

SOCIAL CIRCLE CITY SCHOOLS

Special Education Procedural Manual

Revised February 2018

The Individuals with Disabilities Education Act (IDEA) requires that states review the data of each Local Education Agency (school system) each year in order to evaluate the system's performance in meeting requirements and purposes of the IDEA. After a review of the data, the Georgia Department of Education (GaDOE) is required to make determinations (*Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention*) about each indicator related to the system's compliance.

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Section 1:

Area of General Supervision I: Identification Processes

State Rule: 160-4-7-.08- Confidentiality of Personally Identifiable Information

Components:

Confidential Information

Access rights and required procedures

Amendment of Records at parent request

Results of hearing

Parent Consent

Safeguards

Destruction of confidential information

Confidential Information

Confidentiality is one of the rights afforded to parents in the Parent Rights document (procedural safeguards). Confidentiality of educational records is a basic right shared by all children in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act or FERPA of 1974, which applies to all students, not just those with disabilities. All district personnel (including contracted employees) are governed by confidentiality requirements and receive training each year and information regarding the law. Written and dated parent consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA). Personally identifiable information includes the following:

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

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

Access Rights and Required Procedures

All special education folders are kept and maintained in the special education office. Each special education folder has the child's name on the top of the folder and all personnel reviewing records signs the access sheet indicating the staff member's name and date, and purpose of the review. All agencies and agents who have access to student records are listed below and are listed on the file drawer:

Authorized to access special education records include:

- *Director of Special Education
- *School Psychologist
- *Special Education Secretary
- *Special Education teachers
- *SLPs
- *Physical Therapist
- *Occupational Therapist
- *Principals

Confidential information is stored in file cabinets and drawers that can be locked. All official files are located at the Social Circle City Schools Central Office.

Student Records

For students enrolled in special education any reference to special education status documented in a student's permanent records would place the record under the Individuals with Disabilities Education Act (IDEA) confidentiality requirements. It is mandated that reference to special education status be maintained in a separate supplemental file and not specifically by reference on the student's permanent record.

The permanent record indicates that a supplemental file does exist and should be reviewed. Such a designation would indicate to any review that additional information is available and should be considered when reviewing a student's records. Verbal references to a student's special education program should be restricted only to professionals working directly with the student. There will be no documentation that the student receives special education services on the official transcript.

Records Management

General Requests for Records by Other School Systems or by Parents

The official Special Education Records (including original copies of documents) are maintained at the Social Circle City Schools Central Office. All requests for records beyond a request for a copy of the current IEP must be handled at the Central Office level through the Special Education Department.

Social Security Administration (SSI) Request for Records

The school system frequently receives requests from the Social Security Administration for records on special education students. When schools receive requests from this agency, teachers or staff should follow procedures to:

- *Complete their portion of the form
- *include copies of grades, discipline, etc.
- *retain a copy for their records
- *send all documentation to the Central Office Special Education Department
- *The Special Education Secretary will make copies and send all requested records along with the teacher questionnaire to the Social Security Administration.

Request for Special Education Records

Social Circle City Schools has moved to Central Office enrollment. All central office enrollment procedures are followed and special education records should be requested by and sent to the Special Education Secretary.

Adhering to Timelines in Submitting Special Education Paperwork

All paperwork should be submitted to the Special Education Office within one week (seven days) of the IEP meeting.

Amendment of Records at Parent Request

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

If, as a result of the hearing, the school system decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and inform the parents in writing. If, as a result of the hearing, the system decides the information is accurate and not misleading or otherwise in violation of the privacy or other rights of the student, it must inform the parents in writing of their right to place in the records it maintains on the student, a statement commenting on the information and setting forth the reasons for disagreeing with the decision of the school system. Any explanation placed in the records of the student is maintained by the school system as part of the records of the child as long as the record or contested portion thereof is maintained by the school system. If the records of the child, or the contested portion thereof, are disclosed by the school system to any party, the explanation will be disclosed to the party.

Results of Hearing

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

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

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

Parent Consent/Safeguards

Social Circle City Schools is required to obtain informed written consent for any action requested. **Parent consent** is voluntary and may be revoked at any time. Consent is required for the following actions:

- *to conduct an initial evaluation;
- *to conduct a reevaluation;
- *for the initial provision of special education and related services on the IEP;
- *to make a substantial change in special education and related services; and
- *before disclosure of personally identifiable information that is subject to confidentiality.

If a parent questions any proposed actions or changes to the IEP, it is recommended that he or she discuss the concern with the teacher or administrator. Consent for the initial evaluation does not provide consent for initial placement.

A parent may revoke consent for the receipt of special education and related services once the child is initially provided special education and related services. This revocation of consent must be made in writing and is for all special education and related services, not for individual services.

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

1. Parents or eligible children;

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

Social Circle City Schools protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without the parent's consent is forbidden. All persons collecting or using personally identifiable

information has received training or instructions regarding department policies and procedures concerning personally identifiable information. The system maintains, for public inspection, a current listing of the names and positions of school system employees who may have access to personally identifiable information.

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. Social Circle City Schools uses a Document Destruction Company when records are destroyed. The following public notice is published in the Walton Tribune, put on the district's website, and sent in a Connect Ed call to parents.

Destruction of Information

Public Notice

DESTRUCTION OF RECORDS OF DISABLED STUDENTS

The Social Circle City Schools, Department of Special Education, announces its intention to destroy specific data. Records will be destroyed that were collected, maintained, or used in the provision of a free appropriate public education for disabled students in Social Circle City Schools. This notice is in compliance with the system's comprehensive plan for special education required by P.L. 94-142.

Records on students who enrolled in a special education program for the disabled and became twenty-seven (27) years or older between _____ and _____, or deceased between _____ and _____ are no longer needed for educational purposes.

These records may be needed by the student or parent for Social Security or other reasons. The system plans to destroy these records on or around _____ unless there has been a request for a due process hearing, under P.L. 94-142 or has a complaint filed with the Office of Civil Rights, under Section 504 of the Rehabilitation Act of 1973.

If you, as the student or parents of the student, desire copies of these records prior to destruction, contact the Office of Special Education with Social Circle City Schools at 770-464-4832. You will be required to provide identification or provide verification information.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for Confidentiality of Personally Identifiable Information. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and will receive a Corrective Action Plan. TKES Yearly evaluations will be impacted for those educators who continue to exhibit difficulty or refusal to comply with policies and procedures for Confidentiality of Personally Identifiable Information.

State Rule 160-4-2-.32-Student Support Team

Requirement for local school SST

Student Evaluations

SST Members

Parent/Guardian participation

Steps of SST Process

Documentation of SST Activities

Exceptions to the use of the SST Process

Special Education Referral Process for Local School SST

- A. Prior to a child being referred for Special Education, the student goes through various levels or tiers in the school's Multi-Tier Support System. Tier I includes evidence-based instruction which is based on the Georgia Standards of Excellence. It includes effective school-wide behavior supports and differentiated instruction to promote higher levels of student engagement and achievement. Tier II interventions serve as standard intervention protocols for students in the school who require extended learning opportunities or students who are not making adequate progress and need additional interventions. If students are not making the expected levels of progress in Tier II, they are referred to the school's Student Support Team which comprises Tier III. **Prevention through intervention is stressed in all tiers.** Alternative strategies for increasing the student's academic, social, and behavioral performance are identified, reviewed, and implemented. SST's should follow the policies and procedures outlined in the system's Multi-Tier Support Systems Manual. Documentation of Tier II and Tier III research-based interventions will be included in the referral packet if a child is referred from Tier III to Tier IV, which is a special education referral. Student referrals must be preceded by research-based academic and/or behavioral interventions.
 - a. Prior to, or as a part of the referral process, the child is provided appropriate, relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel; and
 - b. Data-based documentation of repeated assessments of achievement or measures of behavior is collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction. The data-based results were provided to the child's parents.
 - c. If the child has not made adequate progress after an appropriate period of time during which the conditions have been implemented, a referral for an evaluation to determine if the child needs special education and related services shall be considered.
- B. Not referred for further Evaluation – Should the SST develop alternative strategies and research-based interventions that are successful with a student, naturally the student should

not be referred for further evaluation. However, the SST should not exclude a student from further evaluation because the team “feels” that the student will not meet special education eligibility. The SST must have data to support the decision that research-based interventions are successful at Tier III and that the student is successful without further evaluation. The SST may have attempted reasonable strategies at the school level in Tiers II and III and have physical/emotional/academic questions that might be answered by an evaluation. Remember: The SST is not an Eligibility/Placement Team; therefore, SST should never make decisions on special education eligibility or placement.

- C. Referred for further Evaluation – SST should have attempted reasonable alternative strategies and research-based interventions. If those strategies have not been successful and data supports the potential need for additional supports, the SST may make a referral for evaluation to determine if physical/emotional/academic problems may be interfering with a student’s school progress.
- D. Student Support Team Report – See the Social Circle City School System RTI Manual for forms that must be included. Be sure to include documentation of research-based interventions attempted, observations, and any assessment results. If the student is referred directly for an evaluation and by-passing the SST process, the SST committee must fully document the reason for the by-pass through the minutes of at least one SST meeting. Consultation with Special Education Director is required to consider SST by-pass.

Student Evaluations

Authority O.C.G. § 20-2-152; 20-2-240

Complete Referral Packet

- A. **Completed referrals for Psychological/Educational/Speech Evaluations/OT/PT, etc. –**
Completed evaluation referrals will be logged in at the Special Education Office and given to appropriate evaluation staff. Staff will complete evaluations according to the Georgia Department of Education timeline requirements. The psychologist and special education case-manager will schedule an IEP Team meeting to address eligibility and the IEP. There are NO speech only referrals or evaluations.

RTI/SST Members

The Student Support Team includes, at a minimum, the referring teacher and at least two of the following participants, as appropriate to the needs of the student:

1. Principal.
2. General education teacher.
3. Counselor.
4. Lead teacher.
5. School psychologist.
6. Subject area specialist.
7. ESOL teacher
8. Special education teacher.
9. School social worker.
10. Central office personnel.
11. Section 504 coordinator.

12. Other appropriate personnel, including the school level RTI Coordinator

Parents/guardians shall be invited to participate in all meetings of their child's SST and in the development of research-based interventions for their child.

Each school shall include the **following steps in the SST process**: 160-4-2-.32

1. Identification of learning and/or behavior problems.
2. Assessment, if necessary.
3. Educational plan.
4. Implementation.
5. Follow-up and support.
6. Continuous monitoring and evaluation

Proper **documentation** is essential in the SST process. Forms (which may be paper or electronic) should be easy to use and efficient while still providing adequate documentation of the team's activities and the student's performance. Written summaries of the team's actions should be kept.

Exceptions to the use of the SST Process

School personnel and parents/guardians may determine that there is a reasonable cause to bypass the SST process for an individual student. Documentation in the student's record shall clearly justify such action, including whether the parent or guardian agreed with such a decision. In cases where immediate referral is sought, the SST shall still determine what interim strategies, research-based interventions, and modifications shall be attempted for the student.

- (a) It is not necessary for students who transfer into the local school system/state operated program with a current Individualized Education Program or Section 504 plan to go through the SST process.

Professional Learning/Monitoring

Professional Learning activities on the written procedures for the implementation of the SST Rule are ongoing throughout the school year. The RTI District Coordinator meets with RTI Coordinators at the school level throughout the school year to discuss procedures and expectations. The school level RTI Coordinators provide professional learning for the staff at each school throughout the school year. New teachers to the district are provided additional training and support from building level mentors. In addition, the School Psychologist works closely with the District RTI Coordinator and school level RTI Coordinators to ensure procedures are followed. The District RTI Coordinator and the School Psychologist help to monitor procedures.

The District RTI Coordinator pulls SEPS (Student Educational Plans) each month throughout the school year and reviews plans for compliance and fidelity. In addition, as the school psychologist reviews files, he will also provide support and guidance when needed. All administrators at the school level are

expected to be an integral part of the RTI/SST process and remain actively involved with all aspects of the process including professional learning, monitoring meetings, implementation of research-based practices, etc. Schools that are found to be out of compliance are provided intensive technical assistance and support from the District RTI Coordinator and the School Psychologist. Social Circle City Schools provides prereferral interventions that are equitable by type, degree and frequency across all racial and ethnic groups. When schools continue to experience difficulty after technical assistance has been provided, the special education director will notify the District Superintendent of specific concerns.

State Rule 160-4-7-.03-Child Find Procedures

Annual Child Find activity is published or announced in newspaper or other media

Provides for Screening and Evaluation of All Children With Suspected Disability Ages 3-21 Including:

Children Birth through Age Three

Preschool Children, Ages 3-5

Children Enrolled in the LEA Schools including Public Charter Schools Children Who Are Suspected of Being Children with Disabilities

Highly Mobile Children, Including Migrant Children

Children Who are detained or incarcerated in jails

Children Enrolled in Home School/Study Programs

Parentally-placed Private School Children, Including Religious, Elementary and Secondary Schools

Screening to Determine Appropriate Educational Strategies is not to be Considered Evaluation Student referrals must be accompanied by documentation of scientific, research or evidence-based academic or behavioral interventions that demonstrate insufficient rate of progress.

Exception allowed only when evaluation and /or placement is required due to significant disability

The purpose of Child Find is to identify, locate, screen, and evaluate children and youth, birth to age 21, who are **suspected of, or have a disability** or developmental delay for children enrolled in the LEA school district including public charter schools. Social Circle City School district serves children ages 3 through 21 with identified special education needs. Child Find activities are **announced in local newspapers, on the system website, and through other local sources** throughout the year in order to identify suspected children with disabilities, including those children who are homeless, highly mobile, enrolled in public charter schools, including migrant children, children who are wards of the State, detained or incarcerated in jails or correctional facilities, or are parentally-placed in private schools (including religious, elementary and secondary schools) or home school/study programs, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated.

For a preschool aged child, with a chronological **age of 3 through 5**, who has or may have a developmental disability, please contact the Social Circle City Schools Special Education Office at 770-464-4832.

How can children be referred?

A referral may be made by anyone who has a concern about a child's development. All referrals are considered confidential. The parent retains the right to refuse services. Children may be referred by any of the following:

- Parents/legal guardians/foster parents
- Other family members
- Physicians/health care providers
- Preschool programs
- School system personnel

- Community agencies
- Private school personnel
- Others who are concerned about a child's development
- Babies Can't Wait (BCW)

A variety of strategies will be used as part of Child Find Activities and procedures in Social Circle City Schools District which include but are not limited to the following:

- Provide/conduct community awareness activities so that anyone having knowledge of child suspected of having a disability or developmental delay will know who to contact.
- Provide Child Find notice and information sheet in the front office of each school.
- Conduct screenings throughout the school year to consider whether or not an evaluation is warranted.
- For children transitioning from Babies Can't Wait Program, complete identification and evaluation prior to the child's third birthday.
- For children enrolled in kindergarten through grade 12 provide Child Find activities through Response to Intervention (RTI) Pyramid of Intervention (POI) process.

Note: Individuals making referrals should call the special education office at 770-464-4832 to request information. If transitioning from Babies Can't Wait, information will be provided to the family at a transition meeting.

When should a child be referred to Child Find?

A child should be referred when:

- A health or medical disorder interferes with development or learning.
- A child seems to have difficulty seeing or hearing.
- A child appears to have social, emotional or behavioral difficulties that affect his/her ability to learn.
- A child has diagnosed progressive or degenerative condition that will eventually impair or impede the child's ability to learn.
- A child seems to have difficulty understanding directions like others that are his/her age.
- A child's speech is not understandable to family or friends.
- A child has difficulty with reading, math, or other school subjects.

Student referrals must be accompanied by documentation of scientific, research or evidence based academic and/or research-based behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or State-approved grade-level standards within a reasonable time frame. Screenings are offered to determine appropriate educational strategies and are not to be considered as an evaluation. General education supports, services, and behavioral interventions are implemented prior to referral regardless of a student's race or ethnicity.

Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction; however, exceptions are an infrequent and rare occurrence, and the circumstances evidencing the need for the local education agency's use of the exception will be clearly documented in the eligibility decision.

Professional Learning/Monitoring

The Special Education Director provides sustained professional learning activities on the written procedures for the Child Find Rule throughout the school year at monthly department meetings to all special education staff members. Teachers are administered a Compliance Module to check for understanding of procedures. New teachers to the district are provided support by the school level special education team leader at each school. Ongoing professional learning is provided at the school level to all staff by the school level RTI Coordinator. Principals are responsible for ensuring training of all staff and required to monitor all RTI/SST procedures within their buildings. Sustained supervision and monitoring of compliant practices for Child Find is provided by the Special Education Director. The Special Education Director is in close contact with the Primary School SLP who helps to facilitate all Babies Can't Wait referrals. The District RTI Coordinator and the School Psychologist help to monitor the SST and RTI process as students are placed in the RTI process for proof of research-based interventions and evidence of fidelity with all measures. Student Education Plans (SEPs) are randomly selected each month and reviewed for compliant procedures. Schools found to be out of compliance are provided guidance and support by the School Psychologist. New teachers to the district receive support from school assigned mentors and school level special education team leaders. As SEPS are monitored for compliance, the School Psychologist reports issues/problems/concerns directly to the District RTI Coordinator. If problems continue after technical assistance is provided, the special education director will contact the District Superintendent.

State Rule 160-4-7-.04- Evaluations and Reevaluations

Initial Evaluation Referral Process

Timeframes for

Evaluations

60 Calendar

Days

Exceptions

Parent Consent

Reevaluation

Consideration

Comprehensive

Evaluations

Variety of Appropriate Evaluation Tools

Administered by Trained and

Knowledgeable Staff

Existing Data Reviewed

Identify Additional Data

Needed

Determination of

Eligibility

Eligibility Team

Documentation of Evaluation

Results

Exclusionary Factors

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

Initial Evaluation Referral Process

The Individuals with Disabilities Education Act (IDEA) requires that before a student can receive special education services, Social Circle City Schools must determine whether the student meets eligibility requirements for special education and needs special education services. The district must conduct (or arrange for) a comprehensive evaluation that

1. provides sufficient data to determine whether the student is a student with a disability;
2. documents how the disability affects the student's academic or behavioral performance in school; and
3. provides appropriate information for the development of an IEP, if eligible.

Transition meetings are scheduled within six months of the child's third birthday and attended by the Babies Can't Wait (BCW) representative and a special education pre-k teacher. The school psychologist is invited but not required to attend. School policies and assessment procedures are discussed. One month before the child's third birthday, the school psychologist schedules a development assessment. The child, the child's parents, the school psychologist, speech therapist (if needed) and a special education pre-k teacher are invited to the assessment. The eligibility meeting is scheduled for one week before the child's third birthday.

1. Social Circle City Schools Director of Special Education receives notification of referral from *Babies Can't Wait* (BCW) office (usually by FAX)
2. Social Circle City Schools Director of Special Education is contacted by BCW Coordinator to schedule transition meeting

At transition meeting

- Hearing/vision screens are scheduled
- Parental information needed for Eligibility Report is obtained (parental concerns, developmental milestones, medical information, etc.)
- Parental information needed for "Enrollment" (complete student name, DOB, address, social security number) is obtained
- Parents are informed of the evaluation process
- Evaluation is scheduled
- Parent signs the *Permission to Evaluate* form before the evaluation (provided with parent rights)
- Team evaluation (most often including the school psychologist, the special education teacher, the Speech/Language Pathologist, the general education "teacher," and parent) occurs;
- Eligibility/IEP meeting is scheduled Upon completion of evaluation,
- Central Office Enrollment Clerk is notified as to whether child is/is not eligible to receive services;
- If eligible, parent is provided with Registration Checklist and is directed to the Central Office to the Enrollment Clerk for final registration.
- Central Office Enrollment Clerk is notified of enrollment upon receipt of the Pre-Enrollment Form;

Student Support Team

A student is typically referred for an evaluation by a Student Support Team (SST) when it has documented sufficient evidence to suspect that a disability may be the primary cause of the student's learning or behavior problem(s). This usually occurs after appropriate research-based interventions in the general education classroom have failed to find a satisfactory solution. A parent may also request an evaluation.

(Teachers document intervention strategies, meet with the parent and then submit a "Preschool

Screening Referral" to the School Psychologist or Director of Special Education)

- Upon receipt of referral, the school psychologist works with the Preschool Special Education teacher and/or *Speech/Language Pathologist* to administer screening tests in the area(s) of delay.

Based upon results of screenings:

- Proceed with a complete evaluation, OR
- Provide further intervention strategies to preschool teacher and decide upon an agreed-upon date to determine whether student is progressing or whether to proceed with complete evaluation
- If the recommendation is an evaluation the team will meet with parent to obtain information needed for Eligibility Report as well as information required for "Enrollment"
- Notify Central Office Enrollment Clerk of enrollment by sending the "Pre-enrollment Form"

- Obtain a copy of child's hearing/vision or schedule hearing screening with RESA audiologist; if parent has no concerns about vision, a Functional Vision Screen may be administered. A vision checklist can be used in certain instances.
- Schedule date/time for evaluation
- Have parent sign Permission to Evaluate
- Participate in team evaluation (most often including school psychologist, special education teacher, general education preschool teacher, Speech/Language Pathologist, and parent).
- Upon completion of evaluation, schedule Eligibility/IEP meeting;
- Notify Central Office Enrollment Clerk whether child is/is not eligible to receive services;
- If eligible, provide parent with Registration checklist and direct parent to Central Office Enrollment Clerk for final registration process.

Parent Request

If the referral is made by parental request, the district can either agree to or refuse the request. If the district refuses, it must give the parent written notice explaining the reason(s) why it is declining to initiate an evaluation, what data the decision was based upon, and other factors considered. The parents then have the right, if they choose, to request a due process hearing to seek a favorable ruling to conduct an evaluation.

Parents should note that Georgia Rules for the IDEA eligibility require "Response to Intervention" (RtI) data in order to eliminate other explanations for student problems. If the SST process has been bypassed, the data may need to be gathered during the evaluation process.

If the parents of a child referred for special education evaluation refuse to give written consent for initial evaluation, Social Circle City Schools may continue to pursue the evaluation by using due process procedures or mediation procedures.

Parents of homeschooled children within the district may also request evaluation. The parent is responsible for transporting the child to the board office or a mutually agreed upon location for assessment

- Designated Preschool Special Education Teacher, school psychologist, and Speech/Language Pathologist meets with parent to discuss parental concerns (also obtain other info needed for Eligibility Report: medical information, developmental milestones, sensory issues; developmental history).
- "Enrollment" information is requested from parent (complete name of student, DOB, address, social security number);
- Central Office Enrollment Clerk is notified of enrollment upon receipt of the "Pre-Enrollment Form"
- Vision/hearing screens are scheduled
- Evaluation date/time is scheduled
- Permission to Evaluate is signed before evaluation
- Team evaluation occurs (most often including special education teacher, Speech/Language Pathologist, school psychologist, and parent);
- Eligibility/IEP meeting is scheduled;
- Central Office Enrollment Clerk is notified whether child is/is not eligible to receive services
- Parents are provided with Registration Checklist if child is eligible for special education

services and are directed to the Central Office Enrollment Clerk for final registration process.

60 Day Timeline

Once the signed *Consent for Evaluation* form is received, the evaluation process will be completed in no later than 60 calendar days. If the *Consent for Evaluation* is received 30 days prior to the end of school, a different timeline is followed based on the Georgia Department of Education timeline rules. Holiday periods and other circumstances when children are not in attendance for five consecutive school days are not counted toward the 60 calendar day timeline, including the weekend days before and after such holiday periods, if contiguous to the holidays. The summer vacation period in which the majority of teachers are not under contract is not included in the 60 day timeline for evaluation. However, the school system is not prohibited from conducting evaluations over a summer vacation period. Students who turn three during the summer period or other holiday periods must have an eligibility decision and IEP (if appropriate) in place by the third birthday.

Exceptions

The timeframe described above does not apply if:

1. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
2. A child enrolls in a school of another school system after the relevant timeline has begun, and prior to a determination by the child's previous school system as to whether the child is a child with a disability.

The exception applies only if the subsequent school system is making sufficient progress to ensure a prompt completion of the evaluation and the parent and subsequent school system have agreed to a specific time when the evaluation will be completed.

3. If extenuating circumstances, e.g., illness, unusual evaluation needs, or revocation of parent's consent for evaluation affect this time line, Social Circle City Schools will document the exceptions.

Parental Consent

The district is required to obtain informed written consent for any action requested. Parental consent is voluntary and may be revoked at any time. Consent is required for the following actions:

- to conduct an initial evaluation;
- to conduct a reevaluation;
- for the initial provision of special education and related services on the IEP;
- to make a substantial change in special education and related services; and
- before disclosure of personally identifiable information that is subject to confidentiality.

If a parent questions any proposed actions or changes to the IEP, it is recommended that he or she discuss the concern with the teacher or administrator. Consent for the initial evaluation does not provide consent for initial placement.

A parent may revoke consent for the receipt of special education and related services once the child is

initially provided special education and related services. This revocation of consent must be made in writing and is for all special education and related services, not for individual services. The Special Education Director will meet with the parent and discuss fully what the parent is signing and what the revocation means for the child (child subject to all of the same requirements that apply to general education students, Social Circle City Schools will no longer be considered in violation of the requirements to make FAPE (a Free Appropriate Public Education) available to the child, etc.

Before an evaluation can begin, Social Circle must obtain a signed, informed parental consent for evaluation. Social Circle City Schools has 60 calendar days to complete the evaluation process, completion being defined as when the eligibility meeting is held. Development and implementation of the Individualized Education Program (IEP) can take up to 30 additional days. The 60 calendar day time period begins when a district employee receives the signed consent, but excludes school holidays and other times when the student is not in attendance for five or more consecutive school days. Any summer vacation period in which the majority of an LEA's teachers are not under contract shall not be included in the 60 day timeline for evaluation. Preplanning and postplanning days will be included within the 60 day time period. Consent received 30 days or more prior to the end of the school year must be completed within the 60 calendar day evaluation time frame. An exception occurs if the parent fails or refuses to produce the child for the evaluation. The Special Education Director will review and monitor all timelines and due dates, and meet weekly with the School Psychologist to review and ensure compliance with testing policies, procedures, and adherence to timelines.

If the parent refuses to give consent for the evaluation, the district may, but is not required to, pursue the evaluation through mediation or a due process hearing. In some cases (if the child is home schooled or placed by the parents in a private school at their expense), the district cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation.

Parent Consent is not needed for the District to perform these routine duties:

1. Review existing evaluation information
2. Screen a child to determine appropriate instructional strategies
3. Administer an evaluation that is given to all students without consent for evaluation

Reevaluation Consideration

A **Reevaluation Determination**, consistent with federal and state statutes and regulations, is required for special education students at least once every 3 years, unless the parent and the District agree that a reevaluation is unnecessary. The purpose of re-evaluation is to decide if further information is needed to determine if a disability continues to exist, to establish present levels of performance, or to determine whether the student continues to need special education and related services. If existing information satisfies these three needs then a comprehensive evaluation is not indicated and the child remains eligible for special education services.

If the team decides a re- evaluation is appropriate, the case manager notifies the Special

Education Director and the School Psychologist. Hearing/Vision screening will be requested of the School Nurse or SLP. The school psychologist will inform the case manager when to have the special education secretary mail the parental consent for evaluation, parent rights will be included. At that time other items will be collected: the background information form, analyzed work samples and/or data of suspected disability, progress, mastery toward goals and objectives, and any progress monitoring in the area of concern.

Once the psychologist completes the evaluation, he will contact the school to set up a meeting to review the results and to develop a new Eligibility Report. If appropriate, the current IEP will be amended to reflect the new eligibility results, additional goals and objectives, etc., with important information supplied in the *"Meeting Notes"* section. The date of this IEP/Eligibility meeting will become the new eligibility date. All paperwork will be given to the parent and saved on-line. For those re-evaluation cases where the student was originally placed for **Speech Impaired** services only, but now has a suspected disability in academic areas, the Tier III/Student Support Team will manage all academic interventions/progress monitoring while the Speech/Language Pathologist continues the speech/language research-based interventions. The Tier III/Student Support Team administrator will coordinate with the Speech/Language Pathologist when a Redetermination meeting is needed to discuss with parents the potential need for additional research-based interventions or a referral for academic evaluation.

Comprehensive Evaluation

When a referral for special education evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. This team may consist of the district's psychologist, speech- language pathologist, occupational therapist and/or physical therapist, and others as appropriate to the evaluation. The child's parents are considered members of this team. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. It is recommended that the student be given a hearing and vision screening during the SST or other pre-referral process and that such results be no older than one calendar year. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

An initial evaluation needs to look at the needs of the whole child, regardless of the reason for the referral.

In a comprehensive evaluation, the district will:

- assess all areas related to any suspected disability, including vision and hearing, and, if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- use a **variety of evaluation tools** and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent;
- not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child
- use assessment techniques that may assess intellectual and behavioral skills in addition to physical or developmental skills;
- use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
- use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score

- select assessment methods so that, when administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement level
- Provide assessments that are administered in the student's native language or other modes 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 do so or administer
- Assessments are selected and administered so as not to be discriminatory on a racial or cultural basis
- Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education services, rather than measure the student's English language skills
- **Existing data must be reviewed**
- **Identify additional data as needed**

Information Sources: Evaluations often use many of the following:

- Individually administered tests and tools
 - Academic achievement
 - Cognitive ability
 - Social/Emotional/Behavioral
 - Speech/Language
- Parent/Teacher/Child Questionnaires
 - Social/Emotional/Behavioral
 - Adaptive behavior
- Parent information and input
- Teacher input (verbal or written descriptions/analyzed classroom work samples)
- School-wide standardized testing results
- Medical information, as appropriate
- Classroom observations
- Prior testing done in private settings
- Prior testing done in other school settings, such as formative assessments from classroom progress monitoring

Qualified Psychological Examiner Requirements

Initial evaluation results used for consideration of eligibility for special education, if not provided by a school psychologist with a valid S-5 (or higher) certificate in school psychology, shall be from one of the following:

- (I) A psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in school psychology or child clinical psychology.
- (II) A full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training.
- (III) A Georgia Merit System employee who has a classification rating of

psychologist, senior psychologist, or psychology program specialist.

As part of an initial evaluation, and as part of any reevaluation, the parent and other qualified professionals must review evaluation data on the child that is already available. This review may be conducted without a meeting and may include evaluations and information provided by the parent, current classroom-based local or Georgia assessments, classroom-based observations, and observations by the teacher and related service providers. The team will, on the basis of that review, and considering how long it has been since formal assessment of the student last occurred, identify additional data needed, if any, to determine the following:

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or has an additional disability;
- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether or not the child can participate in the general education curriculum, as appropriate.

If the IEP/reevaluation committee determines that no additional information is needed, then the committee can proceed with eligibility. If additional information is determined to be needed, the committee determines which assessments are needed to provide it. The parent has a right to request assessments for the determination of eligibility for the child's educational needs, even if the committee had concluded that no additional data was needed.

Once the evaluation is completed, the eligibility team, including the parent, will decide whether the student is eligible for special education services. This involves meeting eligibility requirements as well as not having exclusionary criteria that would prevent eligibility. The parent is included on the team and is provided a copy of the evaluation report as well as a copy of the eligibility decision. If there is no report from an evaluation specialist, such as the district's psychologist or speech-language pathologist, then the eligibility report can serve as the evaluation report as long as it is comprehensive enough to document the results of the evaluation.

Many times a parent will request a copy of the evaluation report prior to the eligibility meeting in order to read and understand the results of the evaluation. The law does not require that the parent be provided with a copy prior to the eligibility decision. On occasion, it is appropriate to provide it prior to a meeting. Other times, the report is not provided until a time at which the evaluation specialist can meet with the parent to explain the results of the evaluation. Many of the assessments that are administered as part of the evaluation have results that are reported in numbers that have little meaning to a parent or others until an explanation is also provided. If the results are confusing or upsetting to the parent, it may be necessary to conduct a meeting to discuss the results of the evaluation and then convene a later meeting for the eligibility decision.

Determination of Eligibility

The Eligibility Report is the documentation that verifies if a student is or is not eligible for special education services. The **eligibility team (school psychologist, LEA, general education teacher, special education teacher, parent, student, Special Education Director, any additional RESA staff- OT, PT, etc. as needed)** must meet to determine eligibility before an Individual Education Plan can be developed. It is the responsibility of the School Psychologist to insure that all evaluations and the Eligibility Team Meeting are scheduled and completed in a timely manner in order to meet state and

federal-prescribed timelines.

Documentation of Evaluation Results

The Eligibility Report contains the following information:

- Student Identifying Information
- Case History (provides an overview picture of the child)
- Hearing and vision screening dates (conducted prior to administration of assessments).
These screenings are completed within a year of the evaluation.
- Summary of research-based interventions that were made PRIOR to referral (gives the committee a quick look at the interventions and adaption of content, methodology, and/or instructional delivery that have already occurred).
 - *Initial eligibility* – The committee lists the interventions provided for the child.
 - *Reevaluation* - The committee lists the specially designed instruction which includes: Adaption of Content, Methodology (specialized program), or Instructional Delivery. Additional areas of concern that have developed since the previous eligibility are also listed.

NOTE: There are occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through Response to Intervention (RTI)/Student Support Team (SST) processes. The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration. If it does, this section of the report is explained.

- Summary of *Progress Monitoring* data toward achieving standards (data about specific scientific research or evidence-based intervention(s) and accurate information on the progress monitoring data results for the intervention(s) implemented for an initial evaluation or the specially designed instruction for reevaluation are provided)
- Area(s) of difficulty
- Scientific, research, evidence based interventions which includes baseline performance and intervention data
- Results of District, State, and Benchmark assessments
- Individual student data
- Exclusionary Factors
- Decision-Making for Eligibility
- Summary of Considerations
- Determination of Eligibility
- Eligibility Team Information
 - This section includes the title, position, and name of the member present.
- For **Specific Learning Disability (SLD)** eligibility, each eligibility team member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the eligibility team member must submit a separate statement presenting the member's conclusions.

Possible exclusionary factors are discussed at length during the Student Support Team (Tier 3) process as to whether the factor had an impact on the child's educational progress. Exclusionary factors are considered in eligibility determinations. Each factor is considered for its impact or lack of impact on educational progress. The explanation describes why or why not a factor has influenced

educational progress. Once the factors have been addressed, the team refers to the responses and to the eligibility criteria for each disability category. Social Circle City Schools System utilizes the following guidance from the Georgia Department of Education when addressing each **exclusionary factor**:

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

Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA); **2)** Lack of appropriate instruction in mathematics; and/or **3)** Limited English proficiency. RTI and SST practices help ensure that children suspected of having a disability have indeed had access to appropriate instruction.}

Social Circle City Schools must complete the re-evaluation process before determining that the child is

no longer a child with a disability (dismissal) who requires special education services. However, re-evaluation is not needed

1. when the student graduates from high school with a regular education diploma, or
2. when the student has exceeded the age of eligibility (22nd birthday) for free appropriate public education (FAPE).

Social Circle City Schools will provide the student with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the student is graduating with a regular diploma or aging out of school. Best practice would also include providing the summary of performance for the student who receives a special education diploma or other exit document. Social Circle City Schools District policy is for a student to remain in school until the student's 22nd birthday or continue until the end of the quarter in which the student turns 22 years of age.

Professional Learning/Monitoring

The Special Education Director will provide high quality, sustained professional learning activities for all special education teachers for adhering to compliant policies and procedures for all evaluations and reevaluations during monthly special education department meetings. All special education teachers will be administered Compliance Modules to assess understanding of policies and procedures. The Special Education Director monitors the GO IEP Dashboard for timelines each day and follows up with teachers when students are approaching critical timelines. Furthermore, the special education secretary, the school psychologist, and special education director collaboratively develop a spreadsheet at the beginning of the school year to track and monitor all re-evaluation timelines. The special education director meets with the school psychologist weekly to monitor timelines, to check the status of eligibility reports, and to discuss problems, if any, with SEPs or documentation needed from schools. New teachers are provided professional learning from the GO IEP coordinator to assist with timelines, collecting eligibility information, eligibility reports, etc. Schools/case managers/teachers that are found to be out of compliance will be provided technical assistance from the school psychologist. If matters are not corrected, the special education director reports to the District RTI Coordinator for additional assistance and support. When problems persist after assistance and Corrective Action Plans have been provided, the special education director contacts the District Superintendent. Failure to adhere to procedures and timelines will be reflected in yearly evaluations.

State Rule 160-4-7-.05-Eligibility Determination and Categories of Eligibility

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

- (a) Autism Spectrum Disorder.
- (b) Deaf/Blind.
- (c) Deaf/Hard of Hearing.
- (d) Emotional and Behavioral Disorder.
- (e) Intellectual Disability (mild, moderate, severe, profound).
- (f) Orthopedic Impairment.
- (g) Other Health Impairment.
- (h) Significant Developmental Delay.
- (i) Specific Learning Disability.
- (j) Speech-language Impairment.
- (k) Traumatic Brain Injury.
- (l) Visual Impairment.

Determination of eligibility by Eligibility Team (qualified professionals and parents)

Exclusionary factors for Eligibility

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

Evaluation Report and Determination provided to parents

Determination of eligibility by eligibility team

Upon completion of the administration of assessments and other measures, a group of qualified professionals and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child. Parents are an integral part of the process and involved with all evaluations. Meetings are scheduled to accommodate parent schedules. When necessary, conference calls are arranged for parents who have sudden emergencies or have problems with transportation to the school.

The *screening* of children by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. Student referrals must be preceded by evidenced-based academic and/or behavioral interventions for students aged three to twenty-one.

An eligibility determination cannot occur until the existing data is reviewed to determine whether exclusionary factors related to specific eligibility categories are present.

All categories include the following **exclusionary factors for eligibility**:

- Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA)
- Lack of appropriate instruction in mathematics
- Limited English proficiency
- Lack of attendance in school

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

Eligibility determination must be made using the convergence of data from multiple sources to document each of the following:

- **grade level difference**, such as large performance difference compared to peers and benchmark expectations in specific areas (data from statewide testing, district level benchmarks, etc.);
- **rate of learning difference**, such as a large difference in rate of learning compared to the trajectory toward the benchmarks when provided with high-quality interventions implemented over a significant period (CBM, progress monitoring, tiered support);
- **adverse educational impact**, such as a review of the individual student qualitative and quantitative data that indicates the need for specially designed instruction;
- **exclusion factors**, such as those that rule out more significant impairments and absence of meaningful instructional opportunities.

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

Every section of the eligibility report is completed, at every eligibility meeting, regardless of if a child is determined to be eligible for special education or not eligible for special education and be comprehensive enough to serve as the evaluation report when necessary. Meeting notes are taken at meetings, typed directly on the eligibility report, with detailed information regarding evaluation results and discussion from meeting participants.

A variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent is all discussed and documented within the eligibility report.

Evaluation Report and Determination Provided to Parents

Many times a parent will request a copy of the evaluation report prior to the eligibility meeting in order to read and understand the results of the evaluation. The law does not require that the parent be provided with a copy prior to the eligibility decision. On occasion, it is appropriate to provide it prior to a meeting. Other times, the report is not provided until a time at which the evaluation specialist can meet with the parent to explain the results of the evaluation. Many of the assessments that are administered as part of the evaluation have results that are reported in numbers that have little meaning to a parent or others until an explanation is also provided. If the results are confusing or upsetting to the parent, it may be necessary to conduct a meeting to discuss the results of the evaluation and then convene a later meeting for the eligibility decision. Social Circle always considers parent requests with an explanation that the eligibility report should be explained by the qualified professional examiners. A copy of the Evaluation and a copy of the Determination/Eligibility will always be provided to parents. Social Circle City Schools ensures that Individualized Education Programs (IEPs) are developed for children with a determination made of having a disability that has :

- (a) an adverse effect on educational performance (academic, functional and or developmental) and
- (b) requires special education and related services.

IEE- Independent Educational Evaluations

If a parent **disagrees with** the results of a completed evaluation done by Social Circle City Schools, the

parent may request an outside independent educational evaluation (IEE) paid for by the district. Social Circle must 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. 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. The qualifications of the independent evaluator must be the same as those required of the district evaluators. The district may set a reasonable limit on the cost (limit of \$350.00) of the independent evaluation. (See 34 C.F.R. §300.502 of the Federal Rules and Regulations for a complete explanation of IEEs.)

A parent does not have the right to an independent evaluation at public expense until he or she has allowed the district to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the district's evaluation. As long as the evaluation was conducted by someone who meets the qualifications for district evaluations, the district must consider the results of the parentally obtained evaluation.

Steps in the Evaluation Process for Special Education Consideration

- Get Permission from Parent to Evaluate
- Receive Evaluation Request
- Screen Hearing & Vision
- Analyze and/or Implement Interventions
- Review Permanent Record & Current Class Work
- Complete Classroom Observations
- Interview Current and/or Previous Teachers
- Interview Parent
- Review Previous Data (other evaluations, medical reports, information from previous schools)
- Review Questionnaires and/or Forms from Respondents
- Determine and Conduct One-on-One Assessments
- Determine Other Areas to Investigate if Needed, Based on Data
- Score All Instruments
- Analyze & Interpret Results
- Write Report of Evaluation (*the eligibility report may serve as the evaluation if detailed enough to report results)
- Share the results with parent and educators
- HOLD MEETING TO DETERMINE ELIGIBILITY
- Write Eligibility Report (regardless of whether or not the student is eligible)

Categories of Eligibility

Autism Spectrum Disorder is a developmental disability, generally evident before age three, which adversely affects a student's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation. Other characteristics often associated with autism are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental

change or change in daily routines. Students with autism vary widely in their abilities and behavior. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional and behavioral disorder. [refer to 34 CFR 300.7(c)(1)(i)]

The term of autism may also include students who have been diagnosed with Pervasive Developmental Disorder, Asperger's Disorder, Rett's Disorder, or Childhood Disintegrative Disorder provided the student's educational performance is adversely affected and the student meets the eligibility and placement requirements. Autism may exist concurrently with other areas of disability.

Evaluations and Assessments

The following evaluations and assessments shall be utilized to determine the presence of the characteristics of autism spectrum disorder.

1. Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.
2. Educational evaluation to include an assessment of educational performance and current functioning levels.
3. Communication evaluation to include assessment of verbal and non-verbal communication, prosody (linguistics including intonation, rhythm and focus in speech)), and pragmatic language utilizing both formal and informal measures.
4. Behavioral evaluations to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder.
5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with autism spectrum disorder after age three if the characteristics of autism spectrum disorder are met.

160-4-7-.05-3 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

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

1. **Developmental rates and sequences.** A child exhibits delays, arrests, and/or inconsistencies in the acquisition of motor, sensory, social, cognitive, or communication skills. Areas of precocious or advanced skill development may also be present, while other skills may develop at typical or extremely depressed rates. The order of skill acquisition frequently differs from typical developmental patterns.
2. **Social interaction and participation.** A child displays difficulties and/or idiosyncratic differences in interacting with people and participating in events. Often a child is unable to establish and maintain reciprocal relationships with people. A child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
3. **Communication (verbal and/or nonverbal).** A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a nonverbal communication impairment. Some children with autism may have good verbal language but have significant problems in the effective social or pragmatic use of communication.

4. **Sensory processing.** A child may exhibit unusual, repetitive or unconventional responses to sensory stimuli of any kind. A child's responses may vary from low to high levels of sensitivity.
5. **Repertoire of activities and interests.** A child may engage in repetitive activities and/or may display marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The capacity to use objects in an appropriate or functional manner may be absent, arrested, or delayed. A child may have difficulties displaying a range of interests and/or imaginative play. A child may exhibit stereotypical body movements.

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

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

Eligibility and Placement

1. For a child to be determined eligible for placement in special programs for the deaf/blind, the child shall have current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals. Children who are deaf/blind shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), and an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report is required indicating the dates of the audiological evaluation and a description of the results of the audiological testing and amplification evaluation. In addition, the report should include a description of classroom environmental modifications which will assist the individualized education program (IEP) team in making instructional decisions, the child's ability to understand spoken language with and without amplification, and an interpretation of the results as they apply to the child in his or her classroom setting.
2. Children who are deaf/blind may receive educational services in classes with other disabled children; however, the class-size ratio for deaf/blind shall be maintained.

Additional Requirements:

Each child who has been diagnosed as deaf/blind shall be reported in the Georgia Deaf/blind Census.

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

1. A child who is deaf can be characterized by the absence of enough measurable hearing

(usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.

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

Eligibility and Placement

1. The eligibility report shall include audiological, otological and educational evaluation reports. Audiological evaluations shall be provided with initial referral. Children who are deaf or hard of hearing shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report shall be included in the audiological evaluation. This written report shall include, but is not limited to: the date of the audiological evaluation, description of the results of the audiological testing, an amplification evaluation including the child's ability to understand spoken language with or without amplification, as well as an interpretation of the results as they apply to the child in his or her classroom setting.
 - (a) An otological evaluation report from appropriately licensed or certified personnel is required at the time of initial placement in the program for the deaf/hard of hearing. The otological evaluation report is required as medical history pertinent to the absence of hearing. If such a report is not available upon initial placement, it shall be obtained within 90 days of placement. The initial or most recent otological evaluation result shall be summarized and that otological evaluation report shall be attached to the eligibility report.
 - (b) A comprehensive educational assessment shall be used in the development of the child's individualized education program (IEP). The educational evaluation shall include assessment data from more than one measure and shall include, but is not limited to, information related to academic/achievement levels, receptive and expressive language abilities, receptive and expressive communication abilities, social and emotional adjustment and observational data relative to the child's overall classroom performance and functioning.
2. A psychological evaluation, using instruments appropriate for children who are deaf or hard of hearing, is recommended as part of the overall data when eligibility is being considered.
3. Children who exhibit a unilateral hearing loss may be considered for eligibility provided documentation exists that indicates academic or communicative deficits are the result of the hearing loss.

Additional Requirements:

1. An evaluation of the communication needs of a child who is deaf or hard of hearing shall be considered in the program and class placement decisions. An evaluation of a child's communication needs shall include, but is not limited to: language and communication needs and abilities, opportunities for direct communication with peers and professional personnel in the child's preferred language and communication mode, severity of loss, educational

abilities, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

2. Any classroom to be used for a child who is deaf or hard of hearing shall be sound-treated and present an appropriate acoustical environment for the child. All placements, including regular education placements and desk arrangements within classrooms shall be made so that environmental noise and interruptions are minimized.
3. Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.
4. Each LEA shall have written procedures to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

An **emotional and behavioral disorder (EBD)** is an emotional disability characterized by the following:

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

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

Eligibility and Placement

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:
 - (i) Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions
 - (ii) Psychological and educational evaluations
 - (iii) Report of behavioral observations over a significant period of time;
 - (iv) Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and
 - (v) Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.
2. A child must not be determined to be a child with an Emotional and Behavioral Disorder if

the primary factor for that determination is:

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

3. The term does not include children with social maladjustment unless it is determined that they are also children with EBD. A child whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement. Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

Definition

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

- (a) Significantly sub average general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence.
 - (1) All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual.
 - (2) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas.
 - (i) Significantly sub average intellectual functioning must be verified through a written summary of at least one structured observation that demonstrates the child's inability to progress in a typical, age appropriate manner and with consideration for culturally relevant information, medical and education history.
- (b) Deficits in adaptive behavior are defined as significant limitations in a child's effectiveness in meeting the standards of maturation, learning, personal independence or social

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

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

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

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

Eligibility and Placement

A child may be classified as having an **Intellectual disability** (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior. Intellectual functioning and adaptive behavior shall be considered equally in any determination that a child is eligible for services in the area of intellectual disability. A comprehensive educational evaluation shall be administered to determine present levels of academic functioning. The report shall be prepared for each child to provide an adequate description of the data collected and explicit pre-referral interventions prior to evaluation and to explain why the child is eligible for services in a program for children with intellectual disabilities. In situations where discrepancies exist between test score results from intellectual functioning, adaptive behavior and academic achievement, the eligibility report must contain a statement of specific factors considered which resulted in the decision of the eligibility team.

Eligibility teams must establish that any limits in performance are not primarily due to the exclusionary factors and must document this in the eligibility report:

A child may be classified as having an intellectual disability at one of the levels listed below.

Mild Intellectual Disability (MID)

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

Moderate Intellectual Disability (MOID)

- (1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and
- (2) Deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group as determined by clinical judgment.

Severe intellectual disability (SID)

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

Profound intellectual disability (PID)

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

Definition

Orthopedic impairment refers to a child whose severe orthopedic impairments adversely affects their educational performance to the degree that the child requires special education.

This term may include:

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

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

Eligibility and Placement

Evaluation for initial eligibility shall include the following.

- (1) A current medical evaluation from a licensed doctor of medicine. The evaluation report used for initial eligibility shall be current within one year. The evaluation shall indicate the diagnosis/prognosis of the child's orthopedic impairment, along with information as

applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions.

- (2) A comprehensive educational assessment to indicate the adverse affects of the orthopedic impairment on the child's educational performance.
- (3) Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, motor development or communication abilities resulting from the orthopedic impairment. When assessment information indicates significant deficit(s) in cognitive/academic functioning, a psychological evaluation shall be given.

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

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

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

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

Eligibility

- 1. Evaluation for initial eligibility shall include the following:
 - a. The medical evaluation from a licensed doctor of medicine, or in the case of ADD and ADHD an evaluation by a licensed doctor of medicine or licensed clinical psychologist, should be considered by the child's Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the child's health impairment, along with information as applicable regarding medications, special health care procedures and special diet or activity restrictions. The evaluation report used for initial eligibility shall be current within one year and must document the impact of the physical condition on the vitality, alertness or strength of the child. In cases of illness where the child's physical health and well-being are subject to deterioration or change, this report shall be updated as frequently as determined by the IEP Committee. A medical diagnosis does not automatically include or exclude a child from determination of eligibility.
 - b. A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child's educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior,

social/emotional development, motor or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given.

- c. A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is:
- 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
 - Atypical educational history (attendance at multiple schools, lack of attendance)

Placement and Service Delivery

1. A child meeting eligibility criteria can be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP)
2. According to State Board of Education Rule 160-1-3-.03 Communicable Diseases, the district shall allow a child infected with a communicable disease to remain in his or her educational setting unless he or she currently presents a significant risk of contagion as determined by the district after consultation with the child's physician, a knowledgeable public health official and/or a physician designated by the LEA (at the LEA's option).

Definition

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

Eligibility

- (1) Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD.
- (2) For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to:
- (a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;

- (b) Lack of appropriate instruction in math or math readiness skills;
- (c) Limited English proficiency;
- (d) Visual, hearing or motor disability;
- (e) Emotional disturbances;
- (f) Cultural factors; or
- (g) Environmental or economic disadvantage.

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

- All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations.

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

Placement and Service Delivery

(1) Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing special education services may receive those services in a variety of placement options, as determined by the child's IEP Team and participation by other agencies, such as, but not limited to:

- (a) Regular Early Childhood Setting; Head Start Programs Georgia Pre-K Classes Community Daycares Private Preschools
- (b) Separate Early Childhood Special Education Setting;
- (c) Day School;
- (d) Residential Facility;
- (e) Service Provider Location; or
- (f) Home

(2) School-aged children with SDD shall be served by any appropriately certified teacher in any education program designed to meet the needs of the child, as specified by the child's IEP team.

Definition

- (1) **Specific learning disability** is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do

mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage. [34 C.F.R. §300.8(c)(10)]

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

Exclusionary Factors

1. A child must not be determined to be a child with a specific learning disability if the determinant factor for that determination is:
 - (a) Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension);
 - (b) Lack of appropriate instruction in math;
 - (c) Lack of appropriate instruction in writing;
 - (d) Limited English proficiency;
 - (e) Visual, hearing or motor disability;
 - (f) Intellectual disabilities;
 - (g) Emotional disturbances;
 - (h) Cultural factors;
 - (i) Environmental or economic disadvantage; or
 - (j) Atypical educational history (such as irregular school attendance or attendance at multiple schools) [See 34 C.F.R. § 300.309(a)(3)] 160-4-7-.05-19

ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

Required Data Collection

1. In order to determine the existence of Specific Learning Disability, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development. Ultimately, specific learning disability is determined through professional judgment using multiple supporting evidences that must include:
 - (a) Data are collected that include:
 - (i) At least two current (within twelve months) assessments such as the results of the CRCT or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
 - (j) Information from the teacher related to routine classroom instruction and

monitoring of the child's performance. The report must document the child's academic performance and behavior in the areas of difficulty.

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

- (a)** that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;
- (b)** such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade-level standards within a reasonable time frame;
- (c)** the research-based interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.
- (d)** Any educationally relevant medical findings that would impact achievement.
- (e)** After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:
 - 1.** An observation by a required group member;
 - 2.** Documentation that the determination is not primarily due to any of the exclusionary factors;
 - 3.** Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and
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 - 4.** Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include:
 - I.** A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months and
 - II.** Current Response to Intervention data based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.
 - III.** As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

- (1)** The child who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.
- (2)** Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and

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

- (3)** Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:
- (a)** Oral expression- use of spoken language to communicate ideas;
 - (b)** Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels;
 - (c)** Written expression - ability to communicate ideas effectively in writing with appropriate language; 160-4-7-.05-21 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY
 - (d)** Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;
 - (e)** Reading comprehension-ability to understand the meaning of written language based in child's native language;
 - (f)** Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;
 - (g)** Mathematics calculation-ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and
 - (h)** Mathematical problem solving -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.
- (4)** Progress monitoring includes the data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting child progress during instruction. When reviewing progress monitoring data, those students that exhibit a positive response to the research validated instruction being provided by general education cannot be considered as having a specific learning disability even though they may show deficits on achievement tests in the specified areas. In addition, children whose achievement in classroom academics indicates performance that is commensurate with pervasive weaknesses that are not indicative of a pattern of strengths and weaknesses may not be considered as having a specific learning disability.
- (5)** One group member responsible for determining specific learning disability must conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the child is conducted in the learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The observation must include information from the routine classroom instruction and monitoring of the child's performance.

(1) The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals that must include:

- (a) The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age;
 - (b) A highly qualified certified special education teacher; and
 - (c) A minimum of one other professional qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child's individual needs.
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(2) Each group member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

Definitions

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

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

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

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

- A) Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.

- B) Children who have regional, dialectic, and/or cultural differences
- C) Children who have auditory processing disorders not accompanied by language impairment.
- D) Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented .05-23 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY
- E) Children who have a speech-language impairment that adversely affects the educational performance for these children to qualify for special education services.

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

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

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

Evaluation, Eligibility and Placement

All of the special education rules and regulations related to evaluation, eligibility and placement must be followed including:

1. Evaluation:

- A) Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.
- B) A comprehensive evaluation shall be performed by a certified or licensed Speech-Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in determining if the child is a child with a disability [34 C.F.R. 300.304(b)(1)]. An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure. .05-24 ELIGIBILITY DETERMINATION AND CATEGORIES

OF ELIGIBILITY

- C) A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child's eligibility for speech-language services. This may include assessments in the areas of health (e.g. ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- D) The evaluation is sufficient to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been referred or classified [34 C.F.R. 300.304(b)(4)] 34 C.F.R. 300.304(b)(6).
- E) Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice impairment on the child's educational performance.
- F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)m[34 C.F.R. 300.304(b)(i)].

2. Eligibility:

- A) Determining eligibility for speech-language impaired special education services includes three components:
 - 1) The Speech-Language Pathologist determines the presence or absence of speech- language impairment based on Georgia rules and regulations for special education, [34 C.F.R. § 300.8(c)(11)]
 - 2) Documentation of an adverse effect of the impairment on the child's educational performance
 - 3) The team determines that the child is a child with a disability [34 C.F.R. 300.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. *34 C.F.R. 300.8(b)(2)]
- B) Eligibility shall be determined based on the documented results of at least two or more measures or procedures, at least one of which must be formal, administered in the area of impairment and documentation of adverse effect.

3. A speech-language disorder does not exist if: .05-25 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

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

- B) A child exhibits inconsistent, situational, transitory or developmentally appropriate speech- language difficulties that children experience at various times and to various degrees.
- C) Because children who have communication difficulties do not necessarily have speech or language impairments, the speech-language program may not be the appropriate service delivery model to adequately meet the child's educational needs. For this reason, all children who are suspected of having communication problems shall be the subject of a Student Support Team (SST) to problem solve and implement strategies to determine and limit the adverse effect on the child's educational performance.

D) For nonverbal or verbally limited children and those with autism and/or significant intellectual, sensory, or physical disabilities, a multidisciplinary team of professionals shall provide a functional communication assessment of the child to determine eligibility for speech- language services. The multidisciplinary team shall consist of professionals appropriately related to the child's area of disability.

E) A child is eligible for placement in a speech-language program if, following a comprehensive evaluation; the child demonstrates impairment in one or more of the following areas:

- speech sound,
- fluency,
- voice or
- language that negatively impacts the child's ability to participate in the classroom environment.

The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, must be documented in writing and used to assist in determining eligibility.

Placement:

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

Children shall not be excluded from a speech-language program based solely on the severity of the disability. Cognitive referencing (i.e., comparing language scores to IQ scores) is not permissible as the only criteria for determining eligibility for speech-language impaired services.

Definition

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the child's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)]

Eligibility

- (1) Evaluation for eligibility shall include the following.
 - A) A summary of the child's pre-injury functioning status. This information may be available through previous formal evaluations, developmental assessments, achievement tests, classroom observations and/or grade reports.
 - B) Verification of the TBI through the following:
 1. A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or
 2. Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.
 - C) A neuropsychological, psychological or psychoeducational evaluation that addresses the impact of the TBI on the following areas of functioning:
 1. Cognitive - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.
 2. Social/Behavioral - this includes areas such as awareness of self and others, interaction with others, response to social rules, emotional responses to everyday situations and adaptive behavior.
 3. Physical/Motor - this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance.
 - (2) Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance shall be documented. 160-4-7-.05-28
- ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

Placement and Service Delivery

The identification of TBI for educational programming does not dictate a specific service or placement. The child with TBI shall be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP) Team minutes.

Definitions

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

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

Eligibility and Placement

- (1) A current (within one year) eye examination report shall be completed and

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

Copies of the complete psychological evaluation as well as a copy of the Eligibility Determination will be provided to parents, as well as a copy of the IEP, if appropriate.

Professional Learning/Monitoring

The Special Education Director of Social Circle City Schools will provide high quality sustained professional learning activities on the written procedures for all special education teachers and personnel to assist with the implementation of the Eligibility Determination Rule. All special education teachers complete Compliance Modules each month during Special Education Department meetings to monitor and assess levels of understanding and compliance of teachers. New teachers to the district receive more direct support from the GO IEP coordinator in the district at the school level. The Special Education Director monitors the GO IEP Dashboard each day for adherence to timelines and eligibility dates. When an individual school or teacher is found to be out of compliance, on going technical assistance and careful monitoring is provided by the special education director. If the issue continues, the building level principal is involved and intensive technical assistance is provided as well as a Corrective Action Plan is implemented. To assist with monitoring, the Special Education Director attends all initial eligibility meetings within the school district and reviews and reads all eligibility reports for compliance, as well as all IEPs. The special education director provides corrective written feedback when concerns are noted on each IEP. When or if a problem arises, the Special Education Director meets with the School Psychologist prior to the IEP meeting, to review concerns.

State Rule: 160-4-7-.13- Private Schools

LEA Privately Placed or Referred Students
Parental Placement in Private School and LEA Offer of
FAPE
Provision of Written Notice by Parent to Place in Private
School
Reimbursement and Limitations on Reimbursement for Private School
Placement
Home-schooled Students
Child Find Process and Children in Private Schools
Part B and Related Services for Private School Students
Provision of IEPs and Service Plans to Privately-placed
Students
Consultation with Private Schools for Child Count
Private School Representatives at IEP Meetings
Equitable Services Determination and Limitations of
Service
Materials Provision: Secular, Neutral, Non-ideological
Location of Services and Transportation
Provision of Property, Equipment and Supplies to Private Schools

Procedures for Children with Disabilities in Private Schools or Referred by Social Circle City
Schools

If the Individualized Education Program (IEP) team, including the parent, decides that the most appropriate placement for a student is in a private school;

- Social Circle continues to be responsible for making sure that the student receives the special education and related services included in the student's IEP and that those services are provided at no cost to the parent
- Social Circle should make sure that the education provided at the private school meets the standards that apply to other students with disabilities and that the student and parent continue to have all the same rights that other students with disabilities and their parents have. A district representative must visit the private school at least annually. Ultimately, Social Circle City Schools remains responsible for ensuring free appropriate public education (FAPE) when the student is placed in the private school.
- The IEP team, with all of the appropriate members including the parent, private school or facility staff, and district representative will develop the IEP for the child. IEP team members may participate in the meeting through a conference call or other means. The district will ensure that the parent can attend at no cost to the parent.

The **parents may also notify the school system** in writing, at least 10 days prior to removing the child from public school, that they disagree with the IEP and placement and want the school system to reimburse them for the private school tuition.

Districts may apply for grant funds if the child is placed in a private school or facility that is approved by the Georgia Department of Education (GaDOE). If the private school is out of the state, it must be on the approved list of the state where the school is located.

If a parent or private school staff suspects a child of having a disability, Social Circle City School system will conduct an evaluation within established legal guidelines.

- The child must pass hearing and vision screening. The Social Circle City School System can conduct a hearing/vision screening at the home school (with consent), or parents may obtain hearing/vision screening from the child's physician or the health department.
- The parent will also be asked to provide information about the child on the *Confidential Parent Questionnaire* and to sign the *Consent for Evaluation* along with providing some feedback on checklists.
- Parents and private schools are asked to provide documentation of interventions tried prior to referral. The feedback will help the evaluator identify the student's deficits in the area(s) of suspected disability.

Once a request for an evaluation is received, the referral packet is mailed to the parent.

When all items of the packet are returned, including interventions attempted and *Consent for Evaluation* is signed, the school psychologist schedules the evaluation.

The Social Circle City Schools System will evaluate private school/home school students within the Georgia Department of Education sixty (60) day timeline requirement.

Once testing is complete:

- the Director of Special Education is notified so an Eligibility/IEP meeting can be scheduled
- If the student is eligible for special education services, the IEP team will develop an IEP (if the student is a resident within the district) and offer these services if the parent enrolls the student into a Social Circle School.
- If the parent chooses to enroll the child, the IEP team will project the implementation date of the IEP forward to a date when the child will be enrolled
- If the parent chooses to continue the student's placement in a private school, then the IEP minutes will reflect this decision. When students are placed in private or home school, the school district may consider some services
- Social Circle City Schools has agreed to use its private/home school allocation to provide technology to those students found eligible for Speech/Language services, for as long as the funding for the allocation is available for the 2017-2018 school year

Social Circle City Schools is not required to pay for the cost of education, including special education and related services for the child parentally placed at a private school, if the district made FAPE available for the child.

Private school placement may occur in three circumstances:

1. First, when the public school determines that it cannot provide free appropriate public education (FAPE), the public school must identify and pay for a private school to provide services. This is at no cost to the parent.

(2.) Second, a parent may remove the child from public school at any time and enroll the child in private school. Under certain circumstances the parent may request reimbursement from the school district to pay for the private placement. The parents must tell the IEP team they disagree with the proposed IEP and placement and want the school district to reimburse them.

The parents may also notify the school district in writing, at least 10 days prior to removing the child from public school, that they disagree with the IEP and placement and want the

school district to reimburse them for the private school tuition.

If the public school asks to evaluate the child during the 10 day period and the parents refuse, then reimbursement may be denied.

If the parents want to be reimbursed for all the costs of private school and the district does not agree to it, the parties must go before a due process hearing officer to determine whether the public school provided FAPE.

(3.)Third, the parent may choose to use a private school instead of public school at the parent's expense, in which case, FAPE is not an issue.

When the student is in private school by parent choice, the student and the parent lose their individual rights to special education services.

When students are placed in private or home school, the school district may consider some services. The Special Education Director of Social Circle City Schools has more information. Georgia offers a Special Needs Scholarship Program that allows *eligible* students to transfer to another public school or to use a state-funded scholarship to attend an approved private school.

The parents may also notify the school district in writing, at least 10 days prior to removing the child from public school, that they disagree with the IEP and placement and want the school district to reimburse them for the private school tuition.

Reimbursement for Private School Placement

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

The cost of reimbursement described above may be reduced or denied if

- At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the local education agency, the parents did not inform the IEP Team that they were rejecting the placement proposed by the school system 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.
- At Least 10 business days prior to the removal of the child from the local education agency, the parents did not give written notice to the school system that they were rejecting the placement proposed by the school system to provide a FAPE to the child and did not state their concerns or their intent to enroll the child in a private school at public expense
- If, prior to the parent's removal of the child from the school system , the system informed the parents through the notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation that was appropriate and reasonable, but the parents did not make the child available for

evaluation

- Upon a judicial finding of unreasonableness with respect to actions taken by the parents

Exception to Limitation of Reimbursement:

The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the local education agency described above, if:

- The school prevented the parents from providing the notice ;
- (ii) 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 above; or
- (iii) 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 school system described 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.

Children who live in within the school district and are **home-schooled** are also considered parentally-placed private school students. It is the responsibility of Social Circle City Schools to locate, identify, and evaluate all private schools children with disabilities enrolled by their parents in private (including religious, elementary and secondary schools) located within the school district. Social Circle City Schools consults with appropriate representatives of private school children with disabilities to carry out Child Find activities. These activities are similar to those undertaken for the public school children and completed in a time period comparable to that for children attending public schools.

Social Circle City Schools is required to carry out **child find** activities to locate, identify, and evaluate children attending the **private schools** within the jurisdiction of the district. The district must consult with representatives of the private school to complete child find activities. These activities must be similar to activities undertaken for the children in the district and must be completed in a timely manner comparable to other children attending the district. Child find activities include any parentally-placed children who attend a private school within the jurisdiction of the district, even if the student resides in a different district or in a state other than Georgia.

Social Circle City Schools always accepts responsibility to conduct child find for any of its residents. When a child is enrolled in a private school in another district, then both districts have an obligation, and they work together so as not to delay access to the Child Find activities.

When the student is in private school by parent choice, the student and the parent lose their individual rights to special education services; however, to the extent consistent with their number and location in the state, provisions are made for the participation of private school children with disabilities in programs provided under **Part B of the Individuals with Disabilities Education Act (IDEA) by providing children with special education and related services** in accordance with this section. No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Consultation Process

The consultation process is important to ensure the provision of equitable services. Consultations with the representatives of private schools, parents of private school students, and parents of home-schooled students must be timely and meaningful. Consultation requirements include:

- 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 special education 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.

Consultation Process for Private School Families and Home-Schooled Families

- *Child Find letters are sent yearly
- *Information and contact numbers/email addresses are accessible from the District Special Education Secretary
- *Home Schooled Reports are kept by Title I and shared with the Special Education office
- *Letters are mailed to parents of private/home school students inviting them to participate in Social Circle City Schools planning meetings
- *Shared at the meeting are services provided with Proportionate Share funds
- *Shared at the meetings are how the process will operate throughout the school year; how, where, and by whom the special education and related services will be provided; how funds will be apportioned if funds are insufficient; how and when those decisions will be made
- *Social Circle City Schools will initiate and conduct the meetings to develop, review, and revise service plans
- *All service plans must contain a statement of the special education and related services, and supplementary aids and services, to be provided to the child; be in effect at the beginning of each school year, and be developed, reviewed, and revised periodically, but not less than annually, in accordance with Georgia Rules

The district must obtain a written affirmation signed by the representatives of the participating private schools as documentation of the consultation process and must be prepared to submit this documentation to the GaDOE upon request.

If the private school officials believe that the district did not engage in the consultation in a meaningful or timely manner or did not consider the views of the private school officials, it may submit a complaint through the Formal Complaint Process to the GaDOE. If the private school is not satisfied with the decision of the GaDOE, they may submit the complaint to the United States Department of Education (USDOE).

When the Individual and subsequent **Individual Service Plans** are developed, Social Circle will ensure that a **representative of the private school attends the meeting**. If the representative cannot attend, Social Circle shall use other measures to ensure participation, including individual or conference telephone calls.

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the district. The district only has an obligation to provide these children an opportunity for **equitable** participation in the services funded with Federal Part B dollars that the district has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. The district will make the final decisions regarding services to be provided prior to the start of the school year.

- For children **ages 3-21**, Social Circle is required to expend an amount that is the same proportion of its total Part B of IDEA flow through funding as the number of private school children with disabilities, ages 3-21, residing in its jurisdiction is to the total number of children with disabilities, ages 3-21, in its jurisdiction
- For children **ages 3-5**, Social Circle is required to expend an amount that is the same proportion of its IDEA preschool funding as the number of private school children with disabilities, ages 3-5, residing in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.

If a private school/home school student is found to be eligible for Speech/Language services, an **Individual Service Plan** (ISP) will be developed to provide Speech/Language services. Services will be provided at the private school. The Individual Service Plan (ISP) will be reviewed annually. An **Individual Education Plan** (IEP) will be offered if the student intends to enroll in Social Circle City Schools; and if the student does not enroll, a new Service Plan will be written as long as the student remains eligible. When the Individual and subsequent Individual Service Plans are developed; Social Circle will ensure that a representative of the private school attends the meeting. If the representative cannot attend, Social Circle shall use other measures to ensure participation, including individual or conference telephone calls.

Equitable services will be provided. Services provided to private school children with disabilities will 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, however, parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

Social Circle City Schools works with private schools and parents to determine most appropriate options in order to provide a student with FAPE.

The Social Circle Special Education Director works with the parent and private school to determine options for locations of services and transportation. Services may be provided at the private school or children may be transported to the public school or community setting to receive services.

Transportation may be provided by the system but cannot transport the child from home to the private school. Transportation costs will be included in calculating whether the system has met the requirements of proportionate funding.

Social Circle City Schools controls and administers the funds used to provide special education and related services and holds title to and administers materials, equipment, and property purchased

with those funds. The system ensures that the equipment and supplies placed in a private school are used only for special education purposes and can be removed from the private school without remodeling the private school facility. The school district will ensure all materials purchased for private school use will remain **secular in nature, neutral, and non-ideological. Equipment and supplies may be removed from a private school by Social Circle if they are no longer needed for special education purposes or the removal is necessary to avoid their unauthorized use for other than special education purposes.**

To meet the requirements for provision of services to parentally-placed private school children, Social Circle City Schools follows these guidelines:

For children ages 3-21, the district must expend an amount that is the same proportion of the district's total Part B of the IDEA flow-through funding as the number of private school children with disabilities, ages 3-21, attending private and home schools in its jurisdiction is to the total number of children with disabilities in its jurisdiction.

For children ages 3-5, the district must expend an amount that is the same proportion of the district's preschool funding as the number of private school children and home-schooled children with disabilities, ages 3-5, attending private and home schools in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.

If the district has not expended all of the funds required by the end of the fiscal year, the district must carry over funds for a period of one additional year to be used for proportionate share.

The district must consult with representatives of the private school in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.

The district must ensure that the child count is done on October FTE-1 of each year since this count is used to determine the amount the district must spend in the following fiscal year.

Parentally-placed private school provisions are to be applied to preschool-aged children only when these children who are eligible for a service plan attend private nonprofit elementary school (grades K and higher).

Preschool students who attend private preschools within their district of residence are served by the district through an IEP.

Parentally-placed private school preschool students who attend private preschools (that are not considered elementary or secondary schools) outside their residential district are not entitled to services from that district.

Each district must maintain records and report to the GaDoe the following information related to parentally- placed private school children:

The number of children evaluated

The number of children determined to be children with disabilities

The number of children served

Monitoring of Proportionate Share Funds

*Service Plans will be developed and implemented for each private school student with disabilities who will receive services from the school district. Social Circle City Schools will initiate and conduct the meetings to

develop, review, and revise service plans.

- *All service plans are written in GO IEP

- *The Special Education Director of Social Circle City Schools will attend all private school meetings, read and provide feedback on all service plans and will monitor all plans

- *The Special Education Director will remain in close contact with the SLP for updates on all students

- *During each fiscal year, at the end of March, Proportionate Share fund balances are reviewed

- *if materials are purchased with Proportionate Share funds, materials/equipment are marked as such

- *If Social Circle City Schools has not expended all of the funds required by the end of the fiscal year, the district must carry over funds for a period of one additional year to be used for Proportionate Share

- *Social Circle City Schools will ensure that the Child Count is completed and accurate in October FTE-1 of each year.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for serving students in private schools. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. Yearly TKES evaluations will be impacted for those teachers who continue to have difficulty, after technical assistance has been provided, with policies and procedures for serving students in private schools. The Special Education Director attends all meetings at the private school and reads and provides feedback to teachers on the Service Plans.

Section 2:

Area of General Supervision II: Services and Supports

State Rule 160-4-7-.07- Least Restrictive Environment (LRE)

LRE requirements: Written policies and procedures exist

Annual IEP placement determination

Full continuum of alternative
placements

Location of services

Preschool placements and
services

School age placements and
services

Non-Academic and extracurricular settings

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

To the greatest extent appropriate, a parent has the right to have his or her child placed in general education classrooms. Also, a parent has the right for his or her child to participate in all school programs and activities with other children without disabilities. To the greatest extent appropriate Social Circle City Schools must make accommodations (supports) and modifications (changes) so the child can participate in all school programs and activities;

- The parent has the right for his or her child to participate in non-classroom and extracurricular activities (such as lunch, recess, counseling, sports and clubs) to the same extent as a non- disabled child;
- The parent has the right for the IEP team to consider a variety of different special education services to meet the needs of his or her child in the least restrictive environment;
- The parent has the right to have supplementary aides and services (extra support) provided to allow his or her child to remain in regular classes as much as appropriate before considering whether to remove the child from the general education classroom; and
- The parent has the right to have his or her child placed in the neighborhood school unless the IEP team determines otherwise.

Annual IEP Placement Determination

Special education is a service and **not a place** and so in determining the educational placement of a child with a disability, including a preschool child with a disability, Social Circle City Schools ensures that the placement decision is made by a group of persons (the IEP Team), including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions contained in this rule. After the IEP team has reviewed all required information and developed an IEP, it must make the decision as to where services need to be delivered in order to enable the student to receive a free appropriate public education in the least restrictive environment. Placement decisions should start with the expectation that services will be provided in the general education setting and should be made on a subject by subject basis. The placement decision should be fully supported by the present levels of academic achievement and functional performance and by the level of supports and accommodations/modifications the student requires to access the curriculum.

Social Circle City Schools ensures that **the full continuum of alternative placements** includes options that must be available such as general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Provisions for supplementary aids, services, and supports such as resource rooms or specialized instruction in small group and/or instruction from itinerant teachers who provide services in several schools, must be made available.

A variety of **placement options are available for preschool students with disabilities**. The IEP team should consider the full continuum of options when making the placement decision for a preschool child with a disability. Options include:

Additional supportive services

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

Direct services

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

Placements for children not attending a regular early childhood program:

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

A continuum of placements will be considered by the IEP team for **school-aged students** with disabilities and must include the following:

Support in general education

settings: Support services

- Personnel supports from paraprofessionals, interpreters, or others
- Support from itinerant

teachers Direct special education

services

- Consultative services
- Collaborative services
- Co-teaching services
- Support from an itinerant teacher

Other placement options, including:

- Special education pull-out classes
- Special schools
- Private schools
- Home instruction -- Home-Based instruction may be used as a short-term placement option on occasions when the parent and school system agree at an IEP meeting with the following considerations:
 - A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
 - home-based services must be reviewed no less than quarterly by the IEP team; and
 - all IEPs that require home-based placements will include a reintegration plan for returning to the school setting.

Hospital/Homebound

Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. Social Circle City Schools provides hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

Social Circle does require that a completed medical referral form signed by a physician is obtained. The form must state that it is anticipated that the student is unable to participate in instruction and will be absent for at least ten consecutive school days or has a chronic health condition that will cause absences over an intermittent time period. When that situation occurs, the IEP team meets to review the IEP, consider the medical referral, and make necessary changes to the IEP as appropriate. When the IEP team considers hospital/homebound services, it is important to note that the final determination of services, the setting, and delivery method rests with the IEP team. The medical referral provides a medical opinion on the student's treatment; however, the referral is not a guarantee that hospital/homebound services will automatically be provided. The medical opinion must be considered by the IEP team as part of determining the services and setting(s) for the student. If the IEP team places the student in the hospital/homebound setting, it should also include a plan in the IEP for reintegrating the student into the school setting in the future. If a student with a disability is hospitalized outside of his or her home-school district, the responsibility for the student's hospital/homebound services remains with the school district in which the student lives. The district where the student lives may contract with the hospital to provide instructional services, contract with the district in which the hospital is located, or contract directly with appropriately certified teachers in that geographic area.

Many times it is very helpful to the team to have the practitioner who provided the hospital/homebound referral participate via a conference call in the IEP team meeting.

Consultative Services

Consultative services involve special education or related service providers consulting with the classroom teacher and working directly with the student for at least one class period a month. Collaborative or co-teaching services call for special education or related service providers to collaborate in the general classroom with the classroom teacher for a portion of a class period or for the full class period.

Social Circle City Schools ensures that each child with a disability participates with nondisabled children in **non-academic and extracurricular services and activities** (including meals, recess periods, and other services and activities) to the maximum extent appropriate to the needs of that child. The school system ensures that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school employment of students, including both employment by the public agency, and assistance in making outside employment available.

Social Circle City Schools ensures that supplementary aides and services determined appropriate by the IEP team are provided in order to allow children with disabilities an equitable opportunity for participation in nonacademic and extracurricular activities.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for providing services to students in the Least Restrictive Environment. Teachers will be administered monthly Compliance Modules during Special Education Department meetings to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. Once a teacher has been provided technical assistance and problems continue with providing services to students in the Least Restrictive Environment, noncompliance will then be documented in the yearly TKES evaluation. New teachers to the district receive more direct support from the building level special education team leader.

State Rule: 160-4-7-.10- Discipline

Relationship of general code of conduct to IEP
Interim alternative settings and
10-day rule
Manifestation Determination
Functional Behavior
Assessment
Behavior Intervention
Plan
Special Circumstances: Weapons, illegal drugs,
injury
Provision of notification of change of
placement
Appeal process
Placement during appeal
Protections for children not yet eligible
Referral to law enforcement and judicial authorities
Change of placement due to disciplinary removal

Relationship of General Code of Conduct to IEP

Parents, students, educators, and administrators need to know what Social Circle City Schools 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. Social Circle City Schools adopts and fully accepts the Georgia Rules for Special Education.

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

Social Circle City Schools is a PBIS-Positive Behavioral Intervention and Supports-School System. Each school created a student code of conduct that supports the PBIS researched based interventions.

Interim Alternative Settings -10 day Rule

Social Circle personnel consider any unique circumstances on a case-by case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, such as Social Circle's Alternative School, or other setting or suspension, for not more than **10 consecutive school days** (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under this Rule). After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school system will provide services to the extent required under this Rule.

Students with disabilities who are in In-School Suspension (ISS) must continue to have access to the general curriculum and to progress toward the goals in the IEP in order for ISS not to be considered a removal and not to be counted toward the 10 days of suspension.

Students with disabilities should be expected to follow the code of conduct. A student with a disability, who has an Individualized Education Program (IEP) in effect, can be removed to OSS, another setting, or an appropriate interim alternative educational setting, just as any other student without a disability can, for up to a total 10 school days, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided if the removal is for 10 or fewer school days in the school year.

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

After a student has been removed for 10 school days in the same school year, and a subsequent removal is not for more than 10 consecutive days and is not a change in placement, then the district personnel and at least one of the student's teachers must determine the extent of services needed so the student can continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

Manifestation Determination

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

In making this determination, the district, the parent, and relevant members of the IEP team (as determined by the parent and the district), will review:

- the student's IEP
- the student's behavior intervention plan
- any relevant teacher observations
- any other information provided by parents

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the district's failure to implement the IEP, then the behavior is a manifestation of the student's disability. In this case, if the student does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavior intervention plan to address the behavioral violation. If the student already has a behavior intervention plan that addresses the conduct in question, the IEP team must review and modify it as necessary to address the behavior.

If the IEP team finds that the student's behavior was not a manifestation of the student's disability, the same disciplinary actions can be imposed on the student with a disability as those imposed on any student. If these actions include expulsion, the IEP team must determine how the student will continue to receive educational services that allow him or her to continue to participate in the general education curriculum and progress toward meeting the goals in the IEP. In addition, the IEP team, if appropriate, will conduct a functional behavior assessment and develop a behavior intervention plan.

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

Special Circumstances: Weapons, illegal drugs, injury

Certain serious behavior problems can lead to a student being moved to an interim alternative educational setting (Social Circle Alternative School) for up to 45 school days, even if the conduct is determined to be a manifestation of the student's disability. Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing. These offenses involve:

Weapons—If a student carries or possesses a weapon

- to school
- on school premises
- at a school function

Drugs—If the student knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances

- at school
- on school premises
- at a school function

Serious bodily injury—If a student has inflicted serious bodily injury upon another person

- at school
- on school premises
- at a school function

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 The Social Circle City Schools District Code of Conduct, the school system will notify the parents of that decision, and provide the parents

the Procedural Safeguards Notice/Parent Rights in Special Education.

Decisions that can be appealed by a parent:

A parent may appeal
the manifestation determination and
the selection of an interim alternative educational setting regarding the issues of weapons, illegal drugs or controlled substances, or serious bodily injury.

The district can appeal any decisions related to discipline if the district believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

If an appeal by a parent or district occurs:

An expedited due process hearing occurs within 20 school days of the date the hearing is requested. A determination must be made by the administrative law judge within 10 school days after the hearing.

Appealing the hearing officer's decision on an expedited due process hearing:

The parent or the district may appeal the administrative law judge's opinion consistent with Rule 160-4- 7:10 Dispute Resolution.

Student's placement when an appeal under the Discipline Rule is made:

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting pending the hearing decision or until the expiration of the 45 school day time period if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise. The student does not stay put in his or her special education placement that was in place prior to the placement at The Alternative School in Social Circle.

Protections in place for a student who has not been determined as eligible for special education and related services and who has violated the code of student conduct:

A student may assert protections under the Discipline Rule if the district had knowledge that the student was a student with a disability.

How to determine that the district had knowledge that the student was a student with a disability: A district is deemed to have knowledge that a student was a student with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

The parent expressed concern that the student was in need of special education and related services. This concern must have been expressed in writing to supervisory or administrative personnel in the district, or to a teacher of the student.

The parent requested an evaluation of the student (consistent with Rule 160-4-7-04 Evaluation and Reevaluations).

The teacher of the student, or other district personnel, expressed specific concerns about a pattern of behavior of the student. These concerns must have been expressed

directly to the local special education director or other district supervisory personnel.

If a student becomes involved in a disciplinary action and has been previously evaluated and determined ineligible for services, the district's responsibility are as followed. In addition, if a parent requests an additional evaluation, the district's responsibilities are as followed.

The district is not deemed to have knowledge that a student is a student with a disability if the parent has refused services or the student has been evaluated and found ineligible for services.

If a parent requests an evaluation of a student during the time in which a student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the student remains in the educational placement determined by district authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the district must provide special education and related services.

Social Circle City Schools may report to **law enforcement and judicial authorities** criminal acts committed or suspected by a student with a disability. Nothing in the Discipline Rule prohibits district officials from reporting criminal activity allegedly committed by a student with a disability.

In the circumstance that Social Circle City Schools reports a crime committed by a student with a disability, copies of the student's special education and disciplinary records should be sent to the agency to which the crime was reported, but only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

A change of placement occurs:

If the **disciplinary removal** is for more than 10 consecutive days or

If the removal is part of a series of removals that constitutes a pattern.

- A series of removals totals more than 10 school days in a school year

- The behavior is substantially similar to previous incidents that required removal; and

- The length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another have been considered.

The school 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.

1. Short Term Removals: Not Exceeding 10 Consecutive School Days, and Not Cumulating to More Than 10 School Days

- a. Services Required:** None, 34 C.F.R 300.530(d)(3)

- b. IEP Meeting Required:** No, but if a long term suspension or expulsion is anticipated, conduct a manifestation determination within 10 days, and prior to

formal disciplinary hearing.

2. Next Short Term Removal that Includes the 11th Cumulative Day and Each Subsequent Short Term Removal (but does not constitute change of placement)

- a. **Services Required:** Those, if any, that are necessary to enable the student to participate in the general curriculum (although in another setting), and progress toward meeting the goals in the IEP and the location of the services. 34 C.F.R. 300.530(b)(2), 300.530(d)(4)
- b. **IEP Meeting Required:** No, no manifestation determination is required.

3. Services Determined by Whom: District officials, (General Education Administrator, Director of Special Education, and the student's special education teacher. 34 C.F.R. 300.530(d)(4).
Rule 160-4-7-10

- a. **If Challenged:** N/A

4. 45-Day Alternative Educational Settings

- a. **Services Required:** Services are provided in Social Circle Alternative School
- b. **IEP Meeting Required:** IEP meeting is not required
- c. **Services Determined by Whom:** School personnel and/or IEP Team
- d. **If Challenged:** Student remains in Social Circle Alternative School until conclusion of appeal process

1. First 10 School Days

- a. **Services Required:** None, 300.530(d)(3). However, if this removal includes the 11th cumulative day and any subsequent day of removal in a school year, required services are those that are necessary to enable the student to:
- b. Participate in the general curriculum, although in another setting, and
- c. Progress towards meeting the goals set in the IEP. 34 C.F. R. 300.530.(b)(2), 300. 530(d)(4)
- d. **IEP Meeting Required:** Not required.
- e. **Services Determined by Whom:** If removal includes the 11th day, or any subsequent day, district officials (District Administrator, Special Education Director, and special education teacher). 34.C.F.R. 300.530(d)(4) 160-4-7-10
- f. **If Challenged:** N/A

2. A Removal for More Than Ten Consecutive Days, or Another Removal That Cumulates To More Than 10 School Days, and Shows a Pattern Constituting a Change of Placement

- a. **Services Required:** Those services necessary to enable the student to participate in

the general curriculum, although in another setting and progress toward achieving the goals in the IEP and, if the behavior is a manifestation of the disability or it is otherwise appropriate, an FBA and BIP designed to address the behavior so it does not recur. 34 C.F. R. 300.530(d)(5)

- b. IEP Meeting Required:** Yes, to make a manifestation determination (notice of action and procedural safeguards immediately, and meeting within 10 school days) 34 C.F. R. 300.530, 300. 530(h), or if the behavior is a manifestation of the disability or if otherwise appropriate, to develop an FBA plan and BIP to review existing BIP and its implementation and make any changes needed to address the behavior.
- c. Services Determined by Whom:** IEP team determines services and place where the services will be provided. 34 C.F. R 300. 530(d)(5)
- d. If Challenged:** Stay in Disciplinary Placement. 34 C.F. R 300.533

1. 45-Day Alternative Educational Setting (Weapons, Drugs or Serious Bodily Injury) 34 C.F.R. 300.530(g)

- a. Services Required:** Same as above and 34. C.F.R. 300.530 (d)(1)
- b. IEP Meeting Required:** Yes. Same as above, and determine the alternative educational setting.
- c. Services Determined by Whom:** IEP Team determines services. 34 C.F. R> 300. 530(d)(5)
- d. If Challenged:** Alternative Educational Setting pending H.O. decision or end of 45 school days, or by agreement. 34 C.F.R. 300.33. Process may be repeated. 34 C.F.R. 300.532 (b)(3).

2. 45-Day Alternative Educational Setting Ordered by the Hearing Officer (Dangerous Behavior) 34. C.F. R. 300. 532 (a), 300.532 (b)(2)(ii).

- a. Services Required:** Same as above.
- b. IEP Meeting Required:** Yes. Same as above.
- c. Services Determined by Whom:** Proposed by district officials (District Administrator, Special Educator Director, and special education teacher). Review by Hearing Off. 34 C.F.R. 300. 532 (b)(2)(ii).
- d. If Challenged:** Same as Above

Professional Learning/Monitoring

The Special Education Director ensures written procedures are in place for the Discipline Rule and provides sustained professional learning activities for all special education teachers as well as District leaders within the school district. Discipline matters and procedures are discussed throughout the year at DCT (District Change Team)meetings and individual student cases are discussed privately with principals as needed when problems arise. The Director of Student Services reviews all Code of Conduct policies for each campus and meets with principals to ensure policies are followed in accordance with all regulations.

Social Circle City Schools is a PBIS district and approaches discipline in a proactive manner. Each school within the district provides ongoing professional learning to staff and plans activities and strategies for promoting PBIS initiatives. PBIS district meetings are held quarterly by the PBIS District Coordinator and data is reviewed by the special education director for data trends. If concerns

arise, the special education director meets with principals to discuss alternatives to suspensions and removals. When discipline procedures are not being followed for special education students, the special education director contacts the school superintendent for assistance. The special education director works closely with the district PBIS coordinator as well as the Data resource clerk to analyze all data. The Special Education Director also reviews ABC charts each month for concerns related to discipline and monitors contacts to parents concerning discipline. When needed, BIPs and FBAs are developed or revisited to accommodate student needs. New teachers to the district receive more direct support from their school level assigned mentors and special education team leaders. Teachers who are found to be out of compliance with policies and procedures are placed on a Corrective Action Plan. Schools that do not follow procedures are provided technical assistance by the special education director. If problems continue after technical assistance is provided, the school Superintendent is notified of concerns.

State Rule: 160-4-7-.06- Individual Education Program (IEP)

Definition of IEP Team

Required sections of the IEP:

- Present level of performance
- Assessments and identified needs (academic, functional, developmental)
- Effect of the disability
- Parental concerns
- Consideration of special factors
- Measurable annual goals
- Benchmarks/short-term objectives for students on alternative assessment
- Criteria for measurement of goals/objectives
- Progress reporting and schedule
- Plan for services (special education, related services, modifications/accommodations, positive behavioral supports) with frequency, location, and duration of services
- Consideration of assistive technology
- Explanation for exclusion of participation with non-disabled peers
- Testing accommodations or modifications
- Consideration of ESY

Transition Services

- Appropriate post-secondary goals
- Transition services required to meet goals
- Student involvement: Preferences and interests
- Representative of

participating agency

Transfer of Rights

Excusal of IEP Team Member

Transition for children birth through 2 – Part C

Parent participation in IEP: Notification and invitation

IEP/ISP

- Conducted within 30 days of determination
- Current within year
- Accessed by all service providers

Inter and Intra – state transfer of students with IEPs

FERPA and transmittal of records

Review and revision of the IEP

Definition of IEP Team

THE IEP TEAM is a group of individuals that is responsible for developing, reviewing, or revising an IEP for a child with a disability. The Individualized Education Program (IEP) serves as the framework for determining the meaning of the term “free appropriate public education” in the least restrictive environment, a term frequently referenced in the IDEA. IEPs must be developed and reviewed annually and must be in effect at the beginning of each school year. The IEP may be reviewed more

than once a year if the parent or the district requests a review.

Social Circle City Schools ensures that each IEP Team meeting includes the following participants:

- (a)** The parents of the child;
- (b)** Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (c)** Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- (d)** A representative of the local education agency who -
 - 1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - 2. Is knowledgeable about the general education curriculum; and
 - 3. Is knowledgeable about the availability of resources of the school system
- (e)** An individual who can interpret the instructional implications of evaluation results, who may be a member of the team
- (f)** At the discretion of the parent or the local educational agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel and
- (g)** Whenever appropriate, the child with a disability.

Excusal of IEP Team Member

- (a)** A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the school system agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- (b)** A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:
 - 1. The parent, in writing, and the school system consent to the excusal; and
 - 2. The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

Individual Education Program Overview

An Individualized Education Program (IEP) must be developed for every disabled student who is or will be receiving special education services. This IEP becomes the important document that insures the special education student is provided appropriate educational services based on his/her special needs. The IEP is not a binding contract, for which Social Circle is responsible if the student does not achieve the growth projected in the goals and objectives. However, it assures that the school system will provide the special education and related services as outlined in the IEP. Additionally, any changes in special education and/or related services for a student are documented in the IEP.

The parents/guardians are notified of the proposed date, time and location of each IEP meeting in order to give them sufficient time to make arrangements to attend or to contact the school to reschedule the meeting. The parents are sent written notice on the Meeting Notification Form found in the Georgia On- Line IEP Program regarding the meeting date and time. Social Circle City Schools must give the parents every opportunity for a convenient, mutually agreed upon meeting time as well as the option to reschedule so that the parents may attend.

An Individual Education Program (IEP) is required for each student who is served in the Special Education Program and is reviewed at least annually. The IEP is developed to meet the special needs

of the student as identified by the assessments, observations, and other data collected during the referral/eligibility process. The IEP is developed after the student is determined eligible for services.

The IEP Team Meeting provides an opportunity for all stakeholders involved in the education of the student to meet to determine eligibility as well as discuss appropriate options to meet the individual educational needs of that student. Required members of the IEP Team include the general education teacher, the special education teacher, a representative from the school system, and the parents (unless they indicate the meeting should proceed without their presence). Other people may be invited to the team meeting at the request of the school and/or parents (such as related services providers, counselors, the school psychologist, etc.) The student, as appropriate is invited to his/her IEP meeting at any time; however, students at age 14 and above attend their IEP meetings.

The annual IEP should include the following sections:

- A description of the student's academic, developmental, and functional performance
- A description of how the student will be included in the general curriculum;
- The annual goals for the student, along with a description of how those goals will be measured,
- A statement of what special education and related services are needed by the student;
- A discussion of how the student will participate in district and statewide assessments or why an alternate assessment is appropriate;
- The accommodations and/or modifications that are appropriate for instruction and assessment; and
- A discussion of the transition services (when appropriate)

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

- The results of the initial or most recent evaluation of the child: This should include a summary of the relevant information from the child's evaluation (not just a listing of scores). This section does not have to include only formal evaluation measures performed on a child. It can include additional formative and summative assessments used for instructional purposes.
- The results of district or statewide assessments: This information must include test scores and must indicate whether the child did not meet, met, or exceeded standards. This should also provide a frame of reference for how the child is performing in comparison to same age peers. In addition, IEPs should include the strengths and weaknesses as indicated by the domains of the subtests.

- A description of academic, developmental, and/or functional strengths and needs:
 - Areas of strength may refer to
 - Academic subjects such as reading, language arts, math, etc.;
 - Developmental areas such as communication, motor, cognitive, social/emotional, etc.;
 - Functional areas such as self-care, social skills, daily living, communication, social/emotional, etc.
- This area should describe **SPECIFIC** needs that impact achievement and must be addressed through the IEP goals and/or objectives or through accommodations.
- Parental concerns regarding the child's education : What is written should be the result of ongoing communication with the parent regarding the child's academics, behavior, performance on goals, and/or future plans. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, this information should be drawn from communication that has occurred over the previous school year.
- Impact of the disability on involvement and progress in the general education curriculum: This section should describe individual characteristics of the child's disability that affect his or her classroom performance. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems, etc. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the student's eligibility category does not adequately describe the impact on involvement and progress in the general education curriculum. Statements should reflect individual needs and not be applicable to a large group of students.

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

IEP goals are written to address an individual student's deficits in order to enable that student to make progress in grade level standards. All students are expected to be working toward grade level standards, so it is not necessary to list those standards in the IEP.

The goals should address the needs described in the present levels of academic achievement and functional performance that will enable the child to progress in the grade level standards-based curriculum. The goals should be written in measurable form and should describe what the student can be reasonably expected to accomplish within one school year.

At times a parent may request short term objectives for a particular area of the IEP even though they may not be required. The district must determine its policy and prepare teachers for the appropriate response to this request. Social Circle City School District will develop short term objectives when requested by a parent or when the IEP team feels they are needed for the student.

In the last reauthorization of the *Individuals with Disabilities Education Act* (IDEA) and the latest Georgia State Regulations, short term objectives are not required for all students in special education. Only those students who participate in the Georgia Alternate Assessment (GAA) are *required* to **have short term objectives**. However, there is nothing that prohibits a system from requiring short term objectives or benchmarks for all special education students. IEPs developed for Pre-Kindergarten students and IEPs written for students who participate in an adaptive curriculum (tested through GAA) require goals *and* objectives. Other IEPs that may be written with goals and objectives are those IEPs for students in special circumstances and objectives included because of teacher professional judgment. All other IEPs for students who participate in standardized tests such as the CRCT and GHS GT/EOCT can be written with measurable annual goals only.

These goals:

- must be skill building—What skills does the student need to develop in order to access, participate and make progress in the general curriculum and school activities?
- must contain a target behavior, condition and criteria—Clear and measurable present levels make writing clear and measurable goals easier.
- must have a data collection strategy that supports the measurability of the goal.

Measurable annual goals are written to address an individual student's deficits to enable that student to *make progress* in grade level standards. All students are expected to be working toward grade level standards, so it is not necessary to list those standards in the IEP.

Goal progress will be assessed and written into progress charts. These charts will be reviewed as needed and at the annual IEP meeting. The progress reports can be used to help determine if a goal should be revisited and adapted to suit the student's ability.

Plan for Services:

Services in General Education Include: Consultation, Supportive Instruction, Collaborative, and Co-teaching.

Services in Special Education Setting Include: resource and self-contained (both considered small group instruction) and now defined as a "**separate class.**"

Related Services include: Occupational Therapy, Physical Therapy, and Special Transportation, Adapted PE, Interpreter, Orientation and Mobility, Counseling, School Health/Nursing Services, School Social Work, Audiology, Diagnostic Services and Psychological Services.

Frequency, location and duration of services will be decided upon in the IEP meeting. The frequency of services, the location and duration of services can be reviewed as needed throughout the school year, and will be reviewed before discontinuing services.

Assistive technology will be considered as needed. The IEP Team will determine what assistive technology resources are available and necessary for the student.

All options considered are discussed and documented in the IEP. Once the options are decided upon,

a WHY statement should be included which describes the extent to which the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities, if this is the case.

Georgia requires all students to participate in grade level district and statewide assessment programs. For any grade where all students are assessed, students with disabilities must participate in the regular assessment, modified assessment, or the Georgia Alternate Assessment (GAA).

The section of the IEP about district and statewide assessments should be as specific as possible and should only identify **testing accommodations the student must have in order to participate in the assessment**. The IEP team may not identify any accommodations that are not on the approved list. If a student must have an accommodation that is not on the list, the IEP team should work with the district testing coordinator who will contact the GaDOE Testing Division to discuss the ramifications of the potential accommodations. Each assessment should be listed by content areas so that accommodations can be individualized.

Classroom testing accommodations should be individualized, determined by subject area, and be as specific as possible. For example, if a student may require additional time to complete tests, it is recommended that the amount of time is specified such as, "50% more time." Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc. Testing accommodations should only be recommended if they are also the student's instructional accommodations, and some instructional accommodations may not be appropriate for testing.

The IEP team shall consider each child's need **for extended school year services annually**. The individual needs of the child shall be considered and may include such factors as:

- The severity of the disability;
- The age of the child;
- Any transitional needs;
- The rate of progress or regression that may limit the child's ability to achieve IEP goals/ objectives;
- The relative importance of IEP goals at issue;
- Whether the child is at a critical point of instruction, such as emerging skills; and
- Whether any delays or interruptions in services occurred during the school year.

If the need for ESY is determined, the IEP team must identify which goals in the current IEP are being extended or modified. ESY is not the same thing as summer school; however, ESY services may be provided during summer school.

The successful transition of students with disabilities from school to post-school environments should be a priority of every IEP team. The purpose of a **Transition Service Plan** is to assist students in building the skills and supports they need to reach their post-school goals.

Transition requires support from multiple sources so the student and his or her family can make choices, develop connections, and access services. Beginning not later than the IEP to be in effect when the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP

team, and updated annually thereafter, the IEP must include:

1. **appropriate measurable postsecondary goals** based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
2. **The transition services** (*including courses of study*) needed to assist the child in reaching those goals. A course of study should focus on instructional and educational classes and experiences that will assist the student in preparing for transition from secondary education to postsecondary life. This should relate directly to the student's postsecondary outcome goals and should show how a planned course of study is linked to these goals. The course of study should be meaningful to the student's future and should motivate the student to reach successful post-school outcomes.

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

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

The transition assessment should

- be child centered,
- be continuous,
- occur in many places,
- involve a variety of people,
- have understandable data, and
- be sensitive to cultural diversity

Measurable Transition IEP Goals are based on age-appropriate transition assessment, including transition activities and services appropriate to attain the postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly relate to the how, when, where, and what answers that are needed to complete *each* postsecondary outcome/completion goal. These goals should be relevant to "how to get to" the desired postsecondary outcomes.

Goals must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills and post-school options,

related services and daily living skills (as appropriate). At least one measurable transition IEP goal must be determined for education/training and development of employment. Measurable transition goals for independent living should be addressed if appropriate.

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

Persons and Agency Involved should include those who will help the student achieve the goals stated. Documentation that these persons were invited to the Transition IEP meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. Parent permission must be provided as well for outside agencies to be invited and attend the IEP meeting.

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

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

Excusal of IEP Team Member

- (a) A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the school system agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting.
- (b) A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if:
 - 1. The parent, in writing, and the school system consent to the excusal; and
 - 2. The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

In the case of a child, birth through age 2, who was previously served under Babies Can’t Wait, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Babies Can’t Wait service coordinator or the other representatives of Babies Can’t Wait to assist with the smooth transition of services.

Social Circle City School District Procedures for:

Referrals from Babies Can ’t Wait (BCW)

Babies Can't Wait coordinates and facilitates the referral process to the local school district through a **transition conference**. A parent or guardian must consent to allow BCW to contact the local district.

Children being referred from BCW are children with disabilities who

- are approaching the age of three;
- are transitioning from BCW;
- have an Individualized Family Service Program (IFSP);
- are identified as being potentially eligible for preschool special education service.

Transition Conferences

- The transition conference will be held as early as nine months but *no later than* 90 days prior to the child's 3rd birthday.
- The parent/guardian, BCW coordinator, local school district representative, and other persons as appropriate attend the conference and serve as the transition team.
- The transition team reviews the IFSP and other documents that pertain to the child's disability.
- The local school district representative obtains the parental/guardian written consent to conduct a comprehensive evaluation.
- The local school district conducts a comprehensive evaluation.
- The parent/guardian, BCW coordinator, regular early childhood provider (as appropriate), special education early childhood provider, and local school district representative participate in the eligibility determination and IEP development.
- The local school district implements the IEP on or before the child's 3rd birthday.

Referrals from Parent/Guardian, Child Care Provider, or Early Regular Childhood Provider

- Children suspected of having disabilities who are not receiving special education services and supports from the local school district may be referred by parents/guardians, child care providers, early regular childhood providers, or other individuals.

Components of the Referral Process

- The team reviews information regarding the child's education and development.
- The team reviews early childhood RTI strategies **and** progress monitoring implemented *prior* to referral and provided by referring party (**5 years of age and in kindergarten**).
- If appropriate, the team identifies and implements additional early childhood RTI strategies and progress monitoring.
- Social Circle obtains the parental/guardian written consent to conduct a comprehensive evaluation.
- Social Circle conducts a comprehensive evaluation within 60 days of written consent.
- The parent/guardian, BCW coordinator (if appropriate), regular early childhood provider (as appropriate), special education early childhood provider, and local school district representative participate in the eligibility determination and IEP development.
- Social Circle implements the IEP on or before the child's 3rd birthday.

The parents of a student with a disability are necessary participants in the development of the IEP. It is important that the parents provide information about their views of the student's progress or lack of progress, as well as express any concerns about the overall educational development of the child.

Parents provide important knowledge about how the student behaves and performs outside the school setting.

Parents should be involved in every part of the development of the annual IEP that should include

- a description of the student's academic, developmental, and functional performance;
- a description of how the student will be included in the general curriculum;
- the annual goals for the student, along with a description of how those goals will be measured;
- a statement of what special education and related services are needed by the student; a discussion of how the student will participate in district and statewide assessments or why an alternate assessment is appropriate;
- the accommodations and/or modifications that are appropriate for instruction and assessment; and
- a discussion of the transition services (when appropriate)

Special Parent Requirements

In the event that a parent requires a translator or interpreter, it is the responsibility of the district to ensure that an appropriate adult is available to serve in that capacity.

IEP Meeting Notice

The parent must be notified of the proposed date, time and location of an IEP meeting to give sufficient time to make arrangements to attend or contact the school to reschedule the meeting.

The notice should include:

- the purpose of the meeting (including transition, if appropriate);
- the proposed date, time and location of the meeting;
- the names (whenever possible) and positions of the people that the system will invite or have invited to attend.

The parent may request to reschedule the IEP meeting or to participate by telephone via a conference call if attending in person is not possible.

IEP Individualized Education Plan

Each student's IEP will be reviewed **at least once annually**, but may be revisited or amended during the school year as needed. The IEP Team will work together to insure that the current placement and IEP goals are appropriate. **The IEP will be conducted within 30 days of determination.** The current IEP and any changes or amendments to the existing IEP will be **available to all service providers**.

After the annual IEP meeting, the IEP may need to be changed. This can be done by holding another IEP meeting or by mutual agreement between the parents and the school district to make changes to the written document without a meeting. The parents always retain the right to request a meeting for any and all changes or amendments to the IEP. Regardless of the method of changing for the IEP, the parent must be provided with a copy of the changes and a written explanation of those changes in a timely manner.

The Individual Family Service Plan

The process of developing the Individualized Family Service Plan (IFSP) is similar to that of developing an IEP in that the child's needs and services are determined on an individual basis. However, in addition to the related services provided in Part B, the IFSP also includes family support services,

nutrition services, and case management. An IFSP must contain information about:

1. The infant's or toddler's present levels of physical, cognitive, communication, social or emotional, and adaptive development.
2. The family's resources, priorities and concerns relating to enhancing the development of the infant or toddler.
3. The major outcomes expected to be achieved for the infant or toddler and his or her family, as well as criteria for determining progress made toward such outcomes. Any revisions of either outcomes or services to achieve them must also be included.
4. The specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity and method of delivery.
5. The natural environments in which the early intervention services will be provided, including a justification of the extent, if any, to which the services will not be provided.
6. The date the services will begin and their anticipated duration.
7. The identification of the service coordinator, from the profession most immediately relevant to the infant's or toddler's family's needs, who will be responsible for the coordination and implementation of the plan with the other agencies and persons.
8. The steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services. (From: The Learning Disabilities Association of America: <http://www.lidaamerica.org/aboutld/professionals/guidelines.asp>)

Social Circle City School District ensures that:

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

Accessibility of Child's IEP to Teachers and Others

Each IEP for a student with a disability is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation through the Student Information System/Georgia On-Line IEP, and each teacher and provider is informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. It is the case managers duties to ensure all teachers who work with the child have access to this information.

IEPs for Children who Transfer to Social Circle from Another Georgia System:

If a child with a disability transfers to Social Circle in the same school year from another school within Georgia, Social Circle (in consultation with the parents) will provide a Free and Appropriate Public Education (FAPE) to the child (including services comparable to those described in the child's IEP from the previous school system), until Social Circle either:

- Adopts the child's IEP from the previous school system; or
- Develops, adopts, and implements a new IEP that meets all IEP requirements set forth in State Board of Education rules.

Social Circle City School District checks the Georgia SLDS platform for prior documentation of

eligibility in a special education program and if found once the student's GTID is claimed by the system administrator, records are accessible via GO IEP.

IEPS for Children who Transfer from Another State

If a child with a disability transfers from out of state and had an IEP that was current, Social Circle (in consultation with the parents) will provide the child with a Free and Appropriate Education including services as outlined in the previous school system.

All paperwork for transferring students with disabilities will be requested by the Social Circle Special Education secretary. Once all paperwork has been received and scanned into GO IEP, case managers for the school will be contacted by the Special Education office and asked to review all records and meet with parents. The student will be placed in the appropriate program based upon records received from the previous school system. All timelines will be loaded into GO IEP and the Special Education Director and the School Psychologist will notify the case manager of the IEP and Eligibility Review dates.

FERPA and Transmittal of Records

To facilitate the transition for a child who transfers to Social Circle City School District:

*All paperwork for transferring students with disabilities will be requested from the previous school by the Social Circle Special Education Office.

*School Administrators, counselors, special education teachers, general education teachers and the school psychologist, as appropriate will be notified when paperwork has been received, reviewed by that office, and then scanned into the Georgia On-Line IEP Program.

*The Social Circle Special Education Office will communicate with Special Education Case Managers to schedule an IEP meeting for transfer students.

*The Special Education Director will be invited to all transfer meetings.

*At the IEP meeting an amendment will be written if necessary, or an IEP will be written if not already in GO-IEP, and all paperwork will be completed at this time.

*If an IEP meeting cannot be scheduled immediately after registration, the student's schedule should be developed as the current IEP reads. All meetings should be scheduled within five school days of student registration.

Review and Revision of the IEP

General Overview:

Social Circle City School District ensures that the IEP Team:

- a. Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- b. Revises the IEP, as appropriate, to address:
 1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
 2. The results of any reevaluations conducted.
 3. Information about the child provided to, or by, the parents;
 4. The child's anticipated needs; or
 5. Other matters.
- c. Consolidation of IEP Team meetings. To the extent possible, Social Circle City School

District encourages the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

- d. Consideration of special factors. In conducting a review of the child's IEP, the IEP team must consider the special factors described above.
- e. A regular education teacher of the child, as a member of the team, must participate in the review and revision of the IEP of the child.
- f. There are several reasons for failure to meet transition objectives:
 - 1. If a participating agency, other than the school system fails to provide the transition services described in the IEP, Social Circle City School District will reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
 - 2. Nothing in this part relieves any participating agency, including the State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.
- g. Children with disabilities in **adult prisons**:
 - 1. The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons (Department of Corrections):
 - i. Participation of children with disabilities in State and district wide assessments; and
 - ii. The requirements related to transition planning and transition services do not apply to children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
 - 2. The IEP Team of a child with a disability who is convicted as an adult and incarcerated in an adult prison may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
 - 3. The IEP requirements in this Rule and the Least Restrictive Environment (LRE) requirements do not apply with respect to the modifications described above.

IEP Amendments

After the annual IEP meeting, there may be a need to change, or amend, the IEP. This can be done either by reconvening the IEP Team to amend it or by mutual agreement between the parent and system to make changes to the written document without a meeting. **The parent always retains the right to request a meeting for any and all changes or amendments to the IEP.** Regardless of the method of changing the IEP, the parent must be provided a copy of the changes in a timely manner and an explanation of those changes.

How can an IEP be amended without having a face-to-face meeting?

Following communication with the parents, if both the school and parents agree that a meeting is not necessary to amend the IEP, an amendment can be made. The parents and staff working with the student must be provided a copy of the amended IEP. The amendment is developed using Georgia On- Line IEP Procedures, which initiate with a Parent Notification of Meeting, followed by changes made directly on-line to the current IEP. Both the “old” IEP and the “new, amended” IEP are kept on-line.

Can a change in time or placement on the IEP be made without a meeting—as part of an amendment? Are there any changes that can be made to an IEP that require a meeting, and cannot be made through the use of an amendment?

The answer to both of these questions is yes, but the Individuals with Disabilities Education Act (IDEA) does not specify any specific circumstances in which these changes may be made. Professional judgment should be used to determine when it is necessary to convene a meeting.

Amendments are intended to relieve the paperwork burden when minor changes need to be made in the IEP.

Is it permissible to have only one signature, representing one person at the “meeting,” on the IEP Addendum form?

Yes. When a case manager contacts the parent by phone to discuss a change to the IEP and both parties agree to the change, the case manager may write up the agreed upon changes as an IEP Addendum and document the method of contact (i.e.—phone call or impromptu conversation) on the Parent Notification of Meeting Response Section. If either party requests that a meeting should be called, then a meeting should be arranged to discuss and document the changes. Best practice is to have a second school official in the room when the phone conversation or impromptu conversation is taking place; however, it is permissible to have only one signature if both parties agree to the change.

Remember: **Professional judgment** should be used when determining whether to have a formal meeting or have a second school person as part of the phone conference.

Dismissals

For **dismissals from special education services**, there must be a review of data indicating that the child is not a child with a disability. This must be shared with the parents. To meet the requirements of prior written notice, the parents must be informed of changes, what data was considered, and what options were considered. Completing or updating the **Reevaluation Determination** form will document this need. Therefore, dismissals must be initiated with a *Reevaluation Determination* meeting.

Case Manager Responsibilities

It is the responsibility of each student’s Case Manager to become very familiar with each of his or her student’s IEP and all records.

The Case Manager:

*Insures that a student’s IEP is reviewed at least annually, but may need to be reviewed more frequently throughout the school year, depending on needs of the student.

- The Case Manager will keep track of student progress with continuous progress monitoring to ensure the current placement and IEP are appropriate.
- The Case Manager will ensure that Progress Reports are sent to parents with all Report Cards.
- Ensures that all classroom accommodations are carried out.
- Ensures that all testing accommodations are carried out.
- Makes sure that IEPs are fully and accurately implemented. This validation includes

ensuring that the hours of service stated in the IEP match the student's actual schedule.

- Ensures that all of the student's teachers have access to the IEP.
- Monitors the ABC's for all students (Attendance, Behavior, and Course Completion or Grades). This information should be shared with parents on a regular basis through telephone contact or by sending home informal progress reports. (Continuous Progress Monitoring data sheets or ABC sheets are completed and turned in to the Special Education Director at each monthly Special Education Department Meeting for review)
- Contacts parents at the beginning of the school year and throughout the school year- documenting contacts in Infinite Campus
- Participates in Eligibility /IEP meetings for new referrals; sending out Parent Notification of Meeting, developing the IEP, insuring that the parents receive copies, etc.
- Prepares paperwork in a timely, efficient, and accurate manner.
- Finalizes all IEPs within three to five days from the meeting.

Procedures for Case-Manager Responsibilities related to SWD Transition Plans:

*All SWD enter high school on a regular high school diploma track

*No SWD should be placed on a special education diploma without prior approval from the Special Education Director.

*At the beginning of each school year, review the Transition Plan and determine if changes are needed.

*For any student that transfers into Social Circle, review the IEP/Transition Plans and amend the IEP if necessary. If the IEP is not in GO-IEP, schedule a meeting with the parents and develop an IEP in GO. The Special Education Director will review all paperwork and contact the school.

*Always have an administrator present at meetings.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures in developing compliant IEPs. Teachers will be administered monthly Compliance Modules during Special Education Department meetings to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. The Special Education Director will read and monitor all IEPs and provide written feedback when necessary to ensure compliance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. Failure to follow policies and procedures for developing compliant IEPs will be reflected in yearly TKES evaluations. New teachers to the school district receive more direct support from the GO IEP Coordinator.

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

Maintenance of Credentials for Professional Employees
Classroom Size and Appropriateness
Maximum Class Size and Caseload by Eligibility Category

Maintenance of Credentials for Professional Employees

Maintenance of current credentials is the ongoing responsibility of any professional employed by or under contract with Social Circle City Schools. Maintenance of records of current credentials is the ongoing responsibility of Social Circle City Schools. Social Circle will recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and Leadership personnel, to meet the needs of children with disabilities.

Related service personnel who deliver services in their discipline or profession must maintain current, State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis.

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

Classroom Size and Appropriateness

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

Social Circle City Schools follows the Georgia State Board of Education Rules that mandates thirty-eight square feet to be provided for each child in the class with a variance of 10 percent depending upon the total number of personnel in the class at any time, the type of children and class, the kind and amount of furniture and equipment required and the necessity for storage capabilities. Special circumstances shall be reviewed by the Facilities Department of the Georgia Department of Education and shall be addressed in the approved Social Circle City Schools System Facilities Plan, if needed.

Maximum class sizes and caseloads for personnel providing services for children, ages 3 through 5, in Community, Full Day, and Part Day classes, with a paraprofessional:

Preschool Special Education

	Maximum Class Size	Caseload
Full Day	8	16
Part Day	12	32
Community Setting	N/A	32

Special Education Maximum Class Size

Disability Area	# of Segments Per Day	Maximum Class Size	Maximum Class Size with a Paraprofessional	Exception: 2 Segments/Day With Paraprofessional
Speech Language	4 or more	11	15	+1
Specific Learning Disabilities	4 or more	12	16	+1
Mild Intellectually Disabled	1 or more	10	13	+1
Severely Intellectually Disabled	4 or more	N/A	7	+1
Deaf/Hard of Hearing	4 or more	6	7	+1
Speech Language	1-3	7	N/A	N/A
Emotional/Behavioral Disabilities	1-3	7	10	+1
Specific Learning Disabilities	1-3	8	10	+1
Emotional/Behavioral Disabilities	4 or more	8	11	+1

Moderately Intellectually Disabled	4 or more	N/A	11	+1
Orthopedically Disabled	4 or more	N/A	11	0
Deaf/Hard of Hearing	1-3	3	4	+1
Vision Impaired	1-3	3	4	+1

Orthopedically Impaired	1-3	4	5	+1
Vision Impaired/Blind	4 or more	N/A	6	+1
Profoundly Intellectually Disabled	4 or more	N/A	6	0

Notes: Each paraprofessional is the equivalent to 1/3 teacher and affects individual class size proportionately. Various teacher/paraprofessional models shall be averaged independently.

If students from different exceptionalities programs are within the same segment, the maximum class size shall be determined by the program with the smallest class size.

Middle school and high school students served in a departmental model shall have an individual maximum class size of seven without a paraprofessional and ten with a paraprofessional, provided the number of students of any one exceptionality within the class does not exceed the individual maximum class size for that exceptionality.

Exception to Individual Maximum Class Size: The individual maximum class size with a paraprofessional maybe increased as noted for two segments per day per teacher for the remainder of the school year. Maximum teacher/pupil ratio without a paraprofessional may not be increased.

Monitoring

The Special Education Director monitors all caseloads quarterly to ensure compliance with all regulations. The Special Education Director also visits all special education settings and classrooms yearly to ensure all students are educated in appropriate settings. Credentials and licenses of special education personnel are verified and maintained by the HR department. Each teacher's highly qualified status is verified at a minimum of once annually by the HR department during CPI reporting. Noncompliance in any area is reported immediately to the Superintendent of Social Circle City Schools.

State Rule: 160-4-7-.15-Georgia Network for Educational and Therapeutic Supports (GNETS)

Eligibility and Placement

Documentation of Ongoing Effectiveness and Improvement

Recommended Class Size by Level

Positive Behavioral Interventions and Supports

Academic Curriculum

Georgia Network for Educational and Therapeutic Support

The Psychoeducational Network is known as the **Georgia Network for Educational and Therapeutic Support (GNETS)**. GNETS programs support the local school system's continuum of services by providing comprehensive special education and therapeutic support for the children served. The purpose of the GNETS is to prevent children from requiring residential or other more restrictive placements by offering cost-effective comprehensive services in local areas. Families have the opportunity to be engaged in all aspects of service planning. Child specialists (educators, psychologists, social workers, psychiatrists, behavior support specialists, or etc.) from a variety of professions collaborate on behalf of the children served. All programs may serve children ages 3 through 21 years by the program staff in classes, with direct therapeutic services, evaluation and assessment or other services as appropriate.

The Georgia Network for Educational and Therapeutic Support (GNETS) is comprised of 24 programs which support the local school systems' continuum of services for students with disabilities, ages 3-21. The programs provide comprehensive educational and therapeutic support services to students who might otherwise require residential or other more restrictive placements due to the severity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD).

In 1970, the first GNETS program, the Rutland Center, was established in Athens to serve as a prototype for the statewide network that now exists. Based on a model developed by Dr. Mary M. Wood, the program was funded by the State of Georgia and the U.S. Department of Education to serve students from two to 14 years of age. Additional pilot programs were initiated in Brunswick and Savannah in 1971. By 1976, 24 GNETS programs were established throughout Georgia and then expanded to serve adolescents over the age of 14 in 1979.

The **Rutland Academy/Psychoeducational Program**, which is utilized by Social Circle City Schools, is designed for students with severe emotional/ behavioral disorders for whom a more restrictive setting is required than is available in the child's current educational setting. This program is the most restrictive environment for EBD students within the public school system. Typically a student goes through the continuum of services available for emotional/behavior disordered (EBD) students prior to being referred to the Rutland GNETS program.

Consideration for Services

A Social Circle City School District student who has a current IEP and is exhibiting significant behavioral concerns within the school setting may need to be considered for additional services. The student must have a current IEP, a current BIP and FBA and have had a comprehensive re-evaluation within the past three years. The use of Specially Designed Instruction and Evidence-Based strategies must be in place for the student with evidence of current data and progress monitoring documentation. All referrals must go through the Special Education Director

who will help to facilitate the process.

GNETS Consultation

Services that are considered GNETS Consultation may include a request for FBA coaching, classroom observation and written feedback, or records review with feedback (Complete the “Request for GNETS Consultation” form).

Consideration for GNETS Services

According to SBOE 160-4-7-.15, if the IEP team recommends GNETS services, the following documents must exist in the student’s records: Current IEP, FBA/BIP administered with the past year, and a Comprehensive reevaluation within the last three years. The IEP meeting will be held inviting the GNETS Director or designee. The following documents should be included to assist with immediate service delivery: Completed Guided Questions Checklist, School History, and GNETS consultation documents.

Continuum of GNETS Service Delivery and Environments

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

Move In/Transfers: For students who move in from GNETS or similar program in another state or who are released from a long-term hospitalization or residential treatment should have an IEP meeting to amend the IEP if necessary.

Eligibility and Placement

Students receiving services through a GNETS Program are referred by Social Circle City Schools through the Individual Education Program (IEP) process. An IEP team may consider in-class services by a GNETS program for a child with an emotional and behavioral disorder based upon documentation for the severity of the duration, frequency and intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation includes prior extension of less restrictive services and data which indicate such services have not enabled the child to benefit educationally. For children receiving in-class services, the student’s home school is actively involved and exit criteria are developed upon entry into the GNETS program. The home school continues to be actively involved in the progress of the student attending the Rutland Program throughout the child’s tenure there, and exit criteria are developed upon entry into the GNETS program so that the IEP Team and the child will be aware of expectations for returning to the home school.

Documentation of Ongoing Effectiveness and Improvement

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

Recommended Class Size by Level

The recommended maximum class size for GNETS classes at the preschool, elementary and middle school level is eight. The recommended maximum class size for high school classes is ten.

Academic Curriculum

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

The Rutland Academy as well as Social Circle City Schools implements **Positive Behavioral Interventions and Supports** to help promote a positive school climate, increase student achievement and decrease inappropriate student behaviors.

Monitoring/Professional Learning

The Special Education Director ensures all procedures are followed when referring a student to GNETS. The Special Education Director provides guidance and professional learning to all special education teachers for the process of referring a child in need of support from a GNETS facility. The Special Education Director works closely with all building level principals when questions or concerns arise with students who have been placed in GNETS or if a principal has questions about placing a child in a GNETS facility. The Special Education Director attends all meetings for Social Circle students placed at Rutland. The Special Education Director monitors all timelines and thoroughly reads all IEPs for Social Circle GNETS students. If a teacher is found to be out of compliance with procedures for a GNETS referral, a Corrective Action Plan is implemented and the building administrator is notified. If problems continue after assistance has been provided, the noncompliance of procedures will be documented within the TKES yearly evaluation of the teacher.

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

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

FAPE for students aged 22

FAPE Provision by 3rd Birthday

FAPE for Incarcerated

Students

Definition of Regular High School

Diploma

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Extracurricular Activities

Accessibility

Access to Physical Education and Specially Designed Physical Education

Services to Public Charter Schools that are not LEAs

Charter Schools that are LEAs

Programming Options and Equal

Access

Hearing Equipment Checks

Prohibition of mandatory medication

FAPE Inclusive for Students Aged 3 to 21: Full Educational Opportunity

All children with disabilities between the ages of **3 through 21** who are residing in The Social Circle City School District are entitled to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school. The special education and related services that make up the FAPE are provided to children identified with disabilities who have an IEP at no cost to the parent.

Special education and related services, including special education at the preschool, elementary, and secondary levels, are services that are provided so eligible students can make progress toward and/or meet the educational standards of Georgia. All students will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual student and his or her disability.

While the education provided to the student with an IEP must be appropriate and must address what the individual student needs in order to make educational progress, this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a student is receiving FAPE. Each student is an individual and his or her appropriate education is determined on a case-by-case basis. In addition, the term “appropriate” is not the same as “best”; “appropriate” is a minimal standard that assures the student has the opportunity to make educational progress.

Students are entitled to FAPE when they are determined eligible for special education and related services. **This can be as early as 3 years of age.** If a child is receiving services prior to age 3 through the Babies Can't Wait (BCW) program, then both the BCW program and the district have an obligation to 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.

Children are entitled to continue to receive special education and related services through their 21st year (or until they turn 22) if they remain eligible for special education and they have not graduated with a regular high school diploma. Entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first.

According to Georgia Rules, districts are required to develop a written procedure that identifies a process for completing services when a student **reaches the age of 22**. The district must state in writing whether services for the student, who is still attending school on his or her 22nd birthday, will cease on the birthday, cease at the end of that semester, or cease at the end of that school year. Students who remain in school after their 22nd birthday are not entitled to FAPE or other IDEA rights for the remainder of their time in school. Although each district can develop its own procedures, those procedures must be in writing in order to be clear and fair to all students. The ultimate goal is to transition students to the desired activity in collaboration with other agencies or supports so that, by the 22nd birthday, transition has occurred and the student can continue in appropriate adult activities.

When a student with an IEP graduates with a regular diploma or ages out of school (i.e., turns 22 years of age), he or she must be provided with a *Summary of Performance (SOP)* 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, best practice is to provide the SOP to ALL students with IEPs who are exiting public school. Those students who do not earn a regular diploma or transition to a specific job are those who will most likely need all the assistance available to develop successful adult lifestyles, and the SOP is a tool that can assist with this. (The actual requirement for the SOP can be found in Georgia Rule 160-4-7-.04 Evaluations and Re-evaluations.)

Social Circle City School District's written procedures that identify a process for completing services when a student reaches the age of 22:

- The IEP Team meets to determine a graduation plan for students remaining in school and who wish to continue to receive special education and related services through their 21st year (or until they turn 22) if they remain eligible for special education and they have not graduated with a regular high school diploma
- IEP Team's discussion should include information related to the fact that entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first
- The IEP Team will determine if services for such student, who is still attending school on his or her 22nd birthday, will cease on the birthday or cease at the end of that semester
- A common sense approach to planning grade placement should be considered; a consideration should be communicated and stated that SWD whose 22nd birthdays fall during a semester of a school year they are allowed to complete that semester of school
- The IEP Team decision should be in writing

- When a student with an IEP graduates with a regular diploma or ages out of school (i.e., turns 22 years of age), he or she must be provided with a *Summary of Performance (SOP)* of his or her academic and functional needs

At age 18, students become their own educational decision makers, unless a court decides they are not able to make these decisions. On or before the student's 17th birthday, the school is to inform the parents and the student, that at age 18, the student attains the age of majority in Georgia and will become his or her own educational decision maker. This is done during the IEP meeting. The school may also inform parents of other options or where to get more information about guardianships, powers of attorney and any other options. Beginning at age 18, the school is to send all notices to both the parent and the student, but the student will provide informed written consent for any action requested by the system. When the student turns 18, he or she becomes the educational decision maker, but the parents retain the rights to all notices of meetings, notices of changes in program or placement, and notices of evaluations while the student is eligible under the IDEA.

Exception to FAPE

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

SOP-Summary of Performance Directions

When developing the SOP, the student should actively participate. Other IEP team members, family members or other community agencies involved in this student's transition planning process should also provide input. The SOP becomes the student's resume as he or she transitions to postsecondary settings.

Part 1: Student Information – Complete this section as specified. Please note in this section you are requested to provide copies of the most recent formal and informal assessment reports that document the student's disability and provides information to assist in post-high school planning. **Part 2: Student's Postsecondary Goals** – These goals should indicate the post-school environment or environments in which the student intends to transition upon completion of his/her high school education. These goals should address education, employment, independent living and community access, as appropriate for the student.

Part 3: Present Levels of Performance Summary – This section includes two critical areas of student

performance: Academic and Functional Levels of Performance. Next to each academic or functional area, please complete the student's present level of performance, the accommodations used and the rationale for why those accommodations are necessary. When listing accommodations include any accommodation, modification, assistive technology or other supports used to assist the student in achieving success in this area. Include specific details about each accommodation, such as 30 minutes extra time instead of simply extra time. In the rationale section, provide the explanation of how the student's disability impacted his or her performance such that the listed accommodations were necessary for success. An *Accommodation* is defined as a support or service that is provided to help a student fully access the general education curriculum or subject matter. An accommodation *does not change the content* of what is being taught or the expectation that the student meet a performance standard applied for all students. A *Modification* is defined as a change to the general education curriculum, which changes the standards or expectations for students. *Assistive Technology* is defined as any device that helps a student with a disability function in a given environment, and includes "low tech" or "high-tech" options.

Part 4: Recommendations to Assist the Student in Meeting Post Secondary Goals – This section should present suggestions for accommodations, adaptive devices, assistive devices, assistive services, compensatory strategies, modifications, or general areas of need that a student will require to be successful in a post-high school environment, including higher education, training, employment, independent living and/or community participation. **Part 5: Student Perspective** - The student provides information for the development of this SOP. The student's contribution can help (a) secondary professionals complete the summary, (b) the student to better understand the impact of his/her disability on academic and functional performance in the postsecondary setting, and (c) postsecondary personnel to more clearly understand the impact of the disability on this student. This section may be filled out independently by the student or completed with the student through an interview. **Part 6: Postsecondary Community Agency Contacts, Team Members, and Supports** - The Transition Team should provide all the necessary contact information to help the student as he or she transitions to postsecondary settings.

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

FAPE for Incarcerated Students

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) must receive their educational programs. Each of these agencies provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ and DOC are public schools and should be treated as other public schools when providing records in an expeditious manner.

Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE.

A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. Districts need to work closely with the

local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the district's obligation is to provide FAPE.

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

Delay of Services Not Allowed

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

Medicaid Payment Allowances and Limitations

Social Circle City Schools files for and receives reimbursement from Medicaid for Medicaid-eligible students receiving Medicaid-billable services performed by school staff; however, the school system does not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE. Furthermore, Social Circle City Schools does not require the parents to incur any out-of-pocket expenses such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided, but may pay the cost the parents would otherwise be required to pay; and the school system will not use a child's benefits under a public benefits or insurance program if that use would:

- (I) 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;
- (II) Increase premiums or lead to the discontinuation of benefits or insurance; or
- (III) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenses.

The IDEA clearly states that districts must notify parents each time they propose to access the student's insurance and must have parental consent before accessing these funds. Social Circle City Schools informs parents of their right to refuse districts access to the insurance benefits and of the fact that such refusal does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents. If a district is going to access benefits, public or private, it should seek written consent from the parent and inform the parent about the amount of benefits it plans to access. This can be done as part of the annual IEP process. The IEP will define the frequency of any service (for example, occupational therapy one time per week for 30 minutes). This can be used to inform the parents and to obtain their agreement. However, if the district exceeds the amount in the IEP or amends the IEP to provide a different level of service, a new consent must be obtained.

If a district believes a medical evaluation is warranted as part of the determination of eligibility or continuing provision of special education and related services, it must seek parental permission before such evaluation is provided, and the evaluation must be provided at public expense or no cost to the parent. As stated previously, any available insurance may be used to offset the costs of the evaluation. A child should not be denied a medical evaluation if it is needed for educational purposes such as the determination of eligibility for special education or the educational needs of the child.

Notice to Parents Regarding the Use of Benefits

Social Circle City Schools obtains 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:

- A. Specifies the personally identifiable information that may be disclosed or information about the services that may be provided to a particular child, the purpose of the disclosure (e.g., billing for services provided under IDEA), and the agency to which the disclosure may be made (e.g. the Georgia Department of Community Health); and
- B. Specifies that the parent understands and agrees that the school system 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, Social Circle City Schools provides written notification to the child's parents that includes:

- A. A statement of parental consent provisions
- B. A statement of the "no cost" provisions
- C. 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
- D. A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program does not relieve the school system of its responsibility to ensure that all required services are provided at no cost to the parents.

The IEP may call for instruction outside of the general classroom or for a separate day school or program. Home instruction may be used as a short term placement option when the parent and the district agree that it is necessary. Residential placements either in Georgia or out of state may be considered when the nature and severity of the disability indicate a need.

The IEP team must document the placement options that were considered. The more restrictive the placement, the more important it is to document the reasons the more restrictive environment was selected. Documentation must include all options the IEP team considered and rejected when making the decision.

Residential Placement

If placement in a residential facility, either public or private, is necessary for the student to receive FAPE, then the placement is at public expense, usually paid for by the local district. Districts should not consider placement in residential facilities unless they have exhausted the nonresidential resources. The Georgia Department of Education (GaDOE) has tuition grants to assist local districts if they place a student in a residential facility.

Provision of Accessible Instructional Materials

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

1. Print instructional materials include textbooks and related core materials that are required by the school system for use by children in the classroom.

2. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities.

(i) Specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.

3. Children who are blind or print disabled include:

(i) 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 of visual field subtends an angular distance no greater than 20 degrees.

(ii) Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

(iii) Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.

(iv) 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.

Provision of Assistive Technology

Districts must consider each student's need for assistive technology devices and services. Assistive technology is considered by each IEP team in the development, review, and revision of student IEPs. When the IEP team determines that a student requires assistive technology devices or services, this should be clearly documented in the IEP, and the assistive technology should be provided to the student in a timely manner. The provided assistive technology should be integrated into instructional activities, and data should be collected on the use of the technology. If the IEP team determines that the student requires school purchased assistive technology at home or in other settings to receive FAPE, the assistive technology must be provided to the student at no cost to the parent.

Assistive Technology Evaluations

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

- A. If assistive technology is required for the child to participate in system-wide or state-wide testing, the need for technology is documented in the appropriate section of the IEP and provided to the child.
- B. 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 is documented in the IEP and provided to the child.

Social Circle City Schools has in place procedures and practices that ensure the proper functioning of hearing aids. Regular inspection of hearing aids will be documented. This also applies to external components of surgically implanted medical devices such as cochlear implants.

Home Use of Assistive Technology

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

FAPE and Extended School Year

Social Circle City Schools will provide extended school year (ESY) services to students who need such services to receive FAPE. ESY services are those services a student requires beyond the normal school year of the district and are not limited to only the summer months. The IEP team makes the determination regarding whether a student needs ESY and, if so, what services will be provided. This includes determining the details of ESY, such as what services will be provided, when and where the services will take place, and the frequency and the duration of the services. Any services provided as ESY must meet the requirements of FAPE.

Note: Social Circle City Schools does not state that ESY is only for certain groups of students or say it is for all of a certain group. Likewise, a district may not limit ESY services to a certain time period or type of activity.

Extracurricular Activities Accessibility

FAPE can also include nonacademic and extracurricular services. Social Circle City Schools will consider supplementary aids and services necessary to provide students with disabilities the equal opportunity to participate in nonacademic and extracurricular activities. This may include, but is not limited to, participation in clubs, referral to agencies that provide services, special interest groups, employment assistance, counseling, health services, or athletics. An IEP does not negate eligibility requirements such as having to try out for the team or having an "A" average to be in French Club.

Access to Physical Education and Specially Designed Physical Education

Social Circle City Schools ensures that:

- (a) General Physical education services, specially designed if necessary, are made available to every child with a disability receiving FAPE, unless the school system enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.
- (b) Each child with a disability is afforded the opportunity to participate in the regular physical education program available to nondisabled children unless:

1. The child is enrolled full time in a separate facility – Social Circle City Schools is responsible for the education of any child with a disability who is enrolled in a separate facility and ensures that the child receives appropriate physical education services; or
2. The child needs specially designed physical education, as prescribed in the child's IEP, which is a Related Service: *Adapted PE*. (If specially designed physical education is prescribed in a child's IEP, Social Circle City Schools provides the services directly or makes arrangements for those services to be provided through other public or private programs.)

Services to Public Charter Schools that are not LEAs

Charter Schools that are LEAs

Children who attend public charter schools and their parents retain all the rights given to them in the public school under the IDEA. In general, two types of charter schools are present in the state: public schools or public school districts that operate according to the terms of a charter or contract that has

been approved by a local board of education and the State Board of Education; and state chartered special schools that operate according to the terms of a charter or contract that has been approved by the State Board of Education. Charter schools must make available the services needed to provide education for students with IEPs. The charter that is part of a district has, as part of its resources, the full continuum of services and supports within the district. At times, a student's IEP may determine that a specific setting is needed that may not be available at the charter, but that is available at another school within the district. The charter that is part of the district may not, however, decline to serve students with IEPs.

If the charter is a state charter school, the school is responsible for finding a way to provide whatever services the IEP team determines are appropriate for a student with an IEP who chooses to enroll in the charter. Students with IEPs may not be discriminated against, and a state charter must accept students who choose to enroll.

Social Circle City Schools must treat charter schools that are part of the local district the same as all other individual schools within the district. This includes flowing funds, state and federal, to the charter at the same time as money is sent to other schools. This also includes providing services or supports that are centrally based in the same manner as for other schools. For example, if the central office of the local district funds the occupational therapist for any student in any school who needs the service to receive FAPE, then the students in the charter school must also be included.

If the school does not provide transportation to students in its charter school, must it provide transportation for students in special education who attend charter schools?

If the school provides transportation to and from school or financial support (e.g., tokens) for non-disabled students for that kind of transportation, then it needs to do the same for students with disabilities. If districts do not provide this support in general, then they typically do not need to provide it to students with disabilities. However, if an IEP team identifies transportation as a related service on a child's IEP, then the district will need to arrange for transportation services or see that the responsible entity does so. As an IEP team considers a student's need for transportation, it is critical that team members understand the differences between a student's need for transportation to get to school (common for all students) and a student's need as a factor of a disability that results in the need for a related service. If a charter school is responsible for providing this related service, a district may contract for it or pay the family to transport the child to and from school or the location of the special services.

How do students with disabilities who attend charter schools participate in the NCLB accountability system?

NCLB includes students with disabilities and special education programs in state assessment and accountability districts. Students receiving special education services, including those with the most significant disabilities who participate in an alternate assessment system, will "count" in the accountability formulas. Not only do they count, they make a difference in a school's ability to meet criteria for "adequate yearly progress" and Georgia specific performance measures under the NCLB law.

Programming Options and Equal Access

Social Circle City Schools ensures that children with disabilities have available to them the variety of educational programs and services available to non-disabled children in the area served by the Social Circle City school system, including art, music, and Career, Technical and Agricultural Education.

Hearing Equipment Checks

Hearing Aids- Social Circle City Schools ensures that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly. When problems arise with a hearing aid within the school district, the case manager contacts the Special Education Director immediately for assistance in repairing the hearing aid.

External Components of Surgically Implanted Medical Devices

Social Circle City Schools ensures that the external components of surgically implanted medical devices are functioning properly. Social Circle City Schools is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted.

Prohibition of Mandatory Medication

Social Circle City Schools may not require medication as a condition of attending school, receiving an evaluation, or receiving services. Parents make the decisions regarding their children and any medication they administer or do not administer. Districts should not make medical decisions that require medication. Nothing prohibits a district, however, from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of the student's behavior and academic performance when taking or not taking medication. 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.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for providing a Free Appropriate Public Education (FAPE) to students. Special Education Teachers will be administered monthly Compliance Modules during department meetings to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those teachers who continue to have difficulty with procedures and policies involving FAPE will be reported to the building administrator and placed on a Corrective Action Plan. Yearly TKES evaluations will be impacted and documentation will be provided if the educator continues to have difficulty adhering to FAPE procedures and policies.

Area of General Supervision IV: Parent Engagement

State Rule: 160-4-4-.09- Procedural Safeguards and Parent Rights

When Parent Rights must be provided to parents

Content of Parent Rights

- Independent Educational Evaluations
- Prior Written Notice
- Parental Consent
- Access to Education Records
- Complaint Process
- Mediation
- Student Placement During Pending Due Process
- Interim Placements
- Private School Placement by Parent
- Due Process Hearings

Attorney's Fees

- Provided in Language Understandable to

Parents

- Parent Opportunity to Review Records

Parental Participation in Meetings

Independent Educational Evaluations

Parental Consent

- Initial Evaluation
- Re-evaluation
- Consent for Initial

Placement Parent Refusal for

Consent/Revocation

- Parent Consent Not

Required

Parent Training

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

The Georgia Parental Rights document can be accessed in English and other supporting translations by requesting a copy in another language. Social Circle City Schools uses Microsoft Translation or Google Translation to convert documents into other languages. Social Circle City Schools also collaborates with a translator who will translate documents and translate for meetings when a Spanish

translation is required.

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

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

Parents/Guardians may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail, an option made available to all parents/guardians by Social Circle City Schools.

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

- a. Independent educational evaluations;
- b. Prior written notice;
- c. Parental consent;
- d. Access to education records;
- e. Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
 - i. The time period in which to file a complaint or due process hearing;
 - ii. The opportunity for the agency to resolve the complaint; and
 - iii. The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
 - iv. The availability of mediation;
 - v. The child’s placement during the pendency of any due process hearing;
 - vi. Procedures for children who are subject to placement in an interim alternative educational setting;
 - vii. Requirements for unilateral placement by parents of children in private school at public expense;
 - viii. Due process hearings, including requirements for disclosure of evaluation results and recommendations;

- ix. Appeals of due process hearings, including the time period in which to file those actions;
- x. Attorneys' fees; and
- xi. Notice provided in a language understandable to the parents: the native language of the parent is used, unless it is clearly not feasible to do so.

Note: The school system ensures that the parent understands the content of the notice and that there is written evidence that the requirements have been met.

Notice to Parent/Guardian/Surrogate

The parents shall be provided notice written in language understandable to the general public a reasonable time before the local education agency proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child.

Written notice will also be provided if the school system refuses to take such action. After rights have been transferred to a child who has reached the age of majority, any written notice covered under this Rule shall be provided to both the child and the parent(s) of the child.

Social Circle City Schools provides a full explanation of all procedural safeguards/parents' rights available to the parent(s). The communication to the parent(s) includes a description of the action proposed or refused by the local education agency, an explanation of why the local education agency proposes or refuses to take the action, and a description of any options the school system considered and the reasons why those options were rejected. Communication to the parent(s) includes a description of each evaluation procedure, assessment, record or report the local education agency 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 local education agency'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.

In most cases, the above *Notice* requirements is addressed by providing the parent(s) with a copy of documents such as the Consent to Evaluate, Consent for Placement, consent for accessing a child's or parent's public benefits or insurance, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request but these items have not yet been generated for the child. In such a case, the local education agency 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 in the paragraph above.

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

Language Understandable to the General Public:

1. Social Circle City Schools ensures that the notice required in this rule be written in language understandable to the general public.

2. 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.
3. If the native language or other mode of communication of the parent is not a written language, Social Circle City Schools will 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;
 - (i) The school system ensures that the parent understands the content of the notice;
 - (ii) That there is written evidence that the requirements have been met.

Parent Opportunity to Review Records

Social Circle City Schools provides an opportunity for the parents of a child with a disability to:

1. Inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child.
2. These rights include the right to a response from the local education agency to reasonable requests for explanations and interpretations of the records, the right to request the local education agency to provide copies of the records and the right to have a representative of the parent to inspect and review the records. The local education agency may presume that the parent has these rights unless the school system has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce.
3. All rights of parents to examine education records shall transfer to the child at age 18.
4. Participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education (FAPE) to such child.
5. Obtain an independent educational evaluation of the child.

Social Circle City Schools ensures that parents:

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

Parent Participation in Meetings

The parents of a child with a disability are afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a FAPE to the child.

1. A meeting does not include informal or unscheduled conversations involving local education agency personnel and does not include conversations on issues such as teaching methodology, lesson plans or coordination of service provision.
2. A meeting also does not include preparatory activities that local education agency personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting.

3. Each local education agency shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
 - (v) If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local education agency shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
 - (vi) A placement decision may be made by a group without the involvement of the parent(s) if the local education agency is unable to obtain their participation in the decision. In this case, the local education agency must have a record of its attempts to ensure their involvement, including information that is consistent with State Board of Education Rule 160-4-7-.6 *Individualized Education Program*.
 1. The local education agency makes 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.

Social Circle City Schools provide notice consistent with Rule 160-4-7-.06 (11)(a) to ensure that parents of children with disabilities have the opportunity to participate in meetings described above.

Independent Educational Evaluations

When a parent of a student with a disability disagrees with an evaluation conducted by Social Circle City Schools, the parent has the right to request that Social Circle City Schools fund an independent educational evaluation. An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not an employee of the School System. Any results obtained through this independent evaluation must be considered by the School System in any eligibility or placement decision. School-level administrators and teachers are asked to notify the Special Education Director *IMMEDIATELY* upon request of an independent educational evaluation by a parent.

The School System is under strict time constraints once a parent makes this request.

As used in this section, independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the local education agency responsible for the education of the child with a disability in question. As used in this section, public expense means that the local education agency pays for the full cost of the evaluation (limit not to exceed \$350.00) or ensures that the evaluation is otherwise provided at no cost to the parents.

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

- If a parent requests an independent educational evaluation at public expense, the local education agency must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless the local education agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.

- If the final decision is that the local education agency's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.
- If a parent requests an independent educational evaluation, Social Circle City Schools may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the local education agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the local education agency's evaluation.
- Social Circle City Schools will provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the local education agency's criteria applicable for independent educational evaluations. Contact the Director of Special Education for information regarding IEEs.

If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

- Shall be considered by the local education agency, if it meets state and local education agency criteria, in any decision made with respect to the provision of a FAPE to the child; and
- May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child.

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

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

At a minimum, **informed parental consent is obtained before:**

1. Conducting an initial evaluation to determine if the child qualifies as a child with a disability;
2. Conducting any re-evaluation of a child with a disability;
3. Providing initial special education and related services to a child with a disability;

- a. Consent to provide special education and related services are the consent for any special education and related services described in the IEP to provide FAPE.
 - b. Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.
- 4 Disclosing personally identifiable information under conditions.
5. Accessing a child's or parent's public benefits or insurance for the first time as described in State Board of Education Rule 160-4-7-.02.

Social Circle City Schools makes reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability, as well as consent for an initial placement.

For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, Social Circle City Schools 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:

- 6.Despite reasonable efforts to do so, the local education agency cannot discover the whereabouts of the parent of the child;
- 7.The rights of the parents of the child have been terminated in accordance with state law;
- 8.The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

If the parent of a child does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the local education agency may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings.

- 1. The local education agency does not violate its obligations under Child Find if it declines to pursue the evaluation.

Social Circle City Schools (responsible for making FAPE available to a child with a disability) will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. If the parents of a child fail to respond or refuse to consent to services, the local education agency may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided.

- 1. If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, the LEA will not be considered in violation of the requirement to make FAPE available to the child for which the local education agency sought consent.
- 2. The local education agency is not required to convene an IEP Team meeting or develop an IEP for the child for whom the local education agency requests consent.

Social Circle City Schools obtains informed parental consent prior to conducting a re- evaluation of a child with a disability. 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.

NOTE: Consent for initial evaluation shall **not** be construed as consent for initial provision of special education and related services.

Social Circle City Schools 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.

For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the school system 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:

1. Despite reasonable efforts to do so, the local education agency cannot discover the whereabouts of the parent of the child;
2. The rights of the parents of the child have been terminated in accordance with state law;
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

If the parent **refuses to consent to the re-evaluation**, Social Circle City Schools may, but is not required to, pursue the re-evaluation by using the consent override procedures by accessing the mediation or due process hearing procedures. The school system does not violate its obligation if it declines to pursue the re-evaluation.

Parent Refusal for Consent/Revocation

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

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

Appropriate Public Education (FAPE) would be provided with or without the provision of a service, the parent may use the due process procedures outlined in *Special Education Parental Rights* to obtain a ruling regarding the services. Consent for services is for consent for special education.

Parent Consent Not Required

The school system need not obtain informed parental consent if it can demonstrate that:

- (iii) It made reasonable efforts to obtain such consent;
- (iv) The child's parents failed to respond.

Parental consent is **not** required before:

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

The school system may not use a parent's refusal to consent to one service or activity under subparagraph (d) – (f) of paragraph 6 of this Rule to deny the parent or child any other service, benefit, or activity of the local education agency.

If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the local education agency may not use the consent override procedures described in this rule;

- (iii) The local education agency is not required to consider the child as eligible for services.
- (iv) To meet the reasonable efforts requirement in the consent section of this rule, the local education agency must document its attempts to obtain parental consent.

Parent Training

Parents may be provided assistance:

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

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for providing procedural safeguards and ensuring parental rights. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. Yearly TKES evaluations will be impacted and documented if the educator continues to have difficulty implementing fully compliant procedures for ensuring procedural safeguards and ensuring parental rights.

State Rule: 160-4-7-.11- Surrogate Parent

Efforts to Locate Parents

- Ward of the State
- Homeless

Youth Appointment of Surrogate

- LEA Determines Need
- LEA maintains List

Criteria for Surrogate Parent selection

Surrogate Parent Responsibilities

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

The person who is selected to be a surrogate parent may not be an employee of the State Education Agency, Local Education Agency or any agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child s/he represents; and has knowledge and skills that ensure adequate representation of the child (attends a Surrogate Parent Training Session.) In the case of a child who is an unaccompanied **homeless youth**, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.

Children who are in the custody of the Department of Family and Children's Services (DFCS) and the Department of Juvenile Justice (DJJ) are considered "*wards of the state*" or in Georgia the term most often used "*in state custody*". Children in the custody of DJJ or DFCS that are residing in group homes, residential facilities, or emergency shelters may all qualify as wards of the state that need a surrogate parent. Children in the custody of DFCS who reside with a foster parent are also wards of the state; however, the **foster parent** can fit the definition of parent under the 2004 Individuals with Disabilities Educational Act (IDEA). Therefore, a foster parent can sign **Consent to Evaluate** and to **Place in Special Education** without getting a surrogate parent or requiring that the foster parent attend training prior to signing.

Appointment of Surrogate

All children with disabilities are entitled to FAPE under state regulations and federal special education laws. Included in these laws is a mandate that the parents of children with disabilities have the opportunity to participate actively in the educational decision-making process. Unfortunately, some children with disabilities do not have parents who can fulfill this very important role, thus leaving their educational planning solely to representatives from their school district (LEA) or from other agencies. Federal law; the IDEA; and Georgia Rules, regulations, and minimum standards require that an individual must be appointed by the district as a surrogate parent to make decisions regarding the free appropriate public education of a child with a disability. surrogate parent is needed when

- no parent (as defined by the IDEA) can be identified;
- the public agency, after reasonable efforts, cannot locate a parent;
- the child is a ward of the State; or
- the child is an unaccompanied, homeless youth as defined by the McKinney-Veto Homeless Assistance Act.
- Surrogate Parent Responsibilities

Social Circle City School Procedures for enrollment are specific and done through centralized enrollment procedures at the BOE County Office. Social Circle determines the need of assigning a surrogate at the time of enrollment into the school system. The Special Education Director and Social Circle City Schools counselors work together with DFACS to provide all children with support.

Social Circle City Schools **maintains a list of surrogate parent** appointments.

For a child who is a ward of the State, a judge overseeing the child's case may appoint a surrogate parent. The surrogate parent has no financial responsibility or other responsibility for the day to day care of the student. The surrogate parent must:

- protect the child's rights in the educational and decision-making processes, including the identification, evaluation, and placement of the student;
- follow confidentiality requirements of Georgia Rules and federal law;
- use discretion in the sharing of information;
- participate in developing the student's IEP;
- not be an employee of the "state, district or any other agency that is involved in the education or care of the child"
- have no interest that conflicts with the child he or she represents; and
- have the knowledge and skills that ensure adequate representation of the child.

If the child is in the custody of a State agency (DFCS), then the child is a ward of the state. If the child is a ward of the state, then the following question must be asked to determine if a surrogate is needed or not. IF the child is in the custody of DFCS, then ask the person enrolling the child if the child resides with a foster parent. If the answer is YES, then the foster parent may sign the legal forms. If the answer is NO, then the school system will assign a surrogate parent to the case.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning and training on the topic of surrogate parents. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan.

State Rule: 160-4-7-.12-Dispute Resolution

Complaint Process

Mediation Process

Impartial Due Process Hearings

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

- (a) The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.
- (b) The party filing the complaint must forward a copy of the complaint to the local education agency at the same time the party files the complaint with the Georgia Department of Education (GaDOE).
- (c) The complaint shall be reviewed and investigated as necessary and appropriate action taken within 60 calendar days of its receipt by the Georgia Department of Education (GaDOE).
- (d) If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing.
- (e) If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be so informed by the Georgia Department of Education (GaDOE). However, a complaint alleging the local education agency failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described in this rule.
- (f) Through activities of the Georgia Department of Education (GaDOE) and the local school system, the state complaint procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.
- (g) The complaint procedure is as follows:
 - 1. Complaints from any organization or individual shall be signed and addressed in writing to:

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

2. The party filing the complaint must forward a copy of the complaint to the local education agency serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent and/or Director of Special Education of Social Circle City Schools.
3. The complaint shall include a statement that the State or school system has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
4. The Divisions for Special Education Services and Supports shall address the issue with the school system in writing and request a response within 10 business days from the public agency directly involved.
 - (i) Social Circle City Schools shall then respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
 - (ii) Copies of all correspondence shall be sent to the parties involved that include the complainant, the Georgia Department of Education (GaDOE) and the school system. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
5. The parent who files the complaint and the school system shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.
6. Upon receipt of the first State complaint from a parent in a school year, the school system involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability.
7. The Divisions for Special Education Supports and Services shall review the school system's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Division for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an onsite visit, if necessary, to clarify the issue.
8. The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the Individuals with

Disabilities Education Act (IDEA). The on-site review may include examination of records, interviews and classroom visits.

9. The Division for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.
10. The Division for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the school system is violating a requirement of Part B of the Individuals with Disabilities Education Act (IDEA).
11. The Division for Special Education Supports and Services shall issue a written decision to the school system and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.
 - (i) The Division for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.
 - (ii) If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the school system is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities.
 - (iii) The Georgia Department of Education (GaDOE) must not make any final determination that the school system is not eligible for assistance under part B of the Act without first giving the school system reasonable notice and an opportunity for a hearing.
- (h) Complaints that the school system has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding Child Find are to be filed with the school system in which the private school is located and a copy forwarded to the Georgia Department of Education (GaDOE).

Mediation Process

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

- (a) The mediation process shall be available on request of either party to resolve disputes.
- (b) Mediation shall be available and offered upon each receipt of a complaint or a due process hearing request.
- (c) The procedures shall ensure that the mediation process:
 1. Is voluntary on the part of the parties;

2. Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA; and
 3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
- (d) The school system may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State who would explain the benefits of and encourage the use of the mediation process to the parents.
- (e) The Georgia Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational or other impartial basis.
1. An individual who serves as a mediator may not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child; and
 2. Mediators must not have a personal or professional interest that conflicts with the person's objectivity.
- (i) A person who otherwise qualifies as a mediator is not an employee of the school system, or a State agency solely because he or she is paid by the Georgia Department of Education to serve as a mediator.
- (f) The State shall bear the cost of the mediation process
- (g) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.
- (h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:
1. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and
 2. Is signed by both the parent and a representative of the school system with the authority to bind the school system;
 3. The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process.

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

- (a) The due process hearing request must allege a violation that occurred not more than two years before the date the parent or school system knew or should have known about the alleged action that forms the basis of the due process hearing request.
1. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the

school district that it had resolved the problem forming the basis of the complaint; or

2. The school district's withholding of information from the parent that was required to be provided to the parent.
- (b) Due process hearings are provided at no cost to either party; however each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses unless a court awards the recovery of such costs to the prevailing party
- (c) The school system must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the school system.
- (d) Due Process Request Procedures are as follows:
1. The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the school system, the party must provide a copy to the Superintendent of Social Circle City Schools at the same time it provides it to the State.
 2. Either party, or the attorney representing either party, may file the due process hearing request.
 3. The state and the parties shall keep the content of the due process request confidential.
 4. The content of the complaint must include:
 - (i) The name of the child;
 - (ii) The address of the residence of the child;
 - (iii) The name of the school and the school system the child is attending
 - (iv) For a homeless child, the contact information for the child and the name of the school and school system the child is attending;
 - (v) 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;
 - (vi) A proposed resolution to the problem to the extent known and available to the party at the time.
 5. A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above.
 6. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above.
 - (i) Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination.
 7. A party may amend its due process request only if:
 - (i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
 - (ii) The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing
 - (iii) If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again.

8. The school system's response to a due process hearing request:
 - (i) If the school system has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the school system must within ten days of receiving the due process hearing request, send to the parent a response that includes:
 - (I) An explanation of why the school system proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the school system used as the basis for the proposed or refused action; a description of the other factors that are relevant to the school system's proposed or refused action.
9. The school system's response does not preclude the system from asserting that the parent's due process request is insufficient.
10. Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request.
- (e) **Resolution process:** Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the school system must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:
 1. Includes a representative of the school system who has decision-making authority on behalf of the school system; and
 2. May not include an attorney for the school system unless the parent is accompanied by an attorney.
 3. The parent and the school system determine the relevant members of the IEP Team to attend the meeting.
 4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the school system has the opportunity to resolve the dispute that is the basis of the request for a due process hearing.
 5. The resolution meeting need not be held if the parent and the school system agree in writing to waive the meeting; or the parent and the school system agree to use mediation to attempt to resolve the due process hearing request.
- (f) **The resolution period:** If the school system has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.
 1. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation.
 2. If the school system is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in the State Board of Education rule, the school system may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request.
 3. If the school system 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.

- (g)** The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is necessary.
- 1.** The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
 - (i)** Both parties agree in writing to waive the resolution meeting;
 - (ii)** After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;
 - (iii)** If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or school system withdraws from mediation.
- (h)** If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the school system who has the authority to bind the school system.
- 1.** The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process.
 - 2.** If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution.
 - (i)** The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:
 - 1.** Must not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child;
 - (ii)** A person who otherwise qualifies to conduct a hearing is not an employee of the Georgia Department of Education or its representatives solely because he or she is paid by Georgia Department of Education to serve as an administrative law judge or hearing officer.
 - 1.** Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
 - 2.** Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;
 - 3.** Must not be previously personally familiar with the specific program or services of the school system at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific school system or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;
 - 4.** 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.

5. 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;
 6. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
 7. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
 8. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.
- (j) Subject matter of due process hearings. The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise.
- (k) Timeline for requesting a hearing. A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.
1. **Exceptions to the timeline.** The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the school system that it had resolved the problem forming the basis of the due process hearing request; or the school system's withholding of information from the parent that was required to be provided to the parent.
 - (i) Any party to a due process hearing has the right to:
 1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
 3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
 4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing;
 5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.
 6. Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.
 - (ii) 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.
 7. The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act.
 8. Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the

potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

- (m)** The parties may agree to settle the matters in dispute at any time whereupon the ALJ, upon written request, shall enter an order dismissing the matter.
- 1.** A party may file a motion for voluntary dismissal at any time, up until five days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time.
 - 2.** Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dismissal.
 - 3.** Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal.
 - 4.** If the ALJ determines that the motion has been made for good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations.
 - 5.** If the ALJ determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.
- (n)** The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform to the requirements of law and justice in individual cases under unique or unusual circumstances as determined by the administrative law judge or hearing officer.
- (o)** Parents involved in hearings must be given the right to:
- 1.** Have the child who is the subject of the hearing present;
 - 2.** Open the hearing to the public; and
 - 3.** Have the record of the hearing and the findings of fact and decisions provided at no cost to parents.
- (p)** An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds.
- 1.** In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a free and appropriate public education (FAPE) only if the procedural inadequacies:
 - (i)** Impeded the child's right to a free and appropriate public education
 - (ii)** Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free and appropriate public education to the parent's child; or
 - (iii)** Caused a deprivation of educational benefit.
 - (I)** nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering the school system to comply with procedural requirements.
- q)** Nothing in this Rule shall be construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

- (r) The Georgia Department of Education, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public.
- (s) A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph(s) below.
- (t) The Georgia Department of Education must ensure that not later than 45 days after the expiration of the 30-day resolution period or the adjusted resolution time periods that:
 - 1. A final decision is reached in the hearing; and
 - 2. A copy of the decision is mailed to each of the parties.
 - 3. An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided
 - 4. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved
- (u) **Civil Action.** Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.
 - 1. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action.
 - 2. In any civil action, the court:
 - (i) Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;
 - (ii) Hears additional evidence at the request of a party; and
 - (iii) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate.
 - (iv) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.
- (w) **Rule of Construction.** Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the IDEA, the procedures under IDEA must be exhausted to the same extent as would be required had the action been brought under the IDEA
- (x) **Attorneys' Fees.** In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or
- (y) To a prevailing party who is the Georgia Department of Education or the school system against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
- (z) To a prevailing Georgia Department of Education or school system against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.
- (aa) **Funds under Part B of the IDEA** may not be used to pay attorneys' fees or costs of a party

related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA.

- (bb)** If a court awards reasonable attorneys' fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph.
- (cc)** Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:
1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
 2. The offer is not accepted within 10 days; and
 3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.
 - (i)** An award of attorney's fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.
- (dd)** Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation.
- (ee)** A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section
- (ff)** The court may reduce the amount of the attorneys' fees awarded, if the court finds that:
1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
 2. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
 3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or The attorney representing the parent did not provide to the local education agency the appropriate information in the due process hearing request notice.
- (gg)** The provisions of paragraph (dd) of this section do not apply if the court finds that the State or local education agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.
- (hh) Child's Status during Proceedings:** Except as noted in the State Board of Education Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or school system and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.
- (ii)** If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.
- (jj)** If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the school system is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial

provision of special education and related services, the school system must provide those special education and related services that are not in dispute between the parent and the school system.

(kk) If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the school system and the parents.

(From the Georgia Department of Education Implementation Manual, 2011)

Complaint Process Parents are encouraged to contact their child's teacher and, if necessary, building level administrators when a concern arises. If concerns cannot be satisfactorily addressed at the school level, parents should contact the district's special education director.

Parents may file a formal complaint with the Georgia Department of Education (GaDOE) when they believe a violation of the IDEA has occurred. A formal complaint investigation is a procedure to determine whether the district is complying with federal or Georgia laws and/or regulations regarding the provision of special education and related services to children with disabilities. This investigation is conducted by the GaDOE.

In addition to filing a complaint with the GaDOE, the party filing the complaint must forward a copy of the complaint to the district serving the child. The party filing the complaint will address the complaint with the district in writing and will request a response from the district within 10 business days. The parent who filed the complaint will have an opportunity to engage voluntarily in mediation with the district to resolve the dispute.

Mediation Process

Mediation is a way to discuss and resolve disagreements between the parent and the district with the help of a trained, impartial third person. Mediation should be offered to either party to resolve disputes. Although this process is voluntary for each party, both parties must agree to mediation. Discussions during the mediation process are confidential and may not be used as evidence in any due process hearings or civil proceedings. The GaDOE contracts with a number of qualified mediators and will assign a mediator when mediation is requested. If an agreement is reached during mediation, the agreement is legally binding in a State or District Court. The failure to carry out an agreement may also be the subject of a State complaint.

Impartial Due Process Hearings

Parents or the district may request a due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of special education and related services to the child.

A resolution can be reached through several ways in a dispute with a district over the rights and services afforded to students with disabilities and their families. The quickest and most efficient method is to contact the special education administration in the district. The special education director can often assist a family in working out the differences with minimal time and conflict. When a resolution cannot be worked out locally, specific processes are guaranteed to families of students with disabilities under the Individuals with Disabilities Education Act (IDEA). These include:

(1) formal complaints, (2) mediation, and/or (3) a due process hearing.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures for Dispute Resolutions. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. The Special Education Director works closely with parents and ensures open lines of communication are maintained. The Special Education Director attends as many IEP meetings as possible (all initial placements) and meets with parents to thoroughly discuss concerns and issues when they are presented and works to develop a plan to address and correct concerns.

Area of General Supervision V: Readiness for College and Career

State House Bill 400- Bridge Law

See also Transition Services Under State Rule: 160-4-7-.06

Sixth, seventh and eighth grade students receive:

- Counseling
- Regularly Scheduled Advisement
- Career Awareness
- Career Interest Inventories
- Information to Assist Students in Evaluating Their Academic Skills and Career

Interests

- Individual Graduation Plan for 8th Grade Students

High School Students Receive

- Career Counseling
- Career Guidance
- Regularly Scheduled Career Advisement
- Information to Enable Students to Successfully Complete Their Individual Graduation

Plans

Components of the Bridge Act

(From the Georgia Department of Education website:

<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/CTAE/Documents/BRIDGE-separate-card.pdf>)

The BRIDGE (*Building Resourceful Individuals to Develop Georgia's Economy*) Act, **House Bill 400**, was signed into law May 2010 to create an atmosphere motivating middle- and high-school students to learn because they see the relevance of education to their dreams and future plans. The implementation of the BRIDGE Act provides middle- and high-school students with career counseling and regularly-scheduled advisement to choose a focused plan of study. The most critical parts of the BRIDGE Act mandate all students in middle and high school receive counseling and regularly-scheduled advisement. The second mandate is that students choose a career area, create an Individual Graduation Plan, and graduate high school prepared to go to college or to enter the workforce. The third mandate requires regularly-scheduled advisement for all high- and middle- school students. The new rigorous performance standards and graduation requirements found in Georgia secondary schools better prepare our students and ensure they are prepared to move on successfully from one phase of their educational life to the next, and eventually to become a productive citizen of Georgia's workforce. The BRIDGE Act when coupled with Georgia's economic and workforce development model creates qualified workers to attract strong, stable companies and industries.

Social Circle City Schools provides to sixth, seventh and eighth grade students the following:

- Counseling
- Regularly-scheduled advisement
- Career awareness
- Career interest inventories
- Information to assist students in evaluating their academic skills and career interests

Social Circle City Schools provides high school students the following:

High School Students Receive

- Career Counseling
- Career Guidance
- Regularly Scheduled Career Advisement
- Information to Enable Students to Successfully Complete Their Individual Graduation Plans

Each student in the 8th grade is mandated by the Bridge Act to create an **Individual Graduation Plan** (IGP). This graduation plan helps “map out” the rigorous academic core subjects and focused work in mathematics, science, or humanities, fine arts, world languages or sequenced career pathway coursework. The IGP is based on the student’s selected academic and career area to prepare them for their chosen career. This plan must be developed in consultation with parents/guardians, students, school counselor or teacher as advisor.

Additional parts of the Individual Graduation Plan may include career-oriented and work-based learning experiences, and postsecondary studies through Georgia’s multiple College Credit Now programs.

Students are allowed changes to their Individual Graduation Plan, but need to keep it sufficiently structured to meet graduation requirements and to qualify for admission to postsecondary education. It is advisable that any changes to the plan be based on career data gathered from career interest inventories.

These changes can be made during the high school ongoing review of the Individual Graduation Plan. During the IGP review, courses completed, schedules, career pathway, postsecondary plans, and related topics can be reviewed and revised, if appropriate, upon approval by the students and the student’s parent or guardian with guidance from the student’s school counselor or teacher advisor.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures on the topic of the Bridge Law. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. If problems continue following intensive support from the special education director, concerns will be fully documented within the teacher’s yearly evaluation within TKES.

Transition Services

(From The Georgia Department of Education website: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Transition-.aspx>)

Transition is the movement from school to post school environments. It should include the skills necessary for the student to be successful in education, employment, and independent living after completion of high school. Transition requires support from multiple sources for the student and his/her family to make choices, develop connections, and access services. Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP team and is updated annually thereafter.

The IEP must include:

1. appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and
2. the transition services (including course of study) needed to assist the child in reaching those goals.

Course of study should focus on instructional and educational classes and experiences that will assist the student to prepare for transition from secondary education to postsecondary life and a regular high school diploma. It should relate directly to the student's post-secondary outcome goals and show how the planned course of study is linked to these goals. The course of study should be meaningful to the student's future and motivate the student to reach successful post school outcomes.

The student should be involved in the transition components of the IEP and should be invited to this portion of the IEP meeting. If the student does not attend the IEP meeting, the school system must take other steps including verbal and written input to ensure that the student's preferences and interests are considered before developing the transition aspects of the IEP. It should also be noted that the parent and student should be aware (and provide permission) for other agencies to be invited to help with successful transition planning and attend the IEP meeting.

Procedures used by Social Circle City Schools to ensure that appropriate transition services are planned for students with disabilities are outlined in the **IEP Section (Rule 160-4-7-.06)** in this document.

Monitoring and Professional Learning

The Special Education Director will provide ongoing professional learning for policies and procedures on Transition services. Teachers will be administered monthly Compliance Modules to assist with monitoring and assess understanding. Teachers who receive a score below 80% proficiency will receive technical assistance. Those who continue to have difficulty with procedures and policies will be reported to the building administrator and placed on a Corrective Action Plan. Yearly TKES evaluations will be impacted for educators who do not comply with policies and procedures for Transition Services.

Georgia's Coordinated Early Intervening Services (CEIS)

IDEA permits, and in some instances, requires school districts to use a portion of funds provided under Part B of the IDEA for the purpose of CEIS. Any district may opt to use up to, but not exceeding, 15 percent of the total amount of its 611 and 619 Part B IDEA funds for CEIS. However, when a district is found by the State to have significant disproportionality in the identification, placement and/or discipline of children with disabilities, the district must use the **maximum amount of 15 percent for CEIS**, to help address issues of disproportionality. CEIS must be provided to those race/ethnic groups that were significantly impacted. To apply to use IDEA funds for CEIS, the district must describe how the proposed expenditures for CEIS will be used. The plan must be relevant in assisting the district to address the targeted area of disproportionality.

The district will review and revise, as needed, local policies, procedures and practices. The district will in turn, report the revised policies, procedures and practices. CEIS funds will be spent on students who have not been identified as needing special education services but need additional supports to succeed in the general education environment.

Social Circle City Schools must implement and monitor the CEIS plan and input children served by EIS into the GaDOE portal.

The CEIS plan has four parts:

1. Describe the research-based intervention and how the intervening services will support the identified needs of the targeted group of students based on the data analysis.
2. Describe the targeted audience for the CEIS. How does the intervention meet the diverse needs of the at-risk students?
3. Describe the entrance and exit tool(s) and criteria used to identify students for CEIS.
4. Describe the ongoing progress monitoring procedures that will be used to measure student outcomes. Also, describe the plan to monitor and assess fidelity of implementation at the district level.

CEIS Budget: All items with a per unit cost of \$5,000.00 or more need prior approval from the GaDOE budget specialist (excluding personnel). CEIS expenditures should be identified in the IDEA budget.

CEIS funds may be spent on research based interventions, progress monitoring, after school, personnel, professional development, travel, electronic devices, and instructional materials.

CEIS Coordinators will review data every two weeks and share progress charts with the Special Education Director.

The CEIS Coordinators are expected to comply with the following requirements:

- *Report to the Special Education Director any concerns or problems.
- *Monitor and supervise daily research based interventions for students identified as Coordinated Early Intervention Services Students
- *Assist classroom teachers of students identified as CEIS students with instructional strategies, ideas for differentiation, and data review
- *Ongoing data collection and progress monitoring of students identified as CEIS students response to research based interventions
- *Send weekly reports to the Special Education Director

Procedures for Monitoring

The Check and Connect CEIS Coordinator meets with students weekly to discuss concerns/problems/attendance/coursework. The Check and Connect CEIS Coordinator contacts parents when concerns arise and maintains close contact with building level administrators. The Check and Connect Coordinator will debrief with classroom teachers to track student achievement and may observe in classroom settings when needed for additional support. The Moby Max CEIS Coordinator will meet with students and track the number of minutes on Moby Max Language and Moby Max Math. In addition, the Moby Max CEIS Coordinator will track attendance, office referrals, and grades for the CEIS students. The CEIS Coordinators for Boys Town will meet with students each day and reinforce the Boys Town curriculum. The CEIS Boys Town Coordinators will track attendance, office referrals, and grades for each CEIS student. The Boys Town CEIS Coordinators will also meet with classroom teachers and discuss any problems or concerns within the classroom setting. Finally, the PBIS District Coordinator will analyze district and school level data. The PBIS District Coordinator will hold district meetings, analyze trends, and report individual student concerns to the Special Education Director. The school psychologist and/or the Special Education Director will attend Tier III/SST meetings. Decisions of transitioning between tiers will be made by reviewing the data. All CEIS Coordinators are responsible for monitoring the fidelity of interventions using spreadsheets and data checks which are continually updated.

Special Education Director Monitoring

The Special Education Director will monitor and supervise every aspect of the CEIS plan. The Special Education Director will hold Stakeholder meetings, collect and analyze data, monitor for fidelity, adjust the plan and budget as needed, and enter all student data into the portal.

Social Circle City Schools

Guidelines for Physical Restraint

The use of physical restraint is prohibited in Georgia public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. The use of seclusion is prohibited in Georgia public schools and educational programs.

The strain of trying to deliver sufficiently engaging instruction and at the same time orchestrate appropriate behavior can be intense, overwhelming and ultimately defeating at times. The use of the methods and strategies that CPI teaches can help all educators essentially have a positive and successful learning environment.

Physical restraint refers to direct physical contact from an adult that prevents or restricts a student's movement. It does not apply to limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort. The Board acknowledges that in certain limited situations the use of physical restraint of students by adults employed by the Board will be necessary. Decisions about physical restraint of students require the exercise of personal deliberation and judgment. This policy does not create any ministerial duties on the part of any employees of the Board, but is intended to provide guidance and direction to assist employees of the Board in the exercise of their discretion.

Nothing in this policy shall interfere with the duties of law enforcement or medical emergency personnel, including School Resource Officers. Each Principal will determine a time and method to ensure that appropriate staff members, parents, and students are familiar with the School Board Policy and the Georgia code JGF (2) 160-5-1-.35. All schools within the district are expected to develop a Crisis Prevention team. Principals are responsible for assuring that a CPI team is identified for the school and that the team participates in training and updates in accordance with the guidelines set forth by the National Crisis Prevention Institute.

It is an expectation of Social Circle City Schools that each school have a team of staff members who are trained in the use of physical restraint. Proper Documentation of any incident requiring the use physical restraint is mandatory. Staff member(s) implementing the procedure must use the SCCS Physical Intervention/Restraint Report to record the incident. It is highly recommended that the form be completed with an Administrator. The Principal or Designated Administrator is required to sign the report and responsible for sending a copy to the parent(s) and Special Education Department within 24 hours from the use of physical restraint. The Special Education Director reviews all restraint reports and keeps a file of all reports.

- Physical restraint – direct physical contact from a trained adult that prevents or significantly restricts a student’s movement. The term physical restraint does not include prone restraint, mechanical restraint, or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.
- Seclusion – a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out, in-school suspension, detention, or a student requested break in a different location in the room or in a separate room.
- Timeout – a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

TRAINING REQUIREMENTS

Each Principal will determine a time and method to ensure that appropriate staff members, parents, and students are familiar with the Georgia code JGF (2) 160-5-1-.35, along with procedures regarding the use of behavior management techniques, physical restraint, and seclusion. The principal will maintain documentation of sign-in logs of all necessary parties attending the meeting when this information is reviewed.

Social Circle City Schools has selected the National Crisis Prevention Institute’s (CPI) Nonviolent Crisis Prevention program and procedures for crisis intervention. This program is considered a worldwide standard for crisis prevention and intervention training. With a core philosophy of providing for the Care, Welfare, Safety, and Security of everyone involved in a crisis situation, the program’s proven strategies give educators the skills to safely and effectively respond to anxious, hostile, or violent behavior while balancing the responsibilities of care. All schools within the district are expected to develop a Crisis Prevention team.

Principals are responsible for assuring that a CPI team is identified for the school and that the team participates in training and updates in accordance with the guidelines set forth by the National Crisis Prevention Institute. A CPI team list shall be sent to the central office designee each year within the first month of school. Only CPI trained staff should engage in the use of physical restraint. It is an expectation of Social Circle City Schools that each school have a team of staff members who are trained in the use of physical restraint. Any staff member can participate in the training provided; however, there are required members to the CPI team.

- At least one Administrator in the building;

- any self-contained teachers and paraprofessionals in self-contained settings;
- and the Principal and Central Office have the authority to designate staff members participate, if it is deemed necessary for his or her safety or the safety of others.

NONVIOLENT CRISIS PREVENTION INTERVENTION (CPI) Crisis Prevention Training is offered within the Social Circle City School District. There are two options offered for certification with CPI, a full course and refresher course option.

Nonviolent Crisis Prevention teaches a core philosophy of using non-harmful and non-physical means to address students with acting out behaviors. During training, staff will learn:

- Methods and procedures for de-escalating and assisting students to self-manage using non-physical means, as well as certification in research based physical management techniques using the least restrictive options to ensure the safety of all involved;
- Interventions and alternatives that may preclude the need for physical restraint and seclusion (e.g., de-escalation of problematic behavior and the conflict cycle);
- Procedures to be followed when physical restraint or seclusion is necessary;
- Related safety and medical considerations, including information regarding the increased risk of injury to the student and/or school personnel when physical restraint is implemented or a student is secluded; and
- Instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints.

PROCEDURES FOR PHYSICAL RESTRAINT: The following procedures for the appropriate use of physical restraint must be followed by staff members in working with special education students. These procedures apply to all special education students in all school settings:

- The use of physical restraint in the management of severe student behavior is prohibited unless there is a dangerous situation and physical restraint is necessary to protect the student or another person or persons;
- When practicable, other less intrusive interventions should have been attempted if time and circumstances permitted, and failed to manage that particular behavior. Explanation for why other interventions were deemed inadequate or inappropriate will be provided;
- Physical restraint is not a teaching procedure or behavioral intervention and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse or destruction of property or disruption;

- Physical restraint procedures will be performed whenever possible by certified trained staff members with at least two staff members present at all times to monitor the intervention and the student's safety;
- The use of physical restraint is used only for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self or others;
- The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint; and;
- Staff members will monitor the student for any safety or medical concerns, including risk of injury.

REPORTING REQUIREMENTS: Proper Documentation of any incident requiring the use physical restraint is mandatory. Staff member(s) implementing the procedure must use the SCCS Physical Intervention/Restraint Report to record the incident.

Procedure for Informing Parents of Physical Restraint: The building Principal, or designee, will make good faith efforts to contact a parent or guardian of the student who has been physically restrained as soon as is reasonable, but within 24 hours of the time when the restraint occurred. The following procedures apply to parental notification:

- Subsequent to a student being physically restrained, reasonable efforts will be made and documented to verbally communicate with the parents or guardians;
- Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, including voicemail, email, in person, or by letter. These efforts will be documented;
- The Incident Report will be given to the parent and/or guardian. This should also be documented.
- The parent will be advised of the circumstance and course of events leading up to, and resulting in, the restraint and how the situation was resolved.
- School staff members will engage in one or more of the following follow-up actions with the parent(s) or guardian(s) as appropriate: debrief of the incident, co-plan future proactive and prevention strategies, conduct a functional behavior analysis (FBA), develop a new or modify current behavior intervention plan.

State Rule: 160-4-7-.21- Definitions (Glossary of Common Terminology)

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.

Adult student - A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004 and Georgia Rule.

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.

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.

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]

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.

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.

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.

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. 6301 et seq. (ESEA). [34 C.F.R. § 300.7]

Child with a disability – In general,

- a. Refers to a child evaluated as having mental retardation, a hearing impairment
- b. (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, or 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.
- c. 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
- d. child -
 - i. 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
 - ii. Who, by reason thereof, needs special education and related service.

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 any time. 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).

Core academic subjects - Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

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.

Elementary school - A nonprofit institutional day or residential school, including a public elementary charter school, providing elementary education and contains any grade below four and does not contain any grade above grade eight.

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.

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.

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.

Excess costs - Those costs that are in excess of the average annual per-child expenditure in the local education agency 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.

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.

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.

Homeless Children - Has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended.

Include - The items named are not all of the possible items that are covered, whether like or unlike the ones named.

Individualized education program (IEP) - A written statement for a child with a disability that is developed, reviewed, and revised in accordance with IDEA 2004.

Individualized education program team (IEP Team) - A group of individuals defined in Rule 160-4-7-.6 Individualized Education Program that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

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.

Infant or toddler with a disability –

- a. An individual under three years of age who needs early intervention services because the individual -
 - i. 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
 - ii. Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay.

Limited English proficient - Has the meaning given the term in section 9101(25) of the ESEA. Persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English.

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.

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.

Native language –

- a. When used with respect to an individual who is limited English proficient, means the following:
 - i. 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.
 - ii. 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).

Parent –

- A. Refers to-
 - a. A biological or adoptive parent of a child;
 - b. A foster parent;
 - c. 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);
 - d. 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
 - e. 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."

Parent training and information center - A center assisted under sections 671 or 672 of IDEA. **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. **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.

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.

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. 701 et 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;
- (v) 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;
- (vi) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (vii) 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.

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.

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.

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) the following:

- (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 applies 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.

State educational agency (SEA) - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools.

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]

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.

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. **Universal Design for Learning** is a set of principles for curriculum development that give all individuals equal opportunities to learn. Universal Design for Learning provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone--not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs.

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.

Related Services: Occupational and Physical Therapy Services

Special education instruction is designed to meet a student's unique educational needs resulting from a physical, emotional, cognitive, and/or communication disability. Related services are those supportive services that may be required to assist a student in benefiting from special education instruction as described in the Individualized Educational Program (IEP). In the educational setting, Occupational Therapy (OT) and Physical Therapy (PT) are necessary services designed to support the student's achievement of the educational goals and objectives as defined in the IEP.

A. Occupational Therapy (OT) services generally focus on the development and strengthening of sensory motor, fine motor, self-help skills, and the design of environmental adaptations and adaptive devices to support functioning of individuals with disabilities.

B. Physical Therapy (PT) services generally focus on the development and strengthening of gross motor skills to achieve increased muscle strength, mobility and endurance to support functioning of individuals with disabilities. Physical therapy services also focus on monitoring the function, fit, and proper usage of mobility aids and adaptive devices.

Educational Relevance of Therapy

There are significant differences between services that may be required for an individual student due to medical issues and services that may be required for a student to benefit from an appropriate educational program. For example, the medical model for physical and occupational therapy provides rehabilitative treatment for acute and chronic conditions. In the medical model, intensive therapy is often provided during an acute or post-operative phase. Medical/rehabilitative services for disabling conditions may require treatment in a medical rehabilitation setting and *are not* the responsibility of the local school district.

If a student's disability is not interfering with his/her ability to participate in or benefit from an appropriate regular or special education program, the student may *not* require Occupational Therapy and/or Physical Therapy as educationally related services. OT and/or PT Related Services are provided only when necessary for the student to benefit from the Special Education services described in the IEP. The fact that a student may have a diagnosed disability does not in and of itself constitute a need for Occupational or Physical Therapy services. Services for a student with a medically-diagnosed condition or a medical prescription requesting related services *will not be provided* if the student can benefit from appropriate educational program without those services.

Education therapy is provided in the following situations:

- a) Student has met eligibility criteria for special education as per State Special Education Rules.
- b) Therapy has been determined necessary through a documented assessment process, to enable the student to benefit from the Individualized Education Program (IEP).

Medical therapy (not school-based therapy) is provided in the following situations:

- a) Prior to or following surgery;
- b) Acute rehabilitation (i.e., initial therapy for burns, head injury, spinal cord injury);
- c) Therapy deemed necessary but which does not enhance education or IEP goals.
- d) Therapy deemed necessary but the student does not qualify for special education programming;
- e) Therapy maintenance program if student is functionally independent in his/her educational setting.
- f) Therapy rehabilitation program if student is functionally independent in his/her educational setting.

Evaluation Process for OT/PT: Overview

Evaluation for Occupational and/or Physical Therapy is a comprehensive process to assess a student's functional performance in the educational setting. The extent and nature of the evaluation are determined by the therapist with consideration of the student's disability and how it impacts educational benefit. Whenever possible, therapists use standardized assessment instruments in conjunction with informal procedures.

The evaluation includes a written report indicating the nature and severity of the student's problem. When appropriate, the report also includes a recommendation concerning service options and/or levels of service to be considered by the IEP committee. The evaluation report is completed within 30 school days from the date the referral is received. When the evaluation is completed, the therapist contacts the school staff to schedule an IEP meeting to review the results.

In some cases, student information may suggest that an evaluation for OT or PT be completed during the initial referral process for special education (i.e., when there is substantial documentation that a student's severe physical or intellectual disabilities will prevent him/her from benefiting from education without the support of OT/PT, those services may be required for support with self-help skills or positioning).

NOTE: *If an OT or PT evaluation is completed during the initial referral process for special education, a decision concerning the need for related services cannot be established until eligibility for a specific area of disability is determined.*

Occupational or Physical Therapy: Referral Process

The decision to make a referral for OT/PT is based on a determination of whether the student is benefiting from his/her special education program. If the parent/teacher determines that the student's IEP goals cannot be achieved without the provision of OT or PT services, a referral should be initiated.

The following procedures are used by Social Circle City Schools:

1. Special education teacher completes the OT/PT referral form provided by Northeast Georgia RESA, and attaches the following: results from a current hearing/vision screening, the IEP, and the RESA IEP Checklist. All of this documentation is sent to the Special Education Department, where it will be forwarded to RESA for distribution to the appropriate therapist.
2. The appropriate therapist will conduct an evaluation to determine whether services are necessary.
3. Following the evaluation, The **OT/PT Evaluation Report** is completed and sent to the referring special education teacher.
4. The special education teacher schedules an IEP meeting for the student, insuring that the Occupational Therapist or Physical Therapist is in attendance.

(NOTE: If a student is not enrolled or eligible for IDEA special education services and is thought to need related/support services such as OT/PT, referrals should be made through the RTI/SST/504 process.)

5. If services are indicated, the therapist sends a letter and medical referral form to the physician. *(Current laws of the Georgia State Board of Physical Therapy mandate a physician's referral be obtained prior to the delivery of physical therapy services.)*

Initial Placement Procedures for Students Eligible for OT/PT

Students who qualify for Occupational Therapy and/or Physical Therapy, based upon eligibility requirements under IDEA and the initial OT/PT evaluation, may be considered for OT/PT services. An Individual Education Program (IEP) meeting is scheduled to consider Related Services. The IEP committee makes all placement recommendations for students to receive special education services and/or related services. Participants at the meeting should include the following:

- Parent
- Special Education teacher
- Occupational Therapist and/or Physical Therapist
- Regular classroom teacher
- Representative from the Local Educational Agency

If the team agrees that the Related Service is appropriate, the IEP goals and objectives are examined to insure that they address identified educational needs of the student and should be stated in such a way that they reflect that relationship (i.e., *How will therapy help the student benefit from his/her special education program?*).

Methods of implementation are determined by the therapist and may be reflected in the goals and objectives on the IEP. In determining whether or not assessed educational needs should be met by a therapist, the following criteria should be apparent:

1. Entrance criteria clearly indicate need for service.
2. Activities are educationally related to classroom activities and are designed to enable student to benefit from classroom instruction.
3. Therapy activities cannot be assigned to classroom staff.

4. Student is unlikely to benefit from the special educational activities without Occupational or Physical Therapy.
5. Occupational Therapy/Physical Therapy activities must relate to IEP goals and objectives.
6. Therapy services are necessary to meet IEP goals.
7. Provision of therapy services will improve the student's ability to adapt, thus enhancing potential for learning.

Service Delivery Definitions for Occupational and Physical Therapy

Direct Services

Direct service refers to occupational or physical therapy (OT or PT) provided to students primarily by the therapist in collaboration with the student's teacher and other staff. The purpose of direct therapy is to provide training in strategies necessary to reach functional performance on the student's individual education program (IEP) objectives within the educational setting. Direct services are recommended only when the identified problem prevents successful educational outcomes based on IEP objectives and when other personnel cannot be trained to implement the necessary strategies. This service may take place in a variety of environments (i.e., classroom, cafeteria, gym, etc). Direct services should include some consultation with others, including family members, who need to incorporate specialized training into daily activities.

Direct OT and PT services are listed on the IEP with specific recommendations concerning frequency and duration. IEP goals and objectives that require the support of Occupational Therapy and/or Physical Therapy should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

CONSULTATION

Consultation refers to indirect service where the teacher and other staff are trained by the therapist to assist the student with strategies to meet specified educational objectives.

Consultation involves the exchange of ideas and skills among staff related to the educational program for a student and/or development of specialized materials or equipment necessary to assist the student to benefit from his/her educational program.

Consultation requires direct interaction between the student and the therapist in natural environments on an ongoing basis. This service may take place in a variety of environments (i.e., classroom, gym, cafeteria, etc.). Consultation is recommended when the identified problem interferes with, but does not prevent, the achievement of functional performance on the IEP objectives.

Consultation Occupational Therapy and Physical Therapy services are listed on the IEP with specific recommendations concerning frequency and duration. Minimally, consultation services are recommended for one segment per month. A segment may range from 30 to 60 minutes. IEP goals and objectives, which require the support of OT and/or PT, should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

Procedures for Students Determined to be Ineligible for OT/PT

If a student initially referred for Occupational Therapy/Physical Therapy is determined to be ineligible for OT or PT services, the student's special education teacher/case manager schedules a meeting to review the OT/PT Evaluation Team Report and recommendations with the student's parent(s).

Exit Criteria for OT/PT

A student no longer qualifies for Occupational and/or Physical Therapy services when the therapy is not required for the student to benefit from special education. Factors to consider include the following:

1. The student's IEP goals have been met and no additional services are required.
2. The student's disability ceases to be educationally relevant under regulations of IDEA.
3. Therapy is contraindicated due to a change in the student's medical or physical status.
4. Assessments indicate that the student has reached a point of appropriate positive change.

An IEP meeting with the appropriate participants is required to exit or dismiss a student from any special education or related service(s).

Assistive Technology

As part of the Individual Education Program (IEP) process, the team considers supplementary aids and supports, and whether any referral for evaluation(s) is necessary for the provision of a free appropriate public education (FAPE). Guiding questions for considering assistive technology are: What do we want the student to be able to do? Can the student accomplish the tasks or achieve the goals independently using standard classroom tools? If not, can the student accomplish the tasks or achieve the goals when provided with accommodations or modifications? If not, can the student accomplish the tasks or achieve the goals when provided with currently available assistive technology? If not, what additional supports need to be provided?

While a formal Assistive Technology Evaluation process is in place, a special education teacher may decide to examine and observe a student's use of specialized educational software. Social Circle City Schools has purchased Interactive Panels for all classrooms. This year, the district has purchased 40 Ipad and ten Chromebooks for the Special Education staff.

State Assessments

Students who should participate in the regular assessment are those students whose IEP teams have determined that it is reasonable for them to participate in the statewide or district-wide assessment(s) with appropriate accommodations. The decision for reasonableness is based on several factors. IEP teams should ask the following question:

Is the focus of the student's instruction the Common Core Georgia Performance Standards (CCGPS) or a modified CCGPS?

If the student's instruction is based on the CCGPS, the student should be taking the regular assessment.

Once it has been determined that the student is going to participate in the regular assessment program, consideration must be given to both instructional and testing accommodations. Many students with disabilities participate in assessments with no accommodations because of the nature of the disability. For example, a student with a speech/language impairment with an IEP for articulation instruction will probably need no accommodations in order to participate in the regular assessments. These are primarily paper and pencil assessments where no speech is necessary. A student with a visual impairment who uses large print text for instructional purposes will need large print tests in order to participate in the regular assessment. Large print tests would be the testing accommodation listed in the student's IEP. The challenge for the IEP team is to look at the instructional accommodations and classroom testing accommodations the student uses and decide which of these is necessary for participation in the statewide assessment. The student needs to be

provided with all the required accommodations but not accommodations that would simply be provided. For example, it would be “nice” if all students could have extra time or breaks during the test. The question is “Does this student require these accommodations in order to participate?” The goal is to allow the student with a disability the opportunity to participate in/access the assessment in the most standard way possible.

When the answer to the first question is **no**, IEP teams must then consider the third question: **Is the focus of the student’s instruction on an alternate, functional curriculum with CCGPS components?** If the student’s instruction is an alternate, functional curriculum with CCGPS components and not the CCGPS curriculum, the student should be placed on the Georgia Alternate Assessment (GAA).

The student assessment program in Georgia is based on those skills and content knowledge that a student acquires through study of content that is in the CCGPS. A student in a functional curriculum with CCGPS components would not be studying those skills as extensively as students on the CCGPS and content that are being tested by Georgia’s regular testing program.

(NOTE: It is good practice to always consult with the school system’s Special Education Director before recommending the Georgia Alternative Assessment for a student. Although it is an IEP decision whether a student should be on Georgia Alternative Assessment or not, there are certain Georgia guidelines that must be adhered to in making that determination.)

Once it has been determined that the student will participate in the Georgia Alternative Assessment, the IEP team begins selecting objectives from the CCGPS that will assess the student’s progress toward his/her goals. All decisions regarding participation in the assessment program are documented in the student’s IEP.

Procedures

In order for the Georgia Department of Education to satisfy the Individuals with Disabilities Education Act (IDEA) requirement for reporting the number and performance of students with disabilities participating in statewide assessments, including alternate assessment measures, Social Circle City Schools properly codes every student with an IEP. Specific directions are provided with the examiner’s materials for each statewide test.

However, the following provides a general overview of relevant issues that apply to the Georgia Kindergarten Assessment Program-Revised (GKIDS), the Georgia Milestones Assessment, the Norm-Referenced Test (NRT) if given, the Grade 3 Writing Assessment, the Grade 5 Writing Assessment, The Middle Grades Writing Assessment (MGWA), the GHSQT, and the GHSWT, and the End of Course Tests (EOCT).

Students with disabilities who have an IEP recommending participation in statewide assessments with no accommodations or with accommodations that result in a standard test format should participate in the assessment like all other students.

- Students with disabilities who have an IEP recommending participation in statewide assessments with accommodations that result in nonstandard test format should participate in the assessment with the designated accommodations.
- Students with disabilities with IEPs recommending nonparticipation in statewide assessments must have the type of alternate assessment for the student identified in the IEP and following Georgia Department of Education guidelines for alternate assessment.

Georgia Alternate Assessment (GAA)

Under the Individuals with Disabilities Education Act (IDEA), all students with disabilities must be

considered for participation in all statewide assessments. The decisions regarding the participation of students with disabilities in statewide assessment must be made on a case-by-case basis and by each student's IEP team. The IEP team should

- (a) consider the purpose of the assessment,
- (b) consider the feasibility of the student's participation,
- (c) determine what accommodations, if any, the student will need and document this in the student's IEP, and
- (d) document in the IEP the decision for the student to participate in the assessment or for the student not to participate.

If the student's IEP team recommends that she/he not participate in the statewide assessment, then the IEP must document the reason the student will not participate, and then identify how the student will be assessed. The IEP should be completed early enough in the school year to permit adequate preparation and to allow sufficient time to order materials. Since the GAA is a portfolio assessment and has administration periods throughout the school year, it is very important that the decision to participate in GAA is made early.

Standard and Nonstandard (Conditional) Administration

Standard administration refers to testing conditions in which the procedures and directions included in the administration manual are followed **exactly**.

Nonstandard administration refers to testing conditions in which the procedures and directions included in the administration manual are **not followed exactly**. The state now uses the term **conditional**.

NOTE: There are no nonstandard administrations of the Georgia High School Graduation Tests (GHS GT), End of Course Tests, and the Georgia High School Writing Test (GSHWT).

In order for a student to be administered a test in a nonstandard format, the student must have an IEP that specifies special accommodations. A few accommodations, such as large-print test materials or test administration in a small group, may fall within a *standard* administration format (specific information is given in each test manual). Other accommodations result in a *nonstandard* administration. It must be noted that not all tests have a nonstandard administration. The GHS GT, EOCT, and the GSHWT do not have nonstandard formats and any accommodation specified in the IEP and not considered as standard by the test manual will require a waiver request. Other state tests, however, according to the specific test manual, will specify standard and conditional testing accommodations. Whether a standard or a conditional administration is given, the recommended accommodation(s) identified in the student's IEP must be provided. The students' test protocols must be coded to reflect a standard or non-standard/conditional test administration to provide data on the number and performance of students with disabilities on assessments as required by the IDEA. Modifications for any assessments determined by the IEP team to be modified in such a way that causes it to be "nonstandard" or "conditional" need to be thoroughly discussed as to the reason for the possibility of a nonstandard administration.

Types of Accommodations (Refer to current Georgia Student Assessment Handbook) Students with disabilities often need accommodations when taking an assessment. If a student needs accommodations and does not receive them, the assessment will reflect the student's disability rather than the student's acquired skills or knowledge.

Accommodations for students with disabilities under the IDEA must be determined at the annual IEP team meeting. Accommodations that are provided for assessments should be the same types of accommodations that are provided for instruction. There should be the same types of

accommodations that are provided for instruction. There should be a direct link. No accommodations should be used for the first time during the assessment process. For example, if a student has not used a “reader” during instruction, the presence of a reader may in fact hinder the student’s performance by distracting him/her.

For example, if a student typically uses a study carrel to complete written assignments, then a study carrel during a test would be an appropriate accommodation.

Setting Accommodations:

Accommodations to the setting in which the testing normally occurs may be helpful to students with disabilities. The following are some examples of accommodations to the test setting:

- Small group testing
- Study carrel
- Special Lighting
- Adaptive or special furniture
- Special acoustics
- Separate room
- Individual administration

Timing/Scheduling Accommodations:

Accommodations that adjust the time allowance or distribution for a test are considered timing or scheduling accommodations. The following are some examples of timing/scheduling accommodations:

- Extended time
- Flexible schedule
- Frequent monitored breaks during testing
- Frequent breaks during selected subtests
- Optimal time of day for testing
- Subtests in different sequence

Presentation Accommodations:

Accommodations that present the test materials and / or test directions in a manner other than that described in the test administration manual are considered presentation accommodations. The following are some examples of presentation accommodations:

- Large print
- Sign the directions
- Sign test questions
- Sign reading passages
- Explain or paraphrase the directions for clarity (in English only)
- Braille
- Color overlays, templates, or place markers
- Use of highlighter by student
- Oral reading of test questions in English only by reader or assistive technology
- Oral reading of reading passages in English only by reader or assistive technology
- Low vision aids (e.g. CCTV, magnifying equipment)
- Repetition of directions (in English only)
- Materials presented with contrast and tactile cues

- Photograph used
- Substitute manipulative
- Use directions that have been marked by teacher
- Audio amplification devices or noise buffer/listening devices

Response Accommodations:

Accommodations that allow for alternate answering modes for the student are considered response accommodations. The following are some examples of response accommodations:

- Student marking in test booklet
- Student use of Braille
- Proctor or scribe writes student response
- Technology applications, such as Braille, word processor, or other communications device with all grammar and spell check devices disabled
- Student points to answers
- Basic function calculator or adapted basic calculator
- Adapted writing tools (e.g., pencil grips, large diameter pencil)
- Slant board with wedge

Understanding Vocational Rehabilitation Services

The purpose of the Vocational Rehabilitation (VR) program is to assist eligible persons with physical, mental, or emotional disabilities to prepare for, obtain, regain and/or maintain employment. Each referral is different and no applicant is the same. When determining eligibility, the VR Counselor must make the determination on a case-by-case basis. Though a student is found eligible for special education services while in school based on his or her educational needs, he or she may not be automatically eligible for services through VR.

When considering who may be eligible for VR services, keep in mind the main goal of the VR service program, “To assist individuals with disabilities to enter the workforce.” In order to accomplish this goal, the disability must impede the applicant’s ability to obtain and retain employment.

Who is eligible for Vocational Rehabilitation (VR) services?

Any citizen of Georgia who has a physical or mental disability that impacts his/her ability to go to work and who can benefit from VR services to go to work may be eligible.

How does the process work?

- The individual meets with a VR Counselor to complete an application for services.
- The counselor and the individual discuss how the disability affects his/her ability to work, and if he/she will benefit from VR services, and discuss the means to secure employment.
- If the individual qualifies for VR services, choices will be discussed in order to reach the employment goal.
- Assessments are used to determine the services necessary to reach the employment goal.
- A Work Plan is created, outlining responsibilities and services needed to reach the work goal.

- Financial eligibility requirements need to be met to receive some purchased services.

What services are available?

The services available are based on what is needed to go to work. They may include, but are not limited to:

- Vocational assessment
- Vocational counseling and guidance
- Physical and mental restoration services
- Vocational training
- School-to-work transition
- Rehabilitation technology
- Supported employment
- Job search and job placement
- Referral to other agencies for needed services

Once the necessary vocational rehabilitation services are received and employment is achieved, a 90-day follow-up is provided to the individual and the employer to ensure that there are no problems and the job is a good fit. After the 90-day follow-up period, the case is closed. Vocational Rehabilitation does not provide permanent support but is available as needed for people with disabilities to seek, secure, and sustain employment. More information can be found at the website: www.vocrehabga.org

Georgia Special Needs Scholarship

The **Georgia Special Needs Scholarship** provides eligible special education students with the opportunity to attend another public or an approved private school. See the “Questions and Answers” documents on the GA DOE website at www.doe.k12.ga.us for more information about the program. Special Needs Student Scholarship Eligibility Criteria:

- The student’s parent currently resides within Georgia and has been a Georgia resident for at least one calendar year; and
- The student has spent the prior school year in attendance in a Georgia public school in grades K-12 and was in attendance on both previous October and March FTE counts; and
- The student was served under an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations at any point during the previous school year; and
- The Student is enrolled at one of the state’s approved participating private schools by the state assigned date—no exception.

Not Eligible for the Program

- Toddler and Pre-K students are not eligible. Students must complete one school year in grades K-12 in a Georgia public school before they are eligible for a scholarship.

- Students not enrolled and reported in both the October and March FTE counts in the previous school year are not eligible.
- Students who were not served under an IEP in place during the previous school year are not eligible.
- A home school operating under O.G.C.A. 20-2-690 is not eligible to enroll scholarship students.
- Residential treatment facilities licensed are not eligible to enroll scholarship students.
- Department of Juvenile Justice Schools and students are not eligible for the scholarship.

Steps to Apply for a Scholarship

If interested in applying for a Georgia Special Needs Scholarship, parents must go to the GA DOE website after May 1. At that time, the parent will download, read and follow the “Directions to Apply” in the “For Parents” box to apply for the new school year.

Parental Responsibilities

- Determine child’s eligibility and scholarship estimate on the website. Make at least two copies of the sheet. Save one for records;
- Complete and submit the electronic Parent Intent Form on the website;
- Download the list of approved private schools from the website beginning in mid-February. This list will be updated monthly through July;
- Apply and enroll the child at one of the approved private schools before given date in September; Parent must provide the private school with the child’s scholarship calculation sheet or the child will not be eligible; and
- Withdraw the child from the public school.

Georgia Learning Resources System (GLRS)

The **Georgia Learning Resources System (GLRS)** is a teacher support system for special educators and other professionals who work with exceptional children. GLRS is part of a nationwide network of Special Education Learning Resource Centers. Within Georgia there are 16 GLRS centers coordinated by the Division for Exceptional Students of the Georgia Department of Education. They are located in Albany, Atlanta, Augusta, Cleveland, Columbus, Ellijay, Griffin, Macon, Newnan, Savannah, Scottsdale, Summerville, Vidalia, Waycross, Winterville, and Wrightsville. Each center serves approximately ten to thirty surrounding counties, enabling individuals to reach a center without traveling more than about 60 miles. Social Circle City Schools is part of the **Northeast Georgia GLRS Center** located in Winterville, Georgia.

What Services Does GLRS Provide?

1. GLRS maintains an instructional materials center where special educators can preview and borrow materials. The collection includes diagnostic materials, teacher training, and professional materials and child use instructional materials. Materials are loaned on a short- term basis to provide educational intervention for particular children, to be used by teachers for trial or preview or to help facilities selection and purchase decisions.
2. GLRS provides in-service training through workshops and conferences on effective use of media and education equipment, new teaching techniques and methods, and innovative instructional materials. Every effort is made to provide workshops that directly relate to the identified needs or interests of each school system.
3. GLRS maintain a video-tape collection of outstanding special education workshops

that have been conducted throughout Georgia. In addition, exemplary special classrooms can be videotaped. These tapes may be borrowed for workshops, in-service meetings or individual previewing.

4. GLRS sponsors various special projects to introduce innovative ideas and materials being used successfully with exceptional children across the nation.
5. GLRS acts as an information interchange network. Information is disseminated to special educators about the various areas of exceptionality, exceptional children in Georgia, and meetings and conferences of interest to special educators.
6. GLRS provides information and referral for diagnostic services and educational planning for the severely disabled child.
7. GLRS provides coordination and support for Child Serve Activities.

Who Can Use the Services of GLRS?

Any individual who works with exceptional children may use the services of GLRS. This includes teachers, administrators, teacher trainers, college students, psychologists, counselors, therapists, etc. Persons needing help should contact the GLRS Director, at Northeast Georgia RESA, Phone: (706) 742-8292, Website: www.negaresa.org

Other Health Impaired

Students who have been appropriately diagnosed with some form of attention-deficit (ADD)/hyperactivity disorder (ADHD) may be served in programs for **Other Health Impairments**; however, just because a student has such a diagnosis does not mean he or she is automatically eligible for OHI services. Students with ADD/ADHD must meet the same criteria as students with other forms of health impairments.

The State Regulations indicate that students who are eligible for *Other Health Impairment* services experience limited alertness (or heightened alertness to environmental stimuli) that adversely affect educational performance to a degree of severity as to require special education to meet the unique needs of the student.

For example, with appropriate medical interventions and educational accommodations, a student with diabetes may perform adequately within the regular education program and would not be considered eligible for OHI services. Another diabetic student's condition may be so severe that they do not have the physical stamina to perform in the regular education program, and special education services are needed in order for this student's needs to be met in the school setting. The same is true for ADD/ADHD students.

The determination of eligibility must be done on an INDIVIDUAL CASE BASIS.

Most students' needs with ADHD can be met through Tiers I through III, SST and/or 504 accommodations. If a child is referred for testing and does not have a previous diagnosis of ADD/ADHD, then the initial eligibility process will look at behaviors and academics to determine if the child is a child with a disability. A school psychologist cannot diagnose ADD/ADHD for the purposes of eligibility for special education under the category of Other Health Impaired. A clinical psychologist or physician must diagnose the ADD/ADHD for the eligibility team to consider Other Health Impaired.

Appendix/Procedures/Forms

Preschool Children Child Find Procedures

Response to Intervention for children 3 and 4 years old whose care is provided by parent/guardian.

Children who are 3 and 4 years old who are at home as opposed to day care and experience delays in development will need to participate in the RTI process. Parents and/or caregivers should implement interventions and strategies to address areas of weakness. The law does not require the strategies to be done however they must be a part of the eligibility process. Children who have not had interventions to address weaknesses may not be determined eligible for services under the Individuals with Disabilities Education Improvement Act of 2004.

Parents and/or care givers may still request a screening prior to implementing interventions, but must attempt interventions during the time between the Screening and Eligibility meeting. Parents and/or caregivers will be given a packet of information at the screening and are requested to review the packet and follow the guidance provided in the packet.

Parents and/or caregivers should read through the packet and determine the weaknesses their child is experiencing. The Developmental Profile (DP-III) and Parent Questionnaire will need to be completed. Once the weaknesses are recognized the parent or caregiver should respond by implementing these activities. The parent or caregiver will record the concerns and activities on the form provided in the packet. The parents will provide this information to the screener.

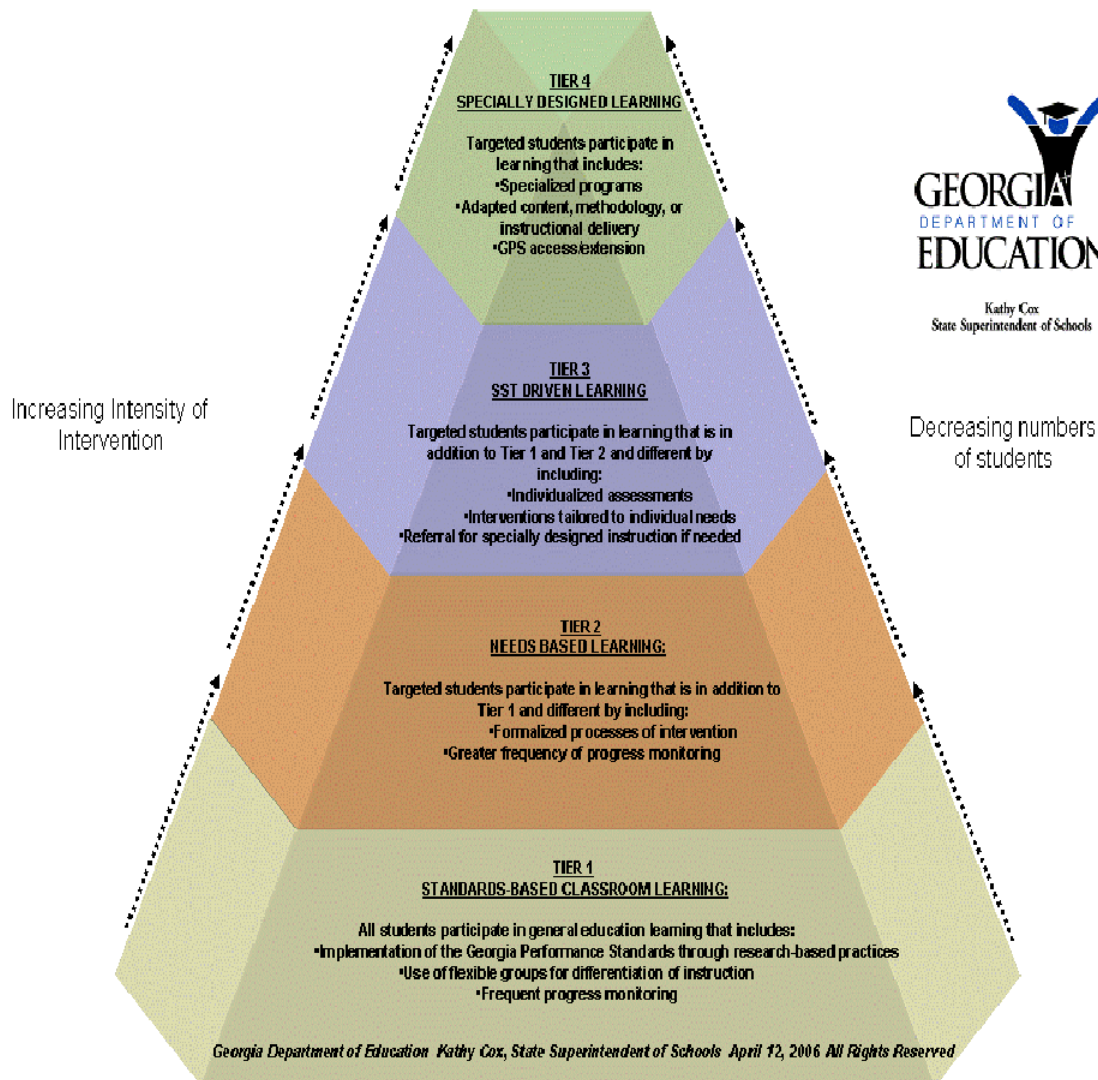
Response to Intervention for children 3 and 4 years old whose care is provided by daycare or faith based programs.

Children who are 3 and 4 years old who are in the care of day care or faith based programs and experience delays in development will need to participate in RTI. Day care and faith based providers should implement research-based interventions and strategies to address areas of weakness. The law does not require the strategies to be done however they must be a part of the eligibility process. Children who have not had interventions to address weaknesses may not be determined eligible for services under the Individuals with Disabilities Education Improvement Act of 2004.

Day care and faith based providers may request a screening prior to implementing interventions, but must attempt interventions during the time between the Screening and Eligibility meeting. Parents/guardians will be given a packet of information at the screening. The packet will be reviewed with the parents. Parents will be encouraged to share this information with the day care or faith based provider. The caregivers are encouraged to follow the guidance in the packet to address weaknesses they, parent or screening has identified. The DP-III and Parent Questionnaire will need to be completed. The caregiver will record the concerns and activities on the form provided in the packet. The parents will provide this information to the screener.

Response to Intervention for 4 year old children enrolled in the Lottery Pre-K Program or 3 and 4 year olds enrolled in Head Start.

GEORGIA STUDENT ACHIEVEMENT PYRAMID OF INTERVENTIONS



Tier 1

Preschool teachers will provide instruction based on the Georgia Early Learning Standards as required by the Georgia Lottery Program. Preschool teachers will use Georgia's Pre-K Assessment Instrument as the universal screener to determine the level of development for students in their class. Teachers will follow the state timeline for administration and consider all children at Tier 1.

At week 9 as teachers give preliminary ratings they will meet with the designated building administrator to discuss children not progressing as expected. The parents do not have to attend this meeting. The teacher and designated building administrator may determine to go to Tier 2 at this time. If they determine instruction should be intensified then a Parent Initial Conference will be held.

Tier 2 (Post-DP-III Testing in Flagged Areas of Concern)

When students are not progressing as expected according to the Georgia Pre-K Assessment Instrument, the teacher will collect anecdotal information and work sampling and complete the RTI SEP Form. A team, to consist of the parent, teacher and building level administrator, will

meet to identify appropriate interventions to be used. The student will be placed on Tier 2 on the Tiers of Intervention. The team will complete the RTI Initial Conference form.

The teacher will continue to document on the RTI Documentation of Concerns form using the new strategies and interventions. Interventions can be provided in small groups and not to have a significant impact on the structure and routine of the class. The teacher will continue to collect data to monitor progress for a minimum of 4 weeks.

At the end of 4 weeks a meeting should be held to review the progress and determine the next step for the student. The team will complete the RTI Follow-up Conference form at this meeting. The teacher will continue to document using the RTI SEP form. If the student is progressing adequately he/she will continue in tier 2.

If progress is not adequate the team may recommend going to Tier 3 and involving the speech and language pathologist.

Tier 3 (Post DP-III Testing in Flagged Areas of Concern)

The team should include the speech and language pathologist in the collaborative problem solving at this tier. The team should identify areas of concern and recommend appropriate instructional strategies and interventions. The team will complete the RTI Follow-up Conference Form and set a date for the next RTI meeting.

In this tier, intervention must become more intense and individualized. The speech and language pathologist will not render services but only act as a source for strategies and interventions. The interventions on this tier should be in place for at least 4 weeks in order to allow change. The teacher should continue to monitor through Georgia's Pre-K Assessment Instrument and alter instruction based on the results.

Children who do not make progress on this tier may need to be referred, after a period no less than 4 weeks on tier 3, to the SCCS special needs preschool program for a preschool screening to determine if significant developmental delays are a factor.

The RTI team should continue to monitor progress and make adjustments until further information is received. Should the team determine it is appropriate to refer the student, the student will need to have his/her hearing and vision screened. The Request for Parental Consent form will need to be completed, and the team will also need submit all required documentation to the principal of Social Circle Primary School. Documentation of cleared hearing and vision should be included.

****In the event a preschool student is experiencing significant difficulty the building administrator may contact the Special Education Director for help.**

School Age Children Child Find Procedures (To include RTI/SST)

Social Circle City Schools uses a tiered Response to Intervention (RTI) system that is outlined by the Georgia Department of Education. *Response to Intervention is a practice of academic and/or behavioral interventions designed to provide early, effective assistance to underperforming students. Research-based interventions are implemented and frequent progress monitoring is conducted to assess student response and progress. The student's response is used as feedback to more accurately target interventions. When students do not make progress, increasingly more individualized interventions are introduced.*

This process is facilitated by the work of RTI Teams at each school. The teams use data analysis and the problem solving process to guide data-driven decision making at the student, class, grade, and school level. The problem solving steps for the RTI Teams are:

What is the problem? What does the data show?

Why is this happening? Curriculum issue? Instructional Issue? Student Issue?

What is our plan? What are we going to do? What interventions are needed? How will we measure success?

Implement the plan. Who will do what where when, and how often? How will fidelity of implementation be determined?

Did the plan work? What does the data show?

Tiers of Instruction:

Description of Tier 1 (Core) Instruction:

Tier 1 is predicated on the understanding that *all* students will receive high quality instruction that is based upon the Common Core Georgia Performance Standards in English Language Arts and Math. Instruction in Science, Social Studies, CTAE, Foreign Language, and Fine Arts are based upon Georgia Performance Standards. Progress monitoring is used to evaluate the implementation and effectiveness of instruction. Schools will administer universal screeners in Reading and Math, typically three times during the school year, to identify potential areas of concern. Interim and formative assessment data in the core content areas is monitored to identify standards and content domains where students may be struggling. The purpose of these data collections is to assess student progress and make curricular and instructional adjustments fluidly throughout the school term. Classroom instruction can be differentiated by student readiness level, content, process, product, and learning environment.

Tier 1 instruction should meet the needs of most learners with about eighty percent being successful. If more than twenty percent of students are struggling with a standard, domain, or skill then a curriculum and/or instructional problem exists and should be addressed.

Tier 2 Instruction (Needs-Based Learning):

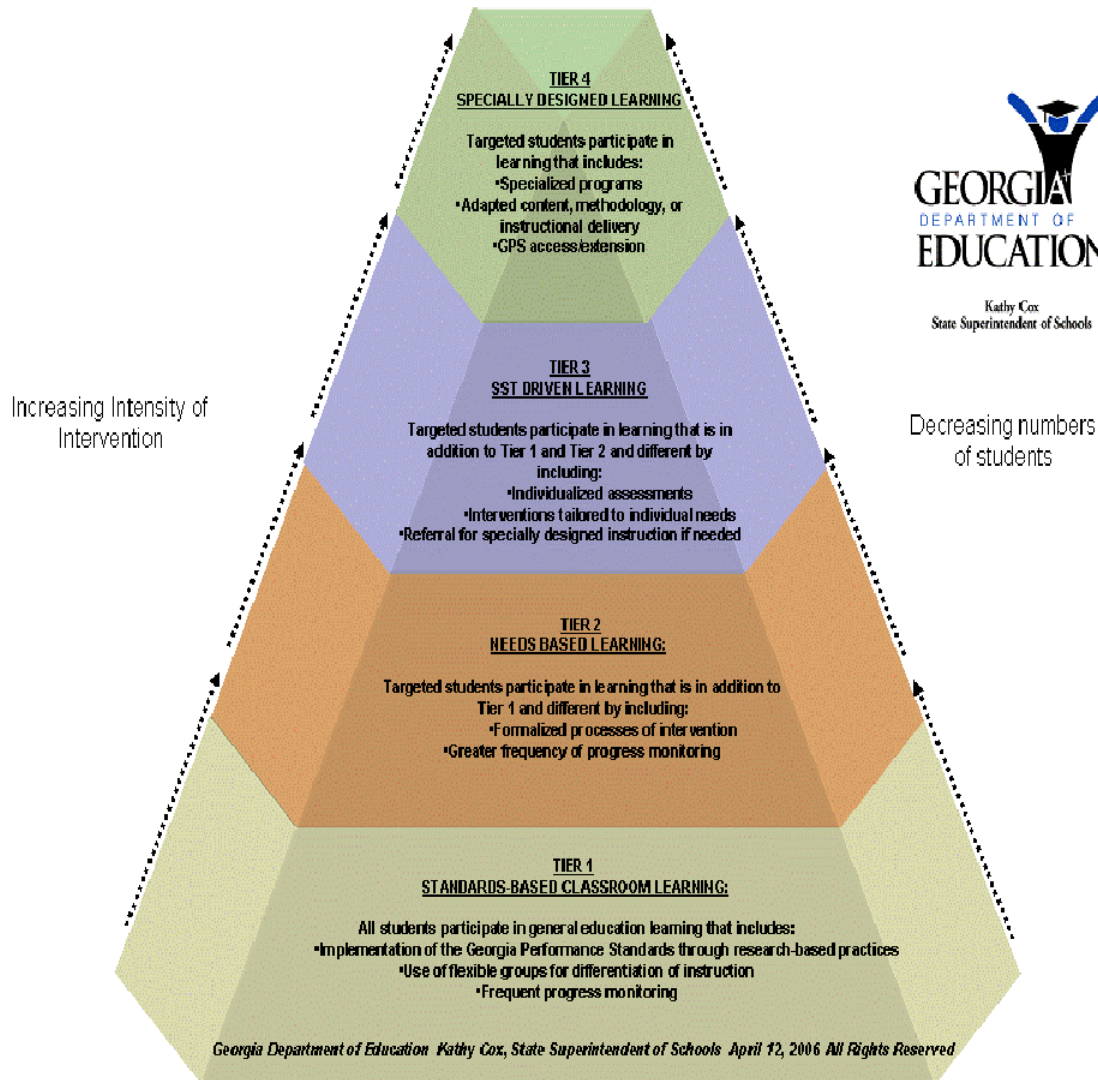
Tier 2 instruction is more intensive than Tier 1 instruction and typically involves smaller group-based instruction. The Early Intervention Program (grades K-5) and Remedial Education Program (grades 6-12) may be used, in conjunction with classroom instruction, to provide additional student interventions and support. Progress monitoring increases to at least monthly through the use of brief, targeted assessments. Students who do not demonstrate adequate progress are provided with more intensive research-based interventions and are considered for Tier 3 instruction by the RTI Team. However, students should receive Tier 2 interventions for at least one grading period before Tier 3 consideration. Tier 2 Instruction will typically involve about fifteen percent of the students at each grade level.

Tier 3 Instruction (Student Support Team):

Instruction at Tier 3 is individualized, intensive instruction based upon a student's specific skill deficit. This instruction may be delivered either individually or in a small group setting. Research-based Interventions used at Tier 2 may be continued but are enhanced by increased frequency, intensity, or duration. At least two separate research-based interventions should be utilized and the SST participants should monitor for fidelity to the intervention. Students in Tier 3 received more frequent progress monitoring, generally biweekly. The more frequent progress monitoring allows for the determination of student growth and provides data to base instructional decisions. Members of the Student Support Team will be unique for each student but will typically include all of the student's teachers, counselor, an administrator, and parents. Parents must be invited to attend all SST meetings. Tier 3 instruction will generally serve about five percent of the students at each grade level.

Students who continue to struggle despite receiving appropriate, research-based Tier 3 interventions may be considered for referral for a comprehensive educational evaluation to determine special education eligibility. RTI data is compiled and collected, vision/hearing screening is completed, and the principal signs off on the Request for Parental Consent form. This packet is then sent to the Special Education Department at Central Office.

GEORGIA STUDENT ACHIEVEMENT PYRAMID OF INTERVENTIONS



RTI Notebook.docx

SEP revised
2013.docx

Private and Home School Child Find Procedures:

Child find applies to children with disabilities parentally-placed in private schools or home schools. They are not entitled to a free appropriate public education (FAPE), but the district will

provide services based on a proportionate share of federal funds. If a child is suspected of having a disability, is parentally placed in a private school or home school, and needs evaluation for special education and eligibility consideration, please contact the special education department 770-464-2731 for a referral packet.

Determining Proportionate Share Procedures:

The district holds a meeting with private and home school representatives to explain the Child Find process and to discuss how services will be delivered for the upcoming school year. A letter is sent to private and home school representatives each year to inform them of this meeting and to submit names of any students with disabilities for proportionate share numbers. At the meeting, proportionate share services are determined for the upcoming school year.

Private/Home School Procedures:

If a child is suspected of having a disability and may need special education and related services, call the special education department to request a referral packet. If a parent or the private school staff suspects a child of having a disability, the system will conduct an evaluation in a timely manner. The child must pass hearing and vision screening. Social Circle City Schools can conduct a hearing/vision screening or parents may obtain hearing/vision screening from the child's physician or the health department. Parent will also be asked to provide information on the *Parent Questionnaire* along with some feedback on checklists. Parents and private schools are asked to provide documentation of research-based interventions tried prior to referral. The feedback will help the evaluator identify the student's deficits in the area(s) of suspected disability. This will also help the staff determine if a speech therapist will be involved in the initial steps of the evaluation process. A speech therapist will be notified if a speech evaluation is needed.

Once a request for an evaluation is received and the type of referral being requested is determined, the referral packet is mailed to the parent. When all items of the packet are returned, including research-based interventions attempted, the data is reviewed. After reviewing the data, Consent to Evaluate for Special Education is mailed from the special education office via certified mail.

Once consent for special education evaluation and eligibility consideration has been received, Social Circle City Schools will evaluate private school/home school students within the Georgia Department of Education 60 day timeline requirement. Once testing is complete, an Eligibility/IEP meeting will be held. If the student is eligible for special education services, the IEP team will develop an IEP and offer these services at the school site. If the parent chooses to enroll the child, the IEP team will project implementation date of the IEP forward to a date when the child will be enrolled. If the parent chooses to continue the student's placement in a private school, then the IEP minutes will reflect this decision. The original copies of the IEP and Eligibility will be sent to the special education office. A service plan will then be offered in accordance with Social Circle City School's proportionate share services. Special Education transportation will NOT be provided. The IEP/Service Plan will be reviewed annually. The IEP will be offered if the student intends to enroll in Social Circle City Schools. If the student does not enroll, a new Service Plan will be written as long as the student remains eligible.

Social Circle City Schools may provide materials, equipment, and property purchased to implement the services to the children with disabilities in the private school, but these must be used only for those purposes and must be returned when no longer needed. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The system may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school,

the needs of the private school, or the general needs of the children in the private school.

Parent Request Procedures

Please refer to the following procedures for parent requests for an evaluation.

1. Request for an evaluation by a parent is received by administrator, teacher, or other school staff via phone, e-mail, in person, and or in writing.
2. If request is not received by an administrator, contact school administrator immediately.
3. School administrator will then contact the Special Education Director. The school administrator will then contact the parent to discuss the request and schedule a RTI meeting to include school representatives, parent, Special Education Director, and the School Psychologist.
4. At the RTI meeting, a RTI plan and research- based interventions will be developed. Parent will be given Parent Request for Evaluation form to document their concerns and request an evaluation. Vision and Hearing screening will be completed.
5. Once this form is received by the school administrator, a Request for Consent to Evaluate form will be sent to the special education office.
6. Consent for evaluation, procedural safeguards, and parent questionnaire form will be mailed to the parents via certified mail from the special education office at the BOE.
7. The special education secretary will inform school staff once consent has been received and the evaluation process and timeline begins.
8. The designated school staff will complete an evaluation packet and send all information to the special education office.
9. Once the evaluation is completed, the school psychologist will work with the school staff and parents to schedule an eligibility meeting.
10. Send all completed paperwork (original copies) to the special education office.

In the event that the system refuses to evaluate, the Special Education Director will complete the Prior Written Notice form to document the basis and data for the decision. A copy of the Prior Written Notice and procedural safeguards will be sent to the parent. The Parent Request for Evaluation form is included below.

Parent Request for Evaluation

Please complete this form and submit it to the Special Education Director to document your intent to have your child receive a psychoeducational evaluation in order to determine eligibility for special education services. It is important that you understand that the Parent Request for Evaluation form is not the same as the Consent for Evaluation form. The Consent for Evaluation form is the IDEA-required form that begins due process and will be provided subsequent to receipt of the Parent Request for Evaluation form.

As you make this request, please understand that the school system must show that it has made sufficient efforts to help your child with his/her learning difficulties. There should be documentation of the different strategies or methods used to help your child learn and data that shows that, despite these efforts, your child is still not making acceptable progress toward learning grade level information. This is often called RTI (Response to Intervention) and this information is documented on a Student Education Plan (SEP). RTI is used to address learning and/or behavior concerns in the regular classroom. If the school does not have this information when an evaluation is requested, the school staff will target specific academic and behavioral skills and gather this information using the evaluation period in order to support eligibility decisions.

Please complete the following:

I request that my son/daughter, _____, be evaluated to determine eligibility for special education services. My child is in the _____ grade at _____ School. His/Her teacher's name is _____.

The basis for my request is difficulty in one or more of the following:

___ Reading

Specify(state the specific skill(s)/issue(s) within this area):

___ Math

Specify:

___ Writing

Specify:

___ Behavior

Specify:

___ Other

Specify:

___ I have discussed my child's problems with his teacher(s)

___ My child is currently receiving support through the Response to Intervention (RTI) process

I understand that the school district is required to provide interventions to address specific academic and behavioral problems that interfere with learning, and I am aware that data must be gathered to assess my child's response to the interventions as part of the determination of special education eligibility. Further, I understand that I have to give written permission on the Consent for Evaluation form in order for _____ to be evaluated through special education due process.

Parent Signature _____ Date: _____

Initial Evaluation Procedures (160-4-7-.03)

The Individuals with Disabilities Education Act (IDEA) requires that before a student can receive special education services, the district must determine whether the student meets eligibility requirements for special education and needs special education services. The district must conduct (or arrange for) a comprehensive evaluation that:

1. provides sufficient data to determine whether the student is a student with a disability.
2. documents how the disability affects the student's academic or behavioral performance in school and
3. provides appropriate information for the development of an IEP, if eligible

Student Support Team

A Student Support Team (SST) typically refers a student for an evaluation when it has documented sufficient evidence to suspect that a disability may be the primary cause of the student's learning or behavior problem(s). This usually occurs after appropriate interventions in the general education classroom have failed to find a satisfactory solution.

A parent may also request an evaluation. If the referral is made by parental request, the district can either agree to or refuse the request. If the district refuses, it must give the parent written notice explaining the reason(s) why it is declining to initiate an evaluation, what data the decision was based upon, and other factors considered. The parents then have the right, if they choose, to request a due process hearing to seek a favorable ruling to conduct an evaluation. Parents should note that Georgia Rules for the IDEA eligibility require "Response to Intervention" (RTI) data in order to eliminate other explanations for student problems. If the SST process has been bypassed, the **data may need to be gathered during the evaluation process.**

Parent Rights

If an evaluation is to be conducted, as well as whenever the parent requests an evaluation, the district must give the parent a copy of "Your Rights as Parents - Special Education," and provide an explanation to ensure that the parent understands these rights. If a parent's primary language is not English, a translated copy in his or her language must be given to the parent.

Parent Consent

Before an evaluation can begin, the district must obtain a signed, informed parental consent for evaluation. The district has 60 calendar days to complete the evaluation process, completion being defined as when the eligibility meeting is held. Development and implementation of the Individualized Education Program (IEP) can take up to 30 additional days. The 60 calendar day time period begins when a district employee receives the signed consent, but excludes school holidays and other times when the student is not in attendance for five or more consecutive school days. **Any summer vacation period in which the majority of an LEA's teachers are not under contract shall not be included in the 60 day timeline for evaluation. Consent received 30 days or more prior to the end of the school year must be completed within the 60 calendar day evaluation time frame.** An exception occurs if the parent fails or refuses to produce the child for the evaluation.

If the parent refuses to give consent for the evaluation, the district may, but is not required to, pursue the evaluation through mediation or a due process hearing. In some cases (if the child is home schooled or placed by the parents in a private school at their expense), the district cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation.

Parent consent is not needed for the District to perform these routine duties:

1. Review existing evaluation information.
2. Screen a child to determine appropriate instructional strategies.
3. Administer an evaluation that is given to all students without consent for evaluation.

Referrals from Parent/Guardian, Child Care Provider, or Early Regular Childhood Provider

Children suspected of having disabilities who are not receiving special education services and supports from the local school district may be referred by parents/guardians, child care providers, early regular childhood providers, or other individuals.

Multidisciplinary Evaluation Team

When a referral for special education evaluation is made, a multidisciplinary team will conduct the comprehensive evaluation. This team may consist of the district's psychologist, educational diagnostician, speech-language pathologist, occupational therapist and/or physical therapist, and others as appropriate to the evaluation. The child's parents are considered members of this team. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. The student will be given a hearing and vision screening during the SST or other pre-referral process and that such results be no older than one calendar year. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

Impact on Educational Performance

Prior to special education eligibility, a number of interventions must have been provided to the child who is at risk for school failure. Frequently, but not always, these students are those whose performance on statewide assessments is in the lowest performance level. The interventions provided through general education are in addition to the traditional instruction that all students receive and may vary in duration and intensity of support. In addition to the actual interventions, data must be analyzed to determine the amount of progress the child is making with the evidence-based interventions. This data is collected through progress monitoring such as curriculum-based measurements. The objective is to determine whether the child receiving interventions is making progress toward the established benchmark of performance. Benchmark performance is determined by mastery of the standards and elements identified for a specific grade level. Once sufficient data is collected the team will analyze the information to determine what support is required for the child to succeed in the general education curriculum. For some children, core instruction in the curriculum combined with other interventions provided by the general education staff will be ample support for the child to make progress toward meeting the standards. Some children, despite the interventions, will continue to fall behind their peers. For these select children, the progress monitoring data must be reviewed to determine the level of progress being made. A child whose rate of learning is comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance. General education interventions should continue to be made available, possibly increasing in their intensity or duration. On the contrary, a child whose rate of learning is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. For these children, special education support may be necessary.

Eligibility Determination

Although preschool-aged students may be determined to be eligible in various disability categories, the most common is Significantly Developmentally Delayed (SDD) [34 C.F.R. § 300.8(b)]. A young child is eligible for special education and/or related services when team members agree that the evaluation information indicates the child meets the eligibility criteria in one or more areas of development. Additionally, the team must agree that special education and/or related services are required for the child to learn and be part of an appropriate educational setting.

Initial eligibility must be established and an IEP in place on or before the child's 7th birthday. The SDD eligibility may be used for children from ages 3-9. Eligibility continues to the end of the school year in which the child turns 9.

The IEP team shall consider the child's continued eligibility no later than 3 years from the date of initial eligibility.

Referrals from Babies Can't Wait (BCW)

Babies Can't Wait coordinates and facilitates the referral process to the local school district through a transition conference. A parent or guardian must consent to allow BCW to contact the local district. Children being referred from BCW are children with disabilities who

- *are approaching the age of three, are transitioning from BCW
- * have an Individualized Family Service Program (IFSP)
- *are identified as being potentially eligible for preschool special education service.

Transition Conferences

The transition conference will be held as early as nine months but no later than 90 days prior to the child's 3rd birthday.

- *The parent/guardian, BCW coordinator, local school district representative, and other persons as appropriate attend the conference and serve as the transition team.
- *The transition team reviews the IFSP and other documents that pertain to the child's disability.
- *The local school district representative obtains the parental/guardian written consent to conduct a comprehensive evaluation.
- *The local school district conducts a comprehensive evaluation.
- *The parent/guardian, BCW coordinator, regular early childhood provider (as appropriate), special education early childhood provider, and local school district representative participate in the eligibility determination and IEP development.
- *The local school district implements the IEP on or before the child's 3rd birthday.

Initial Evaluation Procedures

The procedures for initial evaluations are as follows.

1. Please complete a vision/hearing screening during the RTI process.
2. Once the RTI/SST process and vision/hearing screening are completed, inform the principal of the need for an evaluation for special education services.
3. The principal will submit the request for consent to evaluate to the special education department.
4. Consent for evaluation, procedural safeguards, and parent questionnaire form will be mailed to the parents via certified mail from the special education office at the BOE.

5. The special education secretary will inform school staff once consent has been received and the evaluation process and timeline begins.
6. The designated school staff will complete an evaluation packet and send all information to the special education office.
7. Once the evaluation is completed, the school psychologist will work with the school staff and parents to schedule an eligibility meeting.
8. Please send all completed paperwork (original copies) to the special education office.

Hearing & Vision Scrn Initial Background SCCS-Consent for Parental Rights 11 x SCCS-Consent to
Results 1-24-18.pdf Info(Parent Quest.)1: Initial Evaluation 1-24 17 12 panels (2017).f Place.pdf

Request for Consent for Special Education Evaluation

Vision/Hearing Completed _____ **Date** _____

RTI Data Collected _____

Request for Consent _____ **Date** _____

Principal's Signature **Date** _____

Reevaluation Procedures

Re-Evaluations

Important:

A student should never have an expired eligibility. Make sure that you keep up with the students on your caseload, as it is your professional responsibility to ensure that they have current eligibilities and that their eligibility does not lapse. Adhere to the following guidelines for completing student re-evaluation.

1. To ensure that parents are included in the decision, send a notice of meeting letter to schedule a meeting. (* Please note- If the student's eligibility is OHI, the parents must provide a completed and current Physician's Report.) During the meeting, discuss student progress, IEP goals, standardized testing information, etc. before making a determination as to whether or not he/she should receive a full evaluation. The school psychologist and speech/language therapist (if applicable) must participate in the meeting. Follow the schedule above.
2. Once the team has made a decision regarding the student's need for a full evaluation or continuation of eligibility, send the notification letter and signed re-evaluation/ redetermination form to the special education office.
3. If the student needs a full re-evaluation, notify the special education office. A parental consent for reevaluation form will be mailed from the special education office via certified mail. Along with the re-evaluation/redetermination form, please also send a full packet (to include data percentages on IEP goals and objectives) to the special education office. (Follow packet guidelines- see evaluation packet cover sheet.)

In/Out of State Transfer Procedures

When a new student transfers in with an IEP, notify the special education office immediately. The special education secretary will obtain all special education records pertaining to the student. A review of paperwork for transfer students will be conducted by the special education office. The case manager will be provided with a summary of paperwork, along with any needed actions or recommendations. Schedule an IEP meeting for new students who transfer to SCCS within one (1) week of enrollment. The IEP should be entered into GO IEP within the same time frame.

Procedures for Transfer Students

*All paperwork for transferring students with disabilities will be requested from the previous school by the Social Circle City School System, Special Education office.

*School administrators, counselors, special education teachers, general education teachers and the school psychologist, as appropriate, will be notified when paperwork has been received, reviewed by that office, and scanned into the Georgia On-line IEP program.

*The District special education office will communicate with special education team leaders or case managers to schedule an IEP meeting for any transfer student.

*The Special Education Director of Social Circle City Schools should be invited to the IEP meeting.

*At the IEP meeting an amendment will be written if necessary, or an IEP will be written (if not already in Go-IEP) and all paperwork (RESA Referral, Rutland Referral, etc.. will be completed.

*if an IEP meeting cannot be scheduled immediately after registration, the student's schedule should be built as the current IEP reads. All meetings should be scheduled within five days of student registration.

Resources for Supervision and Monitoring of Evaluations, Reevaluations, and In/Out State Transfers

Individualized Education Plan (IEP) Procedures

1. It is your professional responsibility to ensure that all IEP annual reviews and re-evaluations are completed within timelines. Frequent rescheduling of meetings by a parent is not an excusal for being late on either an annual review or re-evaluation. Please be sure to schedule meetings far enough in advance to allow for these types of situations. Be sure to start the scheduling process far enough in advance to allow for any delays-offer phone conferences if necessary. After sufficient notice has been provided (@ least 3 documented contacts), you may proceed without the parent. In this circumstance, the start date for services only (not IEP date) should be 10 days from the meeting date. Failing to comply with timelines will be reflected on your annual evaluation.
2. There must be a LEA in attendance at any special education meeting (IEP annual review or amendment, re-evaluation meeting, eligibility meeting, manifestation determination meeting). A LEA can be either the principal, assistant principal, or special education director.
3. Parental concerns must be listed for every student. Do not cut and paste from previous years' IEPs. Be sure to include as much current and up to date information as possible. {You should be able to line up the IEPs in chronological order and read the story of the student.}

4. Be prepared. Failing to prepare adequately for the meeting can “create an impression of indifference or incompetence.” Prepare and send a draft IEP (not including service hours) to all team members (including parents) prior to the meeting and ask for any feedback and/or specific requests. You can then complete the IEP at the meeting. {Legal Resources for Georgia Administrators, Harben, Hartley, & Hawkins, 2011} This can make your IEP meetings much more efficient and manageable in terms of time.
5. The present level of performance (PLOP) drives the goals and objectives. Placement flows out of goals/objectives, needs, and services. The eligibility category of the student does not determine placement.
6. For IEPs of high school students, begin the meeting with the Transition Plan.
7. When discussing any related service or assistive technology devices for a student, make sure that these discussions occur within the framework of an IEP meeting, with all necessary personnel invited (PT, OT, Audiologist, etc.). See below for Adapted Transportation procedures.
8. Behavior Intervention Plan- If there are behaviors that impede the student’s learning, then there must be a BIP. All students having a BIP must have a current Functional Behavioral Assessment on file. All students with an eligibility of EBD must have a FBA and BIP.
9. The IEP team makes the determination regarding whether a student needs ESY and, if so, what services will be provided. This includes determining the details of ESY, such as what services will be provided, when and where the services will take place, and the frequency and the duration of the services. Any services provided as ESY must meet the requirements of FAPE. ESY is not only for certain groups of students nor is it for all of a certain group. Likewise, ESY services may not be limited to a certain time period or type of activity.

Adapted Transportation Procedures

Initial Requests for Adapted Transportation

1. All requests for Adapted Transportation must be documented through the students Individualized Education Plan (IEP). Requests not documented through the IEP process will not be considered.
2. When transportation is being discussed as a related service for a student’s IEP, the Director of Transportation for SCCS will be invited to the IEP meeting to participate as an IEP team member.
3. At the IEP meeting, the Request for Adapted Transportation form (SPED form 06-0048) will be completed by the parent.

4. Adapted Transportation will begin once approval is obtained by the Director of Transportation and the Special Education Director.

Students Continuing with Adapted Transportation

1. For students having prior approval for Adapted Transportation, the service will continue as long as the IEP team deems appropriate. It is not necessary to complete a request form for each school year.
2. Director of Transportation will be notified of any change in a student's status or residence.
3. Parents will be informed on an on-going basis of any change in the regular schedule due to additions or changes to the bus route.

Students Requiring Temporary/Intermittent Adapted Transportation

1. When a bus suspension (regular bus) results in a special education student being unable to attend school, Adapted Transportation will be provided for the duration of the bus suspension. A request form is not required.
2. Parents of the students requiring temporary/intermittent transportation will be informed of pick-up and drop-off times. Any attempt by the student to continue to access the regular bus during their bus suspension may be subject to further disciplinary action.

Transportation
Special Ed Form. FY18

IEP Progress Monitoring Procedures

1. You must provide parents an update on their child's progress on IEP goals and objectives. This information must be reported on each progress report and report card, and include documentation that students are progressing toward or have mastered goals. Progress Reports are to be completed in GO IEP, and a copy sent home to parents. An additional copy should be printed and filed at the school level (teacher files).
2. Teacher files- Data collection on student's progress on IEP goals and objectives must be maintained at the school level. All goal sheets, data collection documents, and charts/graphs will remain in the file. This information will be sent to central office when needed for reevaluations. Copies of completed progress reports should also be included in each student's file.
3. Teacher files will be reviewed by the Special Education Director or designee on a regular basis for accountability purposes and results will be provided to staff and administrators.

Resources for Supervision and Monitoring of IEPs

IEP Checkout- Each case manager will schedule an appointment with the special education office prior to holding annual reviews in the spring. Case managers will bring a completed draft copy of an IEP (with a completed IEP checklist) for each

student on their caseload. During this time, all IEPs will be checked. Once this process is completed, the case manager can begin to hold IEP annual review meetings. IEP meetings will not be conducted without an approved IEP. For annual review meetings that are held earlier in the school year, the case manager must submit a completed draft copy of the IEP no later than 3 days prior to the meeting. Failure to comply with these procedures will be reflected on your annual evaluation.

Please refer to the attached IEP required components checklist for critical information regarding all required components of IEPs. This checklist will also serve as documentation for the purpose of supervision and monitoring.

IEP-Annual Review
Check list FY18.pdf

Least Restrictive Environment Resources

IDEA states that all students with disabilities must receive a free and appropriate education in the least restrictive environment. The least restrictive environment is the general education classroom. This does not mean that all students with disabilities must receive their special education services in the general education classroom for the entire school day. It is the responsibility of the IEP committee to determine the least restrictive environment for each student with a disability at their IEP meeting. A continuum of services ranging from the general education classroom to the special education classroom should be considered for each student with a disability, based upon the IEP objectives.

Why is it important to serve students with disabilities in the least restrictive environment?

A small body of research indicates that students with disabilities show higher achievement gains when served in the general education classroom with appropriate supports and services. In Georgia, the Division of Exceptional Children at the Department of Education has developed ten performance goals. Four of these goals are directly related to LRE.

- Decrease the percentage of students with disabilities who drop out of school.
- Increase the percentage of students with disabilities who earn a regular education diploma.
- Decrease the gap in performance of students with and without disabilities on statewide achievement tests.
- Increase the percentage of time students with disabilities receive instruction in the general education setting with appropriate supports and accommodations.

The 90/80 Standard:

In Georgia, school systems are currently asked to prepare an action plan to address “increasing the time in the general education setting” for students with disabilities. This is in response to the acceptable standard set by the United States, Department of Education.

The U.S. Department of Education states that the standard for all school systems regarding students with disabilities is 90% of students with disabilities will be educated in the general education classroom for a minimum of 80% of the school day.

Although this standard may take some time to achieve, school systems are being asked to look at their data and to begin working toward this goal.

The 90/80 standard can seem overwhelming; however, 90% of students with disabilities are not 100%. There is an underlying assumption that 10% of students with disabilities may not be served in the general education classroom for 80% of the school day. Also, 80% of the school day is not 100% of the school day. Any student with a disability, for whom it is appropriate, could be removed from the general education setting for up to 20% of the day to receive services in a special education classroom.

IEP Decision-Making Process:

How to determine the LRE for a student with a disability at an IEP Meeting

Document Current Level of Performance:

The Present Level of Performance is the starting point for determining the least restrictive environment for students with disabilities. Appropriate documentation of the current performance of a student is important because all decisions regarding the student’s special education services as well as the goals and objectives will arise from this section.

Develop Student IEP Objectives:

Developing appropriate goals and objectives comes from the needs identified in the Present Level of Performance. The student’s IEP objectives will determine what special education services and in which settings those special education services will be provided.

How can the objective, or related set of objectives, be taught in the general education classroom?

Sometimes it is clear as to whether or not an objective can be taught in the general education classroom. For example if a student has mild disability in reading and is less than one grade level behind it is likely that this student can receive special education services in the general education setting. Another example, might involve a student with extreme aggressive behaviors toward other students. Perhaps behavioral objectives for this student might be difficult to implement in the general education

setting. The majority of the time it will not be as obvious for the IEP team. The IEP team has to take each objective (or, related set of objectives) and go through the 3 circles (accommodations/ modifications, settings, and personnel supports) to determine if additional support in one or more areas is required for the students to attend the general education class.

Three levels of support that must be considered when determining the Least Restrictive Environment for students with disabilities.

Accommodations

Accommodations are any changes to activities, instruction, materials, or classroom environment that do not change the minimal requirements set forth in the Georgia Standards of Excellence. But rather, accommodations are for the purpose of providing students with disabilities access to the general education classroom and curriculum. It is the responsibility of the IEP committee to determine what accommodations are required in order for the student to access the general education classroom and which specific accommodations are appropriate for each class, course, or content area. The purpose of accommodations is to provide access to the general education classroom and curriculum – not to help the student make a better grade.

Modifications

Modifications are changes to products, assessments, or materials that require less of the student than the minimum standards. It is the responsibility of the IEP committee to determine what modifications are required in order for the student to access the general education classroom and which specific modifications are appropriate for each class, course, or content area. Modifications do change the requirement for a student to meet the Georgia Standards of Excellence. Therefore, when students with disabilities require modification as determined by their IEP they are no longer on the general education curriculum; however, this does not imply that all students on a modified curriculum cannot be educated in the general education classroom.

Settings

It is rare that an IEP committee must make decisions about a specific educational setting or location within the school. However, occasionally this issue will arise, particularly regarding students with physical disabilities.

Personnel Supports

Personnel supports are additional special education personnel in the general education classroom providing required support or instruction to students with disabilities. Personnel within the general education classroom can be certified teachers or classified positions. The following levels of personnel support have been approved by the GA DOE and should be considered for students with disabilities in GA public schools.

General Education Classroom:

The general education classroom is the least restrictive environment. Often students with disabilities spend the entire school day or a portion of the day in general education classes with no additional personnel support from special education.

Consultation:

If the IEP committee feels the objectives cannot be addressed in the general education classroom without additional personnel support, then the next option in the continuum would be consultation. The student with the disability receives at least one segment per month of direct service from a special education teacher.

Supportive Instruction:

If the IEP committee feels the objective cannot be addressed in the general education classroom with consultative support then the next option in the continuum would be supportive instruction. The student with a disability receives special education services from someone other than a certified special education teacher. These individuals can be sign language interpreters, community job coaches, paraprofessionals, or other non-certified personnel. Most often paraprofessionals will be used in the general education classroom to support individuals with disabilities. However, paraprofessionals are never to provide initial instruction to students. They may provide remedial or additional instruction following the introduction of the material by the classroom teacher. Paraprofessionals providing support to students with disabilities in the general education classroom should be supervised and utilized at the discretion of the general education teacher. Although, special education paraprofessionals are required to assist students with disabilities as specified in their IEP they can work with all students in the general education classroom.

Caution: When writing paraprofessional supportive instruction into an IEP, consider stating that additional personnel support is required for the class in order to implement the students IEP goals and objectives. As opposed to stating that the student with the disability will have a one-on-one paraprofessional to work with them in the general education classroom.

Collaboration:

If the IEP committee feels the objective cannot be addressed in the general education classroom with the addition of non-certified personnel, the next level of support to consider would be collaboration. Collaboration is a level of support provided to students with disabilities in the general education classroom by a certified special education teacher. The special education teacher could be scheduled to work with two general education teachers during the same instructional segment. The special education teacher should spend 50% of their time in each classroom over the course of one week.

Co-Teaching:

If the IEP committee determines that the student's objectives cannot be addressed in the collaborative education classroom, then the next level of support on the continuum would be to receive services through a co-taught class. The special education teacher and the general education teacher provide instruction together in the general education classroom for the entire segment every day. These two teachers share full responsibility for all students in the class and for all instructional activities.

Special Education Classroom:

If the IEP committee determines that the student's objectives cannot be addressed in the co-taught classroom, then the next level of support on the continuum would be to receive services in the special education classroom.

Special education teacher provides services for students with disability in the special education class.

** Caution the IEP must state that the student is receiving services in the special education classroom and specify for which courses and the amount of time. In addition the IEP should clarify if the student is receiving a unit for the course.

Personnel Supports

(Least Restrictive To Most Restrictive)

PERSONNEL SUPPORT	DESCRIPTION OF SERVICE
GENERAL EDUCATION	Students with disabilities are served in the general education class with no personnel support.
CONSULTATION	Students with disabilities receive at least one segment per month of direct service from the special education teacher.
SUPPORTIVE INSTRUCTION	Students with disabilities receive service from personnel other than a certified teacher in the general education classroom (i.e., a paraprofessional, interpreter, or job coach).
COLLABORATION	A special education teacher works with identified students with disabilities and the general education teacher within the general

	education classroom (less than full segment daily).
CO-TEACHING	The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment everyday).
ALTERNATIVE PLACEMENT	The special education teacher provides instruction to students with disabilities in a separate classroom, special schools, home environment, hospitals, or institutions.

How often will placement be determined?

Social Circle City Schools' IEP committees will determine the child's placement at least annually.

Does the full continuum of placements apply to all areas of disabilities?

The full continuum of services applies to all areas of disabilities.

How is the need for hospital/homebound services determined?

Hospital/homebound instruction may be used for students who have a medically diagnosed condition that will significantly interfere with their education and that requires them to be restricted to home or a hospital for a period of time. The district provides hospital/homebound instruction only when the district has received a completed medical referral form signed by a physician. The form must state that it is anticipated that the student is unable to participate in instruction and will be absent for at least ten consecutive school days or has a chronic health condition that will cause absences over an intermittent time period. When that situation occurs, the IEP team meets to review the IEP, consider the medical referral, and make necessary changes to the IEP as appropriate.

When the IEP team considers hospital/homebound services, it is important to note that the final determination of services, the setting, and delivery method rests with the IEP team. The medical referral provides a medical opinion on the student's treatment; however, the referral is not a guarantee that hospital/homebound services will automatically be provided. The medical opinion must be considered by the IEP team as part of determining the services and setting(s) for the student. If the IEP team places the student in the hospital/homebound setting, it should also include a plan in the IEP for reintegrating the student into the school setting in the future. If a student with a disability is hospitalized outside of his or her home-school district, the responsibility for the student's hospital/homebound services remains with the school

district in which the student lives. The district where the student lives may contract with the hospital to provide instructional services, contract with the district in which the hospital is located, or contract directly with appropriately certified teachers in that geographic area. Many times it is very helpful to the team to have the practitioner who provided the hospital/homebound referral participate via a conference call in the IEP team meeting.

What are home-based services?

Home instruction or home-based services may be used as a short-term placement option on occasions when the parent and district agree at an IEP team meeting and FAPE is provided. When deciding on home-based services as a placement option, the IEP team should write an appropriate transition plan to incorporate the student back into the school setting. During the time the student is being served in the home-based setting, access to the general education curriculum, as well as IEP services should be provided.

How are home-based services different from hospital/ homebound services?

The basis for hospital/homebound services is a medical condition that requires medical documentation and the recommendation by the IEP team. Home-based services are provided for reasons other than medical concerns, and the IEP team determines that the home is the most appropriate setting. Both are viewed as temporary placements with the expectation that the student will be transitioned back into the school setting as quickly as possible and with a transition plan that specifies the support necessary to enable the student's reintegration back into the school-based setting.

How does LRE apply in nonacademic settings?

The LRE requirements also apply to nonacademic and extracurricular services and activities such as meals, recess periods, sports participation, participation in clubs, and field trips. Students with disabilities are to participate with their nondisabled peers in these kinds of activities to the maximum extent appropriate based on the child's needs. The IEP team decides what supplementary aids and services are appropriate and necessary for the student to participate in these activities.

Discipline

Procedures for In-School Suspension (ISS)

Review student's IEP in GO IEP – pay careful attention to the Behavior Intervention Plan (BIP) (if applicable)

Immediately notify the case manager

If the student has accumulated 5 or more ISS days, the IEP team should coordinate an IEP team meeting within five days to discuss options to remediate behaviors

Case manager will be responsible for ensuring that student receives the work from subject area teachers and the appropriate accommodations while in ISS – failure to provide these services could result in having these days count as OSS days even if the student remained at school in ISS.

Procedures for Out-of-School Suspension (OSS)

Review student's IEP in GO IEP– pay careful attention to the Behavior Intervention Plan (if applicable)

Immediately notify the case manager

If the student has accumulated 5 or more OSS days, the case manager should coordinate an IEP meeting within five days to:

- Conduct or update a Functional Behavior Assessment (FBA) to determine the cause of the behavior
- Review the BIP and revise, if necessary.

If the student does not have a BIP, the IEP Team should conduct an FBA and develop one.

Procedures for OSS exceeding 10 days (cumulative or per incident) or constituting a change in placement

A pattern of removals occurs when:

- a series of removals totals more than 10 school days in a school year
- the behavior is substantially similar to previous incidents that required removal
- the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another have been considered.

Social Circle City Schools 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.

Notify the Special Education Director and the Case Manager to convene the student's IEP Team to conduct a manifestation determination. This meeting must occur within 10 school days from the beginning of the disciplinary action.

If the IEP Team determines the behavior IS a manifestation of the student's disability, further out of school suspension is not appropriate.

The IEP Team will make any necessary changes in placement, services, FBA/BIP, classroom modifications, and any positive behavior strategies that are designed to address the behavior violation

If the IEP Team determines the behavior IS NOT a manifestation of the student's disability, further out of school suspension is allowable, provided that the following action is taken:

IEP Team determines the services that will be provided during suspension period. The IEP Team will recommend appropriate services to be provided and the school will assist the special education department in providing services that will enable the student to continue to progress in the general curriculum and advance toward achieving IEP goals (i.e. facility, teacher, lesson plans).

IEP Team may determine that IEP revisions may be appropriate, including a proposal for an educational change in placement

IEP Team plans Functional Behavior Assessment (FBA) for this incident, if appropriate, or if a Behavior Intervention Plan (BIP) is already in place, reviews and revises the BIP, as appropriate.

For first-time disciplinary actions resulting in suspension in excess of 10 days, an FBA must be conducted and the IEP Team will reconvene to develop a BIP, if necessary.

PLEASE NOTE:

Administrators should be careful not to suspend students with disabilities for more than 10 school days consecutively or cumulatively in a school year without adhering to the following additional procedures. Courts and federal agencies generally treat removal of a student for more than 10 days in a school year as a "significant change of placement" that can only be made by following the placement procedures set forth under the IDEA.

"EMERGENCY" SITUATIONS

If the Principal/designee determines that the student is an immediate danger or threat to the safety of self or others, Principal/designee may order a meeting to make a change in placement of a student with a disability to an appropriate interim alternative educational setting, as determined by the IEP Team, for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days, initially.

An immediate danger or a threat to the safety of self or others defined as:

(1) the student has inflicted serious bodily injury [must involve (a) a substantial risk of death, (b) extreme pain, (c) protracted and obvious disfigurement, or (d) protracted loss or impairment of the function of a bodily member, organ or mental faculty] upon another person while at school, on school premises, or at a school function

(2) the student carries a weapon to school or to a school function or possesses a weapon at school or at a school function

(3) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function

Key differences in "serious bodily injury" and "bodily injury":

the term "serious bodily injury" means bodily injury which involves -

- (A) a substantial risk of death
- (B) extreme physical pain
- (C) protracted and obvious disfigurement
- (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty

the term "bodily injury" means -

- (A) a cut, abrasion, bruise, burn, or disfigurement
- (B) physical pain
- (C) illness
- (D) impairment of the function of a bodily member, organ, or mental faculty
- (E) any other injury to the body, no matter how temporary

Immediately contact your Special Education Director and Case Manager

Administrators will report the behavior to appropriate criminal authorities if the student engaged in a behavior that is a crime under state or federal law.

Important Reminders

Contact the case manager regarding disciplinary infractions immediately

When in doubt....contact the Special Education Director

Encourage parent, student, and staff involvement in decision making whenever possible

Avail yourself of community resources (probation officers, mental health providers, etc.)

Use a systematic approach to documenting discipline. Maintain an up to date ABC chart!!

In situations involving a tribunal, the Manifestation Determination meeting must be conducted prior to the tribunal.



Manifestation Determination Form

Student Name: _____

Date: _____

THIS MANIFESTATION DETERMINATION MUST OCCUR WITHIN 10 SCHOOL DAYS OF ANY DECISION TO CHANGE THE PLACEMENT OF A CHILD WITH A DISABILITY DUE TO A VIOLATION OF THE CODE OF CONDUCT. The manifestation determination review is conducted by child's parent and the relevant members of the child's IEP Team, as determined by the parent and the school system. (NOTE: No manifestation determination review is required when a child is removed from his current placement for NOT MORE THAN 10 SCHOOL DAYS to an interim alternative educational setting (IAES), another setting or via suspension, and for additional removals of not more than 10 cumulative days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a pattern. Schools may make such short-term removals for violations of a code of student conduct to the extent that such alternative settings are also applied to students without disabilities. In addition, schools may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability in cases where a child carries or possesses a weapon to or at school, on school premises or at a school function; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.)

I. Description of the behavior incident that violated the code of conduct:

II. Review of relevant information:

- ___ IEP
- ___ Any teacher observations
- ___ Relevant information provided by parent(s)
- ___ Other:

Procedural Safeguards and Parent Rights Resources



Special Education: A Parent's Guide to Understanding Rights and Responsibilities

This guide is designed to help you understand your rights and responsibilities regarding special education. It should not be used as a substitute for the full version of the Parents' Rights outlined in the Individuals with Disabilities Education Act (IDEA) and the Rules of the Georgia State Board of Education pertaining to Special Education (see Rule 160-4-7-.09 PROCEDURAL SAFEGUARDS/PARENTS' RIGHTS.) To view the full version of the Georgia Parents' Rights, please go to the Georgia Department of Education web site at www.gadoe.org and select *Home* then *Curriculum, Instruction, Assessment* then *Special Education Services and Supports*. You will then look under *Related Links* to find parents' rights. The full version of these rights is available in multiple languages and is also presented in video format.

RECORDS: <ul style="list-style-type: none"> ✦ You have a right to look at your child's education records. ✦ You may also have the records interpreted or explained to you. ✦ You may request to have something in the record changed or removed if you feel it should not be in your child's record. ✦ You have the right to add information, comments, data or any other relevant written material to your child's record. ✦ You may ask for and receive copies of the Individualized Education Program (IEP) and/or any of your child's records. The school system may charge a fee for the copies but may not charge a fee for searching for and retrieving documents. ✦ With your written permission, you may have a person acting on your behalf inspect and review the records. 	EVALUATION PROCEDURES: <ul style="list-style-type: none"> ✦ Your child has the right to a full and complete evaluation to determine if he/she has a disability and is in need of special education and/or related services. ✦ You have the right to have your child assessed in all areas of the suspected disability. ✦ The school district must test your child according to procedures outlined in the IDEA and Georgia Special Education Rules. ✦ Evaluations must consist of more than one test, and those tests must be given in the language that the child normally uses, unless the parent and school agree otherwise, and at least once every three years. ✦ You will be involved in the decision about eligibility and what programs and services your child needs during the re-evaluation.
CONFIDENTIALITY OF INFORMATION: <ul style="list-style-type: none"> ✦ Your child's educational records are <u>private</u>. ✦ You can ask to have copies of only your child's records. ✦ School employees involved with your child may see your child's records and do not require your permission. ✦ No one else may see the results of your child's records without your permission. 	LEAST RESTRICTIVE ENVIRONMENT: <ul style="list-style-type: none"> ✦ You have the right to have your child taught in classrooms and participate in all school programs and activities with other children without disabilities, of the same age and grade, to the greatest extent appropriate for your child. ✦ School system personnel must make accommodations and modifications so that your child can participate in all school programs and activities to the greatest extent appropriate.
INDEPENDENT EVALUATION: <ul style="list-style-type: none"> ✦ If you disagree with the school's evaluation, you may have your child tested by a professional evaluator not employed by the school system, at public or private expense. Contact the school system to find out the procedures for accessing this right. ✦ <u>Upon request</u>, the school system <u>must provide</u> you a list of <u>independent</u> evaluators so that you may choose one to test your child. ✦ The school district must consider the results of an independent evaluator. ✦ The IEP team uses the results of the test to determine if your child has a disability or needs special education. 	SURROGATE PARENTS: <ul style="list-style-type: none"> ✦ When the school cannot find the child's parents or if the child is a ward of the state, the school system will assign a surrogate (substitute) parent who will represent the child regarding the child's rights and interests for any evaluation, meeting, or educational decisions for special education services. ✦ Surrogate parents will receive special training and will act as the parent by giving consent and participating in IEP/other meetings. ✦ The surrogate parent has the same rights and responsibilities as a parent in special education in matters relating to a student.
NOTICE/PARENT PARTICIPATION: <ul style="list-style-type: none"> ✦ You must be notified of your parental rights. ✦ You must be invited to attend meetings about your child such as eligibility, re-evaluation, or IEP meetings. ✦ You are to receive copies of all documents about your child's 	COMPLAINTS, MEDIATION, HEARINGS: <ul style="list-style-type: none"> ✦ When you request a due process hearing, you have the right to participate in a resolution session that provides an opportunity for parents and school systems to resolve any issues in a due process complaint so that the parents and

Georgia Department of Education
Dr. John D. Barge, State Superintendent of Schools
Revised August 2013

Revoking Consent Procedures

Revocation of consent is received by administrator, teacher, school staff via phone, e-mail, in person, or in writing. Contact the school administrator immediately (if administrator did not receive the request). School administrator will then contact the Special Education Director. A meeting will then be scheduled with the parent to discuss the request. Parents will be given Revocation of Consent paperwork to complete. Once this paperwork has been received by special education office, the request will be processed.

Information regarding revocation of consent and prior written notice are included below.

Amendments to the Individuals with Disabilities Education Act (IDEA) effective December 31, 2008 give parents or students over the age of 18 the right to remove their child/themselves from special education and related services, even when the school system disagrees and believes that the student still requires special education and related services.

The revoking of consent is the revocation of all special education and related services and is not partial revocation. When a parent/student revokes consent, they are removing consent to provide any and all special education and related services to the child. The parent/student who disagrees with one recommended service for the IEP should not revoke consent, but should request an IEP meeting to negotiate the provision of a free and appropriate public education. Parents who continue to disagree with IEP services may also use dispute resolution to work out the issues.

When parents/adult students inform a school system that they want to withdraw their child/self from special education, the following procedures and issues should be considered:

1. The parents/adult students must state the intent to withdraw from special education and related services in writing. The school system should assist the parent/adult student to put the intent in writing if the assistance is needed. The Georgia Department of Education (GaDOE) has created a *sample* form that may be used. Please note the form is not required, but it is required that the parent/adult student put their withdrawal of consent in writing.
2. Once the written notice of revocation is received, the school system must develop and provide to the parent and the adult student (when applicable) prior written notice that informs the parent:
 - a. The action that will be taken, including, in this case, taking away the services of the IEP and rights and protections of the IDEA
 - b. An explanation of why the system does not agree with the action
 - c. A description of any other options that may be considered
 - d. A description of each evaluation, test record, data, or report the system has as a basis for disagreeing with the action
 - e. A description of any other relevant factors or considerations
 - f. Who the parent can contact for more information
 - g. Where to find a copy of the parent rights
 - h. When the action will be implemented (date the student will be removed from special education and related services)
3. The purpose of the prior written notice is to give parents/adult students a clear understanding of what they are giving up, what other options may be available and from whom they may seek more information. Students may not be removed from special education until the prior written notice has been provided to the parent. A student may be removed from special education and related

services once the parent has received prior written notice and has signed the Revocation of Consent form.

Forms- Revocation of Consent and Prior Written Notice

SOCIAL CIRCLE CITY SCHOOLS
147 ALCOVA DRIVE
SOCIAL CIRCLE, GA 30025

Date

Mr. & Mrs. _____

Address

Dear Mr. & Mrs.

The purpose of this prior written notice is to inform you that, while Social Circle City Schools believes that your child continues to be in need of special education services, the district will stop providing special education and related services to your child, _____, based on your written revocation of consent. The letter from you dated _____ requests that your son/daughter be removed from all special education services as you, the parents, feel that he/she no longer needs these services. Special education services for your child will be discontinued as of _____.

Social Circle City Schools believes that your child continues to be a child with a disability as defined by the Individuals with Disabilities Education Act (IDEA) and that he/she requires specialized instruction and services to make educational progress. This continued determination is based on documentation diagnosing _____ with _____ and further indicates that (child's _____ impacts his/her learning.

The IEP team considered the option of no special education services when it met to write _____'s IEP, and found that this option did not provide enough support to enable _____ to make educational progress based on the evaluations and observations identified above.

If, after the revocation is effective, you change your mind and wish for your child to again receive special education services, you may refer your child for an initial evaluation and the district will follow procedures, including all associated timelines, for an initial special education eligibility request.

A copy of the Parental Rights-Regarding Special Education

_____ is _____ is not enclosed with this notice.

Until the date the district discontinues services (as specified on this notice), your child has procedural protections under IDEA and will continue to receive the services outlined in his most recent IEP. These protections are explained in the Parental Rights- Regarding Special Education.

If you have any further questions or concerns, please do not hesitate to contact the Department of Special Education at 770-464-2731.

Kindest Regards,

Director of Special Education

Social Circle City Schools REVOCATION (WITHDRAWAL) OF CONSENT
FOR
SPECIAL EDUCATION SERVICES

To: _____ Date: _____
Parents/Guardian

_____ Grade: _____
Student's Name

By signing below, you are acknowledging that:

1. Social Circle City Schools will stop providing special education and related services to your child beginning on _____, the date identified in the prior written notice;
2. Social Circle City Schools will no longer be required to conduct re-evaluations, convene IEP team meetings, or develop an IEP for your child;
3. Social Circle City Schools will not be considered in violation of the requirement to make FAPE (a Free Appropriate Public Education) available to your child;
4. Social Circle City Schools I not required to amend your child's education records to remove references to your child's receipt of special education and related services; and

5. Your child will be subject to all of the same requirements that apply to general education students, such as academics, statewide and district-wide assessments, extra-curricular activities, graduation requirements, discipline, and all other general education requirements.

_____ I revoke my consent for special education and related services to provide to my child.

Parent/Guardian Signature

Date

Social Circle Board of Education

Special Education Office

240-B West Hightower Trail
Social Circle, Georgia 30025
Phone 770-464-2731
Fax 770-464-0403

RECORD OF HEARING AND VISION SCREENING RESULTS

Student: _____ Grade: _____

Homeroom Teacher: _____ Parent(s) Permission _____
Date

HEARING

(Each frequency at 25 dB per ear)

Date One: _____			Date Two: _____	
Right Ear			Right Ear	
1000 Hz	Pass	Fail	Pass	Fail
2000 Hz	Pass	Fail	Pass	Fail
4000 HZ	Pass	Fail	Pass	Fail
500 HZ	Pass	Fail	Pass	Fail
Left Ear			Left Ear	
1000 Hz	Pass	Fail	Pass	Fail
2000 Hz	Pass	Fail	Pass	Fail
4000 HZ	Pass	Fail	Pass	Fail
500 HZ	Pass	Fail	Pass	Fail

VISION

(Pre-K: 20/40 acuity)

(K – 12 20/32 acuity)

Date One: _____			If Fail Identify Level	Date Two: _____		If Fail Identify Level
Right Eye				Right Eye		
Far Acuity	Pass	Fail		Pass	Fail	
Near Acuity	Pass	Fail		Pass	Fail	
Left Eye				Left Eye		
Far Acuity	Pass	Fail		Pass	Fail	
Near Acuity	Pass	Fail		Pass	Fail	

Muscle Balance	Pass	Fail	Pre-K – 2nd grade: One fail = referral
Color	Pass	Fail	Only necessary one time for school life

Students screened wearing prescription glasses for:

Date One: _____			Date Two: _____	
Far Vision	Yes	No	Yes	No
Near Vision	Yes	No	Yes	No

Date 1 Hearing Examiner: _____
Outcome: Pass Retest Referral

Date 1 Vision Examiner: _____
Outcome: Pass Retest Referral

Date 2 Vision Examiner: _____
Outcome: Pass Retest Referral

Comments: _____

Comments: _____

Social Circle City Schools
BACKGROUND INFORMATION

(To Be completed by parents or guardian)

Dear Parent: We would appreciate your help in completing this information regarding _____ and returning it to the school. This information will help us in working more effectively with your child. Information on this form will be treated in a confidential manner.

Child's Name _____ Date _____

First

Middle

Last

Address _____ Birthdate _____

Name of parent or guardian with whom child lives _____ Home Phone Number _____

Agencies or specialists that have worked with this child or his family:

Mental Health Clinic _____ Family Physician _____ Social Worker _____ Other _____

FAMILY DATA

Mother's Name _____ Age _____ Education(Optional) _____

Place of Work _____ Work Phone Number _____

Father's Name _____ Age _____ Education(Optional) _____

Place of Work _____ Work Phone Number _____

Stepparent's Name _____ Age _____ Education(Optional) _____

Place of Work _____ Work Phone Number _____

Marital Status of Parents _____

If parents are separated or divorced, how old was child when the separation occurred? _____

Recent Traumatic Evens _____

List all people living in household:

Name

Relationship to Child

Age

<i>Name</i>	<i>Relationship to Child</i>	<i>Age</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If any brothers or sisters are living outside the home, list their names and ages:

Name

Age

<i>Name</i>	<i>Age</i>
_____	_____
_____	_____
_____	_____

Does custodial parent work outside the home? _____ If yes, who is the primary caregiver when the parent is away? _____

In the case of older students, does the student work outside the home? _____

If yes, how many hours does he or she work during the week? _____

On the weekend? _____

SCHOOL HISTORY

Number of years attended this school (circle one): 1 2 3 4 5 6 7 8

Grades Repeated _____
 Preschool Attended and Location _____
 Other Schools Attended. _____

 List any subjects that are especially difficult for your child. _____

 Describe any serious problems you child has experienced at school. _____

 Describe any serious problems you child has experienced at home. _____

 Describe your child's study habits at home. _____

 Who is the primary person who helps with homework? _____

 How much time is spent on homework each night? _____

BIRTH HISTORY

List any illnesses or accidents occurring during pregnancy. _____

 Full Term: Yes ☐ No ☐ Birth Weight _____ Length of Labor _____
 Delivery: Normal ☐ Breech ☐ Caesarean ☐
 Was there any evidence of injury at birth? Yes ☐ No ☐
 Were any of the following experienced before the child's second birthday?
 _____ Feed problems _____ Convulsions _____ High Fever
 _____ Fainting _____ Serious accidents _____ Head injuries
 Please give additional information any item checked above: _____

DEVELOPMENTAL DATA

Does your child have a history of ear infections? Yes ☐ No ☐
 At what age did each of the following behaviors first occur?
 _____ Crawled _____ Toilet trained during day
 _____ Sat alone _____ Toilet trained during night
 _____ Walked alone _____ Tied shoes
 _____ Said first words besides "Ma-Ma" and "Da-Da" _____ Dressed self
 _____ Speech was clearly understood by others outside the family
 Describe early childhood care (baby-sitter, nursery school, mother, etc.), Include child's age.

PHYSICAL CONDITION

My child's general condition is:

☐ Seems to be in good health

☐ Overweight

☐ Underweight

☐ Overly active, always on the move

☐ Tires easily, listless, lacks energy

☐ Sleeps too much

☐ Sleeps too little

☐ Awkward in running, walking, or playing

List any physical handicaps, serious illnesses, hospital stays, accidents or head injuries (vision, hearing, speech, seizures, operations, diseases, etc.) _____

BEHAVIORAL CHECKLIST

(Please check the behaviors that best describe your child)

☐ Feels happy with him/herself

☐ Sucks his/her thumb

☐ Demands excessive attention

☐ Overly dependent on others

☐ Wets the bed

☐ Plays well with other students

☐ Overly anxious to please

☐ Cries often

☐ Exhibits uncooperative attitude

☐ Tries to control others

☐ Poor self-control

☐ Has very few close friends

☐ Relates well to adults

☐ Friendly

☐ Lacks motivation, lazy

☐ Aggressive

☐ Sad or depressed often

☐ Does not adjust readily to change

☐ Fearful

☐ Shy, withdrawn

☐ Acts younger than other children
his/her age members

☐ Openly affectionate to family

☐ Daydreams often

☐ Restless

☐ Easily frustrated

☐ Can be trusted

☐ Loud

☐ Jealous of brother(s)/sister(s)

DISCIPLINE USED AT HOME

1. Child is disciplined (check one)

☐ frequently

☐ occasionally

☐ rarely

2. Punishment is administered by

☐ mother

☐ father

☐ others (check all that apply)

3. What type of punishment is used?

☐ spanked

☐ loss of privileges

☐ restricted

☐ isolated

☐ talking

☐ rewards (check all that apply)

4. Reactions to discipline:

☐ becomes angry

☐ cries

☐ withdraws

☐ sulks and pouts

☐ fights back

5. Effectiveness of discipline:

☐ behavior improves

☐ remains same

☐ behavior changes

☐ behavior worsens

1. What activities do you do as a family? _____

2. Describe any chores your child does around the house. _____

3. Bedtime hour_____Time of getting up in the morning_____
4. What concerns you most about your child?_____
5. List your child's major interests (sports, hobbies, activities)._____
6. What do you enjoy most about your child?_____
7. What outside providers (psychologists, psychiatrists, therapists, etc.) have served your child and when? _____
8. Has your child ever been involved with the Department of Juvenile Justice, Department of Corrections, or other law enforcement agencies? (If yes, please explain)_____
9. If you wish to add additional information, please add it below or attach to this form.

Parent/Guardian's Signature

Date



Consent for Initial Evaluation

Student:

DOB:

Date:

Dear Parent(s), Legal Guardian, or Surrogate Parent:

Your child has been referred by _____ and recommended for an evaluation. We would like to arrange for an individual evaluation to gather more information about how to better meet your child's needs.

If you have any questions about why we feel your child needs testing or want to know more details about the evaluation, please call your child's school.

If you agree to have this evaluation done, you can request to know the exact time and place it will occur. You will have a chance to discuss the results within 60 school days following the evaluation. You will also be invited to a meeting to discuss the findings. No change will be made in your child's educational program until we hold the meeting.

The individual evaluation may include tests in the following areas: vision, hearing, motor skills, social/emotional, achievement, speech/language, psychological and/or others. We have included an explanation of these areas. Your parental rights are also included, which show that you have certain rights regarding consent and evaluation procedures.

Please sign below to let us know whether you agree for testing to take place and return this letter in the enclosed envelope to Ronda Estes, Special Education Director. If there is no response from you within two weeks, an appropriate school official will contact you about your decision. If you refuse to grant permission for this evaluation, you or the school may request local mediation or an impartial hearing within two weeks of your signed response or lack of response.

Thank you for your cooperation.
Sincerely,

Ronda Estes, Special Education Director
Social Circle City Schools



Social Circle City Schools
CARING COMMUNITY. PREMIER ACHIEVEMENT.

Consent for Initial Evaluation

Student:

DOB:

Date:

☐ **Yes**, I agree for the Social Circle City Schools to evaluate my child.

☐ No, I do not agree for the following reasons:

Signature of Parent, Guardian, or Surrogate

Date

Attachments: Description of Tests
Your Rights As Parents Regarding Special Education



PARENT CONSENT FOR EVALUATION DESCRIPTION OF TYPES OF EVALUATIONS

The evaluation areas listed below are typical examples of those used in an assessment of a student's abilities. The term psychological evaluation refers to a comprehensive assessment that may include tests in several areas that are listed below. The list does not include every area that may be tested and some areas may not be tested during an evaluation. Certain tests may be administered only by specially trained, certified, or otherwise qualified examiners. The evaluator(s) will choose specific tests that are thought to be best for the student's age, grade, and physical growth. Parents will be given specific information on the tests used at the time the results are reviewed and at special education Individualized Education Program (IEP)/Placement meetings.

HEARING/VISION – Screenings of a student's vision and hearing acuity. Hearing screenings involve an audiometric screening that may include pure-tone or impedance audiometry. If additional testing is indicated, the student may be referred to an audiologist or medical specialist. If additional tests are needed after a vision screening, the student may be referred to a medical eye specialist. If a vision or hearing problem is indicated, specific tests will be selected to be nondiscriminatory of the hearing or visual impairment. A visual impairment may postpone testing until the visual problem can be corrected.

ACHIEVEMENT – Achievement tests may be group or individual tests given to students to determine the student's current levels of academic functioning. Areas that may be assessed are: oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematics calculation and mathematics reasoning.

MOTOR – Testing may involve the determination of the student's gross and fine motor skill development, including abilities to perform functional school-related tasks and any deficits experienced in physical activities related to the educational program.

INTELLIGENCE – These tests are individually administered tests of general intelligence. The tests are used to measure different types of cognitive abilities such as comprehension, visual and auditory perception, visual and auditory memory, vocabulary, etc. Results of these tests are required to determine eligibility for some special education programs. These tests may also include assessment of a student's learning styles, academic strengths and weaknesses that may be helpful in determining classroom modifications and adaptations.

SPEECH/LANGUAGE – Testing includes assessment of a student's articulation, language, fluency, voice, and adequacy of the oral mechanism. For the non-verbal student, evaluation will use alternative communication methods/systems.

SOCIAL/EMOTIONAL – Testing includes an assessment of the student's ability to interact appropriately in everyday situations within the family, school and community. Such evaluations may include checklists, observations, parent and teacher interviews, and other means to assess a student's behavioral and emotional growth.

VOCATIONAL – Factors related to expected vocational levels are examined. These include assessments that measure career/post-school interests, aptitudes and skills, scholastic abilities, manual dexterity, clerical/technology skills, mechanical reasoning, spatial reasoning and functional motor skills.

YOUR RIGHTS AS PARENTS – REGARDING SPECIAL EDUCATION

SOCIAL CIRCLE CITY SCHOOLS

SOCIAL CIRCLE, GEORGIA

LARGE PRINT AVAILABLE UPON REQUEST

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations.

A copy of this notice must be given to parents only one time a school year, except that a copy must also be given to the parents: (1) upon initial referral or parent request for evaluation to determine if the student is a student with a disability; (2) upon receipt of the first written formal complaint involving the student's system; (3) upon receipt of the first due process complaint involving the student's system in a school year; (4) when a decision is made to take a disciplinary action that constitutes a change of placement; and (5) upon parent request. [34 C.F.R. § 300.504(a)]

Terms used in this document

The terms Local Education Agency (LEA), agency or system refer to school systems as designated by the state of Georgia to provide special education and related services to eligible children.

The term parent refers to the same broad definition of parent as found in the Individuals with Disabilities Education Act (IDEA) including the biological or adoptive parent, a foster parent, a guardian authorized to make educational decisions for the child, a person 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 a surrogate that has been appointed.

As a parent of a child who has been referred for special education services or a child who is already receiving special education and related services, you and your child have certain rights which are protected by state and/or federal law. These rights are outlined in the next few pages. Please be sure to ask your school or school system for an explanation if there is anything in them that you do not understand, if you need them in a different language or if you want them explained to you.

CONFIDENTIALITY OF INFORMATION

The information about your child being a child with a disability eligible under the IDEA, his or her special education and related services and other related information is confidential and is not released to others within the system unless they have a legitimate need to know nor is it released to other agencies or groups except under limited circumstances. Regarding when confidential information is released, you have the following rights:

1. Right to restrict third party access to your child's records by withholding consent to disclose records except in certain limited circumstances described in the Family Education Right to Privacy Act (34 C.F.R. § 99.31(a)).
2. Right to be notified and receive copies before information in your child's file is destroyed.
3. Right to be told to whom information has been disclosed.
4. Right to review and receive copies of all information sent to another agency where your child seeks or is eligible to enroll.

RECORDS:

Education records means the type of records covered under the definition of "educational records" in the Family Educational Rights and Privacy Act of 1974 (34 C.F.R. Part 99), those regulations define "educational records" as follows: Rights related to records:

2

Educational records mean those records that are:

- (1) Directly related to the student and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution

The term does not include:

- (1) Records that are kept in the sole possession of the maker, are used only as a person memory aid and are not accessible or revealed to any other person except a temporary substitute for the maker of the record
- (2) Records of the law enforcement unit of an educational agency subject to the provisions of §99.8
- (3) Records relating to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business; related exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other

1. Right to examine all records relating to your child without unnecessary delay after parents' request and before any meeting regarding an IEP or hearing and, in no case, more than 45 days after request.
2. Right to have your representative review the records.
3. Right to request that the agency 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.
4. Right to have the agency presume that a parent has authority to inspect and review records of his or her child unless agency has been notified that parent does not have authority under state law.
5. Right to inspect and review only the information relating to their child if any educational record includes information on more than one child.
6. Right to have the public agency keep a record of parties obtaining access to identifiable student information included in educational records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
7. Right to have the public agency search for or retrieve educational records without charge.
8. A parent may be charged a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.
9. Right to be informed of all types and locations of records being collected, maintained or used by the agency.
10. Right to ask for an explanation of any item in the records.
11. Right to ask for an amendment of any record if the record is inaccurate, misleading or violates the privacy or other rights of the child.
12. Right to have the agency decide whether to amend the information within a reasonable time after being asked to do so.
13. Right to be informed of refusal to amend and right to a hearing if the agency refuses to make the requested amendment.
14. Right to be informed if the agency decides in a hearing that the information is inaccurate, misleading or violative of the child's rights and the right to have the record amended.
15. Right to be informed of the parents' right to place a statement in the record commenting on information or setting forth the parents' reasons for disagreeing with the agency decision if it is decided in a hearing that information need not be amended.
16. Right to have the parents' explanation maintained in the record as long as the contested record is maintained.
17. Right to have the parents' explanation disclosed if the contested record is disclosed.

3

INDEPENDENT EDUCATIONAL EVALUATION:

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child. *Public expense* means that the school system either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements. [34 C.F.R. § 300.503(a)(3)(i - ii)]

You are entitled to only one independent educational evaluation of your child at public expense each time your school system conducts an evaluation of your child with which you disagree.

If you request an independent educational evaluation of your child at public expense, your school system must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school system demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school system's criteria.

1. If your school system requests a hearing and the final decision of the administrative law judge is that your school system's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
2. If you request an independent educational evaluation of your child, the school system may ask why you object to the evaluation of your child obtained by your school system. However, your school system may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school system's evaluation of your child.

As a parent, you have the

1. Right to obtain an independent educational evaluation by a qualified examiner.
2. Right to have the independent evaluation obtained at either public or private expense considered in meetings where placement or program decisions are made or in a hearing regarding a free appropriate public education.
3. Right to be told by your local school system where an independent evaluation may be obtained at no expense or low expense.
4. Right to an independent evaluation at public expense under the same criteria as those used by the public agency under which the evaluation is obtained, including the location of the evaluation if you disagree with the agency's evaluation, except that the public agency has the right to initiate a hearing regarding a free appropriate public education to show that its evaluation is appropriate.
5. Right to an independent evaluation at public expense when the evaluation is requested by an ALJ/hearing officer during a hearing.

NOTICE:

Notice means written information provided to the parent about proposed evaluations, meetings, and/or changes in program or eligibility or any other information related to the identification, evaluation and services provided to a child with a disability under the IDEA. Written notice is provided to give you information and the opportunity to respond prior to the changes being made.

1. Right to be notified and present at all meetings before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation, placement or provision of a free appropriate public education for your child.
2. Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public. Right of a parent, whose native language or other mode of communication is not a written language, to have the notice translated orally or by other means in his or her native language or other mode of communication; the right to understand the content of the notice; and the right to written evidence that these requirements have been met.
3. Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered by the agency and explain why those other options were rejected.
4. Right to be notified of each evaluation procedure, test, assessment, record or report the agency has used as a basis for any agency-proposed action or basis for refusal.

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5. Right to a description of any other factors which are relevant to the agency's proposed action or basis for refusal.
6. Right to a notice that includes a full explanation of all the procedural safeguards available to the parents.
7. Right to be notified of sources to contact to obtain assistance in understanding provisions of the IDEA.
8. Right to prior written notice that contains all information in items 2 through 7 above before the agency initiates or changes or refuses to initiate or change

the identification, evaluation, placement or provision of a free and appropriate public education.

9. Right to be present at all IEP meetings. This includes the right to have the meeting at mutually agreeable time and location, to be notified of whom will be in attendance and to bring anyone with you that has knowledge or expertise about your child with a disability.
10. If, available in your school system, you may choose to receive all notices by email. These include prior written notice, the procedural safeguards (parents rights) notice, and notices related to due process complaints.

CONSENT:

Consent means:

- a) You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
 - b) You understand and agree in writing to that described action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
 - c) You understand that the consent is voluntary on your part and you may withdraw your consent at anytime. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.
1. Right to give consent before an *initial* evaluation of your child to determine whether your child is eligible under the IDEA to receive special education and related services. You must also receive prior written notice of the proposed action.
 - a. If you refuse to provide consent or fail to respond to a request for consent, the public agency may, but is not required to, pursue the evaluation by using the mediation or due process procedures to obtain that evaluation.
 - b. Consent to an initial evaluation is NOT consent to provide services under the IDEA.
 - c. The public agency does not violate its child find obligations if it does not pursue the evaluation if you do not provide consent.
 2. Right to give consent before a reevaluation is conducted. This is true unless your school system can demonstrate that (i) it took reasonable steps to obtain your consent for your child's reevaluation; **and (ii)** you did not respond.
 - a. If you refuse to consent to your child's reevaluation, the school system may, but is not required to, pursue your child's reevaluation by using the mediation, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation.
 - b. As with initial evaluations, your school system does not violate its obligations under the IDEA if it declines to pursue the reevaluation in this manner.
 3. If the parent of a child in home school or placed in private school at parental expense does not provide consent for the evaluation or reevaluation, or the parent fails to respond to the request to provide consent, the public agency may NOT use the procedures of mediation or due process hearing to obtain consent.
 - a. The public agency is not required to consider the child eligible for services.
 4. Right to give consent before initial placement can be made in special education. The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.
 - a. If the parent fails to respond or refuses to provide consent for the initial provision of special education and related services, the public agency may NOT use the mediation or due process hearing procedures to obtain that consent.
 - b. The public agency will not be in violation of its child find responsibilities nor its obligation to make a free and appropriate public education available (FAPE) if you do not consent.
 - c. The public agency is not required to convene an IEP team meeting or to develop an IEP for a child for which consent for special education and related services has not been provided.

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5. Right to revoke consent at any time. If at any time subsequent to the consent for initial provision of services, the parent of a child revokes consent *in writing* for the continued provision of special education and related services, the public agency:
 - a. May not continue to provide the special education and related services to the child but
 - b. Must, prior to ceasing the provision of services, provide prior written notice
 - c. May not use mediation or due process hearing procedures to obtain consent

d. Will not be in violation of the provision of FAPE if you withdraw consent.

e. Is not required to convene an IEP team meeting or develop an IEP for further provision of service.

6. Consent is not required prior to reviewing existing data as part of an evaluation or reevaluation or prior to administering a test that is administered to all children unless consent is required for all children.

DISPUTE RESOLUTION:

The regulations for the IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any IDEA requirement by a school system, the State Educational Agency, or any other public agency. Only a parent or a school system may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school system's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

1. Right to present complaints, both formal written complaints or due process complaints, with respect to any matter relating to the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education to your child. Detailed explanation and description of all dispute resolution is contained in State board Rule 160-4-7-.12 Dispute Resolution.
 - (a) Formal Written Complaint: the complaint must be a signed, written complaint that sets forth an alleged violation of the IDEA. The complaint shall include a statement that the local system has violated the requirements of IDEA and the facts on which the statement is based. The complaint must allege a violation that occurred not more than **one (1) year** prior to the date the complaint is received.
 1. Right to mediation, if both parties agree, whenever a formal written complaint is filed.
 2. Written complaints are investigated by the Georgia Department of education or its contractors. Both the complainant and the public agency involved have the opportunity to provide information to the Georgia Department of Education during the investigation.
 3. Decisions of written complaints are issued by the Georgia Department of Education within 60 calendar days unless extended for extenuating circumstances.
 4. The decision of a written complaint cannot be appealed.
- (b) Due Process Complaint: the complaint must set forth an alleged violation that occurred not more than **two (2) years** before the date the parent knew or should have known about the alleged action that forms the basis for the complaint. A due process complaint is a request for a hearing to occur to resolve the matter. The two year time limitation does not apply if you could not file a due process complaint within the timeline because (1) The school system specifically misrepresented that it had resolved the issues identified in the complaint; or (2) The school system withheld information from you that it was required to provide you under Part B of the IDEA.

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2. Right to present a formal written complaint or a due process complaint if you disagree with a determination by the school system that your child's behavior was not a manifestation your child's disability.
3. Right to mediation and/or an impartial due process hearing whenever you file a due process complaint and to an expedited due process hearing whenever you file a due process complaint regarding the manifestation of a disability.
4. Responsibility to file due process complaint notice. A parent or school alleging a due process violation under IDEA, or his or her attorney, is required to provide a due process complaint notice to the other party (or

their attorney) **and** the Georgia Department of Education. The notice must include the name and home address of the child; the name of the school the child attends; in the case of a homeless child or youth, the child's contact information and the name of the child's school; a description of the nature of the problem, and a proposed resolution. The party presenting the due process complaint must file this notice before a due process hearing can occur.

- a. Responsibility to provide sufficient notice of the nature of the problem for which you are filing a due process complaint. If the school system feels that the parent's due process complaint notice is insufficient, the system must notify the hearing officer in writing within 15 days of receiving the complaint.
 - b. Administrative Law Judges (ALJs)/Hearing Officers then have up to 5 days to determine if the notice meets the requirements of IDEA. Upon making a determination, the ALJ must immediately notify all parties in writing of the decision.
 - c. If the ALJ determines that the complaint is sufficient, the school must respond to the due process complaint. If the ALJ determines that the complaint is not sufficient, the parent has the opportunity to resubmit a new complaint and the timelines start over.
5. Right to prior written notice regarding the subject matter of the due process complaint. When the school receives a due process complaint notice, it must first determine whether it provided prior written notice regarding the subject matter of the due process complaint. If it has not done so, the school must provide a response to the parents within 10 days of receiving the due process complaint notice. Prior written notice must contain the following: (1) an explanation of why the agency proposed or refused to take the action raised in the due process complaint, (2) a description of other options that the IEP team considered and the reasons those options were rejected; (3) a description of each evaluation procedure, assessment, record or report the agency used as the basis for the proposed or refused action; and (4) a description of the relevant factors in the school's proposal or refusal.
 6. Right to a resolution session that provides an opportunity for parents and school systems to resolve any issues in the due process complaint so that the parents and systems can avoid a due process hearing and provide immediate benefit to the child. Within 15 days of when a complaint is filed, the system must convene a Resolution Session between the parents and relevant members of the IEP Team. The session must include a representative of the system who has decision-making authority on behalf of the system. The session may not include an attorney for the system unless the parent is also accompanied by an attorney. The session provides an opportunity for the party who filed the due process complaint to discuss that complaint and the facts forming the basis of it, and an opportunity for the responding party to resolve the complaint. If the parties reach an agreement, they must execute a legally binding agreement that is signed by the parents and the system representative. The agreement is enforceable in any state court of competent jurisdiction or in a United States system court. Either party may void the agreement up to 3 days after its execution. If the due process complaint is not resolved through this session, then the parties may proceed to a due process hearing.
 7. The Resolution Session **must occur** before a due process hearing may proceed unless both parties agree to use the mediation process or they both agree in writing to waive the resolution session and mediation.
 8. Right to be told by the local system of any free or low-cost legal and other relevant services available (e.g., an expert on disability conditions that may be a witness at the hearing) when parent requests information or parent or agency initiates a due process complaint.
 9. Right to a hearing conducted by the Georgia Department of Education or a contracted impartial agent of the Georgia Department of Education. The hearing shall be at no cost to either party; however each party is responsible for his, her, or its costs associated with hiring legal counsel or expert

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witnesses unless a court awards the recovery of such costs to the prevailing party.

10. Right to have the hearing chaired by an administrative law judge (ALJ)/hearing officer who is not employed by a public agency involved in the education of your child or otherwise personally or professionally interested in the hearing (the ALJ/hearing officer is not an employee of the agency solely because he or she is paid by the agency to serve as an ALJ/hearing officer).
11. Right to a list of the persons who serve as ALJs/hearing officers, including a statement of the qualifications of each of those persons.

12. Right of either party to be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities at a hearing.
13. Right to have your child present.
14. Right to have the hearing open to the public.
15. Right of parents or parties to present evidence and confront, cross-examine and compel the attendance of witnesses at a hearing.
16. Right to have a hearing or an appeal set at a time and place reasonably convenient to you and your child.
17. At least five (5) business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. An ALJ/hearing officer may bar any party that fails to comply with this provision from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
18. Right of parents or parties to ask an ALJ/hearing officer to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing.
19. Right of parents or parties to have a written or, at the option of the parent, electronic verbatim record of the hearing.
20. Right of parents or parties to obtain written or, at the option of the parents, electronic findings of fact and decisions within 45 days after the local education agency received the initial request for the hearing, except that the ALJ/hearing officer may grant a specific extension of time at the request of either party.
21. Right of parents or parties to the implementation of a final decision made by the ALJ/hearing officer, unless a party brings a civil action. If a party chooses to bring a civil action, your child will remain in his or her present educational placement until the completion of all appeals unless both parties agree otherwise. Any corrective or compensatory actions required in the decision will not occur until completion of all appeals.
22. Right of aggrieved parents or parties to appeal the decision of the ALJ/hearing officer by bringing a civil action in state or federal court within 90 days from the date of the decision of the ALJ/hearing officer.
23. Right to have your child remain in his or her present educational placement until completion of all hearing and appeal proceedings, unless you and the agency agree otherwise. This right does NOT apply to appeals regarding placement under discipline procedures, manifestation determinations, or when a school system believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others. During those appeals, the child must remain in the interim alternative educational setting pending the decision of the ALJ/hearing officer or until the expiration of the time period specified in the disciplinary code or federal law, whichever occurs first, unless the parent and the State or school system agree otherwise.
24. Right to have child placed in the public school program until the completion of all the proceedings if the due process complaint involves an application for initial admission to the public school.
25. U.S. District Courts can award reasonable attorneys' fees to prevailing parties, whether that is a parent, State educational agency or local system as part of any settlement of a due process complaint or civil action. Attorneys' fees awarded to SEAs or local systems may only be granted under certain guidelines.
 - a. The parents or their attorney may be forced to pay the agency's attorneys' fees when that attorney files a complaint or civil action that is frivolous, unreasonable, or without foundation, or if the litigation clearly became frivolous, unreasonable, or without foundation.
 - b. The parents or their attorney may be forced to pay the SEAs or local system attorneys' fees if the parents' complaint or subsequent civil action was presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
 - c. Not all legal and administrative proceedings and services are eligible for reimbursement. A court may not award attorneys' fees for any services

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performed subsequent to the time of a written offer of settlement that is made to the parents if:

- 1) the offer is made in accordance with Rule 68 of the Federal Rules of Civil Procedure;
- 2) in the case of an administrative hearing, if the offer is made more than 10 days prior to the hearing;
- 3) the offer is not accepted within 10 days; and
- 4) the court or administrative hearing officer find that the relief finally

obtained by the parents is not more favorable than the offer of settlement. However, attorneys' fees may be awarded to parents who were substantially justified in rejecting the settlement offer.

- 5) In addition, IEP Team meetings are not eligible for reimbursement unless the meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the state, for a mediation session.
- 6) Attorneys' fees for Resolution Sessions are also ineligible for reimbursement.
26. Mediation may be requested by the school system or the family or any party for any disagreement related to the IDEA.
 - a. Mediation shall be at no cost to either party, except that either party shall be responsible for the cost of an attorney or other representative or advisor.
 - b. Mediation is voluntary.
 - c. Mediation shall not be used to deny or delay a right to a hearing
 - d. Mediation shall be scheduled in a timely manner and held in a location convenient to the parties in the dispute.
 - e. Mediations shall be conducted by a qualified trained mediator who is impartial and randomly selected by the state.
 - f. Discussions during mediation are confidential and may not be used as evidence in any subsequent due process hearing.
 - g. If the dispute is resolved in mediation, the parties must enter into a legally binding agreement that sets forth the resolution, is signed by the parties.
27. Resolution session agreements, mediation agreements and due process decisions are legally binding and may be enforced through State court or District court.
 - a. Any party may also file a written formal complaint alleging that a resolution agreement, a mediation agreement or a due process decision has not been carried out by the parties. The Georgia Department of Education will conduct an investigation under the formal written complaint procedures and issue a written decision.

EVALUATION PROCEDURES:

Evaluations may occur when a child is suspected of being a child with a disability who needs special education and related services. Evaluations (usually termed reevaluations) may also occur to determine the current educational needs for a child who is eligible and is receiving special education and related services. A school system may refuse to evaluate your child, but the school system must provide you with prior written notice that explains its refusal and explains that you are entitled to a due process hearing to determine if your child should be evaluated. The following rights outline the basic procedures for evaluations.

1. Right to have a full and individual evaluation of your child's educational needs.
2. Right to have the evaluation conducted by a multidisciplinary team including at least one specialist with knowledge in the area of the suspected disability.
3. Right to have your child assessed in all areas related to any suspected disability.
4. Right to have appropriate tests administered by qualified examiners.
5. Right to have a variety of assessment tools and other factors used to gather relevant functional, developmental and academic information in determining eligibility for special education and related services and the appropriate educational program for your child.
6. Right to have more than one assessment or piece of data used to determine eligibility.
7. Right to provide information or other privately obtained assessments (conducted by qualified examiners) and have that information considered in the process of determining whether the child is a child with a disability and the educational needs of the child.

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8. Right to have the evaluation made in your child's native language or mode of communication.
9. Right to have a reevaluation every three years.
10. Right to have a reevaluation in less than three years if you or your child's teacher requests it. Reevaluations shall not occur more frequently than one time per year unless the school system and the parent agree otherwise.
11. Right to have Initial evaluations completed and an eligibility decision made within 60 calendar days unless referral occurs less than 30 days prior

to the end of the school year or in the summer, then the evaluation must occur within 90 calendar days of receiving parental consent for evaluation. When school is not in session for five or more consecutive school days, such school days do not count toward the 60 day timeline.

12. Right to have the eligibility decision for initial determination based on (a) the presence of a disability as defined in the IDEA and (b) the documentation of the impact of the disability on the education of the child.
13. In the case of a previous revocation of consent to provide special education and related services, a new referral shall be treated as an initial evaluation.

LEAST RESTRICTIVE ENVIRONMENT:

Least restrictive environment is the term used to describe the right for the child to remain with his peers without disabilities to the maximum extent appropriate for his or her education. Each child is different and the IEP team determines the setting for services to be delivered. A child should remain in the regular classroom with special education and related services provided in the regular classroom unless there is evidence that this environment is not successful even with supports and services.

1. Right to have your child educated with non-disabled children to the maximum extent appropriate as determined by the IEP team.
2. Right to have your child remain in a regular education environment, unless a special class or separate school is needed. Removing a child from a regular class environment should be done only when the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.
3. Right to have available a continuum of alternative placements so that removal from the regular educational program can be the least restrictive situation.
4. Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement for the majority of the school day.
5. Right to have placement in the school your child would attend if non-disabled, unless the child's individualized education program requires some other arrangement.
6. Right to participate in non-academic and extracurricular services and activities such as meals, recess, counseling, athletics and special interest groups to the same extent as a non-disabled child.

SURROGATE PARENTS:

A surrogate parent is a person appointed for a student for whom no parent can be identified or who is a ward of the state or whose parent's whereabouts cannot be discovered, after reasonable efforts by the local system.

- When a child is a ward of the State, the surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements of the IDEA.
- When a child is an unaccompanied youth as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 1143a(6)), the local system shall appoint a surrogate in accordance with these requirements.
- The school system shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the system that the child needs a surrogate.

A surrogate parent has no personal or professional interest that conflicts with the interests of the student presented, has knowledge and skills that ensure adequate representation of the students, is not an employee of the Georgia Department of Education, the local system, or any other agency that is involved in the education or care of the child.

1. The school system must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.
2. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child.

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PRIVATE SCHOOL PLACEMENT AT PUBLIC EXPENSE:

The IDEA does not require a school system to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school system made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, for students enrolled in private schools, the school system where the private school is located must include your child in the

population whose needs are addressed under the IDEA provisions regarding children who have been placed by their parents in a private school.

1. The school system is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the school system made a (FAPE) free appropriate public education available to the child and the parents elected to place the child in such private school or facility.
 - a. When a child is placed by the parent in a nonprofit private elementary or secondary school, the system where the private school is located must consider the student an eligible child in any provision or consideration of proportionate share of federal funds. There is no individual entitlement to special education and related services when parentally enrolled in a private elementary or secondary school in the circumstances described above.
2. If a child with a disability who has previously received special education and related services from the school system has been enrolled by his parents in a private elementary or secondary school without the consent of, or referral by, the school system due to a disagreement about the provision of FAPE, a court or ALJ/hearing officer may require the school system to reimburse the parents for the cost of that enrollment if the court or ALJ/hearing officer finds that the school system had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.
3. The cost of any reimbursement described in paragraph (2) above may be reduced or denied if: (a) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school the parents failed to inform the IEP team that they were rejecting the placement proposed by the school system to provide a free appropriate public education to the child, including stating their concerns and their intent to enroll their child in private school at public expense; or the parents failed, at least 10 business days (including any holidays that occur on a business day) prior to removal of the child from the public school, to give the school system written notice that they were rejecting the placement proposed by the school system to provide a free appropriate public education to the child, including stating their concerns and their intent to enroll their child in private school at public expense; (b) prior to the parents' removal of the child from the public school, the school system has notified the parents in writing of its intent to evaluate the child with a statement of an appropriate and reasonable purpose of such evaluation, but the parents did not make the child available for the evaluation; or (c) upon a judicial finding of unreasonableness with respect to actions taken by the parents.
4. Reimbursement may not be reduced or denied for failure of the parent to provide notice referred to in paragraph (3) above if:
 - a. The parent is illiterate and cannot write in English;
 - b. Compliance with the notice requirements would result in physical or serious emotional harm to the child;
 - c. The school prevented the parent from providing the notice; or
 - d. The parent had not received this notice of rights.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES:

School personnel may, for not more than ten school days in a row, remove a child with a disability who violates the code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension without consulting the student's IEP team. School personnel may also impose additional removals of not more than ten days for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

Once a child has been removed from his or her current placement for a total of ten, consecutive or not consecutive, school days in the same school year, the school system must, during any subsequent days of removal in that school year, provide services that enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Within ten 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 (except for a removal that is less than ten school days and is not a change in placement), the school

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system, the parent and relevant members of the IEP team must review all relevant information in the student's file, in the IEP, any teacher observations and any relevant information provided by the parent to determine:

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

If the relevant members of the IEP team determine that either of these conditions was met, the conduct must be determined to be a manifestation of the child's disability. If the conduct was the result of the school system's failure to implement the IEP, the school system must take immediate action to remedy those deficiencies.

When the conduct is a manifestation of the student's disability the IEP team must conduct (or review if already in place) the Functional Behavioral Assessment (FBA) and develop and implement (or review and modify) a behavioral intervention plan (BIP) for the student to address the behavior so as to prevent it from occurring in the future.

1. If your child carries a weapon to school or to a school function; if your child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or if your child inflicts serious bodily injury on another person while at school, on school premises or at a school sponsored function, school system personnel may order a change in the placement of your child to (a) an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities), or to (b) an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days without regard to whether or not the behavior was a manifestation of disability. The alternative education setting shall be determined by the IEP team.
2. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate.
3. An ALJ/hearing officer may order a change in the placement of your child to the IEP-determined appropriate interim alternative educational setting for not more than 45 days if the ALJ/hearing officer determines that maintaining the current placement of your child is substantially likely to result in injury to your child or to others; and determines that the interim alternative educational setting meets the requirements of paragraph (5).
4. Any interim alternative educational setting in which your child is placed pursuant to paragraph (1) or paragraph (4) in this section shall: (a) be selected so as to enable your child to continue to receive educational services in order to participate in the general curriculum, although in another setting, and to continue to progress toward the goals set out in the IEP; and (b) receive the services and modifications of a functional behavioral assessment and behavior intervention plan designed to address the behavior so that it does not recur.
5. If a disciplinary action is contemplated as described in paragraph (1) or paragraph (4) of this section for the behavior of your child, you shall be notified of that decision and of all procedural safeguards accorded under this section no later than the date on which the decision to take that action is made; and immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, the school system, the parent and relevant members of the IEP team shall conduct a review of the relationship between your child's disability and the behavior subject to the disciplinary action.
6. In carrying out a review described in paragraph (6) of this section, the school system, the parent and relevant members of the IEP team (as determined by the parent and the school system) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine (1) if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or (2) if the conduct in question was the direct result of the school systems failure to implement the IEP. When the school system, the parent and the relevant members of the IEP determine that either (a) or (b) is applicable, the conduct is a manifestation of the disability.
7. If the determination is that the behavior of your child was not a manifestation of his or her disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to your child in

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the same manner in which they would be applied to children without disabilities except that the child: (a) must continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the child's IEP; and (b) receive, as appropriate, a functional behavioral assessment, and behavioral intervention services

and modifications that are designed to address the behavior violation so that it does not recur.

8. If the determination is made that the conduct was a manifestation of the disability, then the IEP team shall conduct a functional behavioral assessment and implement the behavior intervention plan or review such and revise as necessary if already in place. The child shall be returned to the placement from which he or she was removed, unless the parent and the school system agree to a change of placement as part of the modification of the behavioral intervention plan. For circumstances described in paragraph (1) or (4) an interim alternative setting may be used as determined by the IEP team.
9. If you request an expedited due process hearing regarding a disciplinary action described in paragraph (1)(b) or Paragraph (3) to challenge the interim alternative educational setting or the manifestation determination, your child shall remain in the interim alternative educational setting pending the decision of the ALJ/hearing officer or until the expiration of the time period provided for in paragraph (1)(b) or paragraph (3), whichever occurs first, unless you and the State or the school system agree otherwise. Such expedited due process hearing must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing; a resolution session meeting must occur within seven days of the date the hearing is requested and the hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the hearing request. The decision of an expedited due process hearing may be appealed.
10. When an expedited due process hearing has been requested regarding placement as a result of a violation of code of conduct, the child shall remain in the interim alternative educational setting pending the decision of the ALJ/hearing officer or until the expiration of the time period defined, whichever occurs first, unless the parent and the State or local agency agree otherwise.
11. If a child has not been determined eligible for special education and related services and violated a code of student conduct, but the school system had knowledge before the behavior occurred that the child was a child with a disability, then the child may assert the protections described in this notice. A school system has knowledge that the child may be a child with a disability if: The parent of the child has expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel or the teacher of the child.
 - a. The parent requested an evaluation related to eligibility for special education and related services under the IDEA.
 - b. The child's teacher or other system personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school system's director of special education or to other supervisory personnel of the school system.

A school system does not have knowledge if:

- a. The child's parent has not allowed an evaluation of the child
- b. Has refused special education and related services
- c. Has revoked consent for the delivery of special education and related services or
- d. The child has been evaluated and determined not to be a child with a disability eligible for services under the IDEA.

If you would like a further explanation of any of these rights, you may contact, Ronda Estes, Director for the Department of Education for Exceptional Students, at the Social Circle City School District, at 770.464.2731, or by email at ronda.estes@socialcircleschools.org. Or you may ask for assistance from the Georgia Department of Education, Divisions for Special Education Supports and Services, Suite 1870, Twin Towers East, Atlanta, Georgia 30334-5010, (404) 656-3963 or 1-800-311-3627 or www.doe.k12.ga.us. Regional Georgia Learning Resource System (GLRS) Direction Services can also provide information by phone (1-800-282-7552), or their website at www.glrs.org. In Georgia, the rules for special education are posted on the website for the Georgia Department of Education: <http://www.doe.k12.ga.us/Curriculum-Instruction-and-Assessment/Special-Education-Services>

CONSENT TO PLACE

Date:

Dear Parent of ,

The Individualized Educational Program (IEP) Team met on _____ and has recommended that participate in a special education and related services program(s). An Individualized Educational Program (IEP) or Service Plan (ISP) will be developed to meet his/her individual educational needs annually.

_____ Yes, I do agree with this placement to receive special education and related services.

_____ No, I do not agree with this placement for the following reasons.

Parent Name

Parent Signature

Date

A copy of parental rights may be provided upon request.

**Social Circle City Schools
Special Education Department
Request for Adapted Transportation
2017-2018 School Year**

Student Name _____ Exceptionality _____
Parent or Guardian Name _____
Home Address _____
Home School _____ School to Attend _____
Home Telephone _____ Work Telephone _____

Transportation Instructions

AM Address for Pick-Up _____
PM Address for Pick-Up _____

Middle School / High School student left alone at PM address ☐ **YES** ☐ **NO**

If student cannot be left alone, the following people are responsible to receive the student:

Name: _____ Phone: _____
Name: _____ Phone: _____
Name: _____ Phone: _____

Special Medical Instructions

Seizure History _____
Medications _____
Allergies _____

Wheelchair ☐ **YES** ☐ **NO** Safety Vest ☐ **YES** ☐ **NO**

Communication Concerns: _____
Weight, if less than 40 pounds _____

Parent Signature _____ Date _____

Special Education Department Approval

Special Education Director _____ Date of IEP _____
Date Requested to begin new transportation _____

Transportation Department Approval

Bus # Assigned _____ Bus Driver Assigned _____
Approximate time for: Pickup _____ Drop Off _____
Transportation Director: _____

*****No placements on adaptive transportation permitted without above approval*****

DUE PROCESS CHECKLIST

System/Agency:		Date:		
Student:	Birthdate:	Grade:		
Student's Disability Area(s):		School:		
Notes:				
Student Record Information		Y	N	NA
1. Access Sheet (Includes name, date, and purpose of review)				
2. Vision and Hearing Screening (Documentation for most recent evaluation) Date: __/__/__				
3. Parental Consent for Evaluation (Includes areas to be tested) Date: __/__/__				
Documentation that Parents' Rights were given				
4. Eligibility or Redetermination Date: __/__/__				
Summary of pre-referral evidence based interventions and results, includes SST				
Parent Input				
Exclusionary Factors				
Student meets all of the criteria requirements for identified eligibility If no, reasons for noncompliant eligibility:				
Documentation of Parent Notification/Participation in Eligibility Determination				
5. Parental Consent for Placement Date: __/__/__				
6. Parent Notification of IEP Meeting (Includes time, purpose, location) At age 18, student and parent gets the Notice. Date: __/__/__				
Required participants invited				
Student invited to IEP meeting when transition is discussed				
Other agency personnel are invited with written consent of the parents, as appropriate				
7. Individualized Education Program (IEP) (Reviewed annually) Date: __/__/__				
A. Required participants at the IEP Meeting				
Parent(s)				
LEA Representative				
Child's special education teacher				
Child's general education teacher				
Student, if applicable				
Individual who can interpret the instructional implications of evaluation results				
Other agency personnel, as appropriate				
Excusal letter, if applicable				
B. Present Levels of Academic Achievement and Functional Performance				
Results of most recent evaluation				
Results of state and district assessments				
Description of academic, developmental, and/or functional strengths of the child				
Description of academic, developmental, and/or functional needs of the child				
Parental concerns regarding their child's education				
Impact of the disability on involvement and progress in the general education curriculum (for preschool, how the disability affects participation in appropriate activities)				

Student Record Information	Y	N	NA
C. Consideration of Special Factors			
Student's behavior impedes learning (BIP, goals)			
Limited English Proficiency (Language needs)			
Blind or visual impairment needs			
Communication needs			
Deaf/hard of hearing needs			
Assistive technology devices or services			
Alternative formats for instructional materials			
D. Measurable Annual Goals and/or Short-term Objectives/Benchmarks			
Relate to child's needs (identified in the present levels)			
Criteria for mastery and evaluation methods specified for <u>each</u> goal/objective/benchmark			
A statement regarding when student progress on IEP goals will be reported to parent			
E. Student Supports for Academic and Nonacademic Activities			
Instructional accommodations			
Classroom testing accommodations			
Supplemental aids and services			
Supports for school personnel			
F. Statewide and district wide assessments determination			
Accommodations specific for each subtest and assessment			
-Relate to student's needs			
-Used as an instructional accommodation			
For GAA , statement of why the child cannot participate in the regular assessment			
G. Transition Services Plan			
By ninth grade or age 16, whichever comes first			
Postsecondary outcome goal for Education/Training			
Postsecondary outcome goal for Employment			
Postsecondary outcome goal for Independent Living, as appropriate			
Transition IEP goals to meet postsecondary goals (minimum one each for Education/Training; Employment; Independent Living, as appropriate)			
Postsecondary goals based on transition assessments			
Transition services- Activities - academic and functional to facilitate movement to postsecondary outcomes			
Course of study to facilitate movement to post-school			
H. Transfer of all Due Process Rights to Student			
Notice at age 17			
Transferred at age 18			
I. Behavioral Intervention Plan (As needed)			
Target behaviors			
Positive behavioral intervention strategies and supports			
J. Special Education/Related Services			
Options considered, options selected			
Frequency of services (Indicates either hours, minutes, segments per day, week, or month)			
Dates for initiation and duration of services (month/day/year)			
Location of services (special education or general education)			
An explanation of the extent, if any, to which the child will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities			
K. Extended School Year (Considered at least annually)			
If yes, goals and service information explained (Services and Hours; Frequency; Date of initiation of Services; Duration of Services; Provider Title; Transportation; and Location)			
8. Prior Notice to Parent(s) (IEP/placement/proposed special education services)			
Parent(s) did not attend or parents did attend and IEP was not given to parents at meeting/all documents provided with reasonable notice prior to initiation of services			
9. Parent Rights			
Documentation rights are presented annually Date: ____/____/____			