Exceptional Student Services Procedures Manual
Treutlen County School District

Purpose

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

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

Application of Laws and Regulations

Individuals with Disabilities Education Improvement Act (IDEA)
State Rule: 160-4-7-.01

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

The District receives IDEA funds for the education of students with disabilities only if it complies with the specific requirements of IDEA. These requirements include, among other things, the requirement to identify and evaluate students who may have disabilities, to determine the eligibility of such students, to develop individualized education programs, to place students in appropriate settings, to follow certain procedural safeguards (including in connection with disciplinary actions), and to protect the confidentiality of student records. These requirements are discussed in more detail throughout this manual. Congress made changes to IDEA in 2004, and the U.S. Department of Education revised the regulations on August 14, 2006 and December 1, 2008. This manual incorporates those changes.

State of Georgia Requirements
The State of Georgia has adopted its own laws and regulations covering the education of students with disabilities. These largely emulate the requirements of the federal laws and regulations discussed above but in some instances, expand on the federal requirements. The Georgia requirements are incorporated throughout this manual and include all political subdivisions of Georgia that are involved in the education of children with disabilities, including:

- The Georgia Department of Education (GaDOE);
- Local educational agencies (L EA s), regional educational service agencies (RESAs), state schools and state charter schools;
- Other State agencies with educational programs and schools such as the
- Department of Human Resources and Department of Labor; and,
- The Department of Corrections, Department of Juvenile Justice and other local correctional facilities

These provisions are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under the Individuals with Disabilities Education Improvement Act (IDEA 2004).

Private Schools and Facilities: Each public agency in the State is responsible for ensuring that the rights and protections under IDEA 2004 are given to children with disabilities

- Referred to or placed in private schools and facilities by that public agency; or
- Placed in private schools by their parents when FAPE is at issue

State Advisory Panel: The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in Georgia. The advisory panel must consist of members appointed by the State Board of Education, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including:

- Parents of children with disabilities (ages birth through 21);
- Individuals with disabilities;
- Teachers;
- Representatives of institutions of higher education that prepare special education and related services personnel;
- State and local education officials, including officials who carry out activities under subtitle B of title V 11 of the McKinney-Vento Homeless Assistance Act, (42 U. S .C .11431 et seq.);
- Administrators of programs for children with disabilities;
- Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- Representatives of private schools and public charter schools;
- Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- A representative from the State child welfare agency responsible for foster care;
- Representatives from the State juvenile and adult corrections agencies

Special rule. A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

Duties: The advisory panel must:

- Advise the GaDOE of unmet needs within the State in the education of children with disabilities;
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- Advise the GaDOE in developing evaluations and reporting on data to the Secretary of the United States Department of Education;
- Advise the GaDOE in developing corrective action plans to address findings identified in Federal monitoring reports;
- Advise the GaDOE in developing and implementing policies relating to the coordination of services for children with disabilities

Limitation: Unless specifically stated in these Rules, it is not the intention of these Rules to

change or expand the rights or responsibilities provided under any Federal law or regulation.

Settlement Agreements and Similar Requirements

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

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Chapter 1: Free Appropriate Public Education (FAPE)

State Rule: 160-4-7-.02

IDEA requires that a student who meets eligibility criteria is entitled to receive a free appropriate public education, often referred to as "FAPE."

1.1 FAPE Inclusive for Students Ages 3-21: Full Educational Opportunity

Treutlen County Schools (TCS) ensures that a Free Appropriate Public Education (FAPE) is available to all children with disabilities aged 3 through 21 residing within the district's jurisdiction. FAPE includes the requirement that the District engage in appropriate child find activities for children who are not enrolled in the District, such as students in private schools and homeless students. Requirements include students who have been suspended or expelled. FAPE involves special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge.
- Meet the standards of the Georgia Department of Education (GaDOE).
- Include an appropriate preschool, elementary, or secondary school education.
- Are provided in conformity with an Individualized Education Program (IEP).

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

- Adult students aged 18 through 21, who, in the last educational placement, prior to their incarceration in an adult correctional facility:
- Were not actually identified as being a child with a disability;
- Did not have an IEP in effect; and
- Graduates from high school with a regular high school diploma. This constitutes a change in placement, requiring written prior notice.

The exception does not apply to adult students with disabilities, aged 18 through 21, who:

- Had been identified as a child with a disability and had received services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail;
- Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability; or
- Have graduated from high school but have not been awarded a regular high school diploma (awarded to students certifying that they have satisfied attendance requirements, unit requirements of 28 for Treutlen County Schools and the state assessment requirements);

1.2 FAPE for Students Aged 22

If a student is receiving services upon reaching age 22, the LEA shall have a written procedure that identifies a process for completing services to which the adult student has been previously entitled. Treutlen County Schools will state in writing that the goal is to secure the successful transition of students to their desired post-school outcomes and will collaborate to complete that transition by age 22. If a student is still attending school at age 22, the LEA shall state whether services will cease on the student's 22nd birthday, or will continue until the end of the quarter, semester, or until the end of the current school year. If an adult student remains after their 22nd birthday, the LEA shall notify the adult student and the parent(s) that although services will continue, no individual entitlement to FAPE or other rights under IDEA

are afforded the adult student.
When a student with an IEP graduates or ages out of school (i.e., turns 22 years of age), he or she will be provided with a Summary of Performance (SOP), developed by their case manager, of his or her academic and functional needs. The SOP also includes strategies to assist the student in achieving his or her desired postsecondary goals. Although not required for students who receive a special education diploma or other exit document, such as a certificate of attendance, Treutlen County Schools will provide the SOP to ALL students with IEPs who are exiting public school.

1.3 FAPE by 3rd Birthday

For children transitioning from the Babies Can't Wait (Part C) program, an IEP will be developed and implemented by the child's third birthday to ensure no gap in services. Treutlen County Schools will ensure FAPE is provided beginning at age three:

- The obligation to make FAPE available to each eligible child residing in the LEA begins no later than the child's third birthday; and
- An IEP or an IFSP is in effect for the child by that date.
- 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

Procedures: If a child is receiving services prior to age 3 through the Babies Can't Wait (BCW) program, then the BCW program and the district work together to transition the child to the public-school program by the child's 3rd birthday. Children should have eligibility for special education determined and an IEP developed and in place by age three if they were previously receiving services. BCW sends periodic notice to the Exceptional Student Services Director of students in their program that will turn 3 years old during the year. The director then sets up a transition meeting and contacts the Preschool Intervention Program (PIP) Teacher as they will serve as the case manager. The Preschool Intervention Program Teacher should attend the meetings and gather all necessary documents to transition the child. Once parental consent for an evaluation is signed and given to the PIP Teacher, they will complete a referral packet and send the referral information to the ESS Director. The PIP teacher will also assist in scheduling all evaluations with evaluators and parents. Once the child is evaluated, the School Psychologist communicates with the director and the PIP teacher then schedules an eligibility meeting and an Initial IEP meeting if applicable before the child's third birthday.

1.4 FAPE for Incarcerated Students

Treutlen County Schools (TCS) is responsible for the provision of a Free Appropriate Public Education (FAPE) to eligible students with disabilities who are incarcerated in local jails or correctional facilities located within the district's jurisdiction (e.g., Treutlen County Jail).
Procedure: To ensure effective Child Find procedures, the ESS Director works closely with the School Resource Officer (SRO) and the Treutlen County Sheriff's Office. This collaboration ensures that the District is promptly notified when a student within the eligible age range is detained. Upon notification, the ESS Director reviews the student's educational history to determine if they are currently eligible for special education services or if a referral for evaluation is warranted. Once the determination is made, a case manager is assigned and a meeting is scheduled to develop a plan to provide services or, if an evaluation is warranted and the student and/or parent agree, the evaluation process begins. If the student is found to be eligible, the IEP will then develop a plan to provide services while they are incarcerated in the Treutlen County Jail.

Eligibility for Services
The obligation to provide services applies to incarcerated individuals who:

- Are between the ages of 3 and 21 (eligibility ends on the 22nd birthday).
- Had an identified disability and a current Individualized Education Program (IEP) prior to their incarceration; OR
- Are identified as having a disability through the district's Child Find and evaluation process while incarcerated.

IEP Implementation and Modifications
The IEP team will convene to review and, if necessary, revise the student's IEP to ensure it can be reasonably implemented within the correctional facility.

Security Exceptions
While the district strives to provide full services, the IEP team may modify the student's IEP, placement, or LRE (Least Restrictive Environment) if the State or local law enforcement/correctional authority demonstrates a bona fide security concern that cannot otherwise be accommodated. These modifications do not constitute a denial of FAPE given the unique circumstances of incarceration.

1.5 Definition of Regular High School Diploma

A regular high school diploma means the standard high school diploma awarded to students in the state that is fully aligned with state and local standards. The term regular high school diploma does not include an alternative diploma that is not aligned with the State's academic standards such as a special education diploma, certificate of attendance, diploma of achievement (GAA students only), or a general educational development credential (GED).

1.6 Delay of Services Not Allowed

TCS will not delay the provision of required services to a student with a disability because of a dispute regarding payment or funding sources (e.g., Medicaid). If the parent requests an initial evaluation, either verbally or in writing, District staff will respond formally. **THE USE OF MTSS STRATEGIES WILL NOT BE USED TO DELAY OR DENY A FULL AND INDIVIDUAL EVALUATION.**

Treutlen County Schools (TCS) utilizes a Multi-Tiered System of Supports (MTSS) and the Student Support Team (SST) process to provide targeted, evidence-based interventions to students struggling academically or behaviorally. While MTSS is a critical general education framework and provides highly valuable data for the evaluation process, the use of MTSS or SST strategies may not be used to delay or deny a full and individual evaluation (FIE) for a child suspected of having a disability.

MTSS and Special Education Evaluations are complementary, not sequential. If a disability is suspected, the evaluation process must begin without delay. To ensure legal compliance and protect parents' rights under the Individuals with Disabilities Education Act (IDEA), TCS staff members are prohibited from engaging in practices that delay or deny a full and individual evaluation.

Parent Requests for Evaluation During MTSS If a parent requests a special education evaluation while their child is receiving Tier 2 or Tier 3 (SST) interventions, the District will respond promptly–within 5 business days. Staff must never inform a parent that the school requires a certain number of weeks of interventions, or that the student "must complete the SST process" before an evaluation can be considered. MTSS is not a prerequisite for a special

education evaluation.

The SST or ESS team must immediately–as soon as the team can be gathered; no more than five business days from the request–meet to review the student's data. If there is a suspected disability, the District will request informed written consent from the parent to conduct an initial evaluation. The consent will be requested by the Case Manager within the next two business days. If the parent is unable to be reached, the Case Manager will request that the Social Worker perform a home visit to deliver the consent.

If the District determines that it does not suspect a disability (e.g., the student is making adequate progress in Tier 2 and just needs a little more time), the District may refuse the parent's request. However, it must immediately–within five business days–provide the parent with a Prior Written Notice (PWN) detailing the refusal, the data used to make the decision, and a copy of their Procedural Safeguards. These documents may be sent certified mail, email, or home with the student.

Staff Suspicions of a Disability: School personnel have an active "Child Find" duty to refer a student for a special education evaluation if they suspect a disability. If a student is in the MTSS process and their response to targeted, high-quality interventions is severely minimal or nonexistent, the SST should not endlessly cycle the student through new interventions. Once the team has data suggesting that the student's struggles are likely due to a disability rather than a lack of instruction, a referral for a comprehensive special education evaluation must be made immediately.

Concurrent Processes: Interventions must continue during the evaluation period. Requesting or conducting a special education evaluation does not mean that general education interventions stop. If a referral for evaluation is made, the student must continue to receive their Tier 2 or Tier 3 interventions while the 60-day evaluation timeline is running. The data collected from these ongoing MTSS interventions during the evaluation period will be vital for the Eligibility Team when ruling out exclusionary factors (like lack of appropriate instruction) and determining the child's specific educational needs.

1.7 Medicaid Payment Allowances and Limitations

Georgia may use whatever State, local, Federal, and private sources of support that are available in the State to meet the requirements of this Rule. For example, if it is necessary to place a child with a disability in a residential facility, Georgia could use joint agreements between the agencies involved for sharing the cost of that placement.

Nothing relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

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

Children with disabilities who are covered by public benefits or insurance: The District is required to obtain parental consent to share student information with a non-educational public agency such as Medicaid. TCS may use Medicaid or other public benefits to pay for services permitted under the state plan. However, **the district will not:**

- Require the parents to sign up for or enroll in public benefits or insurance programs in

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

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

- Specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the 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
- Specify that the parent understands and agrees that the LEA may access the child's or parent's public benefits or insurance to pay for services provided under IDEA.

Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the LEA shall provide written notification to the child's parents consistent 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 LEA of its responsibility to ensure that all required services are provided at no cost to the parents.

Children with disabilities who are covered by private insurance: With regard to services required to provide FAPE to an eligible child, Treutlen County Schools may access the parents' private insurance proceeds only if the parents provide consent. Each time the LEA proposes to access the parents' private insurance proceeds, the LEA must
- Obtain parental consent; and
- Inform the parents that their refusal to permit the LEA to access their private insurance does not relieve the LEA of its responsibility to ensure that all required services are provided at no cost to the parents.

Procedure: After each initial IEP and redetermination meeting is concluded for students receiving Speech Instruction (SI), Occupational Therapy (OT), Physical Therapy (PT), or nursing services, the Medicaid form must be completed and submitted to the billing agency. The Medicaid form will be requested for all students regardless of whether the student is eligible

for Medicaid. Whether or not the parent gives consent does not impact any services provided in the IEP. A copy will be maintained in student records.

1.8 Notice to Parents Regarding Use of Benefits

TCS will obtain one-time written consent from parents before accessing public benefits and provide annual written notification thereafter. You have the right to withdraw your consent at any time. If you withdraw consent, the District is still required to provide all required IEP services at no cost to you. At this time, Treutlen County Schools do not request access to private insurance.

1.9 Residential Placement

TCS recognizes that for a small number of students with significant disabilities, a residential placement may be the Least Restrictive Environment (LRE) necessary to provide a Free Appropriate Public Education (FAPE).

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

<u>Criteria for Determination</u>

The IEP Team considers residential placement only when:

1. The student cannot receive a substantial educational benefit in a less restrictive setting (such as a local school with supplementary aids, a day treatment program, or homebound services).
2. The nature or severity of the disability is such that education in regular classes or local special classes cannot be achieved satisfactorily.
3. The placement is required for educational purposes, rather than primarily for medical, psychiatric, or custodial reasons.

<u>Placements for Non-Educational Reasons</u>

If a student with a disability is placed in a residential facility by parents, a court system, the Department of Juvenile Justice (DJJ), or the Department of Family and Children Services (DFCS) for reasons unrelated to the provision of FAPE (e.g., substance abuse treatment, medical/psychiatric stabilization, or custodial care), the District is not responsible for the cost of the placement, room, or board.

District Obligation and Procedure: Even if the District is not funding the residential portion, TCS remains responsible for ensuring the student receives FAPE (educational services) while residing in the facility, often by coordinating with the facility's educational provider or the Local Education Agency (LEA) where the facility is located. The IEP team will meet to ensure education services are provided to the student and make any necessary updates to the student's IEP.

1.10 Accessible Instructional Materials (AIM)

TCS will provide Accessible Instructional Materials (AIM) to students with print disabilities who are blind or other print disabled in a timely manner. This includes braille, large print, audio, and digital text. The ESS Director coordinates with the Georgia Instructional Materials Center (GIMC) and the related service provider to secure necessary materials to ensure that children with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities. Print instructional materials include textbooks and related core materials that are required by the district for use by children in the classroom. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also

included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities. However, specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.
Children who are blind or print disabled include:

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.
- Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
- Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

The following groups of individuals are eligible to certify children who are blind or other print disabled for specialized format instructional materials:

- In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents).
- In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

In order to ensure the timely provision of high quality, accessible instructional materials to children who are blind and other print disabled, the district must adopt the National Instructional Materials Accessibility Standard (NIMAS). NIMAS refers to a standard for source files created by textbook publishers for the purpose of producing accessible instructional materials. NIMAS files are not child ready files and will be used by authorized users and entities to produce accessible materials for children who are blind and visually impaired. Children who are certified as blind or other print disabled are eligible to receive accessible instructional materials produced with NIMAS files.

Treutlen County Schools coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production and delivery of accessible materials to children who are blind or other print disabled.

The NIMAC refers to the central repository which is responsible for processing, storing, and distributing NIMAS files of textbooks and core instructional materials.

TCS provides written assurances to the GaDOE regarding their intention to coordinate with the NIMAC.

When coordinating with the NIMAC, the district will require textbook publishers to deliver the contents of the print instructional materials to the NIMAC in a NIMAS format file on or before delivery of the print instructional materials. The files will be used in the production of

accessible instructional materials.

The district may also purchase instructional materials from the textbook publishers that are produced in or may be rendered in a specialized format.

If, for some reason, TCS chooses not to coordinate with the NIMAC, TCS understands that it is responsible for purchasing, producing or otherwise providing high-quality, accessible instructional materials in specialized formats in a timely manner for children who are blind or print disabled. TCS will take all reasonable steps to ensure that students with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities.

If a student requires instructional materials in accessible formats, but do not qualify for the materials under the definition of blind and other print disabled or who need materials that can not be produced from NIMAS, the district is responsible for providing the accessible materials.

Additionally, some children who require accessible instructional materials will need assistive technology to access the materials (e.g. text reader to read digital file, screen magnification program to read digital file). TCS will ensure that students with such needs have the technology required to access the materials.

Procedure: The case managers will notify the ESS Director of any students who are blind or other print disabled that are on their case load. Once notified, the ESS Director will work with the related services provider to add the student to the GIMC database. When the student is approved, the ESS Director will ensure all needed materials are requested and/or purchased as deemed approprite.

Case managers will also notify the testing coordinator at each school if statewide testing accommodations are required for larger print material. The school Assessment Coordinator will then notify the district Assessment Coordinator if testing materials are needed for statewide assessments. In the case of SAT or ACT accommodations, the counselor will notify and provide the ESS Director with the appropriate consent. The ESS Director will then complete the request for accommodations online. Once a determination has been made, the ESS Director will share it with the counselor who then notifies the parent and student. Accessible formats include Braille, audio, or digital text, but do not include the altering of the content.

1.11 Assistive Technology (AT)

Children with disabilities who require assistive technology in order to access a free appropriate public education are eligible for assistive technology devices or services, or both, as a part of the child's special education, related services, or supplemental aids and services. If the child's IEP Team determines that assistive technology devices or services are required for the child to receive a FAPE, a statement to that effect must be included in the child's IEP.

Each IEP Team will consider whether or not a child requires assistive technology devices and services in order to receive a free appropriate public education (FAPE). Minimal compliance will be indicating the appropriate response in the Consideration of Special Factors section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille.

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

If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative format instructional materials, the assistive technology will be documented in the IEP.

- Provision: AT devices and services are provided if required for the student to receive FAPE.
- Evaluation: The IEP team determines the need for an AT evaluation. If needed, a multidisciplinary team conducts the evaluation in the student's customary environment.
- Home Use: If the IEP team determines that an AT device is required at home to implement the IEP, it will be provided at no cost to the parent.

1.12 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 shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The student and family will also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.

If the child's IEP Team determines that assistive technology devices or services are required for the child to receive a FAPE, a statement to that effect must be included in the child's IEP. If assistive technology is required for the child to participate in districtwide or Statewide testing, the need for technology should be documented in the appropriate section of the IEP and provided to the child. If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative format instructional materials, the assistive technology should be documented in the IEP and provided to the child.

Procedures: When the IEP team determines that a student requires assistive technology devices or services, it will be clearly documented in the IEP. The ESS Director will be notified by the Case manager if devices are needed to be purchased or if services are needed. Following notification, the ESS Director will work with the Technology Director to develop a plan for purchase, training, and implementation. Training in the use of assistive technology will be provided to the staff on assistive technology. Students will also be trained on how to use assistive technology as deemed appropriate for them in their IEP. The provided assistive technology should be integrated into instructional activities, and data should be collected on the use of the technology.

1.13 Home Use of Assistive Technology

Treutlen County Schools (TCS) ensures that Assistive Technology (AT) devices or services are made available to a child with a disability if required as a part of the child's special education, related services, or supplementary aids and services.

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 be documented in the child's IEP.

<u>Determining Necessity</u>
The IEP team considers the following factors when determining if home use is required:

Continuity of Learning: Is the device needed to complete homework or practice skills learned at school?

Communication: Does the student require the device (e.g., an Augmentative and Alternative Communication or AAC device) to communicate effectively across environments, including the home?

Skill Generalization: Is the device necessary to help the student transfer skills mastered in the classroom to other settings?

Parent/Guardian Responsibilities

When an AT device is assigned for home use, the following protocols apply:

Ownership: The device remains the property of Treutlen County Schools. It is loaned to the student for educational purposes only.

Agreement Form: Parents/guardians may be required to sign a loaner agreement acknowledging receipt and condition of the device.

Care and Safety: Parents are expected to exercise reasonable care in protecting the device from loss, theft, or damage while it is off school property.

Training: The District will provide necessary training or technical assistance to the child and their family to ensure the device can be used effectively in the home setting.

Return: The device must be returned to the school upon request for maintenance, inventory, or if the student withdraws from the district or no longer requires the device per the IEP.

1.14 Extracurricular Activities Accessibility

Treutlen County Schools takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary for students with disabilities in order to provide an equal opportunity for participation in those services and activities.

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the Treutlen County Schools, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the Treutlen County Schools and assistance in making outside employment available.

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

1.15 Extended School Year (ESY)

ESY services are provided beyond the normal school year if the IEP team determines they are necessary for the provision of FAPE. ESY services means special education and related services that:

- Are provided to a child with a disability:
- Beyond the normal school year of the LEA;
- In accordance with the child's IEP;
- At no cost to the parents of the child; and
- Meet the standards of the State.

The IEP team determines the need for ESY services based on a review of data collection and

completion of the ESY Considerations form in Go-IEP. The team may not limit extended school year services to a particular category of disability or unilaterally limit the type, amount or duration of those services.

ESY services must be addressed at every annual IEP. If the IEP team determines that the student is in need of ESY services, the annual goals to be extended must be specified in the IEP. The IEP team must also document specific services being extended including the frequency, duration, location and provider of the services. If the ESY decision is deferred to a later date, the team must hold an IEP Review/Revision on or before the deferred date to discuss the data collected and make an ESY determination.

Criteria: The team considers regression/recoupment, critical points of instruction, emerging skills, and the nature/severity of the disability.

Determination: The need for ESY is determined at least annually.

1.16 Access to Physical Education

Physical education services, specially designed if necessary, are made available to every child with a disability just as they are provided to students without disabilities in the same grades to ensure all students are receiving FAPE when enrolled in TCS. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless:

- The child is enrolled full time in a separate facility; or
- The child needs specially designed physical education, as prescribed in the child's IEP.

Separate Facility: If the student is enrolled in a separate facility, TCS remains responsible for the education of a child with a disability and must ensure that the child receives appropriate physical education services in compliance with this Rule.

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

1.17 Services to Public Charter Schools that are Not LEAs

Children with disabilities who attend public charter schools within the Treutlen County Schools district that are not considered independent Local Education Agencies (LEAs) retain all rights under the Individuals with Disabilities Education Act (IDEA) and Georgia State Board of Education Rules.

<u>Service Delivery and Funding</u>

Treutlen County Schools serves children with disabilities attending these charter schools in the same manner as it serves children with disabilities in its other schools, specifically:

Provision of Services: The District ensures that identifying, evaluating, and educational placement services are provided to charter school students in accordance with the same

requirements that apply to other schools.

Funding: The District provides funds under Part B of the IDEA to these charter schools in the same manner as it provides funds to its other schools, including proportional distribution based on relative enrollment of children with disabilities.

Coordination: The District maintains responsibility for ensuring that all requirements of the IDEA and State Rules are met for students enrolled in these charter schools.

1.18 Charter Schools that are LEAs

Charter schools that operate as their own independent Local Education Agencies (LEAs) under Georgia law (often referred to as State Charter Schools or Commission Charter Schools) are solely responsible for providing a Free Appropriate Public Education (FAPE) to students with disabilities enrolled in their schools.

District Role

Treutlen County Schools (TCS) does not provide special education services, funding, or administrative oversight to students enrolled in Charter Schools that function as their own LEAs.

Referrals: Parents seeking special education services for a student enrolled in a Charter LEA will be referred to that specific charter school's administration.

Transfers: The movement of a student with a disability between TCS and a Charter LEA is treated as a transfer between two separate school districts. Records will be exchanged in accordance with standard transfer procedures. Information on these procedures can be found in section 5.9.

Collaboration: TCS may provide services to a student in a Charter LEA **only** if a specific contract or memorandum of understanding (MOU) is established between the Charter LEA and TCS, outlining the scope of services and reimbursement.

Currently there are not any Charter Schools in Treutlen County.

1.19 Programming Options and Equal Access

Treutlen County Schools will take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary for students with disabilities in order to provide an equal opportunity for participation in those services and activities.

Variety of Educational Programs

Case Managers will ensure that a variety of education programs and services are available to non-disabled children in the area served by the District and are also available to children with disabilities. This includes, but is not limited to:

- Art and Music
- Consumer and Homemaking Education
- Vocational Education / CTAE

If a program or service is not available, the ESS Administrator should be notified immediately.

Nonacademic and Extracurricular Services

The District takes necessary steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities.

Scope of Activities: These services and activities may include, but are not limited to:

- Counseling services
- Athletics and recreational activities
- Transportation
- Health services
- Special interest groups or clubs sponsored by the District
- Referrals to agencies that provide assistance to individuals with disabilities
- Employment of students, including both employment by the District and assistance in making outside employment available

Physical Education: Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the District enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

1.20 Hearing Equipment Checks

TCS ensures that hearing aids and the external components of surgically implanted medical devices worn in school are functioning properly. Case managers, in cooperation with teachers and the school nurse, conduct and document routine checks to ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. Treutlen County Schools is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Procedure: Teachers will be trained to check to ensure that batteries and hearing aids are working properly. All FM devices or Amplification Devices purchased will be issued to the Case Manager at the beginning of each school year before the first day of school by the ESS Director. In cases where the devices are determined to be needed after the first day of school, the device will be issued within three business days of receipt and entry into the district equipment database (managed by the Technology Director). The Case Manager is responsible for consulting with all teachers using the device. If the device is not working properly, the Case manager should contact the ESS Director. The Director will then work with the Technology Director to have the device repaired or replaced.

1.21 Prohibition of Mandatory Medication

District Policy on Medication

Treutlen County Schools personnel are prohibited from requiring parents to obtain a prescription for substances identified under the Controlled Substances Act (including, but not limited to, stimulant medications commonly prescribed for ADHD) as a condition of:

1. Attending school;
2. Receiving an evaluation or assessment for special education; or
3. Receiving special education and related services.

Permissible Communication

This policy establishes a prohibition on *mandating* medication, but it does **not** prohibit

teachers or other school personnel from consulting or sharing classroom-based observations with parents or guardians regarding a student's:

- Academic and functional performance;
- Behavior in the classroom or school setting; or
- Need for evaluation for special education or related services.

Procedure: The district's handbook regarding medication should be followed at all times. If medication should be administered at school, the case manager will work with the parents, teachers, and nurse to develop a plan that ensures the medication is administered according to the physician's orders.

If a district believes a student is not receiving medication that is essential for his or her health or education, it may refer the family to the Department of Family and Children's Services for assistance. The case manager should contact the ESS Director and Social Worker in such an event.

Chapter 2: Child Find Procedures

State Rule: 160-4-7-.03

Definitions for all special education rules can be found in State Board of Education Rule 160-4-7-.21 DEFINITIONS as well as the appendix of this document.

TCS maintains an ongoing Child Find system to identify, locate, and evaluate all children with disabilities (birth through 21) residing in the district who qualify for special education and related services. This includes policies and procedures to ensure that all suspected children with disabilities, including those who are homeless, are wards of the State or are attending private schools, regardless of the severity of their disability, and who are in need of special education and related services. The District implements its Child Find responsibilities through a variety of activities, including:

- Providing public notices regarding Child Find requirements.
- Conducting and evaluating school-wide student screening activities.
- Implementing multi-tiered systems of supports (MTSS) including Response to Intervention (RTI) and Positive Behavioral Intervention and Supports (PBIS) to address academic and behavioral issues and identify students who may need additional support.
- Analyzing assessment results to identify struggling students.
- Accepting and responding to referrals from parents, teachers, and other professionals.

2.1 Annual Child Find Activity (Public Notification)

The District publishes annual public notification of its Child Find activities to inform the public of the local special education services available and the procedures for requesting an evaluation.

Dissemination

This notification is disseminated through the District's public notification system, which generally includes the District website, social media accounts, local newspaper, student handbooks forms, and flyers located in school offices and community agencies. .

Confidentiality

All Child Find activities and notifications ensure the confidentiality of personally identifiable information.

2.2 Identification, Location, and Evaluation (Ages 3-21)

The District maintains procedures for the identification, location, and evaluation of all children suspected of having a disability who are between the ages of 3 and 21. This mandate applies to all children residing within the jurisdiction of the Local Education Agency (LEA).

Children Birth Through Age Three

For children from birth through age two (0-3), the District collaborates with Babies Can't Wait (BCW), Georgia's statewide early intervention program.

Referral: Parents or agencies with concerns about a child under age three are referred to BCW.

Transition: The District participates in transition planning conferences arranged by BCW to ensure a seamless transition to Part B (school-based) services. An IEP is developed and implemented by the child's third birthday for those found eligible.

Preschool Children (Ages 3-5)

The District identifies, locates, and evaluates preschool children, ages 3 through 5, who are not yet eligible for state-funded kindergarten. Specifically, the Exceptional Student Services Director works closely with the Elementary School SLP who helps to facilitate all Head Start referrals as well as Babies Can't Wait (CBW) . Each year, the ESS leadership team meets with Head Start representatives to ensure proper identification and services for students.

Screening: The District utilizes screening procedures to identify children in this age group who may require a comprehensive special education evaluation.

Services: Eligible children are provided a Free Appropriate Public Education (FAPE) beginning at age three.

Children Enrolled in the LEA Schools (Including Public Charter Schools)

Child Find procedures apply to all students currently enrolled in Treutlen County Schools and any public charter schools within the District's jurisdiction that are not independent LEAs.

Prior to an Exceptional Student Services referral, the SST must have documentation of lack of progress on planned interventions and screening results that were conducted during Tiers 1, 2, and 3. The MTSS Administrator and the Lead Teacher help to monitor the SST and MTSS process and together examine for proof of research-based interventions and evidence of fidelity with all measures. All referral and MTSS documents are entered into the data management system by the assigned general education teacher for Tiers 1, 2 and 3.

Tier 1: Standards-based classroom learning.

Tier 2: Needs-based learning (small group interventions).

Tier 3: SST-driven learning (intensive, individualized interventions).

Data Requirement: Referrals must include data showing the student did not make sufficient progress despite interventions. Exceptions: Interventions may be bypassed for students with significant disabilities that preclude access to instruction or when immediate evaluation is warranted.

If academic and/or behavioral support and progress monitoring indicates that remediation has not resulted in the student closing his/her performance gap, then the team must consider the need for a referral for Exceptional Student Services. At this point, a referral for a

comprehensive evaluation may be appropriate. Tier 3 interventions and progress monitoring must be continued until the evaluation-eligibility process is completed. The SST team is not, by referring, diagnosing a disability. However, it is also not their prerogative to decline to refer a student because they doubt that the student would qualify for a disability category.

Referral Process: Identification typically occurs through the Multi-Tiered System of Supports (MTSS) or Student Support Team (SST) process. However, a parent or school personnel may request an evaluation at any time if a disability is suspected. If a parent requests an initial evaluation, either verbally or in writing, it must be shared immediately with the Exceptional Student Services Director, who will respond formally to the parent.

The district may determine:

- an evaluation is NOT warranted or determine that interventions will be tried first, then prior written notice must be completed and sent to parents or
- an evaluation is warranted, then proceed with procedures for initial referral procedures and continue with MTSS support as needed.

Timeline: The comprehensive evaluation and eligibility determination must be completed within 60 calendar days of receiving signed parental consent.

Children Suspected of Being Children with Disabilities

Child Find protections extend to children who are suspected of being children with disabilities and in need of special education, even if they are:

- Advancing from grade to grade; or
- Performing highly on state assessments.

Policy: The District does not deny an evaluation solely because a student is passing classes or meeting grade-level standards if there is reason to suspect a disability is present that requires specially designed instruction.

Highly Mobile Children (Including Migrant Children)

The District implements specific procedures to ensure the timely identification of highly mobile children, including migrant children and children experiencing homelessness.

Records Transfer: The District prioritizes the rapid retrieval of educational records for mobile students.

Screening: Migrant and homeless students are screened upon enrollment to determine if there are indicators of a suspected disability.

Children Detained or Incarcerated in Jails or Correctional Facilities

The District is responsible for Child Find for students aged 3-21 who are detained in the local jail (e.g., Treutlen County Jail).

Collaboration: The ESS Department collaborates with the Sheriff's Office and the School Resource Officer (SRO) to identify detained students who may have a disability or an existing IEP.

Children Enrolled in Home School/Study Programs

The District accepts referrals for students who are home-schooled within the county. Families listed on the Home School List provided by the state are contacted each fall and spring via

email, phone call, or mailed letter.

Evaluation: If a home-schooled child is suspected of having a disability, the District conducts the evaluation at no cost to the parent.

Services: Eligible home-schooled students are not entitled to FAPE but may receive equitable services through a Service Plan, determined by the proportionate share of federal funds.

Parentally Placed Private School Children

This includes children enrolled by their parents in private elementary and secondary schools, including religious schools, *located within the District's jurisdiction*.

Consultation: The District conducts "timely and meaningful consultation" with private school representatives and parent representatives regarding the Child Find process and the provision of services.

Evaluation: The District is responsible for evaluating these students to determine eligibility for special education.

Currently, there are not any Charter or Private Schools located in Treutlen County.

Chapter 3: Evaluations and Reevaluations

State Rule: 160-4-7-.04

Treutlen County Schools (TCS) ensures that full and individual initial evaluations are conducted for each child being considered for special education and related services. These evaluations are comprehensive and serve to determine if the child is a child with a disability and to determine the educational needs of the child.

3.1 Initial Evaluation Referral Process

A referral for a special education evaluation may be made by the Student Support Team (SST)/Multi-Tiered System of Supports (MTSS) team or by a parent/guardian.
SST/MTSS Referrals: When a student has not made adequate progress despite evidence-based interventions, the team refers the student for a comprehensive evaluation.

Parent Referrals: If a parent requests an evaluation, the District will consider the request. If the District agrees, it will obtain consent. If the District refuses, it will provide Prior Written Notice explaining the refusal and the parent's procedural safeguards.

3.2 Timeframes for Evaluations

60 Calendar Days

The District must complete the initial evaluation and determine eligibility within 60 calendar days of receiving informed written consent from the parent.

Completion: The timeline stops when the eligibility meeting is held, not just when testing is finished.

Exceptions

The 60-day timeframe does not apply (or is extended) in the following situations:

Parental Consent: If the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfers: If a child enrolls in TCS from another district while the evaluation is pending, provided the District makes sufficient progress and agrees with the parent on a specific time for completion.

School Holidays: Timeframes may pause for periods when school is closed for more than five consecutive days (e.g., summer break), depending on specific state calendar guidance. Holiday periods and other circumstances when children are not in attendance for five consecutive school days shall not be counted toward the 60 calendar day timeline, including the weekend days before and after such holiday periods, if contiguous to the holidays or weather related closures.

Summer Vacation: A period in which the majority of the District's teachers are not under contract shall not be included in the 60-day timeline. However, consent received 30 days or more prior to the end of the school year must be completed within the 60 calendar day evaluation timeframe.

3.3 Parental Consent

Initial Evaluation: The District must obtain informed written consent from the parent before conducting any initial evaluation. Consent for evaluation is not consent for the provision of services.

Reevaluation: The District must obtain consent prior to conducting any new testing for a reevaluation. If the parent fails to respond to reasonable efforts to obtain consent, the District may proceed with the reevaluation.

3.4 Reevaluation Consideration

A reevaluation refers to the formal evaluation of a student who is already identified as eligible for Exceptional Student Services services under IDEA and must occur at least once every three years, unless the parent and LEA agree it is unnecessary.

Timeline: Reevaluations must occur at least once every three years (Triennial), unless the parent and the District agree that a reevaluation is unnecessary.

Request: A reevaluation may be conducted if the District determines the child's needs warrant it, or if the child's parent or teacher requests one. (Limitation: Not more than once a year unless agreed upon).

Reevaluation applies to:

- students who are routinely evaluated every three years for continuing Exceptional Student Services eligibility in Georgia);
- students who are evaluated for continuing eligibility for Exceptional Student Services in Georgia under a different or additional eligibility classification. This includes: students who currently hold Significant Developmental Delay or Speech/Language Impairment eligibilities;
- other students whose primary eligibility classifications might change (e.g., SLD to EBD, MID to MOID). A reevaluation is required if there is sufficient information to suspect that

a significant change in a student's physical, psychological, academic, or social functioning is occurring that may have an impact on the student's eligibility for Exceptional Student Services and/or related services, including situations where the student may no longer need Exceptional Student Services services to receive an appropriate education.

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

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

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

Steps for Eligibility Redetermination: Monthly, the Case Manager will review and identify students on his or her caseload that need consideration for eligibility redetermination. Include any students that have an eligibility that will expire prior to September 30 two school years from the current date or students with SDD eligibility that will turn age 9 within that time frame.

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

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

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

Vision/Hearing to the School Nurse or designated school Vision/Hearing Screener.

Redetermination Part 1:
The team should discuss all factors relevant to the decision regarding continued eligibility. This information is based on a review of existing data on this child such as performance on goals, observation, interview, or other prior assessments. GO-IEP requires information to be entered in a minimum of three areas. This is a minimum number but most students should have information available in more than three areas. Select all appropriate items from the drop-down menu and enter text in those fields. Remember to consider those factors that are pertinent to the existing disability area(s). The text that is entered in these fields should support the decision that will be made regarding continuing each disability area. These statements should clearly outline areas of growth, regression and/or stagnation. Statements like See Psychological Report or See IEP Goals are insufficient.

A student should not be formally evaluated prior to the Redetermination since Consent to Evaluate would be required prior to completing any formal assessments. The Case Manager may consult with the School Psychologist as needed for redetermination, using all existing data within two weeks prior to the meeting date.

At the Redetermination Meeting, using the Redetermination Meeting form in Go-IEP, the Case Manager will review existing data with the team members. The Case Manager will update the information and/or add information submitted from team members including the parents. The Case Manager will facilitate discussion regarding the data, and guide the team in determining that the student continues to qualify for Exceptional Student Services and related services based on the existing data or that additional evaluation data is needed in order to make a determination of eligibility. The Case Manager will enter the determination decision into the form in Go-IEP including the rationale for the decision.

Redetermination – Part 2: Determination of Need for Additional Data
The team selects ONE of the following options:

Option A: Continues to Meet Eligibility (No Additional Evaluation Data Needed)
No additional information is needed to determine continued eligibility status. This meeting date will become the new eligibility date. The child remains eligible for ALL of the disability categories identified in the previous eligibility report. These disability categories will feed to this section of the form.

When it is determined that based on the review of existing data the student continues to meet eligibility requirements for the currently identified area of disability, the meeting date becomes the new eligibility date.

The Case Manager will attach any supporting documents in GOIEP (such as physician statements, OT/PT reports, audiological reports, etc.). Supporting documents do not include progress monitoring probes or work samples that are documented within the report.

Option B: Abbreviated Evaluation Needed (for Specific Purposes)
Note: This option is selected when the team has already determined (via review of existing data) that the student continues to meet eligibility, but additional assessment is desired for specific, non-eligibility related reasons. When Option B is selected, the team may decide to do some additional assessment for a variety of reasons. Assessment to gather information DOES NOT result in updated eligibility information and should not be used when considering possible eligibility in additional disability areas.

Option C: Comprehensive Evaluation Needed (Additional Evaluation Data Required)
Additional information is needed prior to making the decision regarding continued eligibility

status. If this option is selected, a comprehensive evaluation is required. The previous eligibility remains in effect until a newer eligibility is completed. The previous due date is still in effect.

3.5 Comprehensive Evaluations

The evaluation process in Treutlen County Schools is robust and multifaceted to ensure accuracy. When a referral for Exceptional Student Services evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. This team may consist of the District's school psychologist, speech language pathologist, occupational therapists and/or physical therapist, and others as appropriate for the evaluation. The child's parents are considered members of this team. The team is responsible for assessing the student in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation should be sufficiently comprehensive to identify all of the student's educational and related services needs, whether or not commonly linked to the disability category in which the student has been classified.

Cognitive Abilities

These are the abilities involving the processes of thinking, reasoning and problem solving. An individually administered, standardized test of cognitive ability must be used as part of the evaluation process, when appropriate, in assessing the cognitive abilities of a student with a disability. If a score other than the total score of the student on such a test is used to assess the student's cognitive abilities, the procedure must be justified, on the basis of professionally recognized criteria, in the records of the student maintained by the District. Any interpretation of an assessment of cognitive abilities must be made by a licensed school psychologist or licensed or certified psychologist.

Social and Emotional Functioning

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

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

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

Adaptive Skills

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

- communication;
- self-care;
- home living;
- social skills;
- community use;
- self-direction;
- health and safety;

- functional academics; and
- leisure and work.

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

Health
The general physical condition of a person. Generally the assessments for this area include:
- review of health and developmental history;
- hearing and vision screening; and
- physical examination (as appropriate and coordinated with parents).

When the health of a student with a disability is assessed, the following assessments may also be included:
- audiological assessment;
- physical therapy assessment; or
- occupational therapy assessment of the student.

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

Communication
Skills relating to articulation, phonology, receptive language, expressive language, syntax, semantics, morphology, fluency and the use of the voice. The assessments for communication may include:
- observation of the student;
- interview of the student or of any person having personal knowledge of the student;
- use of information from a parent or teacher of the student; and
- use of a standardized test of speech, language or other communication skills.

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

Academic Achievement
Skills related to oral expression, listening comprehension, basic reading, reading comprehension, reading fluency, written expression, math calculation and math reasoning. Academic achievement may be assessed by the following:
- a standardized test of academic achievement;
- curriculum-based assessment; and
- a report by the teacher of the student.

For eligibility determination of ESS services, the assessment must include a standardized test of academic achievement. Any interpretation of an assessment of academic achievement must be made by a person qualified to administer individually standardized tests of academic achievement to the student.

<u>Review of Existing Data</u>

As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals must review existing evaluation data on the child, including:

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

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

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

<u>Identifies if Additional Data is Needed</u>

Based on the review of existing data, the team identifies what additional data, if any, are needed to determine:

- Whether the child is a child with a disability.
- The present levels of academic achievement and related developmental needs.
- Whether the child needs (or continues to need) special education and related services.

<u>Uses a Variety of Appropriate Evaluation Tools</u>

In selecting tests and other evaluation materials used to assess a student, District personnel must ensure that the multidisciplinary team must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information specific to the student, including information provided by the parent, that may assist in determining:

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

The District ensures that the evaluation process is:

Multifaceted: No single measure or assessment is used as the sole criterion for determining eligibility or educational programming.

Technically Sound: Instruments are technically sound and assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Non-Discriminatory: Assessments are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Assessments and other evaluation materials used to assess the student are:

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

Administered by Trained and Knowledgeable Staff
Assessments are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

3.6 Determination of Eligibility

Eligibility Team
Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child (the Eligibility Team) determines whether the child is a child with a disability. This team may consist of the school psychologist, speech language pathologist, occupational therapists and/or physical therapist, and others as appropriate for the eligibility determination. The team determines if the child is a "child with a disability" and has an educational need for special education.

Documentation of Evaluation Results
At the conclusion of the evaluation process, a multidisciplinary team report is developed by the school psychologist that summarizes the procedures employed, the results, and any educational implications. The multidisciplinary team evaluation report must include a detailed, educationally relevant description of the student's needs using data specific to that student.. The report must be written in succinct, readily understandable language, using as little educational jargon as possible. Each report should include, as appropriate:

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

The school psychologist must distribute a draft of the evaluation report to the case manager

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

The evaluation report must be signed by the person(s) conducting the evaluation, provide the dates the assessments were administered, and the date of the completed report. The parent must receive a copy of the evaluation report and eligibility report upon their completion at the formal eligibility meeting. The evaluation report(s) must be uploaded into GOIEP The District provides a copy of the evaluation report(s) and the documentation of determination of eligibility to the parent at no cost. This report integrates all data sources and establishes the basis for the decision.

Exclusionary Factors

A child must not be determined to be a child with a disability if the primary determinant for that eligibility is:

1. Lack of appropriate instruction in reading (including the essential components of reading instruction);
2. Lack of appropriate instruction in math; or
3. Limited English Proficiency (LEP).

To ensure we are not over-identifying students for special education due to these exclusionary factors, Treutlen County Schools utilizes the Multi-Tiered System of Supports (MTSS) and the Student Support Team (SST). Before making a special education referral under our Child Find procedures, the SST must document that:

- The student was provided with appropriate instruction in general education settings.
- The instruction was delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals (progress monitoring) was provided to the child's parents.

If a student has received high-quality, targeted Tier 2 and Tier 3 interventions for reading, math, or language development, and the data still shows a lack of adequate progress, the exclusionary factors can typically be ruled out, and a special education evaluation may be warranted.

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

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

Once the evaluation/reevaluation is complete and exclusionary factors are ruled out, eligibility is a two-pronged determination:

1. Disability: Does the child meet the state criteria for one or more of the disability categories?
2. Need: Does the disability result in an adverse educational impact such that the child requires specially designed instruction?

Dismissal: If the team determines that the child no longer has a disability or no longer requires specially designed instruction, the child will be dismissed from special education services.

Chapter 4: Eligibility Determination and Categories of Eligibility

State Rule: 160-4-7-.05

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

TCS determines eligibility based on the criteria for the following categories as defined in State Rule:

- Autism Spectrum Disorder
- Deafblind (DB)
- Deaf/Hard of Hearing
- Emotional and Behavioral Disorder
- Intellectual Disability (Mild, Moderate, Severe, Profound)
- Orthopedic Impairment
- Other Health Impairment
- Significant Developmental Delay
- Specific Learning Disability
- Speech-Language Impairment
- Traumatic Brain Injury
- Visual Impairment

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

AUTISM SPECTRUM DISORDER (AUT/ASD)
Autism spectrum disorder is a developmental disability generally evident before age three that adversely affects a child's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation. Other characteristics often associated with autism spectrum disorder are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior. [34 C.F.R. § 300.8(c)(1)(i)]

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

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

DEAFBLIND (DB)
Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in Exceptional Student Services programs solely for children with deafness or children with blindness. [34 C.F.R. § 300.8(c)(2)]

Each child who has been diagnosed as deafblind shall be reported in the Georgia Deafblind Census.

DEAF/HARD OF HEARING (D/HH)

A child who is deaf or hard of hearing is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement. This therefore adversely affects a child's educational performance.. [See 34 C.F.R. § 300.8(c)(3) & (5)]

A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.

A child who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30-65 decibels American National Standards Institute without amplification) that the ability to communicate is adversely affected; however, the child who is hard of hearing typically relies upon the auditory channel as the primary sensory input for communication.

EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

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

- An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.
- An inability to learn which cannot be adequately explained by intellectual, sensory or health factors.
- A consistent or chronic inappropriate type of behavior or feelings under normal conditions.
- A displayed pervasive mood of unhappiness or depression.
- A displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. [34 C.F.R. § 300.8(c)(4)(i)(A – E)]

A child with EBD is a child who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency and intensity that interferes significantly with educational performance to the degree that provision of Exceptional Student Services is necessary. EBD is an emotional disorder characterized by excesses, deficits or disturbances of behavior. The child's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory general health factors, or other additional exclusionary factors

INTELLECTUAL DISABILITY (ID)

Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. [34 C.F.R § 300.8(c)(6)] Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming.

Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence.

All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual.

Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need Exceptional Student Services. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas.

Significantly subaverage intellectual functioning must be verified through a written summary of at least one structured observation that demonstrates the child's inability to progress in a typical, age appropriate manner and with consideration for culturally relevant information, medical and education history.

Deficits in adaptive behavior are defined as significant limitations in a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.

The child demonstrates significantly subaverage adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive behavior shall be established through the use of standardized adaptive behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive behavior are operationally defined as performance that is at least two standard deviations below the mean of either (a) one of the following three types of adaptive behavior: conceptual, social, or practical, or (b) an overall (composite) score on a standardized measure of conceptual, social, and practical skills. Documentation must include information from at least two sources. The first source shall be someone from the local school who knows the child and the second source shall be someone who knows the child outside of the school environment such as a parent, guardian, or person acting as a parent.

Interpretation of results should consider the child's cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures.

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

Mild intellectual disability (MID)

- Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and
- Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment.

Moderate intellectual disability (MOID)

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

- Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

Severe intellectual disability (SID)
- Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and
- Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

Profound intellectual disability (PID)
- Intellectual functioning below approximately 25; and
- Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the child's age-level and cultural group, as determined by clinical judgment.

A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:
- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math;
- Lack of appropriate instruction in written expression;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Emotional disturbances;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical educational history (multiple school attendance, lack of attendance, etc.).

<u>ORTHOPEDIC IMPAIRMENT (OI)</u>
Orthopedic impairment refers to a child whose severe orthopedic impairments adversely affect their educational performance to the degree that the child requires Exceptional Student Services. This term may include:

- Impairment caused by congenital anomalies, e.g., deformity or absence of some limb.
- Impairment caused by disease (poliomyelitis, osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.)
- Impairment from other causes, e.g., cerebral palsy, amputations, and fractures or burns that cause contractures. [34 C.F.R.§ 300.8(c)(8)]

Secondary disabilities may be present, including, but not limited to, visual impairment, hearing impairment, communication impairment and/or intellectual disability.

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

<u>OTHER HEALTH IMPAIRED (OHI)</u>

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

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

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

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

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

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

SIGNIFICANT DEVELOPMENTAL DELAY (SDD)

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

Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD.

For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to:

- Lack of appropriate instruction in reading or literacy readiness, including the essential

components of reading instruction;
- Lack of appropriate instruction in math or math readiness skills;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Emotional disturbances;
- Cultural factors; or
- Environmental or economic disadvantage.

SPECIFIC LEARNING DISABILITIES (SLD)

Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage. [34 C.F.R. §300.8(c)(10)]

The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequate progress according to age to meet State-approved grade-level standards. These achievement deficiencies must be directly related to a pervasive processing deficit and to the child's response to scientific, research-based interventions. The nature of the deficit(s) is such that classroom performance is not correctable without specialized techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This is clearly documented by the child's response to instruction as demonstrated by a review of the progress monitoring available in general education and Student Support Team (SST) intervention plans as supported by work samples and classroom observations. The child's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility.

SPEECH-LANGUAGE IMPAIRMENT (SI)

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

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

- Inconsistent or situational errors;
- Communication problems primarily from regional, dialectic, and/or cultural differences;

Speech sound errors at or above age level according to established research-based developmental norms, speech that is intelligible and without documented evidence of adverse effect on educational performance;

Physical structures (e.g., missing teeth, unrepaired cleft lip and/or palate) are the primary cause of the speech sound impairment; or

Children who exhibit tongue thrust behavior without an associated speech sound impairment.

Language Impairment - impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance. The term language impairment does not include:

- Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
- Children who have regional, dialectic, and/or cultural differences;
- Children who have auditory processing disorders not accompanied by language impairment.
- Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented speech-language impairment that adversely affects the educational performance for these children to qualify for Exceptional Student Services services.

Fluency Impairment - interruption in the flow of speech characterized by an atypical rate, or rhythm, and/or repetitions in sounds, syllables, words and phrases that significantly reduces the speaker's ability to participate within the learning environment. Excessive tension, struggling behaviors and secondary characteristics may accompany fluency impairments. Secondary characteristics are defined as ritualistic behaviors or movements that accompany disfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include disfluencies evident in only one setting or reported by one observer.

Voice/Resonance Impairment – interruption in one or more processes of pitch, quality, intensity, or resonance resonation that significantly reduces the speaker's ability to communicate effectively.. Voice/Resonance impairment includes aphonia or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual's age and/or gender. The term voice/resonance impairment does not refer to:

- Anxiety disorders (e.g. selective mutism)
- Differences that are the direct result of regional, dialectic, and/or cultural differences
- Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux (e.g. acid reflux of the throat, colds, abnormal tonsils or adenoids, short-term vocal abuse or misuse, neurological pathology)
- Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child's performance in the educational environment and is amenable to improvement with therapeutic intervention.

<u>TRAUMATIC BRAIN INJURY (TBI)</u>

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the child's educational performance. The term applies to open or

closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)]

VISUAL IMPAIRMENT (VI)
A child with a visual impairment is one whose vision, even with correction, adversely impacts a child's educational performance. [34 C.F.R. § 300.8(c)(13)] Examples are children whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. The term includes both visual impairment and blindness as follows:

- Blind refers to a child whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some children who are legally blind have useful vision and may read print.
- Visually impaired refers to a child whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or who have a limitation in the field of vision that adversely impacts educational progress.
- Progressive visual disorders: Children, whose current visual acuity is greater than 20/70, but who have a medically indicated expectation of visual deterioration may be considered for vision impaired eligibility based on documentation of the visual deterioration from the child's optometrist or ophthalmologist.

4.2 Determination of Eligibility by Eligibility Team

The determination of whether a child is a child with a disability and the educational needs of the child are made by an Eligibility Team. This team must include:

- Qualified Professionals: Staff who are trained in evaluating and interpreting data (e.g., school psychologists, special education teachers, general education teachers, speech-language pathologists, etc.).
- The Parent(s): Parents are equal and required members of the eligibility team.

Eligibility is a two-pronged test. The team must determine, based upon information from a variety of appropriate sources, that:

- The child meets the criteria for one or more of the specific disability categories listed above; AND
- The disability adversely impacts the child's educational performance to the degree that they require specially designed instruction (special education).

The LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

4.3 Exclusionary Factors for Eligibility

A child must not be determined to be a child with a disability if the primary determinant for that decision is related to environmental, cultural, or economic disadvantages. Specifically, a student cannot be found eligible if the primary reason for their academic or functional deficit is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension strategies).
- Lack of appropriate instruction in mathematics.
- Limited English Proficiency (LEP).
- If the student does not otherwise meet the eligibility criteria under this rule.

The Eligibility Team must actively consider and rule out these exclusionary factors before determining a child is eligible for special education.

4.4 Documentation of Eligibility/Ineligibility: Variety of Appropriate Sources and Well Documented

The Eligibility Team's decision cannot rely on any single procedure or test score as the sole criterion for determining whether a child is a child with a disability. The team must draw upon information from a variety of appropriate sources, which must be well-documented and carefully considered. These sources include, but are not limited to:

- Aptitude and achievement tests
- Parent input and information
- Teacher recommendations
- Physical conditions (medical records/reports)
- Social or cultural background
- Adaptive behavior assessments
- Classroom-based observations and state/district assessments

The district ensures that information obtained from all of these sources is documented in the final eligibility report and considered equally by the team.

If a determination is made that a child has a disability, and the disability adversely affects educational performance (academic, functional and/or developmental) and therefore needs special education and related services, an IEP must be developed for the child in accordance with Rule 160-4-7-.06 INDIVIDUALIZED EDUCATION PROGRAM. [34 C.F.R. § 300.306(c)(2)]

If the student is eligible, an eligibility shall be developed and an Individual Education Program is developed and a copy will be sent to the parent or guardian. If the student is not deemed eligible for services the committee will consider further options that may include returning the student to Tier 3 (SST) or considering a 504 plan.

4.5 Evaluation Report and Determination Provided to Parents

An eligibility report documents the area of disability and should be completed and placed in the child's Exceptional Student Services folder. A child that is found to not be eligible for Exceptional Student Services and related services must have a completed eligibility report and a copy of the eligibility report should be filed in his or her MTSS file or documented in GOMTSS. Regardless of finding eligibility for Exceptional Student Services, the parent of the child shall receive a copy of the eligibility report, which must clearly explain the Eligibility Team's determination.

The eligibility report shall be comprehensive enough to serve as the evaluation report when necessary. Therefore, all sections of the eligibility report should be completed without statements such as, "not applicable" or "see attached." Information is required to be summarized on the eligibility report; however certain data or reports can be attached only after summarized.

Transparency with parents is a critical component of the evaluation process. Upon completion of the administration of assessments and other evaluation measures, the District will provide the parent with:

- A copy of the comprehensive Evaluation Report.
- A copy of the Documentation of Determination of Eligibility (whether the child is found eligible or ineligible).

- These documents must be provided to the parent at no cost. Treutlen County Schools strives to provide these documents in a timely manner so parents can fully understand the data and the team's decision regarding their child's educational needs.

Chapter 5: Individualized Education Program (IEP)

State Rule: 160-4-7-.06

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

5.1 IEP Team Members

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

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

ADDITIONAL PARTICIPANTS WHO MUST BE INVITED

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

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

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

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

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

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

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

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

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

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

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

OTHER PARTICIPANTS THAT MAY BE INVITED

The District has the right to invite additional participants who have knowledge or special expertise concerning the student to the IEP meeting. The case manager must inform the parent of these additional participants in the prior written notice of the meeting. The determination of the knowledge or special expertise of any individual, must be made by the party (parents or LEA) who invited the individual to be a member of the IEP Team.

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

The parent has the right to bring additional participants to an IEP meeting who has knowledge or special expertise regarding the student. The parent determines the knowledge or special expertise of the additional participants. This may include friends, family members, neighbors, attorneys and advocates. The parent may indicate who they are bringing when

responding to the proposed meeting arrangements, however, it is not required.

If the parent brings an attorney to a meeting without providing prior notice, the case manager should table the meeting and reschedule another meeting in which the school district's attorney will attend.

5.2 IEP Content Requirements (Development)

An IEP is designed to provide Exceptional Student Services and related services for a student with an identified eligibility. Every IEP developed by Treutlen County Schools will include the IDEA required components described in this section.

Present Levels of Academic Achievement and Functional Performance

Present levels of academic achievement and functional performance are the foundation of the IEP and must adequately describe the needs of the child. The present levels of academic achievement and functional performance (self-help, social-emotional, organizational skills, and/or daily living) include how the student's disability affects the child's involvement and progress in the general education curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

Assessments and Identified Needs

Inclusion of a summary of recent evaluation results as well as the identification of the student's identified academic, functional, and developmental needs.

Results of the initial or most recent evaluation and results of state and district assessments that are relevant to the current performance of the child. This may include:

- a summary of formal assessments from the psychological report and/or speech-language evaluation
- results from required Statewide Assessments (these scores are populated from SLDS into IEPs developed in Go-IEP)
- English language proficiency assessment scores for ELL students
- district benchmark assessments
- informal assessments and other progress monitoring data (academic and functional)

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

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

Effect of the Disability

A description of the impact of the disability on involvement and progress in the general education curriculum. Describe the ways in which the student's disabilities (consider all identified areas of disability) will affect the student's involvement and progress in the general education curriculum. Also include statements that address each major area of the

curriculum that are impacted by the student's disability (do not include accommodations and placement information).

Parental Concerns
Details including the concerns of parents for the education of their child. This would be the result of ongoing communication with the parent regarding the child's academic 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
IDEA requires the IEP team address "special considerations" that are outlined in this section. If the team chooses "Yes" for any of the special considerations, the team may address the consideration in a variety of ways, including goals and benchmarks, a behavior plan, supplementary aids and services, related services, or accommodations and modifications. Each special consideration area that is marked "Yes", must be reflected in the present levels of performance. The special considerations include:

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

Alternative/Accessable Format (required)
If the IEP team selects "Yes", the team must specify the materials required such as Braille, auditory, electronic texts, and/or large texts.

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

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

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

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

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

Consideration of Assistive Technology
Assistive technology devices and services (required)
If the IEP team selects "Yes", the team must determine the nature and extent of devices and services and address the needs in the IEP. Children with disabilities who require assistive technology in order to access a free appropriate public education are eligible for assistive technology devices or services, or both, as a part of the child's special education, related services, or supplemental aids and services. If the child's IEP Team determines that assistive technology devices or services are required for the child to receive a FAPE, a statement to that effect must be included in the child's IEP.

Each IEP Team will consider whether or not a child requires assistive technology devices and services in order to receive a free appropriate public education (FAPE). Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille.

An assistive technology evaluation may be required if appropriate assistive technology solutions are not known to the child's IEP Team through the consideration process. This evaluation shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The student and family will also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.

If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative format instructional materials, the assistive technology should be documented in the IEP.

Measurable Annual Goals
The IEP team must develop measurable academic and/or functional annual goals for the areas of need identified in the present levels of academic achievement and functional performance. The goals and objectives indicated in the IEP must enable the student to be involved and make progress in the general education curriculum, or for preschool children, as appropriate, enable participation in developmentally appropriate activities. All goals must be derived from the present levels of performance and significant deficit areas must be addressed by a goal.

Benchmarks/Short-Term Objectives for Student on Alternative Assessment
Objectives are developed to describe the amount of progress the student is expected to make toward the annual goals within specified segments of the year, generally coinciding with reporting periods, typically this will be each nine week period. *Objectives are required for students with significant cognitive disabilities who take alternate assessments aligned to alternate achievement standards (GAA).*

Criteria for Measurement of Goals/Objectives
Goals must be specific to the student, measurable and attainable in a year's time. Goals are measurable when they state:

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

Progress Reporting and Schedule
Reports on the progress the child is making toward meeting the annual goals and/or objectives will be provided to the parents each nine weeks.

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

Plan for Services with Frequency, Location, and Duration
A core component of every Individualized Education Program (IEP) is the clear, explicit statement of the special education and related services, supplementary aids and services, and program modifications that will be provided to the student. Treutlen County Schools (TCS) ensures that this plan is designed to enable the child to advance appropriately toward attaining their annual goals, be involved in and make progress in the general education curriculum, and participate in extracurricular and nonacademic activities as appropriate.

The IEP team must collaboratively determine and document the specific supports a student requires. These fall into several categories:

Special Education (Specially Designed Instruction): Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the child that result from their disability. This ensures the child's access to the general curriculum.

Related Services: Related services are the developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education.

Accommodations and Modifications: The IEP must detail the supplementary aids and services provided in regular education classes, other education-related settings, and in extracurricular settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Accommodations: Changes to how a student learns or accesses the curriculum without changing the educational standards or expectations (e.g., extended time, preferential seating, read-alouds, use of a calculator).

Modifications: Changes to what a student is expected to learn or demonstrate. Modifications fundamentally alter the standard or expectation (e.g., completing fewer standards, reading text at a significantly lower reading level, alternative grading rubrics).

Positive Behavioral Supports: In the case of a child whose behavior impedes their learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

If a student requires a Behavior Intervention Plan (BIP), the specific supports, reinforcements, and responsive strategies must be clearly outlined in the behavior impeding learning section of GOIEP. Additionally, the district recommends a behavioral goal be included.

Supports for School Personnel: The IEP must also include a statement of the program modifications or support for school personnel that will be provided on behalf of the child.

Documenting Frequency, Location, and Duration: To ensure Treutlen County Schools' commitment of resources is clear to the parents and all service providers, the IEP must explicitly state the frequency, location, and duration of all services and modifications. Vague language must be avoided. The IEP must state the frequency of the service in terms of day/week/month. The IEP must clearly state the specific educational environment where each service or support will occur in terms of setting. This is critical for determining the student's Least Restrictive Environment (LRE). The IEP must indicate the projected beginning and ending dates for the services, as well as the length of time the specific service will last during each session in terms of minutes/hours.

Implementation and Accountability: Once the plan for services is written and consent is obtained, Treutlen County Schools will implement the services as written in terms of frequency, location, and duration. All teachers and service providers will have access to the IEP and be informed of their specific responsibilities in delivering these services, accommodations, and/or modifications.

<u>Explanation for Exclusion of Participation with Non-Disabled Peers</u>
A foundational principle of the Individuals with Disabilities Education Act (IDEA) is the Least Restrictive Environment (LRE). The law presumes that children with disabilities will be educated with children who are not disabled to the maximum extent appropriate.

Whenever an IEP team determines that a student requires special education, related services, or other supports in a setting outside of the general education classroom, Georgia State Rule 160-4-7-.06 requires the IEP to include a clear, individualized Explanation of the Extent of Non-Participation. This explanation must justify why the student cannot participate with non-disabled peers in the regular classroom, extracurricular activities, and nonacademic activities.

When is an Explanation Required: An explicit justification is required anytime a student is removed from the general education environment for any portion of the school day. This includes, but is not limited to:

- Resource room pull-out services for academics (e.g., reading, math).
- Self-contained classroom placements.
- Related services provided in a separate therapy room (e.g., Speech, OT, PT).
- Alternative school placements.
- GNETS (Georgia Network for Educational and Therapeutic Support) placements.
- Separate, special transportation.

Requirements for Explanation: The explanation must be specific to the student's unique needs resulting from their disability. It cannot be based on administrative convenience, staffing shortages, or the category of the student's disability. When drafting the explanation, case managers must ensure it answers the following questions:

- What is the specific impact of the disability? Describe how the student's disability manifests in the classroom environment.
- Why are supplementary aids and services not enough? Explain why the student cannot be successful in the general education classroom even with accommodations, modifications, and paraprofessional support.
- Why does the student need the more restrictive setting? Explain what the separate setting provides that the general education setting cannot (e.g., highly specialized instruction, a significantly lower student-to-teacher ratio, a distraction-free

environment).

Extracurricular and Nonacademic Activities: The IEP must also address whether the student will participate in nonacademic and extracurricular activities (e.g., lunch, recess, assemblies, field trips, clubs) with non-disabled peers. If the student will be excluded from any of these activities, the IEP must provide a specific, individualized justification explaining why the exclusion is necessary based on the student's disability.

Testing Accommodations or Modifications

All Individualized Education Programs (IEPs) must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments. There are two requirements for selecting accommodations.

Routine Use: Testing accommodations cannot be introduced for the first time during a state or districtwide assessment. They must be accommodations that the student requires and utilizes routinely during regular classroom instruction and classroom testing.

Score Validity [34 C.F.R. § 300.160(b)(2)(ii)]: IEP teams must select for each assessment only those accommodations that do not invalidate the score according to state standards. Case managers must consult the most current Georgia Department of Education (GaDOE) Student Assessment Handbook to ensure that a proposed accommodation is allowable for the specific test and subtest being administered. Providing a non-standard or prohibited accommodation can result in a testing irregularity and an invalidated test score.

While the vast majority of students with disabilities will participate in regular State and districtwide assessments (like the Georgia Milestones) with or without accommodations, a small percentage of students with the most significant cognitive disabilities may require an alternate assessment, such as the Georgia Alternate Assessment (GAA 2.0) For an alternate assessment, there must be a clear documentation of need. The IEP team makes the determination using the GAA assessment participation form that is found in GOIEP. In order to qualify, the student must meet all criteria on the form. The team must also include:

Why the child cannot participate in the regular assessment: This statement must clearly outline how the severity of the student's cognitive disability prevents them from demonstrating their knowledge and skills on the standard assessment, even with maximum allowable accommodations.

Why the particular alternate assessment selected is appropriate for the child: This statement must affirm that the student meets the GaDOE's specific eligibility criteria for participating in the alternate assessment and that assessing the student against alternate achievement standards is the only valid way to measure their progress.

A decision to assess a student using alternate achievement standards has significant long-term implications. The IEP team must ensure that the parents of the child are explicitly informed of the following:

Alternate Standards: The parent must be informed that the child's academic achievement is being assessed against alternate or modified achievement standards, rather than the state's grade-level academic content standards.

Consequences: The parent must be informed of any consequences of participating in GAA 2.0. Students that participate in the GAA will not be eligible for a Standard High School Diploma

but will be eligible for a State-Defined Alternative Diploma (Diploma of Achievement). In Georgia, participation in the alternate assessment generally means the student is on track to earn a special education diploma rather than a regular high school diploma, which can impact post-secondary education and employment opportunities. This conversation must be clearly documented in the IEP meeting minutes and transition plan.

Consideration of Extended School Year (ESY)
Every Individualized Education Program (IEP) team must consider the need for Extended School Year (ESY) services at least annually for every child with a disability. ESY services are special education and related services that are provided to a student with a disability beyond the normal district academic year (e.g., during the summer or extended breaks), in accordance with the student's IEP, and at no cost to the parents. ESY is not meant to be a general summer school program, daycare, or an enrichment program.

The determination of whether a student needs ESY services must be made on an individual, case-by-case basis by the IEP team. The district cannot limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of those services. The IEP team should base their decision on data and consider the following key factors:

Regression and Recoupment: Will the student experience a significant loss of critical skills during a break in instruction? Furthermore, will it take an unreasonably long time for the student to recoup (relearn) those lost skills once school resumes?

Emerging Skills / Critical Point of Instruction: Is the student at a critical stage of developing a breakthrough skill (e.g., communicating basic needs, independent toileting, or foundational reading skills) where a break in instruction would significantly jeopardize their progress?

Severity of Disability: Does the nature or severity of the student's disability inherently require continuous programming to prevent a denial of a Free Appropriate Public Education (FAPE)?

If the IEP team determines that ESY is necessary for the provision of FAPE, the specific goals, services, frequency, and duration must be explicitly documented in the IEP.

5.3 Transition Services

Beginning not later than the end of 8th grade or age 16
Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, (or younger if determined by the IEP team), and updated annually thereafter, the IEP must include a transition services plan that has:

> *Appropriate Measurable Postsecondary Goals* Based upon age, developmentally appropriate transition assessments including YouScience and individual interest surveys related to training, education, employment, and where appropriate independent living skills; and
>
> *Transition Services* Include courses of study needed to assist the student in reaching those goals. Transition services are a coordinated set of activities for a student with a disability that is designed within an outcome-oriented process and promotes the student's movement from school to postsecondary activities including postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, or community participation.

Student Involvement: Preferences and Interests
Transition services are based on the individual needs, taking into account the student's

strengths, preferences, and interests through surveys, interviews, and other occupational assessments. Transition services include: instruction; related services; community experiences; development of employment and other post-school adult living objectives; and, if appropriate, acquisition of daily living skills and functional vocational evaluation. For a student with a disability, beginning not later than the end of 8th grade or by age 16 whichever comes first, or younger if determined appropriate by the IEP Team, the invitation must also indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student. Treutlen County Schools will invite the student.

Representative of an Outside Agency
Parental consent or consent of the adult student who has reached the age 18 must be given prior to a student's participation with an outside agency for transitional services, including, but not limited to, Georgia Vocational Rehabilitation Agency(GVRA), High School High Tech(HSHT), and Easter Seals. With permission from the parent or the adult student, representatives of these agencies that work with the student will be invited to participate in the IEP meeting as a member of the IEP team.

5.4 Transfer of Rights (at Age of Majority)
Beginning not later than one year before the student reaches age 18, the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA, if any, which will transfer to the student on reaching age 18.

5.5 Excusal of IEP Team Member
The district's expectation is that all required members must be in attendance and remain for the duration of the IEP meeting, although IDEA permits nonattendance of IEP team members. In rare circumstances when excusal is necessary, the parent and the district must agree in writing to excuse the meeting participant. The Case Manager must complete the excusal form and obtain signed consent from the parent to excuse the team member prior to the meeting. The excused participant must submit in writing to the IEP Team input into the development of the IEP prior to the meeting.

5.6 Transition for Children Birth Through 2-Part C
Initial IEP Team Meeting for a Child Under Part C Babies Can't WAIT (BCW): In the case of a child, birth through age 2, who was previously served under BCW, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the BCW service coordinator or other representatives of BCW to assist with the smooth transition of services.
BCW will contact the ESS Director who will invite appropriate team members to the meeting. The director will assign a case manager at this time; both will attend the transition meeting and the case manager will ensure all appropriate referral information is signed by the parent and given to the IEP Team. During this meeting, the initial evaluations for eligibility will be scheduled and a timeline developed to ensure services will be in place prior to the age of three:

- The assigned case manager will schedule a meeting to complete intake paperwork, including Social Background form, and request additional records
- After vision & hearing records have been received, send referral to the ESS Director
- The evaluation will begin
- If the student is found eligible for services, an IEP meeting will be held prior to the child's 3rd birthday. If the student turns 3 during the summer, an IEP meeting must be held prior to the 3rd birthday.

5.7 Parent Participation: Notification and Invitation
TCS takes steps to ensure that one or both of the parents of a child with a disability are

present at each IEP Team meeting or are afforded the opportunity to participate.

Notification: The District will notify parents of the meeting early enough to ensure they will have an opportunity to attend (typically at least 10 days in advance). The invitation will indicate the purpose, time, location of the meeting, who will be in attendance, and informs the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel. The invitation shall also inform the parents of a child previously served in Babies Can't Wait of their right to request that an invitation to the initial IEP Team meeting be sent to the service coordinator or other representative of Babies Can't Wait to assist with the smooth transition of services.

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

Scheduling: Meetings will be scheduled at a mutually agreed time and place. If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits. The LEA must take whatever action is necessary to ensure that the parents understand the proceedings of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English.

Treutlen County Schools will provide a copy of the IEP to the parents at no cost and ensure that the parents of each child with a disability are members of the IEP team that makes decisions on the child's educational placement.

Procedures for Sending Notice of the Meeting

- Before a meeting notice is sent out, if the meeting requires the ESS Director or School Psychologist, please contact them to make sure someone can attend the meeting at the proposed time. A school administrator should be able to meet also.
- All notices should reflect advance notice of 7-10 days if at all possible. Take steps to ensure one or both parents are afforded the opportunity to attend.
- Schedule the meeting at a mutually agreed upon time.
- When neither parent can attend, offer methods to ensure participation (individual or conference calls).
- Ensure that parents understand the IEP meeting and provide an interpreter for parents who are deaf or whose native language is not English. Contact the Special Education Director when an interpreter is needed.
- Maintain a record of attempts to arrange mutually agreeable time and place. Include phone calls, email correspondence, home or work visits and results.
- A copy of the meeting notice must be sent to all parties invited.
- All therapists should be notified in advance of the meeting.
- The meetings should be included on the ESS Google IEP Meetings calendar.

5.8 General IEP/IFSP Requirements and Timelines

Conducted within 30 Days of Determination
An IEP/IFSP must be developed and a meeting conducted within 30 days of a determination that the child needs special education and related services. As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Current Within Year
Every student's IEP must be reviewed and updated to be current within one year (an annual review).

Accessibility
The child's IEP must be accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. All providers must be informed of their specific responsibilities and the specific accommodations, modifications, and supports that must be provided.

5.9 Inter and Intra- State Transfer of Students with IEPs

A student's right to a Free Appropriate Public Education (FAPE) is not affected by access to prior records; all students must receive FAPE. Therefore, when a student with an Individualized Education Program (IEP) transfers into a new school district, whether in the same State or a different State, the new district (in consultation with the parents) must initially provide FAPE to the student, including the provision of services comparable to those described in the student's IEP from the previous school district.

Enrollment & Placement Procedures

Enrollment begins with the school registrar or other designee. The registrar informs the parent of the enrollment requirements and has the parent complete the enrollment packet. The registrar will ask the parent if his or her child was in Exceptional Student Services; if so, the parent will verify on the school's registration form how the child was served at the prior school. The registrar will notify the building ESS Lead and Exceptional Student Services Administrator that a student with special needs is enrolling.

Exceptional Student Services records should be submitted to the school registrar by the parent or guardian at the time of the student's enrollment. However, if the parent/guardian does not present the student's records to the school, the school registrar must contact the student's previous school to request his or her Exceptional Student Services records, including:

- the student's IEP;
- the most recent psycho-educational evaluation report;
- any functional behavior assessments and behavior intervention plans; and
- current eligibility report.
- parental consent for services
- If a GOIEP district, request the student be released

The ESS Director is responsible for properly recording State Student Record data in GO-IEP for transfer students. At this time, the director will assign a case manager and notify the team of their access to the student in GOIEP. After a review of the information, a schedule

for the student will be recommended to the counselor by the ESS Lead Teacher or ESS Director.

The school registrar will notify the assigned ESS Lead of the transfer and upload all records into Infinite Campus and share with the ESS Lead to be scanned into GOIEP. If the above records are available at the time of enrollment, or faxed to the school registrar immediately, or verified by phone, the ESS Lead or Case Manager will:

- Schedule a transfer IEP placement meeting with the parent. The procedures for the transfer IEP meeting are outlined in the next section.
- If records are not readily available at the time of enrollment, the student must be enrolled for general education services until records are verified from the previous district.
- The school registrar and ESS Lead will document all contacts and attempts to obtain and verify records from the previous school district.
- If records cannot be obtained after three attempts, the ESS Lead should contact the Exceptional Student Services Department for assistance. Once records are verified and received, the ESS Lead or Case Manager will then schedule the transfer IEP placement meeting.

The student Information Systems Coordinator reviews State Student Record errors during each FTE cycle. Errors are investigated by the Exceptional Student Services Director.

After Exceptional Student Services records are received and verified for a transfer student, the ESS Lead or Case Manager will set up a transfer IEP placement meeting to determine eligibility as needed and plan for services comparable with those provided in the previous school district. The ESS Lead will document the interim services and share with stakeholders. The IEP Placement Meeting should take place within 30 days of receiving the transfer paperwork.

The ESS Lead or Case Manager must ensure that the necessary participants are included in the transfer IEP placement meeting (for example, the school psychologist must be included for out of state transfers, and the SLP must be included if the student received speech services in the previous district). The ESS Lead must provide prior written notice of the transfer IEP placement meeting to the parent of the student.

The IEP team must review eligibility information from the previous district. Generally, the IEP team will adopt the eligibility from an in state district. For out of state transfers, the ESS Director would carefully review the eligibility before determining eligibility.

In-State Transfer: TCS will provide FAPE (including comparable services) in consultation with parents until the district adopts the previous IEP or develops a new one. TCS will:

- Adopt all eligibility and IEP information from the prior GA district. The eligibility will expire three years from the date of the prior district's eligibility determination. Adopt the IEP date from the other district. The IEP will expire as indicated on the IEP from the prior district. Services are initiated on the date the IEP from the other district is adopted.
- Initiate a referral for a reevaluation for eligibility redetermination if eligibility from the prior district is in question. The IEP team develops a new IEP with the parent. Services are initiated on the date indicated on the new IEP.

Out-of-State Transfer: TCS will provide FAPE (comparable services) until it conducts an evaluation (if necessary) and determines eligibility and develops a new IEP. The State allows the following options for out of state Exceptional Student Services transfers:

- The adoption date is the date of the initial eligibility for Georgia, but the eligibility expiration date is 3 years from the date of the prior state's eligibility determination. The initial IEP date for Georgia is the date the IEP was adopted, but the IEP expires as indicated on the IEP from the prior state. The initial placement date is the date services are initiated in Georgia.
- The eligibility information is entered into GOIEP and the documents uploaded; the date of transfer is the initial eligibility date for Georgia. The expiration date is three years from the date of the Georgia eligibility determination. The initial IEP date for Georgia is the date of transfer of information to the Georgia IEP. The IEP expires as indicated on the Georgia developed IEP.
- The initial placement date is the date services were initiated in Georgia. If the transfer eligibility information is inconsistent with Georgia State eligibility requirements, a new evaluation must be conducted. The case manager must obtain consent to evaluate. The evaluation is an initial evaluation for Georgia; therefore, the 60-day timeline applies. Initial eligibility determination must occur within 60 days of the consent to evaluate being signed by a parent or guardian. The initial Georgia IEP must be developed within 90 days of consent to evaluate. Initial placement and initiation of services in Georgia must occur within 90 days of consent to place.

Transfer during an eligibility: If the student enrolls after the timeline has begun, but prior to determination, the district must ensure sufficient progress to prompt completion of the evaluation and the parent and district must agree to a specific time when the evaluation will be completed.

5.10 FERPA and Transmittal of Records

To facilitate the transition for a child to Treutlen County Schools with an IEP, the district will take reasonable steps to promptly obtain the child's records, including the IEP, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous LEA in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act (which does not require prior parental consent to disclose education records to officials of another school where the student seeks or intends to enroll. The prior district in which the child was enrolled must take reasonable steps to promptly respond to the request from the Treutlen County Schools.

An Overview of the Family Educational Rights and Privacy Act (FERPA): The Family Educational Rights and Privacy Act (FERPA) was enacted to clarify the rights of students and their parents regarding educational records. It contains very specific information detailing what is considered an educational record; how systems are to handle requests for records from parents, other school systems, and other agencies; and confidentiality of personally identifiable information. SST members should have a clear understanding of FERPA requirements due to the fact that they must deal with these issues on an ongoing basis. The basic requirements of FERPA are outlined below.

- Parents have the right to inspect and review the educational records of their children. If any material or document in the educational record of a student includes information on more than one student, the parents have access to only the information which relates to their child. Educational records must be made available within a reasonable

period of time, but in no case more than forty-five days after the request has been made.

- Parents have the right to a hearing process in order to challenge the content of their child's educational records in order to ensure that the records are not inaccurate, misleading, or otherwise, in violation of the privacy rights of students. Parents may have an opportunity to correct or delete any such inaccurate, misleading or otherwise inappropriate data contained in the record. They also have the right to insert into the educational record a written explanation regarding the content of the records.
- Educational record is defined as those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency. It does not include (a)records of instructional, supervisory, and administrative personnel which are not accessible or revealed to any other person except a substitute; (b)records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;
- Parental consent is not required when records are released to the following:
    - other school officials, including teachers within the educational institution or LEA who have legitimate educational interests;
    - officials of other schools or school systems in which the student seeks or intends 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;
    - in connection with a student's application for, or receipt of, financial aid;
    - organizations conducting studies for, or on behalf of, education agencies (with restrictions);
    - accrediting organizations in order to carry out their accrediting functions;
    - in connection with an emergency, other appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and
    - in connection with a subpoena.
- In some instances, the school district is required to notify the parents that the student's records are being released. This notification can be made in a letter to the parents or as part of the standard board policy. All records may be released, including academic and discipline records, special education records, and SST records.
- In all other cases, parental consent must be obtained and must specify: records to be released and the reasons for such release, and to whom, copies of the records must be provided to the parent or student if requested.
- Treutlen County Schools will maintain a record to be kept with the educational records of each student, which will indicate all individuals (other than those specified above) agencies, or organizations that have requested or obtained access to a student's educational records and that will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information.
- “Directory information" may be released without parental consent, provided parents have been given public notice of what information is released. Directory information may include the following: students names, addresses, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g. undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, weight and height of

members of athletic teams, degrees, honors and awards received, most recent previous educational agency or institution attended
- Personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.
- Both parents have equal access to their child's educational records unless a court document can be produced which denies access or terminates parental rights to review the records. Either parent can grant permission in writing to a third party, such as a stepparent.
- Rights are transferred to the student at age 18.
- Parents must be notified of all rights under FERPA
- If the parent requests that personally identifiable information in the records be destroyed, the parent should contact the school Principal who may confer with the Student Services Department. Destruction means either physical destruction or removal of personal identifiable information. However, the District may maintain (without a time limitation) a permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed.
- District policy is to destroy a student's Exceptional Student Services records after the student's 22nd birthday. A notice is printed in the local newspaper, shared on social media, and posted within the school campus.

5.11 Review and Revision of the IEP

Treutlen County Schools ensures that the IEP Team actively monitors and updates a student's Individualized Education Program (IEP) to support their ongoing educational success.

Annual Review and Goal Monitoring: IEP Teams at both schools are required to review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.

Special Factors: In conducting a review of the child's IEP, the IEP Team must consider the special factors in 5.2 above.

Conditions for Revising the IEP: The IEP Team must revise the IEP, as appropriate, to address the following:
- Lack of Progress: Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.
- Reevaluations: The results of any reevaluation conducted for the student.
- Parent Information: Information about the child provided to, or by, the parents.
- Anticipated Needs: The child's anticipated educational or developmental needs.
- Other Matters: Any other matters relevant to the student's education and support.

Consolidation of IEP Team Meetings: To maximize efficiency and respect the time of all participants, Treutlen County Schools, to the extent possible, encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

IEP Amendments: Changes to the IEP do not always require a full meeting to redraft the entire document. Amendments to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or by amending the existing IEP rather than redrafting it entirely (as provided in the applicable rules for amending without a meeting). These meetings do not have to be formal

meetings if all parties agree and the only forms necessary are the ones necessary for the changes. Case Managers will follow amendment procedures in GO-IEP.

- The Case Manager will provide a copy of the finalized amendment to the parents, as well as any other special education teacher, regular education teacher or related service or staff involved with the child and decision.
- When making an amendment, it can only run for one year. If an amendment is completed, the IEP should end on the same date as the annual review.
- The Case Manager will need to tell the SIS data clerk and ESS Director when a change is made to the IEP.
- When a student enters the school from another district, an IEP transfer meeting should be held and the team should accept, revise or write a new IEP after reviewing the current IEP. If the student did not come from a system using GO-IEP and one cannot amend their IEP on-line or if the student does not need a new IEP, please utilize the necessary forms from the DOE website until an IEP can be written on-line.

Providing Copies: Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.

Juvenile Facilities: For students in juvenile facilities, IEPs will be implemented as written by the sending school/last school the student attended. If the IEP or reevaluation becomes due while the student is in a correctional facility, it is the responsibility of the correctional facility staff assigned to complete the IEP and/or reevaluation prior to their expiration.

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

Adult Facilities: While students adjudicated in adult prisons are considered adults by the prison system, a student reaches the age of majority for educational decisions at the age of 18. For students in adult prisons, the bona fide security or compelling institutional interest of the prison overrides educational issues. In those cases where the District cannot provide Exceptional Student Services services due to prison issues, contacts with the prison and attempts to provide services should be documented. For example, a student may be unavailable for instruction due to disciplinary action.

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

- participation of students with disabilities in general assessments;
- transition planning and transition services of those students whose eligibility will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release; and (Transition services for students in adult prisons are only required for students who will be released prior to aging out of Exceptional Student Services on their 22nd birthday.)
- modifications of IEP or placement

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

Chapter 6: Least Restrictive Environment (LRE)

State Rule: 160-4-7-.07

The Exceptional Student Services Director and Lead Teachers ensure that the Treutlen County School District offers a continuum of placements and provides information to School Administrators and Case Managers on those options. The Lead Teachers in turn, provide that information to case managers. Often, the ESS Director participates in IEP meetings to ensure students with disabilities are offered placements in the least restrictive environment given their individual needs.

After a student's IEP has been developed, their educational placement which includes programs and services must be determined by the IEP team. The level of placement occurs along the continuum of placements available for students with disabilities. Often confused, but not interchangeable, is the term "location". Location refers to the physical setting, such as the specific classroom or facility where a student's IEP will be implemented.

6.1 LRE Requirements: Written Policies and Procedures Exist

To the maximum extent appropriate, children with disabilities are educated with children who are not disabled. The LRE standard requires the District to ensure that students with disabilities participate with non-disabled students in non-academic and extracurricular services and activities to the maximum extent appropriate, including students in public or private institutions or other care facilities:

- are educated with students who are not disabled; and
- special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- activities may include: meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups, clubs sponsored by the District, and employment opportunities.

LRE requirements apply to both eligible school age students and preschool children.

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

6.2 Annual IEP Placement Determination

A student's educational placement is not a one-time decision. TCS ensures that the educational placement of a child with a disability is:

- Determined at least annually.
- Made by the IEP Team, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
- Based directly on the child's IEP and most recent data.
- Following the LRE provisions in state rule 160-4-7-.07

6.3 Full Continuum of Alternative Placements

TCS is required to ensure that a continuum of placement options is available to meet the

needs of students with disabilities for Exceptional Student Services and related services. The continuum must provide for supplementary services (such as resource room or itinerant instruction) in conjunction with placement in a regular education class. The continuum includes, as appropriate, instruction in:

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

6.4 Location of Services

When determining the specific physical location where a student will receive their educational services, the IEP Team ensures that:

- The placement is as close as possible to the child's home.
- Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that they would attend if they were not disabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that they need.
- The student is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum

6.5 Preschool Placements and Services

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

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

Early childhood programs designed primarily for children without disabilities in the public school or community (such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare), and preschool programs with special education services will be delivered as:

Supportive Services: The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.

Direct Services: The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or co-teaching model or the child is in the regular education early childhood program but special education and related services are provided outside a regular education early childhood program.

Early childhood special education programs designed primarily for children with disabilities may include:

- A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;
- A program provided at home as a natural environment;
- A program provided through service providers in their offices; or
- Any combination of the above and/or other settings based on the child's IEP.

6.6 School Age Placements and Services

For school-aged students, the IEP Team must always consider the general education classroom as the first option. Placement decisions progress through the continuum based on student need:

General Education with No Additional Support: The student accesses the curriculum independently.

General Education with Supplementary Aids/Services: The student receives accommodations, modifications, or paraprofessional support within the regular classroom.

Co-Taught / Collaborative Settings: A special education teacher or paraprofessional provides direct support within the general education classroom.

Resource Room (Pull-Out): The student receives specialized instruction in a separate special education classroom for a portion of the day.

Self-Contained Classroom: The student receives the majority of their instruction in a specialized setting with a significantly reduced student-to-teacher ratio.

Separate Day School: Highly specialized therapeutic or academic environments for students with severe needs. The State of Georgia operates three schools for students who are deaf or blind (Georgia School for the Deaf, Atlanta Area School for the Deaf, and the Georgia Academy for the Blind). Students receive day services or residential services in these schools through the IEP process. For consideration for placement in any of these three schools the IEP meeting must include the Exceptional Student Services Coordinator or the Exceptional Student Services Director.

The Georgia Network for Educational and Therapeutic Support (GNETS): is a program designed for students with an emotional and behavioral disorder. The purpose of the GNETS program is to prevent children from requiring residential or other more restrictive placements. Prior to consideration for referral to GNETS, the school administration or case manager must contact the Exceptional Student Services Director. The ESS Director will review the available information and request an observation from the GNETS coordinator. Once completed, the information will be shared with the IEP team. At this time, the IEP team may initiate a referral to GNETS. The referral must document the severity, duration, frequency, and intensity of one or more characteristics of the disability category of emotional and behavior disorder. This documentation must also include prior extension of less restrictive services and data which indicate such services have not enabled the student to benefit educationally. Once completed, the school administrator and ESS Director must approve the referral. The ESS Director will submit the referral to the GNETS Director.

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

Disciplinary Placements and Services: Under certain circumstances involving discipline (drugs/alcohol, bodily injury or harm, weapons), the District staff may remove a student with a disability from their current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, including a suspension for more than 10

school days. Prior to such placement for disciplinary acts including, 10 days or more suspension or an established pattern of behavioral events, a Manifestation Determination Review will be held by the IEP Team to determine if the behavior was a manifestation of the disability.

Private School Placements

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

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

Homebound and Hospital Placements

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 offered by the District. Every effort must be made to maintain instruction in the school setting before identifying a Homebound placement. Consideration for Homebound placement is initiated by the parent who obtains a Hospital/Homebound application packet from the school when it is determined that a student is unable to attend school due to injury or illness. If District personnel receive notice that it is anticipated that the student will be absent from school for at least 10 consecutive school days for medical reasons, that person should contact the assigned hospital/homebound coordinator for the school.

Application/Referral Process for Homebound Services

- The application packet is a two-part form requiring completion by the parent and physician.
- The parent is responsible for obtaining the completed physician form.
- Anticipated confinement duration must be specified on the physician form. (e.g., six weeks, one month). A non-specific period of time (e.g., lifetime, 99 years, to be determined) is not acceptable.
- A description of the student's disability is required. In the case of a student with a psychological diagnosis, a copy of the psychiatrist's/attending physician's Treatment Plan and a copy of the therapist's Treatment Plan is also required.
- The physician/psychiatrist must include a Reentry Plan for the student (a plan to return the student to school within a specified time line).
- The completed packet is returned by the parent to the assigned school Hospital/Homebound Coordinator.
- The Hospital/Homebound Coordinator will contact the ESS Director and share the completed Hospital/Homebound request.
- The coordinator and director will collaborate with the case manager to schedule an IEP

revision meeting prior to the initiation and termination of Homebound Service.
- After the IEP meeting, if homebound services are determined to be necessary in order to provide FAPE, the homebound application packet and the decision of the IEP team is sent to the Student Services Department so that an instructor can be assigned for the services.

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

6.7 Non-Academic and Extracurricular Settings

In providing or arranging for the provision of nonacademic and extracurricular services and activities, the District ensures that children with disabilities participate with non-disabled children in those services and activities to the maximum extent appropriate to the needs of that child.

TCS provides supplementary aids and services determined appropriate and necessary by the child's IEP Team to allow equal participation.

These settings include, but are not limited to: meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, and special interest groups or clubs sponsored by the school or district.

Chapter 7: Confidentiality of Personally Identifiable Information

State Rule: 160-4-7-.08

Treutlen County Schools (TCS) is committed to protecting the privacy of our students and their families. The District adheres to all federal and state regulations, including the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA), regarding the collection, storage, disclosure, and destruction of educational records. A record includes printed or handwritten documents, but also includes information recorded in any other way, including digital documents, media, videotape, and audiotape. Confidentiality information shall be given in native languages appropriate to population groups served by the LEA.

7.1 Confidential Information

Personally Identifiable Information (PII) is strictly confidential. This includes, but is not limited to:

- The name of the child, the child's parent, or other family members.
- The address of the child.
- A personal identifier, such as the child's social security number or student number (GTID).
- A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

The Treutlen County School District shall provide a description of the children on whom personally identifiable information is maintained, the types of information sought, the

methods the district intends to use in gathering the information, and the uses to be made of the information.

All special education information is confidential. Unless in immediate use, files should be maintained in a locked filing cabinet. This applies to files at the school level and the main files should be locked in the ESS File Room. The key can be checked out from the ESS Director. When a file is accessed, the faculty member must record their name, role, date, and reason for accessing the file. This page can be found in the front of the

For all personnel in the school system, breaching confidentiality is a violation of ethics and may result in a reprimand or dismissal.

7.2 Access Rights and Required Procedures

Parents and eligible students (those 18 years or older) have the right to inspect and review any educational records relating to their child that are collected, maintained, or used by the District. TCS will comply without unnecessary delay and before any IEP meeting or hearing, and in no case more than 45 days after the request. Parents' right to inspect and review education records includes the right to:

- a response from the District to reasonable requests for explanations and interpretations of the records;
- The right to request that the District provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.
- have a representative of the parent inspect and review the records.

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

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

The District will:

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

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

Record of Access: The District must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency). This log must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The District maintains an Access Record of parties obtaining access to physical confidential education records collected, maintained, or used under IDEA. The Lead Teacher or Case Manager is responsible for including the Access Record form in the confidential file. The record must include the:

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

GOIEP records access to all records and can be obtained through the platform under the "Log" Tab.

7.3 Amendment of Records at Parent Request

Parents who believe information in the records is inaccurate or misleading may request an amendment. If TCS refuses, it will inform the parent of the refusal and their right to a hearing. The parent may request the District to amend information in their child's education records if the parent believes that the information:

- is inaccurate
- is misleading; or
- violates the student's privacy rights or other rights.

The parent must submit the request in writing to the Principal or designee to explain which information is being challenged and the reasons for their objection to the information.

The Principal or designee will contact the ESS Director who will inform the parent within 10 days in writing of the determination, the reasons for the decision, and the right to appeal.

The parent has the right to appeal the determination to the Superintendent, within ten school days after receipt of the ESS Director's letter. The Superintendent or designee, shall hold a hearing with the parent within fifteen working days of receipt of the appeal. The hearing gives the parents an opportunity to challenge information in the student's education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. Requirements:

- the hearing must be scheduled within fifteen working days after receipt of requests
- reasonable notice must be provided to the parent of the date, time, and place of the hearing;
- the hearing must provide the parent a full and fair opportunity to present relevant evidence, and the parent may be assisted by an attorney or other individual at the parent's expense;
- within five working days after conclusion of the hearing, the Superintendent or designee, must inform the parent of their decision in writing; and
- the parent shall be notified of the decision by certified mail.

7.4 Results of Hearing

Parental Right to Comment: If, as a result of the hearing, it is determined that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student,

District personnel must amend the information accordingly. District personnel are responsible for informing the parent in writing that the information has been amended.

Maintenance of Statement: If, as a result of the hearing, it is determined that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Superintendent or designee must inform the parent of their right to place in the student's District records a statement commenting on the disputed information or setting forth any reasons for disagreeing with the information. Any such explanation that is placed in the student's records must be maintained by the District as part of the student's records as long as the record or contested portion is maintained by the District. If the student's records or the contested portion are disclosed by the District to any party, the explanation must also be disclosed to the party.

7.5 Parent Consent

Parental consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies (as allowed under FERPA and IDEA exceptions) and before it is used for any purpose other than meeting a requirement of the IDEA.

Transition/Agency Sharing: Consent is required before PII is released to officials of participating agencies providing or paying for transition services.

Private Schools: If a child is enrolled, or is going to enroll in a private school that is not located in the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.

Authorization to Release Records and Confidential Information Form must be obtained and forwarded to the BOE for records to be provided to any third party (ex. Physician, Forwarding School Systems, Advocates, DFACS, DJJ, Attorneys). The records release form can be found in the district website or the district Google repository. Parents requesting copies of the entire student file must still provide a request for records in writing to the BOE. Copies of the current year IEP, Comprehensive Educational Evaluation, or Eligibility Report may be provided by the local school to the parent upon request. Rights of access extend to all faculty, staff, student teachers and related service interns who have a legitimate educational interest in accessing educational records.

Treutlen County Schools presumes that the parents have the authority to inspect and review all records relating to their child unless we have been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce. [34 C.F.R. 300.613(C)] This information will be designated in the Student Information System with a flag, indicating limitations of the access. District personnel must permit the parent to inspect and review any education records relating to their child that the District collects, maintains, or uses under IDEA.

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

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

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

7.6 Safeguards

The District must protect the confidentiality of PII at collection, storage, disclosure, and destruction stages.

Official Responsibility: The ESS Director (or designated official) assumes responsibility for ensuring the confidentiality of any personally identifiable information.

Training: All persons collecting or using PII must receive training or instruction regarding the State's policies and procedures under IDEA and FERPA.

Access List: The District must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

7.7 Destruction of Confidential Information

The District must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.

Parental Request: If the parent requests that personally identifiable information in the records be destroyed, the parent should contact the school Principal who may confer with the Student Services Department. Destruction means either physical destruction or removal of personal identifiable information. However, the District may maintain (without a time limitation) a permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed.

District policy is to destroy a student's Exceptional Student Services records after the student's 22nd birthday. Prior to the destruction of records, the community will be notified through the District Facebook page, local newspaper, and SIS communication system.

Permanent Record Exception: A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation, even after the special education records have been destroyed.

Chapter 8: Procedural Safeguards and Parent Rights

State Rule: 160-4-7-.09

Treutlen County Schools (TCS) recognizes that parents are equal partners in their child's education. The Individuals with Disabilities Education Act (IDEA) and Georgia Special Education Rules provide specific procedural safeguards and rights to parents of children with disabilities. The District is committed to ensuring parents are fully informed of these rights. A full copy of the Parent Rights in Special Education is provided to parents at least once per

school year, upon initial referral, upon request, and upon the filing of a formal complaint. Copies of Parent Rights in Special Education can be downloaded from the district website.

8.1 When Parent Rights Must Be Provided to Parents

A copy of the procedural safeguards available to the parents of a child with a disability will be given to the parents a minimum of once a school year and will be written in language understandable to the general public a reasonable time before the LEA proposes to:

- initiate the identification
- change the identification
- change the evaluation
- change the educational placement
- change the provision of a FAPE

Written notice shall also be provided if the LEA refuses to take such action. TCS will provide a full explanation of all procedural safeguards/parents' rights available to the parent(s). The communication to the parent(s) shall include a description of the action proposed or refused by the LEA, an explanation of why the LEA proposes or refuses to take the action, and a description of any options the LEA considered and the reasons why those options were rejected. Communication to the parent(s) shall include a description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposed or refused action. Also included shall be a description of any other factors which are relevant to the district's proposal or refusal, a statement that the parent(s) of a child with a disability has protection under the procedural safeguards/parents' rights, a statement of the means by which a copy of the procedural safeguards/parents' rights may be obtained, and information providing sources to contact for assistance in understanding the procedural safeguards/parents' rights.

Treutlen County Schools will many times address the requirements above by providing parent(s) with a copy of documents such as the consent to evaluate, consent for placement, consent for accessing a child's or parent's public benefits or insurance, evaluation report, eligibility report, invitation to a meeting, the full Individualized Education Program (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request but these items have not yet been generated for the child. In such a case, the district will respond to the request through an alternative manner, such as through a letter to the parent(s), which provides all of the required elements identified above.

An additional copy must also be given to the parents in the following circumstances:

- Upon initial referral or parent request for evaluation.
- Upon receipt of the first state complaint
- Upon receipt of the first due process complaint in a school year
- Upon notification by the LEA to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct
- In accordance with discipline procedures (e.g., when a decision is made to take a disciplinary action that constitutes a change of placement).
- Upon request by a parent

The parent may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail, if the LEA makes that option available. A copy of the Procedural Safeguards/Parent Rights can also be found on the district website.

Additionally, TCS will ensure the notice is written in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication and ensure the parent understands the content of the notice. It is the responsibility of the Case Manager to ensure documentation that the requirements have been met.

8.2 Content of Parents Rights

The Treutlen County School System will inform the parents of actions being proposed or refused regarding their child by giving written notice before the district proposes or refuses to initiate or change the following: Identification, evaluation, educational placement or FAPE. The Parent Rights notice will be provided in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent.

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 should also help facilitate communication between parents and district personnel. The Parent Rights notice outlines all of the rights and safeguards available to parents of children with disabilities and children who are decision makers. The Parent Rights notice may be provided by electronic mail (e-mail), prior to or during meetings, and can be found on the Treutlen County Schools webpage.

If parents would like a more detailed explanation of these rights, they can contact the principal at their child's school, a teacher or administrator, the local ESS Director (912-529-7108), and/or the Georgia Department of Education, Division for Special Education at 404-656-3963.

The procedural safeguards notice must include a full explanation of all of the procedural safeguards available to parents, including:

Prior Written Notice

TCS will provide a written notice to parents a reasonable time before proposing or refusing to initiate or change the identification, evaluation, or placement of the child or the provision of FAPE. The notice must describe the action proposed or refused, explain why the District is taking this action, describe the evaluation procedures or records used as a basis for the decision, and include a statement regarding procedural safeguard protections.

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

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

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

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

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

Parental Consent

The notice must explain the requirement for informed written consent from the parent before conducting an initial evaluation, initial provision of services, re-evaluation, and disclosing personally identifiable information (see chapter 7), and accessing public benefits or insurance for the first time. Except for an initial evaluation, initial placement, and re-evaluation, consent is not required as a condition of any benefit to the parent(s) or child.

Treutlen County Schools does not construe consent for initial evaluation as consent for initial provision of special education and related services. The student's Case Manager will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability. Efforts may include telephone calls, emails, certified mail, or home visits.

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

- Despite reasonable efforts to do so, the LEA 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 a parent refuses consent or fails to respond to a request for an initial evaluation or a re-evaluation, the District may (but is not required to) pursue the evaluation by utilizing mediation or due process procedures. The district does not violate its obligations under Child Find if it declines to pursue the evaluation.

A LEA that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. If the parents fail to respond or refuse to consent to services, the district may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided.

Access to Educational Records

Parents have the right to inspect and review all education records relating to their child with respect to the identification, evaluation, educational placement, and provision of FAPE.
If requested, district personnel will explain and interpret the records.

Prior to release of personal identifiable information to any person not otherwise entitled by law, the parent must sign a written consent. An Authorization to Release Records and

Confidential Information Form must be obtained and forwarded to the BOE for records to be provided to any third party (ex. Physician, Forwarding School Systems, Advocates, DFACS, DJJ, Attorneys). The records release form can be found in the Google Repository or on the Treutlen County Schools Website. If copies are requested, the district reserves the right to charge based on established district rates. The District maintains a record of parties obtaining access to educational records collected or maintained including the name of the party, the date access was given, and the purpose for which the party is authorized to use the record. For a more detailed description of matters relating to student records, see Chapter 7: Confidentiality of Personally Identifiable Information

Complaint Process

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

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

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

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

The parent must submit a copy of the complaint to the District and the Georgia Department of Education that must allege the violation has occurred within one year of filing. Once filed, the District has the right to respond and try to resolve the complaint or mediate if both parties agree. Within 60 calendar days, the Georgia Department of Education must complete its review and give its decision. If the complaint includes issues which are also the subject of a due process hearing, the Georgia Department of Education is required to set aside those issues until the due process hearing is resolved. However, if issues arise in a complaint that has previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding, and the Georgia Department of Education must inform the complaining party to that effect. If a complaint alleges that the District has failed to implement a due process decision, the Georgia Department of Education must resolve that complaint.

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

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

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

- how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student; and
- appropriate future provision of services for all students with disabilities

Mediation

Parents have the right to request mediation as a voluntary and free alternative to a due

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

Student Placement During Pending Due Process
Also known as the "stay-put" provision. Except in specific disciplinary situations, during the pendency of any administrative or judicial proceeding, the child must remain in their current educational placement unless the parent and the District agree otherwise.

Interim Placements
In specific disciplinary situations involving weapons, illegal drugs, or serious bodily injury, the District may place the child in an appropriate Interim Alternative Educational Setting (IAES) for up to 45 school days without parental consent.

Independent Educational Evaluation (IEE)
Parents have the right to request an Independent Educational Evaluation (IEE) at public expense if they disagree with an evaluation obtained by the District. Upon this request, the District must either agree to pay for the independent evaluation or initiate a Due Process Hearing to demonstrate that the District's evaluation is appropriate. If the District's evaluation is found to be appropriate, the parent still has the right to an IEE, but not at public expense.

Private School Placement by Parent
The notice must explain the requirements for parents who unilaterally place their child in a private school at public expense when the District has offered FAPE. 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 LEA may not use the consent override procedures described in this rule. Additionally, TCS is not required to consider the child as eligible for services and will document its attempts to obtain parental consent. Additional information is available in Chapter 12.

Due Process Hearings
Parents have the right to request an impartial due process hearing regarding the identification, evaluation, or educational placement of their child, or the provision of FAPE. See Chapter 11 for detailed information.

Attorneys' Fees
The notice must explain the conditions under which a court may award reasonable attorneys' fees to the prevailing party in a due process hearing or court action.

Provided in Language Understandable to Parents
The notice of procedural safeguards must be written in language understandable to the general public. It must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language is not a written language, the District must ensure the notice is translated orally or by other means.

8.3 Parental Opportunity to Review Records
Parents have the opportunity to inspect and review all education records relating to their child

without unnecessary delay, and before any meeting regarding an IEP, resolution session, or due process hearing. Treutlen County Schools presumes that the parent has these rights unless the LEA has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce. Parents requesting copies of the entire student file must provide a request for records in writing to the BOE. Copies of the current year IEP, Comprehensive Educational Evaluation, or Eligibility Report may be provided by the case manager to the parent upon request. All rights of parents to examine education records shall transfer to the child at age 18.

8.4 Parental Participation in Meetings

The term meeting does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's IEP. The term also does not include preparatory activities that District personnel engage in to develop a proposal or to prepare a response to a parent proposal that will be discussed at a later meeting.

Parents have the right and are highly encouraged by the district to participate in meetings with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE. The District must ensure parents are provided proper notice of meetings early enough to ensure they will have an opportunity to attend, and that meetings are scheduled at a mutually agreed-upon time and place. TCS will make reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English

The Exceptional Student Services Case Manager must take steps to ensure that the meeting is scheduled at a mutually convenient time and place. If neither parent can physically attend the meeting, the Case Manager must use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing. If the Case manager cannot reach the parent, after at least 3 documented attempts to include the parent in the meeting, the meeting can be held without the parent. In such cases, all efforts to ensure the parent's participation must be documented using Communication Log in Infinite Campus and must include, at a minimum:

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

8.5 Independent Educational Evaluations

If a parent disagrees with an evaluation conducted by the District, the parent has the right to request an IEE at public expense. The District must, without unnecessary delay, either ensure that an IEE is provided at public expense or file a due process complaint to request a hearing to show that its evaluation is appropriate.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. (Public

expense means that the district either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent.) The qualifications of the independent evaluator must be the same as those required of the district evaluators.

The Treutlen County School District will set a reasonable limit on the cost of the independent evaluation. If a parent disagrees with the results of a completed evaluation done by the district, the parent may request an outside independent educational evaluation (IEE) paid for by the district. The district shall agree to pay for the independent evaluation or begin due process procedures to show that the district's evaluation is adequate. If there is a due process hearing and the district's evaluation is judged to be sufficient, then it will not have to pay for an IEE.

Parents are not entitled to an independent educational evaluation at public expense before they allow the district to conduct its own evaluation. Once the district evaluation occurs, and the parents disagree with the results of the evaluation, they can request one at public expense. If granted by the district, the district will provide the parents with a list of qualified examiners from which to choose for the independent educational evaluation. The district will work with the parents to find a mutually agreeable evaluator. The parent will be responsible for making all the arrangements and providing the transportation.

If a parent obtains an independent educational evaluation at his or her expense, the results of the evaluation that meet state and district criteria shall be considered by the district in any decision made with respect to the provision of FAPE for the child. The parent will need to provide a copy of the evaluation to the school principal or the child's case manager. The principal or teacher will then contact the ESS Director, to view the evaluation and schedule a meeting with the parent and IEP Team.

8.6 Parental Consent

At a minimum, informed parental consent shall be 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;
- 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.
- Disclosing personally identifiable information under conditions described in Chapter 9.
- Accessing a child's or parent's public benefits or insurance for the first time.

<u>Initial Evaluation</u>
The District must obtain informed written parental consent before conducting an initial evaluation to determine if a child qualifies as a child with a disability. Consent for evaluation does not construe consent for the initial provision of services.

<u>Re-evaluation</u>
The District must obtain informed parental consent prior to conducting any new assessment as part of a re-evaluation of a child with a disability.

<u>Services</u>
The District must obtain informed written parental consent before the initial provision of

special education and related services to the child.

8.7 Parental Refusal for Consent/Revocation

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

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

Services The district must obtain informed written parental consent before the initial provision of special education and related services to the child. If the parent refuses to consent or does not respond to the District's request for consent for initial provision of Exceptional Student Services and related services to the student (through the development of an initial IEP), the District cannot use mediation or due process to override the parent's lack of consent. If the parent does not provide consent for the initial provision of Exceptional Student Services and related services, the District will not be in violation of the obligation to make a free appropriate public education available to the student.

Revocation of Consent:
Parents have the right to revoke consent for the continued provision of special education and related services at any time; revocation is for all services, not individual services. The intent to withdraw the child from ESS and related services must be made in writing by the parent to Treutlen County Schools. Upon receipt, the District will cease providing services after providing Prior Written Notice. TCS will not not use the procedures of mediation or due process hearings to override the withdrawal of consent. Revocation of consent for services by a parent will not put the district in violation of the responsibility to provide a free and appropriate public education (FAPE) to a child with a disability because of the failure to provide further special education and related services. Additionally, TCS is not required to convene an IEP meeting for a child whose consent to receive special education and related services has been revoked. If subsequent referrals for special education and related services are made, they will be considered an initial evaluation and subject to the sixty day evaluation time period. Following revocation of consent, the district is not required to amend the records of the child to remove any references to the provision of special education and related services prior to the receipt of the revocation of consent.

8.8 Parental Consent is Not Required

Parental consent is not required before:

- Reviewing existing data as part of an evaluation or a re-evaluation.
- Administering a test or other evaluation that is administered to all children unless consent is required for all children.
- Conducting a re-evaluation if the District can demonstrate that it made reasonable efforts to obtain consent and the parent failed to respond.

8.9 Parent Training

As part of a student's IEP, parent counseling and training may be provided as a related service to assist parents in understanding the special needs of their child, providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP.

Chapter 9: Discipline

State Rule: 160-4-7-.10

The District is committed to maintaining a safe learning environment for all students. When students with disabilities violate the student code of conduct, they are subject to disciplinary actions. However, the Individuals with Disabilities Education Act (IDEA) and Georgia State Rule 160-4-7-.10 provide specific procedures and protections to ensure that a student's right to a Free Appropriate Public Education (FAPE) is not arbitrarily denied due to behaviors related to their disability.

9.1 Relationship of General Code of Conduct to IEP

The Treutlen County School district has a code of student conduct and school rules. A link to the handbook can be found on the district website as well as the respective schools. The code of student conduct shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise. The LEA shall ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review. Parents, students, educators, and administrators need to know what the code of conduct and rules are, and students with disabilities should be expected to follow the rules that are in effect for all of the students in the school.

Students with disabilities are expected to follow the District's general code of student conduct. However, the Individualized Education Program (IEP) team must consider the use of positive behavioral interventions and supports, and other strategies, to address any behavior that impedes the child's learning or that of others. If a student's IEP or Behavior Intervention Plan (BIP) outlines specific disciplinary or behavioral protocols, those protocols must be followed in conjunction with, or in place of, standard code of conduct responses as determined by the IEP team.

9.2 Interim Alternative Settings and 10-Day Rule

School personnel may remove a student with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days. This is allowed to the extent such alternatives are applied to students without disabilities.

The District may also order additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct. However, if cumulative removals exceed 10 school days in the same school year, the District must provide services to the extent required to enable the student to continue to participate in the general education curriculum and progress toward meeting IEP goals.

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

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

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

If a student is removed from his or her current educational placement for more than a total of

10 school days in a school year, even if these removals do not constitute a change in placement, school personnel must arrange to provide the student educational services to:

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

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

9.3 Manifestation Determination

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

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

Participants:

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

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

Manifestation Determination Meeting: The ESS Director or administrator will facilitate the manifestation determination meeting. When conducting a manifestation determination meeting, the IEP Team must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent to determine:

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

Based on this information, the IEP Team must determine whether the student's behavior that is

subject to the disciplinary action is a manifestation of their disability. If the LEA, parent, and relevant members of the IEP team determine that a student's misconduct was caused by or had a direct and substantial relationship to the student's disability, or a direct result of the District's failure to implement the student's IEP, the conduct shall be determined to be a manifestation of the student's disability. If the IEP Team determines that the behavior was not a manifestation of the student's disability:

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

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

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

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

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

9.4 Functional Behavior Assessment

The Functional Behavior Assessment is a systematic process where educators seek the "why" behind an interfering behavior. It is a diagnostic assessment that helps identify the environmental factors influencing an interfering behavior in order to hypothesize the behavior's function and help identify ways to address it. FBAs should be conducted when comprehensive classroom behavior management and low-intensity strategies (behavior-specific praise, precorrection) have not adequately addressed a student's behavior.

If a student demonstrates behaviors that consistently interfere with their own learning or that of others, or if behavior patterns lead to disciplinary actions, the IEP team must conduct a Functional Behavioral Assessment (FBA) if the District had not conducted such assessment prior to the behavior that resulted in the change of placement. Even if the behavior is determined not to be a manifestation of the disability, the student should receive, as appropriate, an FBA and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

Parental Consent for an FBA: The case manager will gain Parental consent to conduct an FBA if it is being conducted as part of an initial evaluation or reevaluation to determine a student's eligibility for special education services or in response to a disciplinary change in placement of a student with a disability.

Components of a Functional Behavior Assessment (FBA): The student's IEP team will:

- work collaboratively through the process and document the results.
- use the antecedent-behavior-consequence model as the basis for behavior.
- develop a description/operational definition of the target/problem behavior that clearly describes what the student is doing and is stated in observable, objective, and

measurable terms.
- select FBA direct measurement data systems that are appropriate for the target behaviors (e.g., frequency, duration, latency, interval recording, time sampling, and permanent product recording).
- include manageable strategies for sampling behavior during relevant times and contexts.
- include how the raw data will be converted into a standardized format (e.g., rate, percent).
- utilize information sources that may include multi-element assessments, documentation of student, teacher, and parent interviews (including student preferences), indirect data collection (checklists, questionnaires), previous interventions tried, educational impact of the behavior, and record review.
- conduct an analysis of the comprehensive FBA assessments to identify patterns and result in summative information that should include: time of day and settings where the behavior typically occurs; subject/activity when the behavior most often occurs; frequency/duration/intensity of the behavior; people present during the behavior; antecedents/events or conditions that immediately precede/trigger the behavior; consequences that maintain the problem behavior
- use a collaborative team based decision making process, to develop a hypothesis/summary statement as to the function/purpose of the target behavior.

9.5 Behavior Intervention Plan (BIP)

Following an FBA, the IEP team must implement a Behavior Intervention Plan (BIP) for the student. If a BIP has already been developed, the IEP team must review the plan and modify it, as necessary, to address the behavior. If the behavior was a manifestation of the disability, the student must be returned to the placement from which they were removed, unless the parent and the District agree to a change of placement as part of the modification of the BIP, or unless special circumstances apply.

At a minimum, the BIP should be updated annually, along with the rest of the IEP. In addition, the BIP may be modified at any time circumstances warrant a change in the plan. If the BIP no longer meets the student's needs, even after modifications, referral for a new FBA may be warranted. When this occurs, a referral for a partial reevaluation should be initiated.

Components for a Behavioral Intervention Plan:

- Target/problem behavior, the hypothesized function of the behavior, and a summary of data collected that led to the hypothesis are included in the plan
- Behavior intervention plans are driven by the hypotheses and the FBA data collected. They are individualized for the student and include:
    - Positive (preventive) strategies to avoid the target behavior (e.g., antecedent modifications) that can include instructional modifications, behavioral precursors as signals, modification of routines, opportunities for choice/control, clear expectations, pre-correction, errorless learning, etc.
    - Select new skills that replace problem behaviors that can be as or more effective than the problem behavior (replacement behaviors may include communication skills, social skills, self-management/monitoring skills, choice making, etc.)
    - Instructional methods to teach replacement behaviors that can include pre-instruction, modeling, rehearsal, social stories, incidental teaching, peer buddy, meeting sensory needs, direct instruction, verbal, physical, and/or visual prompting, etc.
    - Consequences that promote the learning of the replacement behavior that are based on student preferences
    - Consequences that address the occurrence of the target behavior

    - The desired outcomes of the behavioral intervention plan for the student
- Action plan for the implementation of the BIP should include:
    - Activities, dates, and documentation describing who is responsible for completing each task
    - Materials, training, and support for the implementers of the plan
    - How data will be collected and analyzed
    - Timelines for team meetings, data analysis, and monitoring the success of the BIP

If necessary, a crisis intervention plan is developed when the safety of the student or of others is a concern.

The case manager will provide the most recent copy of the student's BIP to all IEP team members as well as the school administration at the beginning of the school year and when the student has a schedule change.

9.6 Special Circumstances: Weapons, Illegal Drugs, Injury

The District may remove a student to an Interim Alternative Educational Setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where a student:

- carried a weapon to school or to a school function under the jurisdiction of the District; or
- knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function under the jurisdiction of the District; or
- had inflicted serious bodily injury upon another person while at school or at a school function under the jurisdiction of the Treutlen County Schools.

Controlled Substance is a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act.

Weapon is defined as a "dangerous weapon", device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

Illegal Drug means a controlled substance, but does not include a substance that the student legally possesses or uses under the supervision of a licensed health-care professional, or that is legally possessed or used under federal law.

Serious Bodily Injury is an injury involving substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty.

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the District, the parent, and relevant members of the IEP team must conduct a Manifestation Determination review. They must review all relevant information in the student's file, including the IEP, teacher observations, and any relevant information provided by the parents to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the District's failure to implement the IEP.
- If the team determines that either condition is met, the conduct must be determined to be a manifestation of the student's disability.

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

9.7 Provision of Notification of Change of Placement

Georgia Rules and federal laws have provisions that control what happens if the child violates a school rule, uses or sells illegal drugs or weapons, or does something that causes serious bodily injury to him/herself or someone else. These provisions clarify what action the district can take and what rights are afforded the child's parent. A student with an IEP, even when suspended or expelled for more than 10 days, always maintains the right to services that allow the opportunity to make progress in the general curriculum and the right to receive IEP services.

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the District will notify the parents of that decision and provide the parents with a copy of the procedural safeguards notice.

9.8 Appeal Process

The parent of a child with a disability who disagrees with any decision regarding placement under these discipline rules, or the manifestation determination, may appeal the decision by requesting an expedited due process hearing. Additionally, if the District believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, the District may request a hearing. The hearing is requested by filing a due process hearing request pursuant to Rule 160-4-7- .12 Dispute Resolution.

Authority of administrative law judge or hearing officer: An administrative law judge or hearing officer under Rule 160-4-7- .12 Dispute Resolution hears the facts and makes a determination regarding an appeal under the disagreement.
In making a determination under this rule, the administrative law judge or hearing officer may:

- Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of this Rule or that the child's behavior was a manifestation of the child's disability; or
- Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the administrative law judge or hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

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

Expedited due process hearing. Whenever a hearing is requested due to parents who disagree with any decision regarding placement or the manifestation determination, or the LEA believes in maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing , the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent except as provided:

- The State is responsible for arranging the expedited due process hearing, which

must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing.

- Unless the parents and LEA agree in writing to waive the resolution meeting described in Rule 160-4-7- .12 Dispute Resolution or agree to use the mediation process described in the same Rule:
    - A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint; and
    - The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint.
    - The decisions on expedited due process hearings are appealable consistent with Rule 160-4-7- .12 Dispute Resolution.

9.9 Placement During Appeal

When an appeal has been requested by either the parent or the District, the student 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 time period of the removal (45-day rule), whichever occurs first, unless the parent and the District agree otherwise.

If the parent disagrees with the decision of the manifestation determination, he or she may appeal by requesting a due process hearing. Parents will need to notify the ESS Director. The ESS Director will contact all parties to set a due process hearing. An expedited hearing must occur within 20 school days. The child will remain in the setting decided by the discipline process until the hearing occurs.

Under special situations, if the behavior that causes a child to get into trouble and be suspended is not related to the child's previous behavior that resulted in discipline or to that child's disability, the school district may review the incidents and determine that a new suspension that results in more than 10 cumulative days of suspension for this school year is not a change in placement and, therefore, does not require services to continue.

9.10 Protections for Children Not Yet Eligible

A student 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 disciplinary protections of a student with an IEP if the District had knowledge that the child was a child with a disability before the behavior occurred. The District is deemed to have knowledge if:

- The parent expressed concern in writing to supervisory or administrative personnel, or a teacher, that the child is in need of special education;
- The parent requested an evaluation of the child; or
- The teacher or other District personnel expressed specific concerns about a pattern of behavior to the director of special education or other supervisory personnel.

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, Treutlen County Schools would not be deemed to have knowledge of the child's disability.

If Treutlen County Schools does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child will 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, Treutlen County Schools will ensure the evaluation is conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Treutlen County Schools and the information provided by the parents, the district will provide special education and related services.

9.11 Referral to Law Enforcement and Judicial Authorities

Nothing in these rules prohibits the District from reporting a crime committed by a child with a disability to appropriate authorities. Furthermore, it does not prevent State law enforcement and 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. If the District reports a crime, it must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities, but only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

9.12 Change of Placement Due to Disciplinary Removal

A removal of a student with a disability from their current educational placement constitutes a "change of placement" if:

- The removal is for more than 10 consecutive school days; or
- The student 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;
    - The student's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

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

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

Chapter 10: Surrogate Parents

State Rule: 160-4-7-.11

TCS personnel must determine the appropriate person(s) to make educational decisions on behalf of every student. In most situations, this person is the child's parent. The parent receives notice, gives consent, files formal complaints, requests mediation, files due process, gives or refuses to give permission for release of records, and fulfills all other requirements. A foster parent does not always have authority to make educational decisions for a foster child in his or her care, unless he or she received training and was appointed as the educational

surrogate for the foster child.

To ensure that the educational rights of students with disabilities are protected, the Individuals with Disabilities Education Act (IDEA) and Georgia State Rule 160-4-7-.11 requires Treutlen County Schools to assign a surrogate parent when a child's parent cannot be identified or located, or when the child is a ward of the State or an unaccompanied homeless youth. The surrogate parent acts in place of the biological or adoptive parent in all matters relating to the educational decision-making process.

Treutlen County Schools maintains the definition for "parent," "person acting as a parent," "surrogate parent," and "guardian."

> *Parent*: a parent, an adoptive parent, a person acting as a parent, a legal guardian, a surrogate parent, or a foster parent (if the foster parent was trained and appointed the surrogate parent of a child with a disability).
>
> *Person acting in the place of a parent:* a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of a child.
>
> *Surrogate Parent* an individual appointed by the district to make educational decisions regarding the free appropriate public education (FAPE) of a child with a disability.
>
> *Guardian* a person authorized to act as the child's parent and/or to make educational decisions, but it does not mean the State if the child is a ward of the State. relating to the educational decision-making process.

10.1 Efforts to Locate Parents

Treulten County Schools will make reasonable, documented efforts to identify and locate a child's parent before determining that a surrogate parent is necessary. "Reasonable efforts" include, but are not limited to:

- Documented telephone calls to the last known phone numbers.
- Letters sent via certified mail to the last known address.
- Documented visits to the child's last known residence.
- Communication with relevant state or local agencies (such as the Department of Family and Children Services) to inquire about the parents' whereabouts.

All efforts to locate the parents must be thoroughly documented in the student's file. If, after these efforts, a parent still cannot be identified or located, the School Social Worker will proceed with appointing a surrogate parent.

<u>Ward of the State</u>

A "ward of the State" is a child who, as determined by the State where the child resides, is a foster child, a ward of the State, or in the custody of a public child welfare agency (e.g., DFCS).

When a child is a ward of the State, the judge overseeing the child's case may appoint a surrogate parent to make educational decisions, provided the appointed individual meets the state criteria for a surrogate parent. If the judge does not appoint a surrogate, Treutlen County Schools is responsible for appointing one.

Note: *A child is not considered a ward of the State if they have a foster parent who meets the IDEA definition of a "parent," and the biological parent's rights to make educational decisions have been extinguished.*

<u>Homeless Youth</u>

For an unaccompanied homeless youth—defined as a youth not in the physical custody of a

parent or guardian who meets the criteria outlined in the McKinney-Vento Homeless Assistance Act—the LEA must assign a surrogate parent.

To prevent delays in the child's educational services, temporary surrogate parents may be appointed immediately. These temporary surrogates can include appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs, even if they are employees of an agency involved in the care of the child, until a permanent, qualified surrogate parent can be appointed.

10.2 Appointment of Surrogate

LEA Determines Need

The school Social Worker is responsible for determining whether a child requires a surrogate parent. This determination must be made as quickly as possible. Once the LEA determines that a child needs a surrogate parent, the LEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after the determination of need is made.

LEA Maintains List

Treutlen County Schools will maintain an active, updated list of individuals who are eligible and willing to serve as surrogate parents. The School Social Worker is responsible for recruiting, training, and retaining individuals on this list to ensure that there are always qualified individuals available to be matched with a student in need within the required 30-day timeframe.

10.3 Criteria for Surrogate Parent Selection

To be appointed as a standard surrogate parent, an individual must meet the following strict criteria:

- *No Conflict of Interest:* The individual must have no personal or professional interest that conflicts with the interest of the child they represent.
- *Not an Employee:* The individual cannot be an employee of the State Educational Agency (SEA), the LEA, or any other agency that is involved in the education or care of the child (e.g., DFCS caseworkers or group home directors cannot serve as standard surrogate parents). Note: Payment by the LEA strictly for serving as a surrogate parent does not constitute employment under this rule.
- *Knowledge and Skills:* The individual must have the knowledge and skills necessary to ensure adequate representation of the child. The LEA will provide training to ensure surrogate parents understand the special education process, IEP development, and procedural safeguards.

Note: *A person otherwise qualified to be a surrogate parent is not to be considered an employee of Treutlen County Schools solely because he or she is paid by the LEA to serve as a surrogate parent.*

10.4 Surrogate Parent Responsibilities

Once appointed, the surrogate parent assumes all the special education rights and responsibilities of a parent. The surrogate parent has the authority and responsibility to represent the child in all matters relating to:

- The identification and evaluation of the child.
- The educational placement of the child.
- The provision of a Free Appropriate Public Education (FAPE) to the child.

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. This includes participating in IEP meetings, providing or revoking consent for evaluations and services, reviewing educational records, and, if necessary, initiating dispute resolution processes such as mediations or due process hearings to advocate for the child's educational needs.

The surrogate parent has no financial responsibility or other responsibility for the day-to-day care of the student.

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

Chapter 11: Dispute Resolution

State Rule: 160-4-7-.12

Treutlen County Schools is committed to working collaboratively with parents and families to ensure that all students with disabilities receive a Free Appropriate Public Education (FAPE). At times, disagreements arise regarding the identification, evaluation, educational placement, or provision of FAPE for a child with a disability. Such disputes can be resolved by a variety of different means. The first step that a parent should take is to contact the student's teacher or principal. If the issue cannot be resolved at this level, then parents should contact the Exceptional Student Services Director. Oftentimes, the dispute is resolved at the school or district level with minimal time and conflict. For all other disputes, the Individuals with Disabilities Education Act (IDEA) and Georgia State Rule 160-4-7-.12 provide formal mechanisms to resolve these disputes. The three primary dispute resolution processes are the Formal State Complaint Process, Mediation, and Impartial Due Process Hearings.

11.1 Complaint Process

The Formal State Complaint Process allows any individual or organization to file a written, signed complaint alleging that the LEA has violated a requirement of the IDEA or Special Education Rules for the state of Georgia.

Filing a Complaint Any organization or individual can file a formal complaint alleging the violation of the Individuals with Disabilities Education Act (IDEA) procedures or of Georgia rules or the failure of a party to comply with the written agreement of a mediation or resolution process. The complaint must be filed within one year of the alleged violation. The formal complaint form can be found on the Georgia Department of Education website and \ must include:

- A statement that the LEA has violated a requirement of the IDEA or state rules.
- The facts on which the statement is based.
- The signature and contact information of the complainant.
- If alleging violations regarding a specific child: the child's name and address, the name of the school the child is attending, a description of the nature of the problem, and a proposed resolution.

The complaint must be forwarded directly to the GaDOE, and a copy must simultaneously be

provided to the LEA.

Investigation and Resolution The complaint filed must be sent to the Exceptional Student Services Director and the Georgia Department of Education by the organization or individual filing the complaint. Once the complaint is received and reviewed by the Exceptional Student Services Director, the organization or individual filing the complaint will be contacted in order to present a proposal to try to resolve the complaint. If the proposal is accepted, the GA DOE investigation will be discontinued. The individual accepting the proposal must notify the GADOE of this decision. If the proposal is not accepted, then the GADOE investigation will continue. A response from the Exceptional Student Services Director will be sent to both the GADOE and the individual filing the complaint within 10 days of receipt. Along with this response the Exceptional Student Services Director will provide a copy of the parental rights document to the individual filing the complaint.

Within 60 calendar days of the receipt of the complaint, the GADOE will issue a written decision that addresses each allegation in the complaint and contains findings of fact and determinations of compliance or noncompliance. The timeline may be extended to accommodate for mediation or other exceptional circumstances with respect to a particular complaint. When a violation of the law or regulations has occurred, a resolution will be required. The resolution may include technical assistance activities, compensatory services, reimbursement or other corrective actions to achieve compliance. The decisions of state complaints cannot be appealed.

11.2 Mediation Process

Mediation is a collaborative, less adversarial process offered at no cost to parents or the LEA to resolve disputes involving any matter under the IDEA. The Formal Complaint Form provided by the GADOE includes a section for those willing to participate in the mediation process. If an individual filing the complaint checks "yes" for mediation, and the Treutlen County School District is in agreement to this, then the mediation process will begin. The complaint investigation may still proceed during the mediation process. If both parties reach a resolution as a result of mediation, the resolution agreement is drafted by the mediator and signed by both parties. The mediator will notify the GADOE of the agreement, and the complaint is closed. The Exceptional Student Services Director will ensure that the components of the mediated agreement are implemented.

Key Characteristics of Mediation: Mediation must be completely voluntary for both the parent and the LEA. It cannot be used to deny or delay a parent's right to a due process hearing or any other rights under the IDEA. The process is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The GaDOE maintains a list of qualified mediators and bears the cost of the mediation process. All discussions that occur during the mediation process are strictly confidential. They may not be used as evidence in any subsequent due process hearings or civil proceedings. Both parties may be required to sign a confidentiality pledge prior to the start of the mediation.

Mediation Agreement If the parties resolve the dispute through the mediation process, they must execute a legally binding agreement that:

- Sets forth the resolution agreed upon by the parties.
- States that all discussions that occurred during mediation will remain confidential.
- Is signed by both the parent and a representative of the LEA who has the authority to bind the agency.

- This agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.

11.3 Impartial Due Process Hearings

An Impartial Due Process Hearing is a formal, legal proceeding requested by a parent or the LEA relating to the identification, evaluation, educational placement, or provision of FAPE to a child with a disability. Parents or the school district may request a due process hearing. Usually, a due process hearing is requested when other dispute resolution means have been unsuccessful. 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.

A due process hearing request must allege a violation occurred not more than two years before the date the parent or school district knew (or should have known) about the alleged action that forms the basis of the request. The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the LEA that it had resolved the problem forming the basis of the due process hearing request; or the LEA's withholding of information from the parent that was required to be provided to the parent. To request a due process hearing, the following steps must be taken:

- The initiating party will inform the other party and the GADOE of the request.
    - If the parent is the initiating party, then the request must also be sent to the Treutlen County Superintendent.
- The request must be completed in its entirety on the Due Process Hearing Request Form found on the GADOE website.
- Either party, or the attorney representing the party, may file the due process hearing request.
- 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 LEA the child is attending;
    - For a homeless child, the contact information for the child and the name of the school and LEA 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.

Once the request is received by the GADOE, then the Office of State Administrative Hearings (OSAH) will be contacted for assigning an Administrative Law Judge (ALJ). The ALJ will proceed over the hearing and will contact both parties to set up arrangements.

If the Treutlen County School District believes the due process request is insufficient to warrant a hearing, then the school district will notify the ALJ within 15 days of receiving the request. Within five days of receipt of notification of alleged insufficiency, the ALJ or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination. If the request is deemed insufficient by the ALJ, then the parent must refile the request or withdraw the request.

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.

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

- An explanation of why the LEA proposed or refused to take action;
- a description of other options that the IEP team considered and the reasons why these options were rejected;
- a description of each evaluation procedure, assessment, record, or report the LEA used as the basis for the proposed or refused action;
- a description of the other factors that are relevant to the LEA's proposed or refused action.

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.

The LEA response does not preclude the LEA from asserting that the parent's due process request is insufficient.

The Treutlen County School District must offer the option of a resolution meeting within 15 days of receiving the due process hearing request and prior to the initiation of the hearing. If a resolution meeting is held, it must:

- include the IEP team and a representative of the school district that has decision-making authority.
- may not include an attorney for the district unless the parent is accompanied by an attorney.
- include relevant members of the IEP team as determined by the parent and Treutlen County Schools.
- have the purpose of the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the LEA has the opportunity to resolve the dispute that is the basis of the request for a due process hearing.

If an agreement is reached during the resolution meeting, then a written settlement will be developed and signed by both parties. The agreement is binding after a 3 day review period or through the state. The agreement must be implemented by the end of the 30 day resolution period or the due process hearing will proceed.

If the LEA has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the timeline for issuing a decision in a due process hearing begins. However,

- 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 LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the LEA may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request.
- If the LEA fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline.

If no agreement is reached, the timeline for the due process hearing (45 days) begins upon notification to the ALJ that:
- 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;
- both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation.

The impartial administrative law judge or hearing officer: At a minimum, an administrative law judge or hearing officer:
- Must not be an employee of the GaDOE or the LEA 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 GaDOE or its representatives solely because he or she is paid by GaDOE 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;
- Must not be previously personally familiar with the specific program or services of the LEA at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific LEA or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;
- 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.
- 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;
- Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
- GaDOE or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.

Hearing Rights: Any party to a hearing has the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to 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. [34 C.F.R. § 300.512(b)(1)]
    - 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, O.C.G.A. § 9-11-6; O.C.G.A. 1-3-1(d)(3).
- Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

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 FAPE only if the procedural inadequacies:

- Impeded the child's right to a FAPE;
- Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
- Caused a deprivation of educational benefit.

Nothing in this rule shall be construed to preclude an administrative law judge or hearing officer from ordering a LEA to comply with procedural requirements or 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 GaDOE, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public.

An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out 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.The GaDOE must ensure that not later than 45 days after the expiration of the 30-day resolution period or the adjusted resolution time periods that:

- A final decision is reached in the hearing; and
- A copy of the decision is mailed to each of the parties.

A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision.

Civil Action: The decision made by the hearing officer is final, except that any party aggrieved by the findings and decision has the right to bring a civil action in any State court of competent jurisdiction or in a district court of the United States. 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.

Chapter 12: Private Schools

State Rule: 160-4-7-.13

Treutlen County Schools (TCS) has the responsibility to carry out child find activities to locate, identify, and evaluate children attending parentally-placed private schools. Students

attending a home school program within the jurisdiction of Treulten County Schools are also considered parentally-placed private school students for the purpose of this Rule.

12.1 LEA Privately Placed or Referred Students

When the LEA determines that it cannot provide a Free Appropriate Public Education (FAPE) to a student with a disability within its own public schools, the LEA may place or refer the student to a private school or facility. In these specific instances:

- The placement is made at no cost to the parents.
- The LEA remains responsible for ensuring that the student is provided with special education and related services that meet the standards that apply with an Individualized Education Program (IEP).
- The student retains all the rights of a child with a disability who is served directly by the LEA.

Additionally, the district will:

- Monitor compliance of these children through procedures such as written reports, on-site visits and parent surveys;
- Disseminate copies of State standards to each private school and facility to which a LEA has referred or placed a child with a disability; and
- Provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them.

12.2 Parental Placement in Private School and LEA Offer of FAPE

If the LEA has made a FAPE available to a child with a disability, and the parents elect to place the child in a private school or facility anyway, the LEA is not required to pay for the cost of the child's education, including special education and related services, at the private school. *If there is a disagreement between the parents and district, regarding the availability of a program appropriate for the child and the question of financial responsibility are subject to the procedural safeguards provided in Rule 160-4-7-.09* (Chapter 10). However, Treutlen County Schools must still include these students in the population targeted by the Child Find process and provide equitable services as outlined in the "Services Plan" sections of this chapter.

Preschool children with disabilities aged 3 through 5 who are enrolled by their parents in private elementary schools are considered to be "parentally placed" if the private preschool or daycare program meets the definition of "elementary school." "Elementary school" is defined as a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. Children with disabilities, aged 3 through 5, enrolled in a private school or facility that meets the state's definition of an "elementary school" would be considered parentally placed and the equitable participation provisions would apply. Children with disabilities ages 3 through 5 enrolled in a private school or facility that does not meet the state's definition of "elementary school" would not be eligible for equitable services. However, the state's obligation to make FAPE available to eligible children with disabilities aged 3 through 5 remains.

12.3 Provision of Written Notice by Parent to Place in Private School

If parents intend to reject the LEA's offer of FAPE, enroll their child in a private school, and seek tuition reimbursement from the LEA, they must provide formal written notice. This notice must be provided:

- At the most recent IEP Team meeting the parents attended prior to the removal of the child from the public school, stating their concerns and their intent to enroll their child in a private school at public expense; OR
- In writing to the LEA at least ten (10) business days (including any holidays that occur on

a business day) prior to the removal of the child from the public school.

12.4 Reimbursement and Limitations on Reimbursement for Private School Placement

If a parent places their child in a private school without the LEA's consent, a court or hearing officer may require the LEA to reimburse the parents for the cost of that enrollment only if the court or hearing officer finds that the LEA had not made FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. The cost of reimbursement may be reduced or denied if:

- At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the LEA, the parents did not inform the IEP Team that they were rejecting the placement proposed by the LEA to provide a FAPE to their child and did not state their concerns or their intent to enroll the child in a private school at public expense; or
- The parents failed to provide the required written notice (as outlined above).
- Prior to the parents' removal of the child, the LEA informed the parents of its intent to evaluate the child, but the parents did not make the child available for evaluation.
- There is a judicial finding of unreasonableness with respect to actions taken by the parents.

Exception to Limitation on Reimbursement: The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the LEA described in above immediately above if:

- The school prevented the parents from providing the notice;
- The parents had not been provided a copy of the parent's rights under IDEA and, therefore, had not been notified of the requirement to provide the notice described in 3 above; or
- The provision of notice would likely result in physical harm to the child.

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

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

Reimbursement shall not be reduced or denied for failure to provide notice if the school prevented the parent from providing notice, the parents had not been provided a copy of their parental rights regarding this notice requirement, or compliance would likely result in physical harm to the child.

12.5 Home Schooled Students

Under Georgia state law, for the purposes of providing special education and related services, children who are enrolled in a home study program (home school) that meets the requirements of O.C.G.A. § 20-2-690 are treated in the exact same manner as children who are parentally placed in private schools. All procedures, Child Find obligations, and proportionate share regulations that apply to private school students apply equally to home-schooled students.

12.6 Child Find Process and Children in Private Schools

The Local Education Agency (LEA) where the private schools are located is responsible for conducting Child Find for all parentally-placed private school children (including home-schooled children) attending schools within the LEA's geographic jurisdiction.

- The Child Find process must be designed to ensure the equitable participation of parentally-placed private school children and an accurate count of those children.

- Treulten County Schools will consult with appropriate representatives of private school children with disabilities on how to carry out Child Find activities.
- Activities must be similar to those undertaken for the LEA's public school children.

At this time, there are no private schools in the school district.

The child find process for private school children must be completed in a time period comparable to that for public school children. This includes a requirement to conduct initial evaluations within 60 days of receipt of parental consent. The costs of carrying out child find, including individual evaluations, may not be considered in determining whether the school district has met its obligations to expend a proportionate share of federal IDEA funds on providing equitable services. Child find obligations, including individual evaluations and reevaluations, exist independently from the requirement to expend a proportionate share of federal IDEA funds to provide equitable services to eligible parentally placed children with disabilities.

Private School Child Find Procedures
Parents contact the private school representative to inform of their concerns and request a SST meeting.

Private schools may have their own Exceptional Student Services referral process which may include obtaining parent permission for vision/hearing screenings, academic assessments, behavior ratings, and observations.

The private school representative will contact the Treutlen County School District SST Coordinator,

The SST Coordinator will schedule a SST meeting at the private school with the student's teachers and parents.

At the SST meeting, the team will discuss the reason for referral, areas of concern, class performance, screening results and strategies/interventions that have been implemented, etc.

Based on the review of information at the SST meeting, the team will determine if further screening assessments are needed through the SST process or if referral for Exceptional Student Services evaluation is warranted.

Based on the determination, the SST Coordinator will obtain appropriate consent and process the referral.

If the school district disagrees with recommendation for evaluation, the SST Coordinator will notify the Exceptional Student Services Director. The Exceptional Student Services Director will issue prior written notice to the parents explaining why the district will not conduct an evaluation.

Upon completion of an Exceptional Student Services evaluation, the SST Coordinator or designee will coordinate a special eligibility meeting. If Exceptional Student Services eligibility is established, the school district will offer FAPE through an IEP with services at a public school in the district. In the case of a student attending a private school from another public school district, the parent will take the IEP to that district for implementation. If a parent refuses this

offer of FAPE, the school district may offer a services plan for equitable services (the student would need to meet eligibility criteria for areas that equitable services are offered).

Home School Child Find Procedures
Parents of homeschooled students will contact the district SST Coordinator to schedule a SST meeting. The SST meeting will be scheduled at the school in which the student was zoned to attend.

An appropriate grade level teacher and the school SST Chair will be asked to attend the SST meeting.

Parents should bring to the SST meeting work samples, prior evaluations, home school assessment results, impact of strategies that have been implemented, and vision/hearing screening results if available.

At the SST meeting the team will discuss the reason for referral, areas of concern, class performance, screening results and strategies/interventions that have been implemented, etc.

Based on the review of information at the SST meeting, the team will determine if further screening assessments are needed through the SST process or if referral for Exceptional Student Services evaluation is warranted. Based on the determination, the SST Coordinator will obtain appropriate consent and process the referral.

If the school district disagrees with recommendation for evaluation, the SST Coordinator will notify the Exceptional Student Services Director. The Exceptional Student Services Director will issue prior written notice to the parents explaining why the district will not conduct an evaluation.

Upon completion of an Exceptional Student Services evaluation, SST Coordinator or designee will coordinate a special eligibility meeting. If Exceptional Student Services eligibility is established, the school district will offer FAPE through an IEP with services at a public school in the district. If the parent refuses this offer of FAPE, the school district may offer a services plan for equitable services (the student would need to meet eligibility criteria for areas that equitable services are offered).

12.7 Part B and Related Services for Private School Students

Parentally-placed private school children with disabilities do not have an individual right to receive some or all of the special education and related services that they would receive if enrolled in a public school. Instead, the LEA must spend a proportionate share of its federal IDEA Part B funds to provide special education and related services (referred to as "equitable services") to this group of children as a whole.

Treutlen County Schools may use IDEA Part B flow-through or federal preschool funds to provide personnel in a private school to the extent necessary to provide services under this rule to private school children with disabilities if those services are not normally provided by the private school. In order to provide services to private school children with disabilities as described in this rule, a LEA may use IDEA Part B flow-through or federal preschool funds to pay for the services of an employee of a private school if the employee performs the services outside of his or her regular hours of duty and under LEA supervision and control.

12.8 Provision of IEPs and Service Plans to Privately Placed Students

Because there is no individual right to FAPE for parentally-placed private school children, the LEA does not develop an IEP for these students. Instead, for any child designated to receive equitable services, the LEA must develop, review, and revise a Services Plan. The Services Plan describes the specific special education and/or related services that the LEA will provide to the child. It must be developed, reviewed, and revised consistent with IEP meeting procedures. Services provided must be implemented by employees of the LEA or through contract by the LEA with an individual, association, agency, or organization.

Each parentally placed private school child with a disability who has been designated to receive Exceptional Student Services and/or related services must have a services plan. The services plan describes the specific Exceptional Student Services and/or related services that the school district will provide to the child. The school district must ensure that a representative of the private school attends each meeting to develop the services plan. If the private school representative cannot attend, the school district must use other methods to ensure participation, including individual or conference telephone calls. This will help ensure communication about the child's needs among key stakeholders.

A services plan should reflect only the services the school district will provide to a parentally placed private school child with a disability who is designated to receive services. The services plan also must, to the extent appropriate, be developed, reviewed, and revised consistent with the requirements related to the IEP team, parent participation, and when IEPs must be in effect.

Service Delivery (Including On-site) Services may be provided on the premises of private, including religious, elementary and secondary schools, to the extent consistent with state and federal laws. Services may also be provided at an alternate location in a manner deemed appropriate by the school district. Services will be provided by Treutlen County School District Staff. Services will be scheduled during the regular school day. In making decisions about the delivery of services, including the location of services, and transportation, the LEA 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 children with disabilities.

The assigned Case Manager (SLP) will utilize Go-IEP to develop services plan meeting notifications, the services plan document, and eligibility redeterminations. The Case Manager (SLP) is responsible for delivery of services and regularly reporting progress monitoring and updating progress reports in Go-IEP. The Case Manager (SLP) must maintain detailed therapy notes including the dates services were provided and the time frame of delivery for each session (beginning and ending time). The Case Manager (SLP) is responsible for coordinating all Services Plan meetings including inviting the ESSC in which the private school is located to act as LEA for the meetings. The ESSC will verify that progress reports are completed timely in Go-IEP and periodically check the data notebooks kept by the Case Manager (SLP). The Exceptional Student Services Director or designee will conduct periodic observations of services being delivered by the SLP.

12.9 Consultation with Private Schools for Child Count

To ensure timely and meaningful consultation, the LEA will consult with private school representatives and representatives of parents of parentally-placed private school children including those home schooled. The ESS Director and Federal Programs Director will hold two meetings annually to complete these activities. During the design and development of special education and related services, consultation must address:

- How parentally placed private school children suspected of having a disability can participate equitably in the Child Find process;

- How the parents, teachers, and private school officials will be informed of the Child Find process;
- How the determination of the proportionate share of federal funds available to serve the children with disabilities was calculated;
- How the process will operate throughout the school year;
- How, where, and by whom the Exceptional Student Services and related services will be provided;
- How funds will be apportioned if funds are insufficient;
- How and when those decisions will be made; and
- How the district will provide to the private school officials a written explanation of the reason why it chose not to provide services directly or through a contract.

If the LEA disagrees with the views of the private school officials on the provision of services, the LEA must provide a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

After the Proportionate Share has been calculated for the next school year, the Treutlen County School District will schedule a timely and meaningful consultation meeting with private school representatives and parents for parentally placed private school students. This meeting is scheduled prior to the beginning of the school year. The Federal Programs Director or designee will notify the private school representatives via email and US Mail of the scheduled consultation meeting. Parents of homeschooled students with a current year homeschool submission on the homeschool report in SLDS will be mailed invitations to the consultation meeting as well as being shared via district social media, the website, and on the school marque.

Annually, in the fall, the Federal Programs Director schedules a consultation meeting with private school representatives located within the district's jurisdiction. The purpose of this meeting is to provide timely and meaningful consultation regarding services available to private schools from all Federal programs and to plan for the next school year. The Exceptional Student Services Director or designee participates in this consultation and the topics listed above are discussed. If there are any carry-over proportionate share funds from the previous school year, the meeting participants will plan how these funds will be spent. ESS and related services provided by Treutlen County Schools to parentally-placed private school children with disabilities, including materials and equipment must be secular, neutral, and non-ideological.

Parents will be notified each year of the child find process. The ESS Director shall determine the amount of proportionate share funds in June of each year using the Department of Education Portal Information System and will confirm with a specialist at the Department of Education. Funds will be determined and an amount will be utilized for each child needing services for the following school year. Once these funds are calculated and determined for each child to be used the following year, only students who are calculated for will be allowed to use the funds that year. A committee will meet to determine services appropriate for each child on an individual basis.

12.10 Private School Representatives at IEPs and Services Plan Meetings

If a child is placed in a private school by the LEA, the LEA must ensure that a representative of the private school attends the IEP meeting. If the representative cannot attend, the LEA must use other methods to ensure participation, including individual or conference telephone calls.

For parentally-placed children receiving a Services Plan, the LEA must ensure that a representative of the religious or other private school attends the Services Plan meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation.

At this time, there are no private schools in the school district.

12.11 Equitable Services Determination and Limitations of Service

Treutlen County Schools makes the final decisions with respect to the services to be provided to eligible parentally-placed private school and home schooled children after the required consultation. Services may include direct services, consultative services, or equipment/materials. Treutlen County School District and as identified on the student's services plan:

- Speech and/or language services;
- Transportation (if necessary to benefit from or participate in the services).

Private school staff will be informed of, as appropriate and as capacity permits, of opportunities to participate in professional development offered by the school district.

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

- Employees of a LEA; or
- Through contract by the LEA with an individual, organization, association, agency, or other entity.

Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools. Each parentally-placed private school child with disabilities who has been designated to receive special education and related services shall have a services plan that describes the specific special education and related services that the LEA will provide to the child. The services plan must, to the extent appropriate,

- provide a statement of the special education and related services and supplementary aids and services to be provided to the child.
- must be in effect at the beginning of each school year and must be developed, reviewed and revised periodically, but not less than annually.

12.12 Materials Provision: Secular, Neutral, Non-ideological

All special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and non-ideological. Services to parentally-placed private school children with disabilities may be provided on the premises of private, including religious, schools to the extent consistent with law.

12.13 Location of Services and Transportation

If necessary for the child to benefit from or participate in the services provided under a Services Plan, Treutlen County Schools will provide transportation. Services provided to private school children with disabilities may be provided on site at the child's private school, including a religious school, to the extent consistent with law. If it is necessary for the child to benefit from or participate in the services provided under his or her services plan, the private school children with disabilities must be provided transportation according to the following:

- From the child's school or home to a site other than the private school; and
- From the services site to the private school, or to the child's home, depending on the timing of the services.
- LEAs are not required to provide transportation from the child's home to the private school.
- The cost of transportation as described in this Rule may be included in calculating whether the LEA has met the requirements of proportionate funding in this Rule.

12.14 Provision of Property, Equipment and Supplies to Private Schools

State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school children with disabilities in this section.

Treutlen County Schools may place equipment and supplies in a private school for the period of time needed for the federal Part B program. The district will maintain title to, and must exercise administrative control of, all property, equipment, and supplies. Equipment and supplies may be placed in a private school only if they can be removed from the private school without remodeling the private school facility. The LEA must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for Part B purposes, or if removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes. No IDEA Part B funds may be used for repairs, minor remodeling, or construction of private school facilities.

Treulten County Schools are prohibited from using IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. An LEA shall use funds provided under the IDEA to meet the special education and related services needs of children enrolled in private schools but ***not*** for:

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

Chapter 13: Personnel, Facilities, and Caseloads

State Rule: 160-4-7-.14

13.1 Maintenance of Credentials for Professional Employees

Obtaining and maintaining appropriate/current credentials is the ongoing responsibility of any professional employed by or under contract by Treutlen County School District. The Human Resources Department shall maintain copies of appropriate credentials during the application process, and subsequent years when credentials are renewed.

Teachers of students with disabilities, prior to employment, shall have a valid Georgia Teaching Certificate with an endorsement appropriate for the disabilities of the students they serve. Additionally, Exceptional Student Services teachers must meet the highly qualified teacher requirements for their respective teaching assignments, as designated by federal and state guidelines. Exceptional Student Services teachers must be highly qualified for any content area in which they are identified as a teacher of record.

Treutlen County Schools will recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities.

Certification and Licensure

Special Education Teachers All teachers providing special education instruction must hold the appropriate certification issued by the Georgia Professional Standards Commission (GaPSC) for the area of exceptionality and the grade levels they teach.

Related Service Providers Professionals providing related services (such as Speech-Language Pathologists, Occupational Therapists, Physical Therapists, School Psychologists, and Nurses) must hold valid certification from the GaPSC and/or current licensure from their respective Georgia state licensing boards.

Paraprofessionals Paraprofessionals must hold a valid paraprofessional certificate issued by the GaPSC. They must work under the direct supervision of a properly certified special education teacher or related service provider.

Related Service Personnel who deliver services in their discipline or profession must maintain current, State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis.

- The required standard credential for all personnel providing educational interpreting for children who are deaf or hard of hearing in LEAs, regardless of job title, shall hold a current Georgia Quality Assurance Screening (G-QAS) rating of Level III or higher in both interpreting and transliterating, as approved and maintained by the Georgia Department of Labor/Vocational Rehabilitation Program (DOL/VR), and/or documentation of advanced interpreting skills and qualifications through current national certification from the Registry of Interpreters for the Deaf (RID), and/or documentation of advanced interpreting skills and qualifications through current national certification from the National Association of the Deaf (NAD) Levels III, IV or V, and/or documentation of advance interpreting skills and qualifications through a current Educational Interpreter Performance Assessment® (EIPA) rating of Level 3.5 or higher. The EIPA rating cannot be more than five years old.

- Maintenance of current credentials shall be the ongoing responsibility of any educational interpreter employed by an LEA for purposes of educational interpreting for children who are deaf or hard of hearing. Maintenance of records of current credentials shall be the ongoing responsibility of the LEA, and current credentials of educational interpreters must be filed with other personnel records (e.g., teacher certification credentials).

<u>Responsibility for Maintenance</u>
Treulten County Schools has the responsibility to verify and maintain documentation of all credentials.

Professional employees are personally responsible for completing necessary professional learning, renewing their certificates/licenses prior to expiration, and providing updated documentation to the Human Resources department. Personnel who do not maintain active, appropriate credentials may not provide direct services, case management, or conduct evaluations for students with disabilities.

13.2 Classroom Size and Appropriateness
The LEA must ensure that the learning environment for students with disabilities is conducive

to their educational needs, respects their dignity, and supports the implementation of their Individualized Education Programs (IEPs).

Standards for Facilities
Comparability: Classrooms and facilities used for the instruction of students with disabilities must be comparable in size, quality, and location to those used for students without disabilities in the general education program.

Age Appropriateness: The physical environment must be appropriate for the chronological age of the students being served.

Accessibility and Space: Classrooms must provide adequate square footage to accommodate the physical and medical needs of the students, including the use of specialized equipment, mobility devices (such as wheelchairs or standers), and necessary related services.

Environmental Factors: Facilities must have adequate lighting, ventilation, and acoustic treatments to facilitate learning, particularly for students with sensory impairments.

Integration: Classrooms for students with disabilities must not be physically isolated or stigmatized. They should be located within the school in a manner that maximizes interactions with non-disabled peers, unless the student's IEP specifically necessitates a separate facility for the provision of FAPE.

The building principal is responsible for securing adequate facilities for students with disabilities served in his/her school. Classroom facilities are checked at a minimum of once annually by the Exceptional Student Services director or designee. Any facility issues regarding class size, access and/or safety are reported by the Exceptional Student Services Director to the building principal and Assistant Superintendent for Operations. The Assistant Superintendent for Operations and Facilities Director shall include the Exceptional Student Services Director in plans for any new building construction or renovations where students with disabilities are to be served.

13.3 Maximum Class Size and Caseload by Eligibility Category
To ensure that all students with disabilities receive individualized instruction, the LEA adheres to the maximum class size and caseload regulations established by the Georgia Department of Education (GaDOE).

Definitions
Class Size: The maximum number of students with disabilities that may be present in a specific special education classroom or instructional period at any one time.

Caseload: The maximum number of students with disabilities for whom a single special education teacher is responsible for managing IEPs, collecting data, and providing primary instructional oversight.

General Guidelines
Delivery Models: Maximum class sizes and caseloads vary depending on the delivery model being utilized (e.g., Consultative, Collaborative, Co-teaching, Resource, or Self-Contained/Programmatic).

Use of Paraprofessionals: In many eligibility categories, the maximum class size and caseload can be increased if a certified paraprofessional is assigned full-time to the class.

Multiple Exceptionalities: When a teacher serves students with different eligibility categories in the same class, the class size and caseload limits are dictated by the most restrictive (lowest number) category represented in the group.

Caseloads: Capped to ensure teachers have adequate time for IEP development and progress monitoring.

The Maximum Class Size and Caseloads for personnel serving children ages 3 to 5 are listed below:

Full Day Program – Maximum Class Size = 8 – Maximum Caseload = 16
Part Day Program – Maximum Class Size = 12 – Maximum Caseload = 32
Community Program – Maximum Caseload = 32

The chart below outlines the maximum class size and caseload limits for students ages 6 to 22 based on program area:

Program Area	Delivery Self Contained (SC) or Resource ®	Maximum Class Size without Para	Maximum Class Size with Para	Maximum Caseload
Mild Intellectual Disability	SC	10	13	14
	R	10	13	26
Moderate Intellectual Disability	SC	NA	11	11
Severe Intellectual Disability	SC	NA	7	7
Profound Intellectual Disability	SC	NA	6	6
Emotional Behavior Disorders	SC	8	11	12
	R	7	10	26
Specific Learning Disabilities	SC	12	16	16
	R	8	10	26
Visual Impairment	SC	NA	6	7
	R	3	4	13
Deaf/Hard of Hearing	SC	6	8	8
	R	3	4	11
DeafBlind	SC	NA	6	7
Speech Language Impairment	SC	11	15	15
	R	7	NA	55
Orthopedic Impairments	SC	NA	11	11
	R	4	5	15

Each paraprofessional is equivalent to 1/3 teacher and affects individual class size, caseload and system average proportionately. Three paras are the maximum number that can be used to increase maximum class size for any Exceptional Student Services class. Additional paras to be used to increase maximum class size for any Exceptional Student Services class must be

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

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

Children with an IEP designating the service location for the delivery of goals and objectives to be the regular classroom environment, shall be reported in their Exceptional Student Services program category if instruction is provided in a team/collaborative (co-teaching) model or consultative model.

Monitoring of Exceptional Student Services class size and caseloads – the building principal or principal designee is responsible for monitoring class size and caseloads. Caseload managers at each elementary school are responsible for posting segment sheets at least twice annually (during the fall and spring FTE cycle). Class size and caseloads at the secondary schools are reported through the student information system. The ESS Administrator at each building will review these reports and notify the Exceptional Student Services Coordinator of any noncompliance. Upon report the Exceptional Student Services Director will work with the building principal to resolve the noncompliance which may require rescheduling or moving/hiring additional staff.

Chapter 14: Georgia Network for Educational and Therapeutic Support (GNETS)

State Rule: 160-4-7-.15

The Georgia Network for Educational and Therapeutic Support (GNETS) is comprised of regional programs that provide comprehensive educational and therapeutic support services to students who exhibit severe emotional and behavioral disorders (EBD). Treutlen County Schools (TCS) partners with **Heartland GNETS** to serve students whose behavioral needs are so severe that they cannot be safely or effectively met in a less restrictive environment, even with the provision of extensive supplementary aids and services.

Placement at Heartland GNETS is one of the most restrictive educational environments on the continuum of special education services. It is never a first resort.

Definitions
All terms used in this Rule that are not defined in Section (1) and appear in the Individuals With Disabilities Education Act (IDEA), 20 U.S.C. § 1401(3)et seq. and/or its implementing regulations, 34 C.F.R. § 300 et seq. have the meaning stated in IDEA.
Fiscal agent the local educational agency (LEA) or regional educational service agency (RESA) responsible for the fiscal management and budgeting of GNETS funding.

Georgia Department of Education (GaDOE) the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

Local Educational Agency (LEA) a local school system pursuant to local board of education control and management.

Regional Educational Service Agency (RESA) an agency established under O.C.G.A. § 20-2-270 to provide shared services to improve the effectiveness of educational programs and services of LEAs and to provide direct instructional programs to selected public school students.

State Board of Education (SBOE) the constitutional authority which defines education policy for the public K-12 education agencies in Georgia.

State Education Agency (SEA) The term used in federal laws and regulations for the state education authority which in Georgia is the Georgia State Board of Education (SBOE).

Therapeutic Supports Intensive individualized interventions and/or therapy that remediates severe disruptive and self-destructive behaviors.

Zoned school the K-12 Public School that a student is assigned by the Local Education Agency (LEA)

14.1 GNETS Purpose and Services

The primary purpose of the Georgia Network for Educational and Therapeutic Support (GNETS) is to provide comprehensive educational and therapeutic support services to students who exhibit intense and severe emotional and/behavioral challenges that significantly impact their educational performance. GNETS services are designed to prevent the need for more restrictive educational placements, such as residential or homebound facilities.

GNETS provides a continuum of evidence-based academic, therapeutic, and behavioral interventions and supports. These services are designed to:

- Address the severe emotional and behavioral needs of eligible students.
- Provide intensive, specialized behavioral interventions.
- Deliver therapeutic supports (e.g., counseling, psychological services, social work services) integrated with academic instruction.
- Equip students with the behavioral skills necessary to successfully return to and function within less restrictive educational environments.
- Ensure continued access to the state-adopted curriculum so that students can meet their academic goals alongside their behavioral and therapeutic objectives.
- GNETS is defined as a service and a program of support, not solely as a physical location or placement.

14.2 Consideration for GNETS Services

The decision to consider a student for GNETS services is made exclusively by the student's Individualized Education Program (IEP) Team. Consideration for GNETS must be based on comprehensive data demonstrating that the student's emotional and behavioral needs cannot be met in a less restrictive environment, even with the provision of supplemental aids and services.

Before an IEP team can consider GNETS services, the Local Educational Agency (LEA) must document that it has exhausted all appropriate school-based behavioral interventions. The IEP team must review and ensure the following documentation is present:

- Functional Behavioral Assessment (FBA): A current, comprehensive FBA must have been

completed to identify the function, frequency, duration, and intensity of the target behaviors.
- Behavioral Intervention Plan (BIP): A current, formalized BIP, based on the FBA, must have been implemented with fidelity.
- Progress Monitoring Data: The team must review documented data showing that the interventions outlined in the BIP were consistently implemented and that, despite these intensive interventions, the student's behavior continues to significantly impede their learning or the learning of others.
- Documentation that a comprehensive reevaluation has been completed within the last three years.

GNETS services are not appropriate and shall not be used for students whose primary needs are:
- Strictly disciplinary in nature (e.g., a one-time violation of the student code of conduct).
- Related solely to a specific learning disability, intellectual disability, or autism spectrum disorder, unless there is a co-occurring severe emotional and behavioral disorder that cannot be managed in the current setting.
- Due to a lack of instruction in reading or mathematics, or limited English proficiency.

<u>The Referral Process</u>
When a school-level IEP team believes a student may require GNETS placement, these steps must be followed.

Step 1: Internal Consultation The Case Manager and School Administrator must consult with the District ESS Director *before* mentioning GNETS placement to the parent. The ESS Director will review the FBA, BIP, and data to ensure all local options have been exhausted and legal requirements are met.

Step 2: GNETS Observation and Consultation If the ESS Director approves moving forward, a representative from Heartland GNETS may be invited to observe the student in their current educational setting and consult with the school team to offer additional Tier 3/SpEd interventions.

Step 3: Formal IEP Meeting If, after consultation and further intervention, the data still indicates a need for a more restrictive placement, an IEP meeting will be scheduled.
- A Heartland GNETS representative must be invited to this meeting.
- The IEP team (including the parent) will review all data, discuss the continuum of services, and formally determine if Heartland GNETS is the Least Restrictive Environment (LRE) for the student.

Step 4: Placement and IEP Revision If the team determines GNETS is appropriate, the IEP will be amended to reflect the new placement, including transportation arrangements and updated behavioral/academic goals.

<u>Transfer Students from Other GNETS Programs or Residential Treatment Programs</u>
For students who move in that have been receiving services from another GNETS facility, reciprocal services should be implemented immediately. When the student enrolls in the school, the building ESSA should contact the Exceptional Student Services Director. The Exceptional Student Services Director will then contact the GNETS program director to coordinate timely implementation of services as well as a follow-up IEP meeting.

Students that transfer from a similar placement in another state or are released from a

long-term hospitalization or residential program should have an IEP meeting to determine appropriate services. Upon enrollment of such students, the ESSA should contact the Exceptional Student Services Director who will coordinate an IEP team meeting with the GNETS program director.

14.3 Continuum of GNETS Service Delivery and Environments

GNETS services must be provided in the Least Restrictive Environment (LRE) appropriate for the individual student. The IEP team determines the appropriate environment based on the intensity of the student's needs.

Students receiving services through a GNETS Program are referred by the local school system through the Individual Education Program (IEP) process. An IEP team may consider consultation or in-class services by a GNETS program for a child with an emotional and behavioral disorder based upon documentation of the severity of the duration, frequency and intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation must include prior extension of less restrictive services and data which indicate such services have not enabled the child to benefit educationally. For children receiving in-class services, local schools are actively involved and exit criteria are developed upon entry into the GNETS program.

GNETS consultation services may include a request for FBA coaching, classroom observation and written feedback, or records review with feedback. In-class services are provided at Heartland located in Montgomery County.

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

The continuum of environments for GNETS service delivery includes, but is not limited to:
General Education Setting: GNETS personnel provide consultation, coaching, or direct therapeutic support to the student and/or the general education teacher within the regular classroom at the student's home school.

Special Education Setting (Home School): GNETS services are delivered within a special education resource or self-contained classroom at the student's zoned/home school.

Dedicated GNETS Classroom within a General Education School: The student attends a specific GNETS-staffed classroom located inside a regular public school building, allowing for integrated opportunities with non-disabled peers in areas like lunch, electives, or specific academic classes.

Separate GNETS Facility: For students with the most profound and intensive behavioral needs, services may be provided in a separate educational facility solely dedicated to the GNETS program.

<u>Transition and Reintegration</u>
GNETS is not intended to be a permanent placement. The ultimate goal is always to stabilize the student's behavior and reintegrate them into their home school in Treutlen County. The IEP team will continually monitor the student's progress and the effectiveness of the GNETS services. An annual review (or more frequent if necessary) must be conducted to assess

whether the student's behavior has improved sufficiently to step down the intensity of the GNETS services and transition the student to a less restrictive educational environment.

Transition Plan: The IEP team (including GNETS staff, TCS staff, and parents) will develop a specific transition plan once the student demonstrates consistent behavioral stabilization.

Gradual Return: Reintegration is typically a gradual process (e.g., returning to the home school for one or two periods a day, slowly increasing the time as the student demonstrates success).

14.4 LEA Duties and Responsibilities

While a student may receive services through GNETS, the Local Educational Agency (LEA) retains the ultimate responsibility for ensuring the student is provided a Free Appropriate Public Education (FAPE). The LEA must work collaboratively with GNETS personnel to coordinate services. Treutlen County will ensure:

FAPE and IDEA Compliance: The LEA remains fully accountable for all procedural safeguards, IEP development, and overall compliance with the Individuals with Disabilities Education Act (IDEA) and state regulations.

Access to Curriculum: The LEA must ensure that students receiving GNETS services have full access to the state-adopted general education curriculum and state-mandated assessments.

Transportation: The LEA is responsible for providing safe, secure, and appropriate transportation to and from the setting where GNETS services are delivered, including separate facilities if applicable.

Facilities and Resources: If GNETS classes are housed within LEA schools, the LEA must provide classrooms that are comparable in size, location, and quality to those utilized by the general student population. The LEA must also provide necessary instructional materials, technology, and resources.

Highly Qualified Personnel: The LEA, in conjunction with the GNETS program, must ensure that all teachers and personnel delivering academic instruction and behavioral/therapeutic interventions hold the appropriate state certifications and qualifications.

Ongoing Collaboration and Monitoring: LEA special education leadership and school-level administrators must actively collaborate with GNETS staff. This includes joint participation in IEP meetings, reviewing behavioral data, adjusting the BIP as needed, and planning for the student's successful reintegration into the general school environment.

The Exceptional Student Services Director will verify that GNETS students have been appropriately coded for FTE reporting cycles in October and March each year. The Exceptional Student Services Director will confirm that all student record events are correct for GNETS students and correct any errors prior to SR sign-off.

The Exceptional Student Services Director or designee will attend all IEP amendment meetings and annual reviews for students in the GNETS program. The Exceptional Student Services Director will collaborate with GNETS administration and staff during IEP meetings to determine appropriate opportunities for students to have access to general education activities.

Upon receipt of attendance reports, progress monitoring reports and report cards, the ESS Director will coordinate placement of these documents in the student's permanent education

record.

The Exceptional Student Services Director will enter any discipline offenses reported by the GNETS program administration into the district's student information system.

The Exceptional Student Services Director or designee will facilitate passing of information to the Exceptional Student Services Administrators and case managers received from monthly meetings with the GNETS Director. This information includes any changes in the referral process, special student events and community outreach at GNETS, and professional learning opportunities.

Appendix: Definitions

State Rule 160-4-7-.21

1) Accommodation - Changes in instruction that enable children to demonstrate their abilities in the classroom or assessment/test setting. Accommodations are designed to provide equity, not advantage, for children with disabilities. Accommodations include assistive technology as well as alterations to presentation, response, scheduling, or settings. When used appropriately, they reduce or even eliminate the effects of a child's disability; but do not reduce or lower the standards or expectations for content. Accommodations, that are appropriate for assessments do not invalidate assessment results.

(2) Adult student - A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004 and Georgia Rule.

(3) Age of majority - The age at which, by law, a child assumes the responsibilities of an adult. In Georgia, the age of majority is 18.

(4) Alternate assessment - An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities designed by the State and required in lieu of regular Statewide assessments, when determined necessary by the child's IEP team.

(5) Assistive technology device - Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device. [34 C.F.R. § 300.5]

(6) Assistive technology service - Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology

devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. [34 C.F.R. § 300.6]

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

(8) Braille - A tactile system of reading and writing, used by children who have blindness or visual impairments, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.

(9) Charter school - Has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301et seq. (ESEA). [34 C.F.R. § 300.7]

(10) Child with a disability - In general,

(a) Refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, or deaf-blindness and who needs special education and related services.If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability.If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability. [34 C.F.R. § 300.8(a)(1) - (2)]

(b) A child with a disability aged three through nine (or any subset of that age range, including ages three through five) experiencing developmental delays, may include a child -

1. Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or

emotional development, or adaptive development; and

2. Who, by reason thereof, needs special education and related service. [34 C.F.R. § 300.8(b)(1) - (2)]

(11) Consent means that -

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). [34 C.F.R. § 300.9]

(12) Core academic subjects - Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. [34 C.F.R. § 300.10]

(13) Day; business day; school day -

(a) Day is calendar day unless otherwise indicated as business day or school day.

(b) Business day refers to Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

(c) School day equates to any day, including a partial day that children are in attendance at school for instructional purposes. School day has the same meaning for all children in school, including children with and without disabilities. [34 C.F.R. § 300.11]

(14) Elementary school - A nonprofit institutional day or residential school, including a public elementary charter school, which provides elementary education and contains any grade below four and does not contain any grade above grade eight. O.C.G.A. § 20-2-291(c)[34 C.F.R. § 300.13]

(15) Eligibility Team - A group of qualified professionals and the parent of the child, which determines whether the child is a child with a disability and determines the educational needs of the child. [34 C.F.R. § 300.306(a)(1)]

(16) Evaluation - Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. [34 C.F.R. § 300.15]

(17) Evaluation report - A summary of evaluation results obtained in the process of collecting information to determine if a child is a child with a disability and the educational needs of the child. The evaluation reports will vary from child to child, depending on the types

of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report.

(18) Excess costs - Those costs that are in excess of the average annual per-child expenditure in a LEA during the preceding school year for an elementary school or secondary school child, as may be appropriate, and that must be computed after deducting amounts received under Part B of IDEA, Part A of Title I of the ESEA and Parts A and B of Title III of the ESEA. Any state or local funds expended for programs that would qualify for assistance under any of the parts described in this section, but excluding any amounts for capital outlay or debt service. [34 C.F.R. § 300.16]

(19) Free appropriate public education (FAPE) - Special education and related services that -

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the State, including the requirements of this part;

(c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and

(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements IDEA 2004. [34 C.F.R. § 300.17]

(20) Functional behavioral assessment (FBA) - A systematic process for defining a child's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

(21) Homeless children - Has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434 a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431et seq. [34 C.F.R. § 300.19]

(22) Include - The items named are not all of the possible items that are covered, whether like or unlike the ones named. [34 C.F.R. § 300.20]

(23) Individualized education program (IEP) - A written statement for a child with a disability that is developed, reviewed, and revised in accordance with IDEA 2004. [34 C.F.R. § 300.22]

(24) Individualized education program team (IEP Team) - A group of individuals defined in Rule 160-4-7-.06 Individualized Education Program that is responsible for developing, reviewing, or revising an IEP for a child with a disability. [34 C.F.R. § 300.23]

(25) Individualized family service plan (IFSP) - A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP is written, if the IFSP meets all the requirements of the IEP. [34 C.F.R. § 300.24]

(26) Infant or toddler with a disability - (a) An individual under three years of age who needs early intervention services because the individual -

1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

2. Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. [34 C.F.R. § 300.25]

(27) Limited English proficient - Has the meaning given the term in section 9101(25) of the ESEA. [34 C.F.R. § 300.27]

(28) Local educational agency (LEA) - A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law. [34 C.F.R. § 300.28]

(29) Modifications - Alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Consistent use of modifications could adversely affect students throughout their educational career. Modifications in Statewide assessments may invalidate the results.

(30) Native language -

(a) When used with respect to an individual who is limited English proficient, means the following:

1. The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in (a)2.

2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication). [34 C.F.R. § 300.29]

(31) Parent -

(a) Refers to-

1. A biological or adoptive parent of a child;

2. A foster parent;

3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);

4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

5. A surrogate parent who has been appointed.

(b) Except as provided in paragraph (c) below, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)1. through 4. to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent." [34 C.F.R. § 300.30]

(32) Parent training and information center - A center assisted under section 671 or 672 of IDEA. [34 C.F.R. § 300.31]

(33) Part B - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities who are ages 3 through 21. Part B is administered by the Georgia Department of Education and carried out by LEAs and other public agencies.

(34) Part C - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities and the early intervention programs for infants and toddlers, ages birth through 2, with disabilities. In Georgia, Part C is administered by the Department of Human Resources, Division of Public Health as the Babies Can't Wait program.

(35) Personally identifiable - Information that contains-

(a) The name of the child, the child's parent, or other family member;

(b) The address of the child;

(c) A personal identifier, such as the child's social security number or student number; or

(d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. [34 C.F.R. § 300.32]

(36) Related services -

(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in

children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

(b) Exception; services that apply to children with surgically implanted devices, including cochlear implants.

1. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

2. Nothing in paragraph (b)1. -

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE;

(ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required.

(c) Individual related services terms defined. The terms used in this definition are defined as follows:

1. Audiology includes -

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and

(vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

2. Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

3. Early identification and assessment of disabilities in children means the implementation

of a formal plan for identifying a disability as early as possible in a child's life.

4. Interpreting services includes -

(i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and

(ii) Special interpreting services for children who are deaf-blind.

5. Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

6. Occupational therapy - skilled services and interventions provided by a qualified occupational therapist/occupational therapy assistant that includes:

(i) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation related to the student's ability to perform school relates tasks as independently as possible by evaluating and establishing goals to address deficits in the following areas, as appropriate based on a student's individualized needs: fine and gross motor skills, sensorimotor skills, visual motor/perceptual skills, social integration, activities of daily living, feeding, positioning, and sensory processing and regulation for alertness/attention.

(ii) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and

(iii) Preventing, through skilled intervention, initial or further impairment or loss of function.

(iv) Providing education and training of school personnel to support and monitor occupational therapy programs such as sensory diet, positioning, and feeding.

7. Orientation and mobility services -

(i) Services provided to blind or visually impaired children by qualified personnel to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes teaching children the following, as appropriate:

(I) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(II) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;

(III) To understand and use remaining vision and distance low vision aids; and

(IV) Other concepts, techniques, and tools.

8. Parent counseling and training means:

(i) Assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

9. Physical therapy means services provided by a qualified physical therapist to include:

(i) Improving, developing, or restoring function and participation that have been impaired related to the student's ability to perform educational and related tasks as independently as possible;

(ii) Physical therapy in school settings supports the purpose of IDEA to advance "further education, employment and independent living" of children with disabilities and addresses the students' goals for the educational environment.

(iii) School based physical therapy is a related service provided when it is required in order to assist a child with a disability to benefit from special education as determined by a student's IEP team.

(iv) Physical therapy provided in educational environments supports children's ability to function, access, and participate safely in all school environments. Physical therapists address issues involving safe access, balance, strength, motor skills, coordination, ambulation, transfers, safe mobility, and general independence as they relate to tasks required in educational environments. Physical therapists assist in providing equipment for students who need support for posture, positioning, proper structural alignment, class participation, and activities of daily living during school activities. This includes providing consult or training services to teaching staff and other personnel on behalf of students for training and monitoring physical therapy programs and equipment.

(v) Prevention, through prompt skilled intervention, initial or further impairment or loss of function and participation.

10. Psychological services includes -

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

11. Recreation includes -

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

12. Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability. The term also includes vocational rehabilitation services provided to a child with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701et seq.

13. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

14. Social work services in schools includes -

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

15. Speech-language pathology services includes -

(i) Identification of children with speech or language impairments;

(ii) Diagnosis and appraisal of specific speech or language impairments;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

16. Transportation includes -

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability. [34 C.F.R. § 300.34]

(37) Scientifically-based research (SBR) - Research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that:

(a) employs systematic, empirical methods that draw on observation or experiment;

(b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

(d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. [Section 9101(37) of ESEA; 34 C.F.R. § 300.35]

(38) Secondary school - A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. State law defines "middle school" as a school which contains no grade below grade four and no grade above grade eight. State law defines "high school" as a school which contains any grade above grade eight. O.C.G.A. § 20-2-291(c). [34 C.F.R. § 300.36]

(39) Special education -

(a) General.

1. Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including -

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

2. Special education includes each of the following, if the services otherwise meet the

requirements of (a) 1. -

(i) Speech-language pathology services is considered special education and a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

(b) Individual special education terms defined. The terms in this definition are defined as follows:

1. At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.

2. Physical education means the development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.

3. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction -

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

4. Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to -

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

5. Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

6. Vocational and technical education means organized educational activities that offer a sequence of courses that -

(i) Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors;

(ii) May include the provision of skills or courses necessary to enroll in a sequence of

courses that meet the requirements of this subparagraph; and

(iii) Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential; and

(iv) Includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual. [34 C.F.R. § 300.39]

(40) State educational agency (SEA) - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools. [34 C.F.R. § 300.41]

(41) Supplementary aids and services - Aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for a Free and Appropriate Public Education. [34 C.F.R. § 300.42]

(42) Transition services -

(a) A coordinated set of activities for a child with a disability that -

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

2. Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. [34 C.F.R. § 300.43]

(43) Universal design - Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002. [34 C.F.R. § 300.44]

(44) Ward of the State -

(a) A child who is a foster child; a ward of the State; or in the custody of the Department of Human Resources.

(b) Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent. [34 C.F.R. § 300.45]

(45) This rule shall become effective July 1, 2007.