head should notify the central office of any concerns regarding timeline compliance. The Special Education Director will send a monthly report to the school psychologists, speech pathologists, and the Special Education Regional Liaisons for evaluation completion dates. This information is reviewed by the Special Education Director. The Special Education Director consults with evaluators of any evaluations that have not been completed by day 50 of the evaluation process, and technical assistance is provided if needed. Initial eligibility meetings are scheduled by the Special Education Regional Liaisons. Special Education Regional Liaisons will participate in all initial eligibility determinations to ensure compliance with Georgia special education eligibility criteria for special education. Eligibility and re eligibility reports are reviewed at random at each school twice annually. Based on this review technical assistance is provided as needed through corrective action and/or professional development.

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

CATEGORIES AND SUMMARIES OF EVALUATION INFORMATION REQUIRED FOR ELIGIBILITY

AUTISM SPECTRUM DISORDER:

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 varies widely in their abilities and behavior. [34 C.F.R. § 300.8(c)(1)(i)] The term 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.

1. Psychological Evaluation
2. Educational Evaluation
3. Communication Evaluation

4. Behavioral Evaluation
5. Developmental History

Eligibility and Placement:

Eligibility shall be based on assessment of the five characteristic areas associated with autism spectrum disorder. The assessments shall minimally document that each of the characteristic areas of (1) developmental rates and sequences, (2) social interaction and participation and (3) verbal and non-verbal communication are affected. The adverse effect on a student's educational performance shall be documented and based on the following criteria:

1. Developmental rates and sequences:

A child exhibits delays, arrests, and/or inconsistencies in the acquisition of motor, sensory, social, cognitive, or communication skills. Areas of precocious or advanced skill development may also be present, while other skills may develop at typical or extremely depressed rates. The order of skill acquisition frequently differs from typical developmental patterns.

2. Social interaction and participation:

A child displays difficulties and/or idiosyncratic differences in interacting with people and participating in events. Often a child is unable to establish and maintain reciprocal relationships with people. A child may seek consistency in environmental events to the point of exhibiting rigidity in routines.

3. Communication (verbal and/or nonverbal):

A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a nonverbal communication impairment. Some children with autism may have good verbal language but have significant problems in the effective social or pragmatic use of communication.

4. Sensory processing:

A child may exhibit unusual, repetitive or unconventional responses to sensory stimuli of any kind. A child's responses may vary from low to high levels of sensitivity.

5. Repertoire of activities and interests:

A child may engage in repetitive activities and/or may display marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The capacity to use objects in an appropriate or functional manner may be absent, arrested, or delayed. A child may have difficulty 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 student'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 student.

Exclusionary Factors:

A child must not be determined to be a child with an Autism Spectrum Disorder 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

- Limited English proficiency
- Emotional disturbances

DEAF-BLIND:

Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

1. Audiological Evaluation
2. Otological Evaluation
3. Ophthalmological Evaluation

Eligibility and Placement:

For a child to be determined eligible for placement in special programs for the deafblind, the child shall have a current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals. Children who are deafblind shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to:

- an otoscopic inspection,
- unaided and aided pure tone and speech audiometry (as applicable),
- immittance testing,
- word recognition,
- hearing aid check and electro-acoustic analysis of the hearing aid (if amplified),
- and an analysis of a frequency modulated (FM) system check (if utilized).

A comprehensive written report is required indicating the dates of the audiological evaluation and a description of the results of audiological testing and amplification evaluation. In addition, the report should include a description of classroom environmental modifications that 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 deafblind shall be reported in the Georgia Deafblind Census.

DEAF/HARD OF HEARING:

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

1. Audiological Evaluation
2. Otological Evaluation

3. Educational Evaluation
4. Psychological Evaluation (Optional)

Eligibility and Placement:

The eligibility report shall include audiological, otological and educational evaluation reports, as described:

- Audiological evaluations shall be provided with initial referral. Students 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 audiological testing, an amplification evaluation including the student's ability to understand spoken language with and without amplification, as well an interpretation of the results as they apply to the student 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 student'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 student'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 student who is deaf or hard of hearing shall be considered in the program and class placement decisions. An evaluation of a student'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 student who is deaf or hard of hearing shall be sound-treated and present an appropriate acoustical environment for the student. 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.

Mountain Education shall have written procedures to ensure the proper functioning of assistive amplification devices used by students who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

Exclusionary Factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction
- Lack of appropriate instruction in math
- Limited English proficiency

EMOTIONAL/BEHAVIORAL DISORDER:

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

1. An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.
2. An inability to learn which cannot be adequately explained by intellectual, sensory, or health factors.
3. Consistent or chronic inappropriate type of behavior or feelings under normal conditions.
4. Displayed a pervasive mood of unhappiness or depression.
5. Displayed tendency to develop physical symptoms, pains, or unreasonable fears associated with personal or school problems.

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

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

Eligibility and Placement:

A child may be considered for placement in a program for students 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 students, 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 student's current problem(s), the professional services and interventions that have been considered or provided from outside the school
- Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.

Exclusionary Factors:

- A child must not be determined to be a student 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
 - Atypical education history (multiple school attendance, lack of attendance, etc.)
- The term does not include students with social maladjustment unless it is determined that they are also students with EBD. A student whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement. Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

INTELLECTUAL DISABILITY:

Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period. Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.

1. Psychological Evaluation
2. Educational Evaluation
3. Structured observation
4. Adaptive Behavior Evaluation
5. Relevant medical information
6. Exclusionary factors documented

Eligibility and Services:

A student 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 student 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 student to provide an adequate description of the data collected and explicit pre-referral interventions prior to evaluation and to explain why the student is eligible for services in a program for students 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 student 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.

Exclusionary Factors:

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
- Atypical educational history (multiple school attendance, lack of attendance, etc.)

ORTHOPEDIC IMPAIRMENT:

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

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

Eligibility and Placement:

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 student'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.

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

Exclusionary Factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction
- Lack of appropriate instruction in math
- Limited English proficiency

OTHER HEALTH IMPAIRMENT:

Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that 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, and sickle cell anemia; and Tourette Syndrome, and adversely affects a student's educational performance.

1. Medical Evaluation
2. Developmental and Educational Assessment

Eligibility and Placement:

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 student's Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the student'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 student. In cases of illness where the student'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 student from determination of eligibility.
- A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the student'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 student meeting eligibility criterion can be served by any appropriately certified teacher in any educational program, as specified in the student's individualized education program (IEP).

According to State Board of Education Rule 160-1-3-.03 Communicable Diseases, Mountain Education shall allow a student 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 Mountain Education after consultation with the student's physician, a knowledgeable public health official and/or a physician designated by Mountain Education.

SIGNIFICANT DEVELOPMENTAL DELAY:

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

1. Assessment of adaptive development
2. Assessment of cognition development
3. Assessment of communication development
4. Assessment of physical development
5. Social/emotional development

Eligibility and Placement:

Initial eligibility must be established, and an IEP in place, on or before the student's seventh birthday. SDD eligibility is determined by assessing a student in each of the following five skill areas:

- adaptive development
- cognition
- communication
- physical development (gross and fine motor)
- social/emotional development.

Any student 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.

Exclusionary Factors:

For students 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
- Environmental or economic disadvantage.

The application of professional judgment is a critical element at every stage of eligibility determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized,

teacher-made or other tests.

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 students eligible under SDD with hearing; visual; communication; or orthopedic impairments, complete evaluation must be obtained to determine if the student 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.

SPECIFIC LEARNING DISABILITY:

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

1. Two years of state required assessments
2. Educational Evaluation
3. Results of researched-based interventions
4. Documentation of duration, frequency, and intensity
5. Relevant medical findings
6. Psychological Evaluation

Eligibility and Placement:

The student who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.

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 student'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 student's academic underachievement as determined by appropriate assessments that are provided to the student in his/her native language. Though a student may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the students are not making the expected progress toward established benchmarks. This is indicated by comparing the student's rate of progress toward attainment of grade level standards.

Underachievement exists when the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards

and intellectual development and when a student 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 student'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.

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- Reading comprehension-ability to understand the meaning of written language based in the student'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.
- 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 database documentation of repeated assessments of achievement at reasonable intervals, reflecting student 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, students 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 student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the student is conducted in the learning environment, including the regular classroom setting, to document the student'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.

Exclusionary Factors:

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

- Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension)
- Lack of appropriate instruction in math
- Lack of appropriate instruction in writing
- Limited English proficiency
- Visual, hearing or motor disability

- Intellectual disabilities
- Emotional disturbances
- Cultural factors
- Environmental or economic disadvantage

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- Atypical educational history (such as irregular school attendance or attendance at multiple schools)

SPEECH-LANGUAGE IMPAIRMENT:

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

1. Comprehensive Evaluation by SLP
2. Educational Evaluation
3. Medical Evaluation
4. Functional Evaluation
5. Behavioral Evaluation

Eligibility and Placement:

Determining eligibility for speech-language impaired special education services includes three components:

1. The Speech-Language Pathologist determines the presence or absence of speech-language impairment based on Georgia rules and regulations for special education
2. Documentation of an adverse effect of the impairment on the student's educational performance
3. The team determines that the child is a student with a disability and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum.

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 effects.

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 student's area of disability.

A student 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 student's ability to participate in the classroom environment. The present adverse effect of

the speech-language impairment on the student'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:

1. Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment
2. A child exhibits inconsistent, situational, transitory or developmentally appropriate speech-language difficulties that children experience at various times and to varying degrees.
3. Because children who have communication difficulties do not necessarily have speech or language impairments, speech-language programs may not be the appropriate service delivery model to adequately meet the student's educational needs. For this reason, all students 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 student's educational performance.
4. Services through the speech-language program shall be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information.
5. 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.

Placement in 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.

Exclusionary Factors:

A child must not be determined to be a student with a Speech and Language Impairments 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
- Limited English proficiency
- Cultural factors
- Environmental or economic disadvantage

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- Atypical educational history (multiple school attendance, lack of attendance, etc.).
- Anxiety disorders such as Selective Mutism, Tourette's Syndrome, or others
- Tongue Thrust without a speech sound impairment
- Speech sound errors are inconsistent or situational
- Physical structures are the primary cause of the speech sound impairment
- Speech disfluencies are reported only by one observer or in one setting
- Voice differences are a symptom of a medical condition that is not amenable to improvement with therapeutic intervention
- Regional dialectical and/or cultural differences

TRAUMATIC BRAIN INJURY:

Traumatic Brain Injury falls under the eligibility category of Other Health Impairment. Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the student's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, 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.

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

1. Pre-injury information

1. Medical Evaluation

2. Neuropsychological, psychological or psychoeducational evaluation

Eligibility and Placement:

Evaluation for eligibility shall include the following:

- A summary of the student'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:

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- 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 areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.

- 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 affecting the child's educational performance shall be documented.

Exclusionary Factors:

- 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
- Cultural factors
- Environmental or economic disadvantage
- Atypical educational history (attendance at multiple schools, lack of attendance)
- For TBI, the student does not have a brain injury that is congenital or degenerative in nature, brain injuries induced by birth trauma.

VISUAL IMPAIRMENT AND BLINDNESS:

A student is eligible for vision services if the impairment of vision interferes in access to a regular school program regardless of the acuity measurements. Students with a visual impairment are those whose vision interferes with functioning in or, for preschool-age children, in learning tasks. Visual impairments may result from congenital defects, eye diseases, or injuries to the eye. Visual impairment is determined based on a current examination by an ophthalmologist or optometrist.

1. Ophthalmologist or optometrist report
2. Comprehensive Evaluation
3. Educational Evaluation

Eligibility and Placement:

- 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 optometrist/ophthalmologist report is acceptable for students who have blindness due to a 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 must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment.
- A comprehensive education evaluation shall be administered to determine present levels of functioning. The impact of the visual impairment on the student's educational performance shall be considered for eligibility.
 - Educational assessments may include cognitive levels, academic achievement, and reading ability.
- Educational 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 or the use of braille. For students 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
 - 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 students for whom Braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicates the absence of Braille instruction will not impair the student's ability to read and write effectively.

Determination of Eligibility by Eligibility team:

Upon completion of the administration of assessments and other measures, the eligibility team, a group of qualified professionals and the parents of the student, determine whether the student is a student with a disability and what impact this has on the educational needs of the student. If there is an adverse impact, the team may determine that the student is a student who needs special education and related services.

Documentation of eligibility/ineligibility: variety of appropriate sources and well documented:

Evaluation report(s) and an eligibility report are created regardless of whether the student is determined eligible or ineligible. Mountain Education shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Evaluation report and determination provided to parents:

Evaluation report(s) and an eligibility report are created regardless of whether the student is determined eligible or ineligible. Mountain Education shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Professional Learning/Monitoring/Supervision:

Mountain Education will use the "Train the Trainer" model for most professional learning. The Mountain Education Special Education Department will conduct annual professional learning for special education Department Heads and Case Managers in Child Find, Evaluations, Reevaluations and IEP development. In addition, the Special Education Regional Liaisons and SPED Department Heads at each campus will train new staff as needed.

The Special Education Regional Liaisons will visit each Mountain Education campus monthly. During campus visits, special education procedures will be observed and reviewed. Also, special education services will be monitored by the Regional Special Education Department by using GOIEP to determine if eligibility and IEPs are current, if progress reports are being completed timely, if transition plans are accurately written and monitored, if services are appropriate and progress of special education students.

Section 6 : Individualized Education Program (IEP) (State Rule: 160-4-7-.06)

Description: Mountain Education will implement procedures and practices to ensure that all students with disabilities receive an effective special education program that results in progress toward IEP annual goals and in the general education setting to the maximum extent possible.

Method for Compliance Monitoring: The Special Education Director and Regional Liaisons work closely with Special Education Department Heads and case managers to ensure that IEPs are written to provide special education and related services in accordance with the student's disability and related needs through ongoing professional development. The Special Education Department Heads ensure ongoing progress monitoring is collected for students through monthly reviews. The case managers must have annual IEPs developed and ready for compliance reviews by the Special Education Regional Liaison at least 5 days prior to the scheduled IEP meeting. The Special Education Director and Special Education Regional Liaisons conduct reviews of randomly selected IEPs and progress monitoring data twice a year. All non-compliance is addressed through corrective action and/or technical assistance.

Individual Education Program Overview:

An Individualized Education Program (IEP) serves as the framework for determining the meaning of the term "free appropriate public education" in the least restrictive environment, a term frequently referenced in the IDEA. An IEP must be developed for every student with a disability who is or will be receiving special education services. This IEP becomes the important document that ensures the special education student is provided with appropriate educational services based on his/her special needs. The IEP is not a binding contract, for which the school system is responsible if the student does not achieve the growth projected in the goals and objectives. However, it assures that the school system will provide the special education and related services as outlined in the IEP. Additionally, any changes in special education and/or related services for a student are documented in the IEP.

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

Changes to the IEP:

After the annual IEP Team meeting, the student's IEP may need to be changed. This can be achieved either by reconvening the IEP Team to amend the IEP or by mutual agreement between the parent and Mountain Education to make changes to the IEP without a meeting. The parent always retains the right to request a meeting to discuss any and all changes or amendments to the IEP. Regardless of the method of amending the IEP, Mountain Education LEA will ensure the child's IEP Team is informed of any changes and will provide the parent with the amended IEP in a timely manner.

Definition of IEP team:

The IEP Team is a group of individuals that is responsible for developing, reviewing, or revising

an IEP for a student with a disability. Mountain Education LEA shall ensure that each IEP Team meeting includes the following participants:

- The parent(s)/guardian(s) of the student (or the person acting as the parent under IDEA)
- Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment)
- Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student
- The student, when appropriate. A student with a transition plan must be invited to the IEP.
- An LEA representative of Mountain Education who -
 - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities
 - is knowledgeable about the general education curriculum
 - is knowledgeable about the availability of resources in Mountain Education
 - can interpret the instructional implications of evaluation results
- someone who can interpret evaluation results related to classroom instruction and settings (this person may be one of the persons already listed above with the exception of the parent).

Other members required under certain circumstances:

- other individuals who have knowledge or special expertise regarding the student, including related services personnel (based on the discretion of the parent or ME);
- the student with a disability, when the transition services plan is being discussed, or earlier as appropriate; or
- a representative of any agency that is likely to provide or pay for any transition services, if appropriate and with the consent of the parent or student (if he or she has reached the age of 18).

Required sections of the IEP:

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

- Type of Meeting (Annual Review, Amendment, etc.)
- Meeting Date
- Implementation Date
- IEP End Date
- Most Recent Eligibility Date
- Home/Service School
- Primary Exceptionality
- Eligibility Date
- Re-Evaluation Date
- ALL Demographic Information for student/parent

Present Levels of Academic Achievement and Functional Performance:

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

services, and placement decisions, should be directly linked to the information contained in the present levels of academic achievement and functional performance.

Assessment and identified needs (academic, functional and developmental):

- **The results of the initial or most recent evaluation of the child:** This should include a summary of the relevant information from the child's evaluation (not just a listing of scores). This section does not have to include only formal evaluation measures performed on a child. It can include additional formative and summative assessments used for instructional purposes. Best practice is to include information from most recent psychological evaluation including processing strengths and weaknesses.
- **The results of district or statewide assessments:** This information must include test scores and must indicate whether the child did not meet, met, or exceeded standards. This should also provide a frame of reference for how the child is performing in comparison to peers of the same age. In addition, IEPs should include the strengths and weaknesses as indicated by the domains of the subtests.
- **A description of academic, developmental, and/or functional strengths and needs:** Areas of strength may refer to academic subjects such as reading, language arts, math, etc.; developmental areas such as communication, motor, cognitive, social/emotional, etc.; functional areas such as self-care, social skills, daily living, communication, social/emotional, etc. This area should describe specific needs that impact achievement and must be addressed through the IEP goals and/or objectives or through accommodations.
- **Impact of the disability on involvement and progress in the general education curriculum:** This section should describe individual characteristics of the child's disability that affects his or her classroom performance. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems, etc. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the student's eligibility category does not adequately describe the impact on involvement and progress in the general education curriculum. Statements should reflect individual needs and not be applicable to a large group of students.

Effect of the Disability:

Describes 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 statement statements that address each major area of the curriculum that are impacted by the student's disability (do not include accommodations and placement information).

Parental concerns regarding the child's education:

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

Consideration of Special Factors:

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

Consideration of Assistive Technology:

Support for district personnel should be included when training or other supports are being provided to district staff regarding a specific student's need. Examples may include training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc. Assistive technology (AT) is a component of the educational programs of students with disabilities.

Assistive Technology Devices are any items, equipment, products, or system whether acquired commercially, teacher-made, modified, or customized, that are used to increase, maintain, or improve the functional capabilities of children with disabilities. Assistive Technology Services are services needed to support effective use of AT devices. AT services may include training or technical assistance for the child and/or the child's family, and training or technical assistance for professionals, employers, or other individuals who are substantially involved in the major life functions of an individual with a disability. Services also include selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices.

Measurable Annual Goals/Short Term Objectives:

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

- Example: The student is not making progress in the general education curriculum because of his inability to follow directions from the teacher, and he often completes assignments incorrectly.
- Goal: The student will comply with oral directions the first time given by the teacher by listening, clarifying, and verbally agreeing to do as asked 4 out of 5 times for three consecutive weeks.
- Short term objectives or benchmarks are not required for all students. Only those students who participate in the GAA are required to have either benchmarks or short-term objectives. However, it is recommended that short term objectives or benchmarks for all students be considered. At times, a parent may request short term objectives for a particular area of the IEP even though they may not be required. Therefore, school personnel and the parent should work together to reach an agreement about short term objectives as appropriate.

Benchmarks/short term objectives for students on alternative assessment:

Georgia requires all students to participate in statewide assessment programs. For any grade where all students are assessed, students with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA). The GAA is designed for students with the most significant cognitive disabilities, approximately one percent of all students enrolled in assessed grades. All students must be included to the fullest extent possible in all statewide assessments and have their assessment results included with Georgia's accountability system. The GaDOE participation requirement is supported by federal legislation requiring the participation of students with disabilities in standards-based instruction and assessment initiatives. The section of the IEP regarding district and statewide assessments should be as specific as possible and should only identify testing accommodations the student must have to participate in the assessment. The IEP team may not identify any accommodations that are not on the approved list. If a student must have an accommodation that is not on the list, the IEP team should work with the Special Education Director and Director of Student Support & Testing who will contact the GaDOE Testing Division to discuss the ramifications of the potential accommodations. Each assessment should be listed individually and by content area so that accommodations can be individualized.

The Georgia Milestones Assessment System (Georgia Milestones) is a comprehensive summative assessment program spanning grades 3 through high school. Georgia Milestones measures how well students have learned the knowledge and skills outlined in the state adopted content standards in language arts, mathematics, science, and social studies. High school students will take an end-of-course assessment for each of the eight courses designated by the State Board of Education.

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

The GAA 2.0 is designed to ensure that students with significant cognitive disabilities are provided access to the state academic content standards and given the opportunity to demonstrate achievement of the knowledge, concepts, and skills inherent in the Georgia Standards of Excellence.

This assessment will provide meaningful information about classroom instruction and help identify students' areas of strength and improvement through standardized tests. Unlike the original GAA, GAA2.0 is not a portfolio-based assessment. Thus, it will measure students' achievement and not progress. The GAA 2.0 will be administered to all eligible students in the following areas:

- Grade 11 will be assessed in English language arts and mathematics.
- Grade 11 will also be assessed in science and social studies.

Criteria for measurement of goals/objectives:

Mountain Education staff utilize data collection including grades, behavior data, observations, common formative and summative assessments and individually prepared assessments

to measure progress on goals and objectives. Criteria for mastery is individually determined by the IEP team; however, the customary measure used at Mountain Education is 80%.

Progress Reporting and Scheduling:

IEP progress reporting occurs concurrently with school-based progress reports for all students.

- High Schools: every 9 weeks

Plan for Services (special education, related services, modification/accommodations, positive behavioral supports) with frequency, and duration of services:

Special Education

IEP teams determine appropriate services including academic needs, related services, and student supports based on present levels of performance. Although the first consideration for services is the regular classroom environment, more restrictive placements may be necessary when needed services cannot be provided in the general education setting. A continuum of services must be considered for each individual student. The team discusses benefits and consequences for all levels of services considered during the annual IEP meeting. Services can be updated or modified through an IEP amendment.

The continuum of alternative services at Mountain Education includes instruction in the following settings:

- general classes with supplemental aids and materials
- small group interrelated settings with direct instruction
- specialized programs (ABA, Behavior, High Functioning Autism)
- small group adapted programs
- home instruction
- hospital or residential facilities

Related Services

IEP teams may determine that services other than instruction are necessary to help students benefit from special education. The IEP team makes the determination of need for related services. In some cases, the IEP team may recommend an evaluation to determine the need for a specific related service. In all cases, related services should support the special education program outlined in the IEP with a clear correlation between the related services and IEP goals and objectives. Related Services normally include transportation and such developmental, corrective, and other supportive services as required to assist a child eligible for special education to benefit from special education. Related services may be delivered in school, home, or community settings as determined appropriate by the IEP team. Related services are required to assist a student with a disability in benefiting from and accessing educational services. The term “related services” means developmental, corrective, and other supportive services including, but not limited to the following:

- Audiological services
- Psychological and counseling services
- Physical and occupational therapy
- Counseling services, including rehabilitation services and social work services

- Speech/language pathology services
- Orientation and mobility services
- Interpreting services
- School nurse or other medical services
- Parent training
- Transportation

To determine what special education services and/or related services will be provided to the child, the IEP team will look at the child's present levels of academic and functional performance, assessment results, the measurable annual goals, and, if appropriate, the short term objectives or benchmarks that are included in the IEP. Any services should be based on the unique needs and abilities of the child and help the child advance appropriately toward attaining the annual goals.

IDEA refers to related services and supplementary aids and services that are "based on peer reviewed research to the extent 'practicable.'" This means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs, which refers to those services and supports that are proven through research data to improve student learning. Related services may be documented in the IEP in several areas, including the recommended special education and related services section, the supplementary aids and services section, and the instructional accommodations or modifications section.

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

Instructional accommodations:

Instructional accommodations may include how instruction is provided, how the child is expected to respond instructionally, how the child participates in classroom activities and the kinds of instructional materials used. Accommodations provide children with disabilities a variety of ways to access the Georgia Performance Standards so that their disabilities are not barriers to achievement. Children with accommodations are still expected to meet the same grade level standards as their peers without disabilities. For example, a student might listen to portions of a text on tape rather than reading it, answer questions orally or use a computer keyboard instead of writing with a pencil, use large print textbooks, watch video with captions, or participate in a discussion in a biology class with a sign language interpreter. Accommodations should provide access to or promote skill growth, and some accommodations may be used instructionally that **will not necessarily** be used for assessment. Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis. Accommodations should not be confused with differentiated instruction.

Classroom testing accommodations:

Classroom testing accommodation should be individualized, determined by subject area, and be as specific as possible. For example, if a student may require additional time to complete tests, it is recommended that the amount of time is specified such as, "time and a half." Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc.

Testing accommodations should only be recommended if they are also the student's instructional accommodations, and some instructional accommodations may not be appropriate for testing.

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

Supplemental aids and services should include supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Some accommodations used for instruction may also be considered a supplemental aid and service.

Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP):

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

Functional Behavior Assessment:

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

Components of a FBA:

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

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

STEP 1: Convene Team Meeting/ Obtain Parental Consent

Attendees (*indicates required member):

*Parent/Guardian, *Teacher, *MTSS*Representative/IEP Case manager, Counselor,

Administrator, Behavior Specialist/SPED Coordinator, Social Worker, Outside Agency Representative.

STEP 2: Identify Problem Behavior

Behavior must be defined so that any observer can easily identify and measure the problem behavior. A behavior must be observable, repeatable, and measurable.

STEP 3: Gather Sources of Information

Review Records (e.g., current IEP, most recent FBA/BIP, recent psychological evaluations, behavior records, medical records, attendance data, academic performance levels, etc.)

STEP 4: Summarize Assessment Data/Formulate Hypothesis Statement

- Based on the primary function identified, write a hypothesis statement describing why the student is engaging in the inappropriate behavior

STEP 5: Convene Team Meeting

- Invite members of the team that will be responsible for constructing and monitoring BIP (to include the parent)
- Review FBA findings with team
- Construct a Behavior Intervention Plan that meets the function of the behavior identified

STEP 6: Construct BIP

- For special education students, once the FBA/BIP process is complete, print, scan, and upload all documents into SLDS.

STEP 7: Implement BIP and Monitor Progress

Components of a BIP:

Information from the FBA: This includes the target behavior, the data that was collected, and the best ideas about the purpose or function of the behavior.

- Positive strategies to avoid or prevent the behavior: These can include changes in routines, changes in classroom instruction, opportunities for choice, etc.
- New skills to replace the target behavior: These can include communication skills, social skills, self- management skills, choice-making, etc.
- Ways to teach the new behaviors: These may include modeling, practice, social stories, prompts, direct instruction, etc.

Consequences: These include what happens if the target behavior is exhibited and what happens when the desired behavior is exhibited.

- Dates when the plan will be implemented.
- Names of people who will implement the plan.
- Materials, training and support for persons implementing the plan.
- Collecting and reviewing data.

Explanation for exclusion of participation with non-disabled peers:

The IEP team determines that the student should be excluded from participating with typical peers and if so, this is documented in the IEP. This determination is made on an individual basis and includes consideration of the whole student:

- Academic strengths and areas of need
- Social-Emotional strengths and areas of need
- Adaptive strengths and areas of need
- Functional strengths and areas of need

Testing Accommodations or Modifications:

IEP teams may believe that both accommodations and modifications reduce the effect of the student's disability on an assignment or assessment; however, there are important differences. An accommodation does not change the construct of the assessment and does not lessen the learning expectations for the student. The construct is not changed in depth or breadth under an accommodation. A modification often changes the construct and changes the learning expectations. For example, an accommodation for a classroom assignment might be extended so that the student can complete all parts of the assignment. A modification for that assignment might be taking a portion of the assignment.

Accommodations DO	Accommodations DO NOT
Keep the test construct intact while changing the manner in which a test is administered or how the student responds	Change the construct the test is designed to measure (this would be a modification)
Reduce or eliminate the effect of the disability on the assessment	Reduce learning expectations for the student with a disability (this would be a modification)
Help ensure the results of the assessment are an accurate measure of student knowledge and skill within the construct	Absolutely ensure a proficient score on an assessment
Help ensure the assessment is equitable for the student with a disability	Provide an advantage

Mountain Education adheres to the following state guidelines regarding testing accommodations for both statewide assessments and GAA 2.0:

- Georgia requires all students to participate in statewide assessment programs. For any grade where all students are assessed, students with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA 2.0). The GAA 2.0 is designed for students with the most significant cognitive disabilities, approximately one percent of all students enrolled in assessed grades. Questions regarding the GAA's role in accountability measures can be answered by the GaDOE Accountability Division. All students must be included to the fullest extent possible in all statewide assessments and have their assessment results included with Georgia's accountability system. The GaDOE participation requirement is supported by federal legislation requiring the participation of students with disabilities in standards-based instruction and assessment initiatives.

Identification of Appropriate Accommodations:

Caveat: GaDOE provides an approved list of accommodations. The IEP team may not identify any accommodations that are not on the approved list. If a student must have

an accommodation that is not on the list, the IEP team should work with the coordinator to discuss ramifications of potential accommodations.

Mountain Education adheres to GaDOE guidance when choosing appropriate accommodations:

- Are the accommodations intended to lessen the effect of the student's disability as progress occurs on grade level standards?
- Are the accommodations chosen based on individual student need and not according to the student's special education eligibility?
- Are the accommodations necessary for the student's access to the test?
- Are the accommodations regularly utilized on classroom-based assessments?

Standard v. Conditional Accommodations:

- Standard Accommodations
 - do not change the construct that the item or test is intended to measure but do allow for the reduction or elimination of the effects of the student's disability on the test;
 - are available for any student with an IEP, provided that the IEP team determines the accommodation to be appropriate and that it is documented on the IEP form;
 - are appropriate when used alone, in combination, and for specific content areas, depending on the unique needs of the individual student.
- Conditional Accommodations
 - may encroach on the construct being measured by the test, meaning that these accommodations can change what the test measures;
 - require that the results of the test in which conditional accommodations are utilized be interpreted in light of the use of those accommodations.
 - The Mountain Education policy requires a Special Education Regional Liaison be included in the IEP meeting when conditional accommodations are being considered.

Consideration of ESY:

Extended school year (ESY) refers to special education and/or related services provided beyond the normal school year for the purpose of providing FAPE to a student with a disability. These services are distinct from enrichment programs, summer school programs, and compensatory services and are not simply an extension of time. These services, at no cost to the parent, will vary in type, intensity, location, inclusion of related services, and length of time, depending on the individual needs of the student. The consideration of ESY services is a part of the IEP process. The IEP must address the provision of ESY services, if required, for the student to receive FAPE.

Determining the need for Extended School Year Services

Please use the following guidelines when making a decision relative to ESY. Because ESY services are uniquely designed to provide FAPE to students with disabilities, it is necessary to emphasize that these services are:

- not based on the category of student's disability but are based on the student's unique educational needs;
- not mandated twelve-month services for all students with disabilities;
- not a child care service;

- not necessarily a continuation of the total IEP provided to a student with a disability during the regular school year;
- not required to be provided all day, every day, or each day;
- not an automatic program provision from year to year;
- not summer school, compensatory services, or enrichment programs;
- not required to be provided in a traditional classroom setting; not a service to be provided to maximize each student's potential

The IEP team should consider the need for these services at least annually. The request to consider ESY services may be initiated by the parent, the student, the student's teacher(s), related service providers, or administrators. It is important that the decision regarding whether ESY services are provided not be delayed. The IEP Team should make the decision early enough to ensure that parents can meaningfully exercise their due process rights if they wish to challenge an ESY decision. As with all other programming needs, it is recommended that the need for ESY be documented via data gathered about the student's performance in relation to the IEP goals and objectives as well as the individual needs of the child. This may include such factors as: the severity of the disability; the age of the child; any transitional needs; the rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives; the relative importance of IEP goals at issue; whether the child is at a critical point of instruction, such as emerging skills; and whether any delays or interruptions in services occurred during the school year.

Documentation of Extended School Year Services:

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

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

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

Transition Services:

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

Description: Transition requires support from multiple sources for the student and his/her family to make choices, develop connections, and access services. Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP team and is updated annually thereafter.

Method for Compliance Monitoring: Case managers must develop and update transition plans for each student on their caseload, as appropriate. Regional Liaisons will review transition plans to ensure compliance. The Regional Liaison will review at least two transition plans from their assigned campuses to ensure plans are written in a compliant manner. The Regional Liaison will provide case managers with corrective feedback when

appropriate. Any non-compliance will be addressed through corrective action and/or technical assistance.

Beginning no later the 9th grade or age 16, whichever comes first:

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

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

Appropriate post-secondary goals:

The successful transition of students with disabilities from school to post-school environments should be a priority of every IEP team. The purpose of a Transition Service Plan is to assist students in building the skills and supports they need to reach their post-school goals. Transition requires support from multiple sources so the student and his or her family can make choices, develop connections, and access services. All students with disabilities enrolled in Mountain Education should have a transition plan by the beginning of their 9th grade year. The IEP transition plan must include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

Transition services required to meet goals:

Transition services (including courses of study) needed to assist the child in reaching those goals. A course of study should focus on instructional and educational classes and experiences that will assist the student in preparing for transition from secondary education to postsecondary life. This should relate directly to the student's postsecondary outcome goals and should show how a planned course of study is linked to these goals. The course of study should be meaningful to the student's future and should motivate the student to reach successful post-school outcomes.

Desired Measurable Postsecondary Outcome/Completion Goals should be measurable and related to what the student wants to achieve after graduation. They should be "major life accomplishments" or "completion goals." Goals should be written in the areas of education/training, employment, and independent living (if appropriate). They should be clear and understandable, positively stated, and based on academic achievement and functional performance. They must be based on age-appropriate assessments and must be practical and relevant to transition needs. Outcome/completion goals can

change and become more refined as the student has more experience and gets closer to graduation.

Student involvement: Preferences and interests:

Preferences, Strengths, Interests, and Course of Study Based on Present Levels of Performance and Age-appropriate Transition Assessments should provide an assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) and should be conducted in conjunction with the development of the transition components. The initial transition assessment may be prior to the eighth grade and could occur when a reevaluation consideration is conducted. It should also be ongoing and fluid. Assessment tools that clearly describe a student's strengths and weaknesses and document a student's interests and perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment. Also, six characteristics should be considered when conducting a transition assessment. The transition assessment should: be child centered, be continuous, occur in many places, involve a variety of people, have understandable data, and be sensitive to cultural diversity.

Measurable Transition IEP Goals are based on age-appropriate transition assessment, including transition activities and services appropriate to attain the postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly relate to the how, when, where, and what answers that are needed to complete **each** post-secondary outcome/completion goal. These goals should be relevant to "how to get to" the desired postsecondary outcomes. They must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills and post-school options, related services, and daily living skills (as appropriate). At least one measurable transition IEP goal must be determined for education/training and development of employment. Measurable transition goals for independent living should be addressed if appropriate.

Transition Activities and Services should address the transition activities and services that are needed to attain these measurable goals. Transition activities and services should be planned as the "what is needed to achieve these goals."
" Many activities and services should be planned and implemented for each goal.

Representative of participating agency:

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

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

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

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

Transfer of Rights at 18 Years of Age:

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

Excusal of IEP Team Member:

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

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

At the **Annual Review** meeting, the current IEP, including mastery/progress toward goals/objectives is reviewed by the committee and a new IEP is developed based on the student's Present Level of Performance. A copy of the new IEP is sent home with the parents if they are in attendance, or mailed if they are not present. A copy of the new IEP is saved through the on-line IEP program for "read only" access for school personnel given the rights to that student's IEP. (NOTE: The Parental Consent for Placement is required to be signed only once, at the time of the initial placement, even though the program or location of program may change.)

Transition for children birth through 2 - Part C:

Mountain Education serves students in the 9th through 12th grade, therefore do not participate in transition for children birth through 2 Part C.

Parent Participation in IEP: Notification and Invitation:

The student's case manager will send a **Written Notice of IEP Meeting** to the parents appropriately ten days prior to the projected review date. IEPs should always be current, even if the student is a senior.

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

- Telephone conversations
- E-mail
- Notice sent in mail
- Notice sent with student

- Certified Mail
- Home visit
- Social worker

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

The projected review date must occur before the end date of the current IEP, so case managers are encouraged to begin working with parents to arrange a mutually-agreed upon date well before the ending date. The parent may request the IEP meeting to be rescheduled or to participate by telephone or videoconference if they are not able to attend. A copy of the notification (for documentation purposes) is automatically saved in the *Georgia On-Line IEP* program, along with the parent's response to the invitation. All required attendees are invited, along with other stakeholders invited by the parent or the school. The parents will be given the names in writing of all members invited to the Annual Review. Should the parent require a translator or interpreter, it is the responsibility of the Mountain Education campus and the Special Education Department to ensure that an appropriate adult is available to serve in that capacity.

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

Note: The GOIEP application allows for the development of a draft IEP prior to the meeting date. When the IEP is printed prior to the date of the meeting, the word "DRAFT" is superimposed on each page. When using a draft IEP, parents must be assured that this is not the final IEP and their input, as well as that of other team members, will be considered. As the team goes through the IEP process, the draft IEP must be changed to reflect the decisions of the IEP team. A finalized copy of the IEP should be given to the parent at the conclusion of the meeting along with a copy of their Procedural Safeguards.

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

For a student whose eligibility terminates due to graduation with a regular diploma or to exceed the age requirements, the district must provide the student with a summary of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals. Although not required, it is good practice to provide the SOP for students who graduate with a certificate of attendance or a special education diploma as well. The purpose of the SOP is to provide strategies for successful transition with needed support. The SOP and directions for completing the SOP are available on the GaDOE Special Education web page. If a student is receiving special education services upon reaching age 22, Mountain Education will serve the student until the end of the school year (June 30) in which the student turns 22. It is the goal Mountain Education to secure the successful transition of students to their desired post-school outcomes. The school system will collaborate with parents, teachers, and students to

complete that transition by age 22. The adult student and parents will be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22.

IEP/IFSP:

Mountain Education is a State Completion High School with a defined attendance zone. The obligation to serve private school students falls with the LEA in which the student resides. However, if ME were ever to have the obligation to serve private school students, ME would adhere to the following procedure:

Each parentally placed private school student with a disability who has been designated to receive special education and/or related services must have a services plan, and it shall be conducted within 30 days of determination. The services plan describes the specific special education and/or related services that the school district will provide to the student. ME will ensure that a representative of the private school attends each meeting to develop the services plan. If the private school representative cannot attend, ME will use other methods to ensure participation, including individual or conference telephone calls. This will help ensure communication about the student's needs among key stakeholders.

- 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. Mountain Education staff will provide services. Services will be scheduled during the regular school day. In making decisions about the delivery of services, including the location of services, Mountain Education must 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 students with disabilities.
- The assigned Case Manager will utilize Go-IEP to develop services plan meeting notifications, the services plan document, and eligibility redeterminations. The Case Manager is responsible for delivery of services and regularly reporting progress monitoring and updating progress reports in Go-IEP. The Case Manager must maintain detailed notes including the dates services were provided and the time frame of delivery for each session (beginning and ending time). The Case Manager is responsible for coordinating all Services Plan meetings including inviting the Special Education Department Head in which the private school is located to act as LEA for the meetings. The Special Education Director or designee will conduct periodic observations of services being delivered by the case manager.

Conducted with in 30 days of determination:

This is not applicable at the present time as a State Completion High School

Current within year:

This is not applicable at the present time as a State Completion High School

Accessed by all service providers:

This is not applicable at the present time as a State Completion High School

Inter and Intra-State Transfer of Students with IEPs:

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

Students Entering from within a Georgia County, upon enrollment, the following should occur:

- Records should be requested from the previous county by the site registrar.
- Students transferring within State are automatically assumed eligible for services because the eligibility has already been determined to meet Georgia’s eligibility criteria.

Students Entering from Out of State, upon enrollment, the following should occur: Special Education Lead Teacher and school staff confirm that the student was receiving special education services in the previous school by consulting any of the following: parent, previous school records and other documentation. Records will be requested from the previous county by the SPED Compliance Monitor.

- If records are insufficient after **15 calendar** days from the student’s enrollment date, the Special Education Director should be notified. The Special Education Director will assist additional records needed. Eligibility Report **MUST** be received from the in obtaining previous state.
- If records are still not sufficient after several requests or **30 calendar days** from enrollment, or if there are questions of eligibility, a meeting will need to be scheduled with the School Psychologist (or SLP if Speech only) attending to determine further necessary action. (In this case, the team can opt to accept the previous eligibility with the understanding that additional information is needed. A re-evaluation can be completed and the 60- day evaluation timeline will not apply.) This meeting should be scheduled within 60 school days from the student’s enrollment date.

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

- The Lead Special Education teacher and/or case manager makes a copy of the records for the School Psychologist (or SLP for Speech only).
- School Psychologists (or SLP for Speech only) should review records to determine that the existing report meets Georgia eligibility requirements.
- If the transfer report meets requirements the Psychologist (or SLP for Speech only) will contact the Special Education Department Head and/or case manager to let them know a meeting is ready to be scheduled. It is the responsibility of the Special Education Department Head and /or the case manager to schedule the meeting. The Special Education Regional Liaison must be notified when a meeting is scheduled.
- The School Psychologist should attend meetings for ALL SPED students entering from out of state except for students who are Speech only.

FERPA and transmittal of records

The Special Education Compliance Monitor will work diligently to promptly obtain the child’s records, including the IEP, eligibility report, psychological evaluation report, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous school system in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act. Special Ed Department Heads at

the campus, the assigned Regional Liaisons and the school psychologist, as appropriate, will be notified when paperwork has been received. Once received, *the records will be reviewed by the school psychologist* to determine the presence of all required information and documentation. These records will be scanned into the *Georgia On-Line IEP Program*.

Review and revision of the IEP:

Mountain Education will ensure that the IEP team:

- Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
- Revises the IEP, as appropriate, to address any of the following:
 - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
 - The results of any reevaluations conducted if applicable as well as any outside evaluations presented by parents
 - Information about the student provided to, or by, the parents;
 - The student's anticipated needs; or
 - Other matters.
- Consolidation of IEP Team meetings: To the extent possible, Mountain Education will encourage the consolidation of re-evaluation meetings for the student and other IEP Team meetings for the student.
- Consideration of special factors: In conducting a review of the student's IEP, the IEP Team must consider the special factors: behavior, level of English Proficiency, visual impairment, communication, and need for assistive technology.
- A regular education teacher of the student, as a member of the IEP Team, will participate in the review and revision of the IEP of the student.
- Failure to meet transition objectives:
 - Participating agency failure. Mountain Education will work with local agencies to ensure access for participating in developing, reviewing and revising transition objectives. If a participating agency fails to provide the transition services described in the IEP, Mountain Education must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
 - Nothing in this part relieves any participating agency, including the State Vocational Rehabilitation Agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- Students with Disabilities in Adult Prisons.
 - The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons (Department of Corrections)
 - Participation of students with disabilities in State and district-wide assessments; and
 - The requirements related to transition planning and transition services do not apply to students whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

- Modifications of IEP or placement.
 - The IEP Team of a student with a disability who is convicted as an adult and incarcerated in an adult prison may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

Monitoring Procedures for Mountain Education:

In review of the components of the IEP and ensuring that IEP meetings and IEP information adheres to mandated compliance expectations, Mountain Education provides the following:

Professional Learning:

- Monthly SPED SAR Meetings that the Special Education Department Head leads. This meeting focuses on each student with an IEP and progress or challenges that the student may be dealing with. Plans are developed to support students. The SPED Department Head and other staff members are instructed to follow the guidelines of the SWD Reference Guide.
- LEA Trainings: These trainings are offered several times each year to provide building level LEAs with the proper information needed to act as LEAs during the IEP meeting.

Monitoring:

- Case Manager Responsibilities- Case managers are reminded of their duties as it relates to IEP writing, implementation, and compliance. This document outlines the various areas that should be considered when writing an IEP. ME Case managers are encouraged to prepare IEP's five days in advance of the IEP meeting so that the Special Education Coordinator can review them for compliance.
- IEP Compliance Checklist and Google Resource Classroom- ME has provided all Special Education case managers with a template that supports the IEP process. Teachers are to use this guide to ensure that all areas of the IEP are addressed. Basic notes are given to help remind teachers of information that should be discussed. In addition, resources are available to all Special Education staff via a Google Classroom site for SPED Resources.
- Monthly Review of GOIEP Dashboard - Special Education Regional Liaisons monitor the GOIEP Dashboard on a monthly basis to remind campus-based Special Education case managers of any compliance concerns, i.e.
- Overdue Progress Reports and other reports as needed.
 - If procedures are not being appropriately followed, the assigned Special Education Regional Liaison will address concerns and refer personnel to aforementioned documents of compliance.

Section 7: Least Restrictive Environment (LRE) (State Rule-160-4-7.07)

Description

Mountain Education shall implement procedures and practices to ensure that all students with disability have an educational placement appropriate to meet their individual needs through a continuum of placements.

Method for Compliance Monitoring

Through consultation and planning with the Superintendent or designee, the Special Education Director ensures that Mountain Education offers a full continuum of placement options for students eligible for special education services. This continuum of services includes placement options in the general education setting which must be considered at every IEP meeting to ensure consideration for services in the least restrictive environment. The Special Education Director and Special Education Regional Liaisons provide ongoing consultation and professional learning with the Special Education Department Heads and case managers regarding services in the least restrictive environment.

The Special Education Department Head in turn, provides that information to case managers and acts as the LEA for meetings to ensure students with disabilities are offered placements in the least restrictive environment given their individual needs. Consideration for self-contained placements must be vetted through a Special Education Regional Liaison to ensure appropriate eligibility criteria and commitment of resources that may be necessary for that placement. The Special Education case managers will document placement decisions and the rejection of any placement considerations proposed through prior written notice to the parent. The Special Education Director and Regional Liaisons conduct random IEP reviews at least twice yearly to ensure IEP teams are considering and documenting the consideration of a continuum of services and that prior written notice is provided. Any non-compliance is addressed through corrective action and/or technical assistance.

LRE requirements: Written policies and procedures exist:

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

Annual IEP placement determination:

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

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

Full continuum of alternative placements:

Mountain Education is required to ensure that a continuum of placement options is available to meet the needs of students with disabilities for Special Education 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

Location of services:

Disciplinary Placements: under certain circumstances involving discipline, the Mountain Education administration 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. Mountain Education recommends a placement at the virtual campus if the decision is made to remove a student from the in-person campus.

Homebound and Hospital Placements (HHB): Homebound services are for students with an IEP who are unable to attend classes due to physical or mental illness where confinement in a hospital or in the home is expected to be a minimum of ten (10) consecutive school days. Homebound instruction is one of the most restrictive educational placements typically offered by a district. At Mountain Education, the virtual option is available so the student can continue to move through the coursework without interruption and still have access to special education services. In person instruction is also offered by the student's local campus, if this is the best option for the student.

Preschool Placement & Services:

Mountain Education is a 9-12 grade school. Mountain Education does not serve students in preschool.

School age placements and services:

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

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

- Direct services:

The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.

- Instruction outside the general classroom for individuals or small groups:

Home-Based instruction may be used as a short-term placement option (6 weeks which can be extended per a doctor's request) on occasions when the parent and school system agree at an IEP meeting with the following considerations:

- A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP.

- Home-based services must be reviewed every six weeks by the IEP team; and all IEPs that require home-based placements will include a reintegration plan for returning to the school setting. Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time.

Non-academic & extracurricular settings:

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

Section 8: Confidentiality of Personally Identifiable Information (State Rule: 160-4-7-.08)

Description: Mountain Education protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. Education records include records covered under the Family Educational Rights and Privacy Act (FERPA). A record includes printed or handwritten documents, but also includes information recorded in other ways, including computer media, videotape, audiotape, film, microfilm and microfiche.

Method for Compliance Monitoring: The superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without a parent's consent is forbidden. All persons collecting or using personally identifiable information have received training instruction regarding department policies and procedures concerning personally identifiable information. Mountain Education maintains, for public inspection, a current listing of the names and positions of school system employees who may have access to personally identifiable information. The Special Education Director and Special Education Regional Liaisons provide annual professional development with the Special Education case managers and teachers regarding the maintenance of special education records. The special education records for actively enrolled students are maintained and secured in an electronic platform of GOIEP. The GOIEP platform has scaffolded levels of access depending on the employee's role within a school or at the regional level. Record requests can be facilitated by contacting the Special Education office. Any non-compliance is addressed through corrective action and/or technical assistance.

Confidential Information:

Confidentiality is one of the rights afforded to parents in the Parent Rights document (procedural safeguards). Confidentiality of educational records is a basic right shared by all children in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not only those with disabilities.

All system personnel, including contracted employees, are governed by confidentiality requirements and will receive yearly training, and information updates regarding the law. Written and dated parental consent must be obtained before personally identifiable information is disclosed to unauthorized individuals, organizations or agencies unless authorized to do so under FERPA.

Personal identifiable information including the following:

- The name of the student, the student's parents, or other family member
- The student's address
- Any personal identifier such as the student's social security number
- Any personal characteristics or other information that would make it possible to identify the student such as a student's medical condition, disability or identification as a student with a disability.

FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools and most private schools. The school must comply with a request to inspect records within a reasonable amount of time, and in no case more than 45 days after the request has been made. The rights of parents regarding education records are transferred to the adult student at age 18.

Access rights and required procedures:

All Special Education Records are digital and housed in Georgia Online Individualized Education Plan (GOIEP) platform. *Access to confidential records includes site directors, assistant site directors, special education teacher, special education director, special education coordinators, school psychologist, school counselors, affiliated service personnel (ex. OT, PT, Speech) and general education teachers who have a legitimate educational interest.* Teachers and administrators that have a legitimate reason to access the special education records will be added as team members in GOIEP. Each time they access the records inside GOIEP, it will be digitally recorded. Special Education case managers will upload any and all updated documents as they are developed throughout the year.

Student Records:

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

Records Management:

All official Special Education Records are maintained at the Mountain Education campus where the student is currently enrolled. If the student is withdrawn, their special education file will remain at the campus for 1 year before it is transferred to the Central Office for storage. If the student enrolled after June 30, 2020, all special education records will be digitally stored and maintained in Infinite Campus. All requests for records from transferring schools, Department of Juvenile Justice, parents, Social Security Administration, medical personnel, etc. are handled through the Special Education Compliance Monitor and the Central Office Administrative Assistant when the appropriate Release of Information has been provided.

When a student enrolls in Mountain Education, the Compliance Monitor will request records from the previous school within 3 work days. The special education records that should be requested include but are not limited to the current IEP, most recent psychological, most recent eligibility or redetermination, initial evaluation, initial eligibility, consent to evaluate, consent for placement, speech evaluation if appropriate, most recent audiogram if appropriate and vision report if appropriate. Once records have been received, by the Compliance Monitor, they will be reviewed and uploaded into the GOIEP system and the campus Special Education Department Head and the Regional Liaison will be notified. Campus case managers will be assigned and able to access the records.

Amendment of Student Records at parent request:

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

Results of Hearing:

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

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

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

Parent Consent:

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

1. Parents or eligible children;
2. Other Mountain Education officials, including teachers, legally constituted cooperating agencies or other agencies providing shared services whom the system has determined to have legitimate educational interests.
3. Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record, if desired, and have an opportunity for a hearing to challenge the content of the record;

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

Safeguards:

Mountain Education protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The Superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent's consent is

forbidden. All persons collecting or using personally identifiable information will receive annual or more frequent, if needed, training or instruction regarding department policies and procedures concerning personally identifiable information.

Destruction of confidential information:

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. In compliance with the Individuals with Disability Act (IDEA) Mountain Education Special Education Department destroys special education records at the end of the school year (June 30) when the student turns 27 years of age. Data collected, maintained, or used in the provision of a free and appropriate education of students with disabilities, are no longer needed for educational purposes after this age. Prior to the destruction of records, a yearly notice will be placed on Mountain Education website. For more information, the Special Education Director should be contacted.

Professional Learning and Monitoring:

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 policy and procedures concerning personally identifiable information.

Section 9: Procedural Safeguards and Parent Rights (State Rule:160-4-7-.09)

Description: 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. Information from IEPs will only be shared with staff members who have a need to know. All IEPs and supporting documents are electronically housed in the GOIEP platform.

Method for Compliance Monitoring: Records will be handled and maintained in such a manner as to ensure confidentiality. All student records are maintained electronically in a secure database, only accessible to the District Administrators and selected staff at each campus. The Special Education Regional Liaisons maintain organization of the electronic database. All records requests for Special Education records should be sent to the Special Education Monitor.

When Parent Rights must be provided to parents:

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

The Georgia Parental Rights document can be accessed in English and other supporting translations on the Georgia Department of Education Website.

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

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

Content of Parent Rights:

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

complaint procedures and due process hearing which includes:

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

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

Prior Written Notice:

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

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

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

- A description of the action refused or proposed by Mountain Education Regional High School.
- An explanation of why Mountain Education refuses or proposes to take the action.
- A description of the evaluation procedure, assessment, records, or report used as a basis for the proposed or refused action.
- A statement that the parents have the protections of the procedural safeguards.
- The sources for the parents to contact to understand the procedure safeguards.
- A description of other options the IEP team considered and the reasons why those options were rejected.
- A description of other factors that are relevant to the district's proposal or refusal.

Parental Consent:

Mountain Education will obtain informed, written consent from a parent or guardian for each of the following requests:

- to conduct an initial evaluation,
- to conduct a reevaluation,
- before providing initial special education and related services,
- before disclosing any personally identifiable information that is subject to confidentiality.

For these actions, every attempt possible will be made to have an in-person meeting with the parents. In the event that a parent does not attend a meeting or that a parent has a question outside of an IEP meeting, the parent is encouraged to immediately

discuss any questions or concerns with the special education case manager or coordinator or to request an IEP meeting for further discussion. After an initial evaluation and recommendation for special education and related services, ME will obtain consent from the parent before providing any services to the student. Additionally, once the student is provided with special education and related services, a parent may revoke consent at any time. To revoke consent, a parent must provide the revocation of consent in writing; this revocation will apply to all special education and related services. A parent may not revoke consent for individual services.

Once a parent has provided written revocation of consent for special education and related services, ME will provide the parent with prior written notice that includes all required components outlined by the Georgia Department of Education.

Access to educational records:

Mountain Education will maintain the confidentiality of information for every student's educational record. Unless otherwise noted by a court order, ME will assume that both parents of a student have the authority to inspect and review the student's educational records.

Parents of a student with a disability are always allowed to request and to review the educational records of their student. These records include:

- Identification - Process to determine eligibility,
- Evaluation - Nature and scope of assessment procedures,
- Placement - Educational placement of the student, and
- FAPE - Provision of a free appropriate public education.

Complaint process:

If a parent, or any individual or organization, believes that a violation of the IDEA or the Georgia Department of Education Special Education rules has occurred, they may file a formal complaint with the Georgia Department of Education (GaDOE). A formal complaint investigation is a procedure to determine if ME is complying with federal laws and Georgia laws in relation to the provision of special education and related services to students with disabilities. Once a formal complaint is filed, the investigation is conducted by the GaDOE through the use of qualified, contracted investigators. In addition to filing the complaint with the GaDOE, the person or party filing the complaint must provide a copy of the complaint to the ME. ME will then respond to the complaint; all attempts will be made to respond within 10 business days. When a parent files a complaint, he will have the opportunity to voluntarily engage in mediation with ME to resolve the dispute.

Mediation:

Disagreements between a parent and Mountain Education can be discussed and resolved through a mediator, a trained impartial third person. ME or a parent can request mediation to resolve disputes. This process is voluntary for each party, so both parties must agree to mediation. Any discussions during the mediation process are confidential and cannot be used as evidence in any due process hearings or civil proceedings. When in mediation with a GaDOE contracted mediator, if an agreement is reached, the written agreement is legally binding in state or district courts. If this agreement is not carried out, there may be a formal complaint filed.

Student placement during pending due process:

In addition to mediation and the complaint process, certain disagreements between a parent and Mountain Education may be resolved through a due process hearing. Parents or ME may request an impartial due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of FAPE to a student. When an impartial due process hearing request is filed, ME will offer and convene a resolution meeting with the parent and the relevant members of the IEP Team within 15 days unless the parties agree to waive the meeting or participate in mediation instead of a resolution meeting. When the resolution meeting, or the alternate mediation, does not result in agreement, the impartial due process hearing will be held within 45 days after the 30-day resolution period.

Interim placements:

When Mountain Education or a parent has requested a hearing, the student shall remain in his or her current educational placement unless the parent and Mountain Education both agree to an alternate placement. If the hearing request is filed as an expedited hearing request, the student shall remain in the interim alternative educational setting pending the decision of the Office of State Administrative Hearings' administrative law judge unless the parent and ME agree otherwise. If the hearing is the result of an initial admission to public school, the student shall be placed, with the consent of the parent, in the school program until completion of the hearing proceedings. The current educational placement includes the services provided in the IEP and all related services.

Other special circumstances may apply, and for these circumstances, ME will review Georgia Rule (160-4-7-.18) to determine the student's status pending a due process hearing.

Independent educational evaluation:

The parents of a student with a disability have the right to obtain an independent educational evaluation (IEE) at their own expense, and some instances at the public expense. When requested, Mountain Education will provide the parent with information about where to obtain an IEE and the criteria for such evaluations. If a ME school psychologist determines that the IEE meets the criteria provided by ME, the results of the evaluation will be considered by the IEP team in any decision related to the provision of FAPE. Additionally, this evaluation may be utilized as evidence for any due process hearing. For an IEE to occur at the expense of ME, the parent must request an IEE after an evaluation with which the parent disagrees. ME will provide the criteria for IEEs including the location of the evaluation, the qualifications of the evaluators, and a cost limit for the IEE. However, when applicable, ME will also allow the parents an opportunity to explain the circumstances that warrant an IEE that does not meet ME criteria. If a parent requests an IEE at ME expense, ME either will pay for the independent evaluation or will begin due process procedures to show that the ME evaluation is appropriate. If there is a due process hearing and ME evaluation is judged to be sufficient then ME will not have to pay for an IEE. Parents are not entitled to an IEE at a public expense before ME is allowed to conduct its own evaluation. If the parents do not agree with the evaluation after it occurs, they may then request an IEE at ME expense. If the parents disagree and request an IEE, ME will ask why the parents disagree, but the parents are not required to provide an explanation. If ME agrees to provide an IEE, ME will provide a list of qualified examiners from which to choose for the IEE, and ME will work with the parents to find a mutually agreeable evaluator.

Private school placement by parent:

Mountain Education is a State Completion High School with a defined attendance zone. The responsibility of FAPE falls to the district in which the student lives.

Due Process hearings:

In addition to mediation and the state complaint process, certain disagreements between the parent and Mountain Education may be resolved through a due process hearing. Parents or ME may request an impartial due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of FAPE to a student. When an impartial due process hearing request is filed, ME will offer and convene a resolution meeting with the parent and relevant members of the IEP team within 15 days unless the parents and ME agree to waive the meeting or to participate in mediation instead of the resolution meeting. If the resolution meeting, or alternate mediation, does not result in agreement, the due process hearing will be held within 45 days after the 30-day resolution period. An impartial due process hearing is conducted as an administrative hearing.

Attorney's fees:

U.S. District Courts can award reasonable attorneys' fees to prevailing parties, whether they are a parent, State Educational Agency (SEA), or local system as part of any settlement of a due process complaint or civil action. Attorneys' fees awarded to SEAs or local systems may only be granted under certain guidelines.

1. The attorney of a parent may be forced to pay the public agency's attorneys' fees when that attorney files a complaint or civil action that is frivolous, unreasonable, or without foundation, or if the attorney continues to litigate after the litigation clearly became frivolous, unreasonable, or without foundation.
2. The parents or their attorney may be forced to pay the public agency's attorneys' fees if the parents' due process complaint or subsequent civil action was presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
3. Not all legal and administrative proceedings and services are eligible for reimbursement. A court may not award attorneys' fees for any services performed subsequent to the time of a written offer of settlement that is made to the parents if:
 - a. The offer is made in accordance with Rule 68 of the Federal Rules of Civil Procedure, or in the case of an administrative hearing, at any time more than 10 days prior to the hearing;
 - b. The offer is not accepted within 10 days; and
 - c. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable than the offer of settlement. However, attorneys' fees may be awarded to parents who were substantially justified in rejecting the settlement offer.
4. In addition, IEP Team meetings are not eligible for reimbursement unless the meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the state, for a mediation session.

5. Attorneys' fees for Resolution Sessions are also ineligible for reimbursement.

Provided in language understandable to parents:

Upon parent request, Mountain Education will provide notice in writing, in the parents' native language, or other principal mode of communication, at a level understandable to the general public.

Parent opportunity to review records:

Mountain Education provides an opportunity for the parents of a child with a disability to inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child. These rights include the right to a response from the local education agency to reasonable requests for explanations and interpretations of the records, the right to request the local education agency to provide copies of the records and the right to have a representative of the parent to inspect and review the records. The local education agency may presume that the parent has these rights unless the school system has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce. All rights of parents to examine education records shall transfer to the child at age 18. Parents may also obtain an independent educational evaluation of the child.

Parental participation in meetings:

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

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

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

Independent Educational Evaluations:

When a parent of a student with a disability disagrees with an evaluation conducted by the

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

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

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

If a parent requests an independent educational evaluation at public expense, the local education agency must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless the local education agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision is that the local education agency's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.

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

Mountain Education will provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the local education agency's criteria applicable for independent educational evaluations. If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation shall be considered by the local education agency, if it meets state and local education agency criteria, in any decision made with respect to the provision of a FAPE to the child; and may be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child.

If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense. Whenever the state or local education agency pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the state or local education agency uses when it initiates an evaluation. Except for the criteria described in this Rule, a local education agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Parental Consent:

At a minimum, informed parental consent is obtained before conducting an initial evaluation to determine if the child qualifies as a child with a disability; conducting any re-evaluation of a child with a disability; and providing initial special education and related services to a child with a disability. Consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE. Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.

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

Initial Evaluations:

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

- Despite reasonable efforts to do so, the local education agency cannot discover the whereabouts of the parent of the child;
 - The rights of the parents of the child have been terminated in accordance with state law;
 - The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- If the parent of a child does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the local education agency may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings. The local education agency does not violate its obligations under Child Find if it declines to pursue the evaluation.

Re-evaluation:

Mountain Education obtains informed parental consent prior to conducting a reevaluation of a child with a disability. If the parent refuses to consent to the re-evaluation, Mountain Education may, but is not required to, pursue the re-evaluation by using the consent override procedures by accessing the mediation or due process hearing procedures. The school system does not violate its obligation if it declines to pursue the re-evaluation.

Services:

Mountain Education (responsible for making FAPE available to a child with a disability) will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. If the parents of a child fail to respond or refuse to consent to services, the local education agency may not utilize the procedural safeguards of mediation or a due process hearing to obtain agreement so that service may be provided. If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, the LEA will not be considered in violation of the requirement to make FAPE available to the child for which the local education agency

sought consent. The local education agency is not required to convene an IEP Team meeting or develop an IEP for the child for whom the local education agency requests consent.

Parent Refusal for consent/revocation:

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

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

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

Parent Consent not required:

Parental consent is not required before:

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

If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the local education agency may not use the consent override procedures described in this rule; To meet the reasonable efforts requirement in the consent section of this rule, the local education agency must document its attempts to obtain parental consent

Parent training:

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

Section 10: Discipline (State Rule: 160-4-7-.10)

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

Method for Compliance Monitoring: Administrators receive ongoing training through monthly principal meetings which includes a review of discipline reports to determine the effectiveness of rules and regulations for students. The Special Education Director provides professional development for all school administrators responsible for discipline each year regarding the procedures in the discipline of students with disabilities. The Special Education Director and Liaisons provide reports (as necessary) to campus administrators as to monitor the discipline for students with disabilities. Manifestation determination reviews (MDRs) must be coordinated by the Special Education Director. The Special Education Director will attend and facilitate all MDRs.

Relationship of General Code of Conduct to IEP:

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

Interim Alternative Settings and 10-Day Rule:

The Director of Student Success Supports and the Special Education Director must be notified when disciplinary action is taken for a student with a disability. Mountain Education personnel consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities). The 10 days can be consecutive and cumulative and can occur during the same school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided. When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change of placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting. After a student with a disability

has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school system will provide services to the extent required under this Rule.

Manifestation Determination:

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the student's IEP team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP.

Functional Behavior Plan:

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

The conduct must be determined to be a manifestation of the child's disability if the school, the parent, and relevant members of the child's IEP Team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of the LEA's failure to implement the IEP. If the student does not have a behavior intervention plan, the IEP team must conduct a functional behavior assessment and implement a behavior intervention plan that addresses the conduct in question, the IEP team must review and modify it as necessary to address the behavior. If the school system, the parent, and the relevant members of the child's IEP Team determine that the conduct in question was a direct result of the failure of the school system to implement the IEP, the system will take immediate steps to remedy those deficiencies.

Behavior Intervention plan:

If the IEP Team makes the determination that the conduct was a manifestation of the child's disability, the IEP Team will either conduct a Functional Behavioral Assessment (*unless a Functional Behavioral Assessment* conducted before the behavior that resulted in the change of placement occurred is already in place and found to be effective) and implement a Behavioral Intervention Plan for the child; or if a Behavioral Intervention Plan already has been developed, review the Behavioral Intervention Plan, and modify it, as necessary, to address the behavior, and (except as provided in the Special Circumstances described below), return the child to the placement from which the child was removed, unless the parent and the school system agree to a change of placement as part of the modification of the Behavioral Intervention Plan.

Special Circumstances:

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

Weapons:

Carries a weapon to or possesses a weapon at school, on school premises, or at a school function;

Illegal Drugs:

Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or

Injury:

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

Provision of Notification:

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of Mountain Education Code of Conduct, the school system will notify the parents of the decision and provide the parents the Procedural Safeguards Notice/Parent Rights in Special Education.

Appeal Process:

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or if Mountain Education believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. If the Administrative Law Judge or hearing officer determines that the removal of the child was a violation of his rights or that the child's behavior was a manifestation of the child's disability, the Administrative Law Judge or Hearing Officer can order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if it is determined that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. These appeal procedures may be repeated, if the school system believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Placement During Appeal:

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

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

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

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

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child

needs special education and related services;

- The parent of the child requested an evaluation of the child;
- The teacher of the child or other personnel of the school system expressed specific concerns about a pattern of behavior demonstrated by the child directly to supervisory personnel of the school system.
- The school system would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability based on special education eligibility rules.
- If the school system does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.
- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner. Until the evaluation is complete, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school system and the information provided by the parents, the school system will provide special education and related services.

Referral to Law Enforcement and Judicial Authorities:

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

Change of Placement due to disciplinary removal:

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

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

A change of placement occurs:

- If the disciplinary removal is for more than 10 consecutive days or
- The behavior is substantially similar to previous incidents that required removal; and The length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another have been considered.

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

Section 11: Surrogate Parents (State Rule: 160-4-7-.11)

Description: 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. Information from IEPs will only be shared with staff members who have a need to know. All IEPs and supporting documents are electronically housed in the GOIEP platform.

Method for Compliance Monitoring: Records will be handled and maintained in such a manner as to ensure confidentiality. All student records are maintained electronically in a secure database, only accessible to the District Administrators and selected staff at the campus. The Special Education Special Education Compliance Monitor maintains organization of the electronic database. All records request should be sent to the Special Education Compliance Monitor.

Surrogate Parent:

In order to provide every student eligible for public education with the protection of procedural due process, under circumstances where a student's parents or guardians are not known or are unavailable, or a student is a ward of the State, that student will be assigned a surrogate parent. *(Refer to Federal Regulations 300.519.)*

Efforts to locate Parents:

Mountain Education will make all efforts to locate the parents of a student served through special education and related services. If a parent or guardian is not able to be reached, or if the legal guardianship status of a custodial adult is in question, the school will make a referral to the school's social worker. School social workers strive to locate and identify parents through home visits, phone calls, and contacts with agencies such as the Department of Family and Children Services and the Probate Court.

Ward of the State:

Children in foster care may not require a surrogate if they are placed in a stable foster home and the foster parent is willing and able to provide the parent participation and educational responsibilities as required for IDEA. Many foster parents can act as the parent and do not require a surrogate. However, ME does provide surrogate training to foster parents using the same surrogate parent training so that they are best equipped to protect the child's rights and aid in the decision-making process. Usually, students placed in short term, temporary foster homes, or group homes will need a surrogate parent. Surrogate training is provided by the Mountain Education social workers.

For a child who is a ward of the State of Georgia, a judge overseeing the child's case may appoint a surrogate parent. The surrogate parent has no financial responsibility or other responsibility for the day-to-day care of the student. The surrogate parent must protect the child's rights in the educational and decision-making processes, including the

identification, evaluation, and placement of the student; follow confidentiality requirements of Georgia Rules and federal law; use discretion in the sharing of information; participate in developing the student's IEP; exercise other rights given to parents under the IDEA and Georgia Rules; not be an employee of the State, Mountain Education, or any other agency that is involved in the education or care of the child; have no interest that conflicts with the child he or she represents; and have the knowledge and skills that ensure adequate representation of the child. Volunteer Court Appointed Special Advocates (CASA) are sometimes appointed educational surrogates. The School Social Work Department will annually conduct surrogate parent training of CASA's and can provide training as needed to an appointed CASA who becomes a surrogate parent at any time throughout the school year.

Homeless Youth:

Mountain Education's determination of an unaccompanied or homeless youth will be made by the Homeless Education Program Coordinator. In cases when an unaccompanied or homeless youth is determined to be in need of a surrogate parent, the Homeless Education Program Coordinator will conduct the training of an identified surrogate.

Appointment of Surrogate:

A surrogate parent is needed when no parent can be identified; the public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State; or the child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act. Training involves a meeting with the ME social worker and the surrogate parent. The social worker discusses the following topics:

- Responsibilities of Surrogate Parents
- What is IDEA
- Categories of Disabilities under IDEA
- Eligibility for services
- IEP meetings

LEA determines need:

If the child is in the custody of a State agency (DFCS), then the child is a ward of the state. If the child is a ward of the state, then the following question must be asked to determine whether a surrogate is needed or not. If the child is in the custody of DFCS, then ask the person enrolling the child if the child resides with a foster parent.

- If the answer is YES, then the foster parent may sign the legal forms.
- If the answer is NO, then the school system will assign a surrogate parent to the case. The Special Education Director is responsible for assigning surrogate parents to specific cases.

LEA maintains list:

School social workers, as well as any others who train surrogate parents, are responsible for adding names and contact information to a list of approved surrogates. The list also includes the date that the surrogate was trained and the name of the trainer.

Criteria for surrogate parent selection:

The person who is selected to be a surrogate parent may not be an employee of the State

Education Agency, Local Education Agency or any agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child s/he represents; and has knowledge and skills that ensure adequate representation of the child (attends a Surrogate Parent Training Session.)

Surrogate parent responsibilities:

The surrogate parent must protect the student's rights in the educational and decision-making processes, including the identification, evaluation, and placement of the student; follow confidentiality requirements of Georgia Rules and federal law; use discretion in the sharing of information; participate in developing the student's IEP; exercise other rights given to parents under the IDEA and Georgia Rules; not be an employee of the State, Mountain Education, or any other agency that is involved in the education or care of the student; have no interest that conflicts with the student he or she represents; and have the knowledge and skills that ensure adequate representation of the student.

Section 12: [Dispute Resolution \(State Rule: 160-4-7-.12\)](#)

Description: Mountain Education will ensure that any complaints and/or disputes regarding special education services are addressed expeditiously. Most complaints and/or disputes can be addressed at the site level through the IEP process. The first point of contact at the campus level for dispute resolution is the campus principal with the assistance of the Special Education Regional Liaison. Any complaint or dispute that cannot be resolved at the site level should be referred to the Special Education Director.

Method for Compliance Monitoring: The Special Education Director will investigate any complaint/dispute initiated by a parent. After investigation, the Special Education Director will contact the parent with a resolution which may require an IEP meeting. Any complaint/dispute reported directly to the campus administrator or Special Education Regional Liaison so that a resolution can be coordinated. If the parent does not agree to resolve the complaint/dispute, the Regional Special Education Liaison will contact the Special Director for alternative resolutions and contact the parent.

Formal complaints and requests for a due process hearing should be reported directly to the Special Education Director. The Special Education Director will notify the superintendent and the school board attorney of receipt of the formal complaint or due process hearing request. The Special Education 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 GA DOE, the Special Education Director will ensure that any noncompliance is corrected within guidelines established by the GA DOE. The Special Education Director will ensure that any orders issued by an administrative law judge as the result of the due process hearing are implemented in a timely manner.

Complaint Process:

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

- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.
- The party filing the complaint must forward a copy of the complaint to the local education agency at the same time the party files the complaint with the Georgia Department of Education (GaDOE).
- The complaint shall be reviewed and investigated as necessary and appropriate action

taken within 60 calendar days of its receipt by the Georgia Department of Education (GaDOE).

- If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing
- If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be informed by the Georgia Department of Education (GaDOE). However, a complaint alleging the local education agency failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described in this rule.

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

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

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

- The party filing the complaint must forward a copy of the complaint to the local education agency serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Mountain Education Superintendent.
- The complaint shall include a statement that the State or school system has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
- The Divisions for Special Education Services and Supports shall address the issue with the school system in writing and request a response within 10 business days from the public agency directly involved.
- Mountain Education shall then respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
- Copies of all correspondence shall be sent to the parties involved that include the complainant, the Georgia Department of Education (GaDOE) and the school system. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
- The parent who files the complaint and the school system shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.
- Upon receipt of the first State complaint from a parent in a school year, the school

system involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability.

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

Mediation Process:

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

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

techniques.

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

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

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

- The State shall bear the cost of the mediation process
- Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. (h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:
 - Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and
 - Is signed by both the parent and a representative of the school system with the authority to bind the school system;
 - The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process.

Impartial Due Process Hearings

The impartial due process hearing is designed to provide a parent or school system an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a free and appropriate public education (FAPE) to a child with a disability. The due process hearing request must allege a violation that occurred not more than two years before the date the parent or school system knew or should have known about the alleged action that forms the basis of the due process hearing request. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or the school district's withholding of information from the parent that was required to be provided to the parent.

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

The school system must inform the parents of low-cost or no-cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the school system. Due Process Request Procedures are as follows:

- The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the school system, the party must provide a copy to the Superintendent of Mountain Education

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

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

Resolution process:

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

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

The Resolution Period:

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

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

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

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

The impartial administrative law judge or hearing officer must not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child. A person who otherwise qualifies to conduct a hearing is not an employee of the

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

Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific school system or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case when any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties. The ALJ Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts, must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.

Subject matter of due process hearings:

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

Timeline for requesting a hearing:

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

Exceptions to the timeline:

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

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

party's evaluations that the party intends to use at the hearing.

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

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

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

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

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

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

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

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

Civil Action:

Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action. In any civil action, the court receives the records of the administrative proceedings directly from the administrative law judge or hearing officer, hears additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate. The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.

Rule of construction:

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

Attorneys' fees:

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

Funds under Part B of the IDEA:

These funds may not be used to pay attorneys' fees or costs of a party related to any action or

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

- The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
- The offer is not accepted within 10 days; and
- The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement. An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer. Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation. A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section. The court may reduce the amount of the attorneys' fees awarded, if the court finds that:
 - The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
 - The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
 - The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or the attorney representing the parent did not provide to the local education agency the appropriate information in the due process hearing request notice. The provisions of the above paragraph do not apply if the court finds that the State or local education agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.

Child's status during proceedings:

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

If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the school system is not required to provide the Part C services that the child had been receiving. If the child is found eligible for

special education and related services under Part B and the parent consents to the initial provision of special education and related services, the school system must provide those special education and related services that are not in dispute between the parent and the school system. If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the school system and the parents.

Section 13: Private Schools (State Rule: 160-4-7-.13)

Description: The school district's obligations to parentally placed private school students with disabilities are different from its responsibilities to those enrolled in public schools. Parentally placed students 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 students. Therefore, it is possible that some parentally placed students with disabilities will not receive any services while others will.

Method for Compliance Monitoring: Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

LEA privately places or referred students:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Parental placement in private school and LEA offer of FAPE:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Provision of written notice by parent to place in private school:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Reimbursement and limitations on reimbursement for private school placement:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Home Schooled students:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Child Find process and children in private schools:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Part B and related Service for private school students:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Provision of IEPs and Service Plans to privately placed students:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Consultative with private schools for child count:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Private school representatives at IEP:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Equitable services determination and limitations of service:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Materials provision: secular, neutral, non-ideological:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Location of services and transportation:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Provision of property, equipment and supplies to private schools:

Mountain Education is a State Completion High School (choice school) with a defined county attendance zone located in the Pioneer RESA, North GA RESA, Northwest GA RESA, Metro RESA, and West GA RESA areas. FAPE for any student referred to a private school in these district zones will be the responsibility of the resident district.

Section 14: Personnel, Facilities, and Caseloads (State Rule: 160-4-7-.14)

Description: Mountain Education will ensure that special education services are delivered by professional staff that meet highly qualified status. Mountain Education 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 students to be served. Mountain Education will adhere to State Board Rule 160-4-7-.14 in regards to maximum class size and caseloads.

Method for Compliance Monitoring: Credentials and licenses of special education personnel are verified and maintained by the Human Resource department. Each teacher's highly qualified status is verified at a minimum of once annually by the Human Resources department during CPI reporting. Campus principals are responsible for the hiring of all special education certified and licensed personnel with the exception of related services personnel. Campus Principals verify credentials of special education personnel during the employee application process, and credentials are maintained by the HR department. Campus Principals are responsible for maintaining adequate classroom space for serving students with disabilities including the provision of appropriate furniture, instructional materials and equipment. Related service personnel, school psychologists, and speech-language pathologists are hired as independent contractors by the Special Education Director. Credentials and licenses for these personnel are provided by the employee to Mountain Education.

Maintenance of credentials for professional employees:

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

Classroom size and appropriateness:

Mountain Education provides classrooms of suitable size in a distraction-free area, as required by the type of program or services to be established with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served. The school system follows this Georgia Department of Education policy as a safeguard to prevent placing children with disabilities in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction.

Maximum class size and caseload by eligibility category:

Mountain Education follows the Georgia Department of Education policy, By design, Mountain Education classrooms do not exceed 15 students per class. If more seats are needed, Mountain Education will open another classroom to accommodate.

Section 15: Georgia Network of Therapeutic Support (GNETS) (State Rule: 160-4-7-.15)

***As a State Completion High School, Mountain Education is not a provider of Therapeutic Support for high school students. If a student requires therapeutic support, they will be referred to the local resident district in which the student resides for services.**

Description: Mountain Education shall maintain a full continuum of special education services and placement for students. As a State Completion High School, Mountain Education is not a provider of Therapeutic Support for high school students. If a student requires therapeutic support, they will be referred to the local resident district in which the student resides for services.

Method for Compliance Monitoring: Mountain Education will defer to the resident district in which the student resides for compliance monitoring.

GNETS Purpose and Services:

The Georgia Network for Educational and Therapeutic Support (GNETS) supports 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).

Consideration for GNETS Services:

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
- School History
- GNETS consultation documents

Continuum of GNETS Service Delivery and Environments:

The information related to the guiding questions 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 ensure 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 resident district school will complete the transportation form and send it to the transportation department.

LEA Duties & Responsibilities:

***As a State Completion High School, Mountain Education is not a provider of Therapeutic Support for high school students. If a student requires therapeutic support, they will be referred to the local resident district in which the student resides for services.**

A Resident District Coordinator, Director and/or designee will serve as LEA for all IEP meetings for the resident district students served in the GNETS facility. Duties will include:

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

Eligibility and placement:

Students receiving services through a GNETS Program are referred by the local school district where the student resides. Referrals are made through the Individual Education Program (IEP) process. An IEP team may consider 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 includes 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, the student's home site is actively involved and exit criteria are developed upon entry into the GNETS program. The home site continues to be actively involved in the progress of the student attending any GNETS site throughout the child's tenure there, and exit criteria are developed upon entry into the GNETS program so that the IEP Team (and the child) will know expectations for returning to the home school.

Documentation of ongoing effectiveness and improvement:

All GNETS programs must have an on-going system for documenting effectiveness and program improvement based on Georgia Department of Education requirements and guidance from stakeholders. Data is kept on each Mountain Education student to validate program effectiveness through measurement of annual goals/short-term objectives and statewide assessment results.

Recommended class size by level:

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

Positive behavioral interventions and supports:

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

Academic curriculum:

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