



**Brookhaven Innovation Academy  
Special Education Programs Handbook  
Internal Controls and Operating  
Procedures**

**2024-2025**

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## TABLE OF CONTENTS

Purpose .....	3
District Vision and Mission.....	4
Role and Responsibilities of the Department of Special Education.....	5
District Support .....	6
Confidentiality.....	7
Authorized Access to Records .....	8
Amendment of Records at Parents’ Request .....	10
Child Find .....	13
Determination of Eligibility .....	16
Eligibility Categories and Determinations .....	25
Supervision and Monitoring of the Eligibility Report .....	33
Reevaluations .....	34
Independent Education Evaluations.....	39
Private Schools Placement.....	41
Least Restrictive Environment .....	42
Discipline.....	45
Manifestation Determination Review.....	48
Individual Education Program.....	54
Personnel, Facilities, Caseloads.....	63
Georgia Network for Educational and Therapeutic Support (GNETS).....	65
Accessible Instructional Materials and Assistive Technology.....	72
Procedural Safeguards and Parental Rights.....	75
Dispute Resolution .....	81
Transition Services .....	84

Transition Assessment.....86  
 FAPE.....91

**PURPOSE**

Brookhaven Innovation Academy (BIA) is a Kindergarten through eighth grade State charter school and is a single school district operating a targeted assistance Title I program. District departments collaborate with the Special Education Program Director to maintain compliance with state and federal regulations and increase overall academic achievement of all students served. BIA maintains applications for federal grants under the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). The processes and procedures utilized to operate these grant programs are detailed in this manual.

The purpose of this handbook is to provide a systematic approach to implementing the regulations outlined by IDEA to ensure compliance with federal guidelines. The handbook provides helpful information and should serve as a guide for implementing the various components of BIA’s Special Education program. Following the guidelines presented in the handbook will ensure consistency, allowability and sustainability. Administrators are encouraged to use the information to ensure that federal programs are being implemented accurately and are effectively impacting student achievement.

**District Vision**

BIA provides and supports a learning environment to support individualized and differentiated student-centered educational experiences serving students from kindergarten through the 8th grade.

**District Mission**

BIA envisions a learning environment where students are empowered—through the collaborative partnership of its students, parents, learning coaches, teachers, and administrators—to successfully reach their full academic potential, emerge career or college ready and prepared to assume roles as positive contributors to society.

**Department Strategic Goals**

1. To increase academic achievement for students with disabilities
2. To provide an interactive and personalized learning environment
3. To create an environment that promotes active engagement, accountability, and collaboration of all stakeholders to maximize student achievement
4. To effectively communicate the system's vision and purpose and allow stakeholder involvement in an effort to build understanding, obtain support, and strengthen relationships
5. To consider a continuum of services to address individual student needs and support
6. To implement procedures and practices to target and effectively monitor how Free Appropriate Public Education (FAPE) is provided to students based on Individualized Education Program (IEP) implementation
7. To recruit and retain highly qualified and effective staff
8. To provide ongoing training and professional development opportunities to personnel and families

## **Roles and Responsibilities within the Special Education Department**

The department is responsible for ensuring that Students with Disabilities (SWDs) are educated in a manner that addresses each student's unique differences and needs.

### **Student Achievement**

- Develop a system-wide collaborative plan to improve student mastery of standards and reduce the achievement gap between general and special education students
- Ensure that every student with a disability is afforded a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)
- Monitor best practices within classrooms amongst special education and general education teachers

### **Professional Development**

- Attend professional development on a variety of topics focused on academics and compliance considerations
- Increase professional development for the Special Education team to ensure that capacity is built within BIA
- Share resources with the Special Education team regarding professional development sessions attended to increase learning and professional knowledge

**District Support**

The successful development and completion of a guide such as this one is dependent upon the collaboration and expertise of our entire Special Education team. Grateful acknowledgement for contributions to this endeavor is extended to the following staff members:

## Administration &amp; Federal Program Staff Members

<b>Name</b>	<b>Position/Role</b>	<b>Email Address</b>
Neal Christian	Superintendent/Head of School	<a href="mailto:nchristian@biaschool.org">nchristian@biaschool.org</a>
Jennifer Bradley	Federal Programs/Compliance (Accountability) Director	<a href="mailto:jbradley@biaschool.org">jbradley@biaschool.org</a>
Jennifer Bradley	Federal Programs Coordinator, Title II, III, IV	<a href="mailto:jbradley@biaschool.org">jbradley@biaschool.org</a>
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Jennifer Bradley	Gifted Education Director	<a href="mailto:jbradley@biaschool.org">jbradley@biaschool.org</a>
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Jennifer Bradley	Title I Homeless, Foster & Migrant Liaison	<a href="mailto:jbradley@biaschool.org">jbradley@biaschool.org</a>
Alyssa Blytch	Accounting/Office Management	<a href="mailto:ablytch@biaschool.org">ablytch@biaschool.org</a>

**The Special Education Handbook staff listed above are responsible for monitoring the specific programs associated with their job assignments.**

## Department of Special Education Staff Handbook

### **CONFIDENTIALITY (160-4-7-.08)**

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 The Brookhaven Innovation Academy and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

All district personnel (including contracted employees) are governed by confidentiality requirements and receive training and information regarding the law. Written and dated parental consent are obtained before personally identifiable information is 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.

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.

Brookhaven Innovation Academy adheres to all portions of FERPA with regard to student educational records and personal information. Any correspondence, electronic or otherwise, referencing a student will only include the student's first name, last initial, and student identification number.

## Confidentiality - Frequently Asked Questions (FAQs)

- 1. How is confidentiality viewed under special education laws?** Confidentiality of educational records is a basic right shared by all parents and their minor children in public schools, as described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.
- 2. Which employees are bound by confidentiality laws?** All district personnel (including contracted employees) are governed by confidentiality requirements. Brookhaven Innovation Academy employees receive training and information annually regarding confidentiality laws.

## Authorized Access to Records

Each special education folder will have an access record attached to the left-hand side of the folder or an Access Stamp on the front of the folder. All personnel reviewing the folder is to sign his/her name, write in the date, and the purpose on the access record. Each file cabinet containing student's special education folders is labeled with the Authorized Access to Records information. All agencies and agents who have access to student records are listed below and are listed on the file drawer:

### Authorized Access to Records

- Special Education/IDEA Director
- Student Information Specialist
- Special Education Case Manager
- School Psychologist
- Speech/Language Pathologist
- Physical Therapist
- Occupational therapist
- Principals
- School Counselors
- Designated Administrators



Confidential information is stored in file cabinets and drawers that can be locked. The “official” file with original copies, is retained in the office of the Special Education Lead.

### **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/card/transcript. The permanent record/card/transcript may indicate that a supplemental file does exist and should be reviewed. Such a designation would indicate to any reviewer that additional information is available and should be considered before drawing any conclusions regarding that student’s record. Verbal references to a student’s special education program should be carefully restricted only to professional staff working with the student or professional staff working in the interests of the student. There will be no documentation that the student receives special education services on the official transcript, as well.

### **Records Management**

All official Special Education Records are maintained in the office of the Special Education Lead and on-line through the Georgia On-Line IEP program. Some records may be found in Infinite Campus.

All requests for records from transferring schools, Department of Juvenile Justice, parents, Social Security Administration, medical personnel, etc. are handled by the Special Education Secretary , when the appropriate Release of Information has been provided. Records will be sent to transferring schools as soon as the child withdraws from BIA so that the student can be placed in the appropriate classes and receive the same services. All special education records will be sent from the office of the Special Education Lead.

## AMENDMENT OF RECORDS AT PARENT'S 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 BIA amend the information. The school system will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the school system decides to refuse to amend the information in accordance with the request, it will inform the parents of the refusal and advise the parents of the right to a hearing. The system will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

### Results of Hearing

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

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

Any explanation placed in the records of the student will be maintained BIA 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 also be disclosed to the party.

### Consent

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

1. Parents or eligible children;
2. Other BIA officials, including teachers, legally constituted cooperating agencies or other agencies providing shared services whom the system has determined to have legitimate educational interests.
3. Officials of another school, school system, or institution of postsecondary education in which the child

seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record, if desired, and have an opportunity for a hearing to challenge the content of the record;

4. Authorized Federal, State or local representatives in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs. (The information is protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to above and must be destroyed when no longer needed.)

5. In connection with a child's application for or receipt of financial aid for which the child has applied or which the student has received, if the information is necessary;

6. State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system;

7. Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. Information may only be disclosed if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed;

8. Accrediting organizations to carry out their accrediting functions;

9. In compliance with a judicial order or a lawfully issued subpoena. The BIA will make a reasonable attempt to notify the child's parents of the judicial order or subpoena before releasing the records, unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena issued for law enforcement purposes and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

10. Disclosure in connection with a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the child or other individuals.

11. The disclosure is information the school system has designated as "directory information" and the school system has given public notice to parents and eligible students of the types of personally identifiable information that the school system has designated as directory information, a parent's or eligible student's right to refuse to let the school system to designate any or all of those types of information about the student as directory information, and the period of time within which a parent or

eligible student has to notify the school system in writing that he or she does not want any or all of those types of information about the student designated as directory information.

12. The Office for Civil Rights.

13. Officials within the Department of Human Resources (DHR), Department of Corrections (DOC), Department of Juvenile Justice (DJJ) and Department of Labor (DOL) for the purpose of making appropriate educational decisions regarding placements.

### **Safeguards**

BIA protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. The superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parent's consent is forbidden. All persons collecting or using personally identifiable information have received training or instruction regarding department policies and procedures concerning personally identifiable information. The system maintains, for public inspection, a current listing of the names and positions of school system employees who may have access to personally identifiable information.

### **Destruction Of Information**

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. BIA retains Special Education personally identifiable information for 10 years. Annually the system will announce publicly its intent to destroy records that are 10 years past its original date or older. The public announcement will last for one month. Adults 18 years or older may pick up their records in person with photo identification from the Special Education Secretary. Parents with legal custody may retain Special Education records from the Special Education Secretary at any time up to 10 years past its original date or up until they are not claimed and destroyed. BIA will retain a log of records that are destroyed.

## AREA OF GENERAL SUPERVISION: IDENTIFICATION PROCESSES

When a Special Education Case Manager cannot identify or with reasonable efforts locate someone who qualifies as a “parent” in accordance with the Georgia State Board of Education Rules, the IEP Facilitator/Special Education Teacher will notify their direct lead who will then notify the Director of Special Education.

### **CHILD FIND PROCEDURES (160-4-7-.04)**

Child Find represents the district’s processes to locate, evaluate, and/or identify all children, **ages 3-21** residing in the district, who are suspected of having disabilities and may require special education and related services. The district is required to engage in Child Find activities annually.

Child Find responsibilities extend to all children suspected of having disabilities, regardless of the severity. Child find is a federal regulation designed to ensure all children with a disability are provided a free and appropriate public education. It is the responsibility of the Local Education Agency (LEA) to identify students who may have a disability.

As an LEA charter school, BIA has Child Find responsibility for enrolled students. To meet this responsibility, information on Child Find is disseminated using the system website. The Director of Special Education/IDEA and Special Education Lead conducts annual trainings on Child Find procedures. Site registrars are updated annually on referral procedures to include directions for accepting requests for an evaluation outside of the SST process. The Special Education Lead conducts monthly meetings to review new referrals and follow-up on past referrals. The Student Support Team will use MTSS to aid in Child Find.

The Special Education Lead provides professional learning on Child Find procedures at monthly department meetings to all special education staff members. Ongoing professional learning is provided at BIA to all staff by the student services staff. Sustained supervision and monitoring of compliant practices for Child Find is provided by the special education staff and student services staff. If Child Find procedures are blatantly not followed, additional training and technical assistance is provided by the Director of Special Education and/or GaDOE staff.

[Child Find Fact Sheet from GaDOE](#)

### **Who is covered by Child Find?**

Any child enrolled at BIA from kindergarten through age 21 is covered by child find.

**Who can make a Child Find referral?**

A referral can be made by any individual who has a concern about the child's development. The referral is confidential, and the parent retains the right to revoke consent for an evaluation.

**Who provides Child Find services?**

Services are provided by varying departments and depend on the child's needs. The child can be serviced by 504, Multi-tier System of Supports (MTSS) formerly known as RTI, or special education.

**What kind of help is available?**

The child will participate in evaluations that address the whole child in the areas of hearing, motor skills, communication, general development, and suspected disabilities. These evaluations may be used to assist in determining eligibility for services.

**Who can the parent contact?**

- (1) The classroom teachers
- (2) MTSS Coordinator
- (3) 504 Coordinator
- (4) Special Education department staff

**Student Support Teams**

The Multi-Tiered System of Supports (MTSS) Coordinator, the School Counselor and the School Psychologist monitor procedural compliance in regards to tiered interventions. The MTSS Coordinator conducts random MTSS/SST file compliance checks throughout the school year to review plans for compliance and fidelity. She also completes quarterly SST audits and reports findings to the Head of School. School psychologists review files, and provide support and guidance regarding progress monitoring. All administrators are expected to be an integral part of the MTSS/SST process and remain actively involved with all aspects of the process including professional learning, monitoring meetings, implementation of research-based practices, etc.

If BIA is found to be out of compliance, students are provided intensive one-on-one technical assistance and support from the Federal Program Director or the MTSS Coordinator. Federal Program Director or the MTSS Coordinator ensures students are receiving services and provides staff members who are found out of compliance with continued professional learning and/or one-on-one assistance. BIA staff are trained twice a year on MTSS goals tiers and strategies. The MTSS Coordinator will

monitor teachers progress collecting data. Additional training is scheduled when deemed necessary by the MTSS Coordinator, Special Education Lead, or school administration.

### **Interventions Prior to Referral**

Child Find is a critical part of the special education process for all children suspected of having disabilities. IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. 34 C.F.R. § 300.111. IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. The State Child Find Rule, the implementation of a multitiered system of supports, including the use of scientific, research, or evidence-based interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)(b). The use of interventions before referring a child for an initial evaluation for special education can have a positive impact on reducing the disproportionate representation of racial and ethnic groups in special education and related services. In addition, if a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60 calendar day timeline requirement). Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions must not be a reason for determining that a child is not eligible for special education services.

The MTSS Coordinator is responsible for monitoring student progress prior to formally being referred for Special Education Lead. The Special Education Lead is responsible for supervising the evaluation and reevaluation process.

### **MTSS MONITORING**

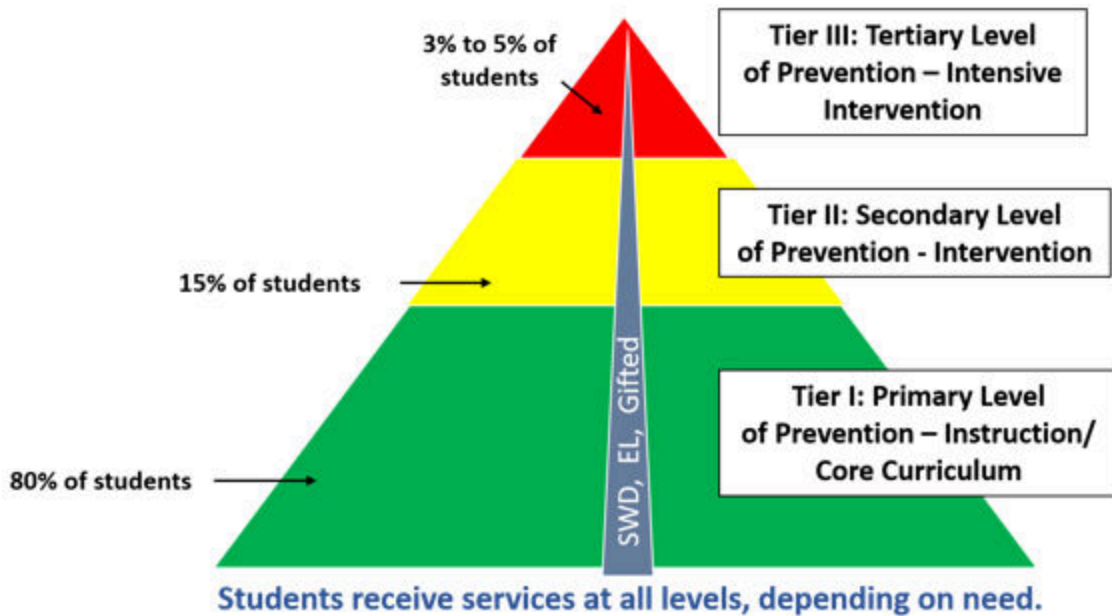
The purpose of progress monitoring is to monitor students' response to primary, secondary, or tertiary intervention to estimate rates of improvement, identify students who are demonstrating adequate progress, and compare the efficacy of different forms of academic and/or behavior instruction.

Progress monitoring is implemented with individuals or groups of students, a class, and or an entire grade. Progress monitoring tools are valid, reliable, and evidence-based. Unlike universal screening, students are progress monitored at regular intervals based on the intensity of the tiered support provided. The MTSS Coordinator is responsible for monitoring student progress. The data obtained from progress monitoring can assist in determining if evidence-based instruction or interventions are meeting the needs of the whole child or if an adjustment is needed to boost student progress.

[Progress Monitoring Rubric](#)

[Multi-level Prevention System Rubric](#)

**Essential Component: Multi-Level *Prevention* System**



**DETERMINATION OF ELIGIBILITY**

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.

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.

Once an evaluation is completed through the referral process, 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 a



part of the eligibility team and is provided a copy of the evaluation report, a copy of the eligibility decision report and a copy of their Parental Rights Regarding Special Education.

[Eligibility Determination form GaDOE](#)

### Initial Evaluations

- Psychological, Speech, Occupational Therapy, Physical Therapy, Social History, and other evaluation components will be conducted **only** after a referral to the Department of Special Education is initiated. The individuals involved with the evaluation **MUST** be consulted with **PRIOR** to the referral to the Department of Special Education.

**The Individuals with Disabilities Education Improvement Act requires that school districts must conduct evaluations that meet the following criteria:**

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.

### SST/Initial Evaluations

#### Prior Written Notice and Consent for Evaluation

Anytime that a child is referred for a special education evaluation, the Local Education Agency (LEA)/school must provide [Prior Written Notice \(Parental Consent for Evaluation Form\)](#) to the parents. The purpose of *Prior Written Notice* is to ensure that the parents understand the actions that the LEA is proposing and the basis on which the action is deemed necessary. The [Prior Written Notice/Parental Consent for Evaluation Form](#) must include the following:

According to the Individuals with Disabilities Education Improvement Act the notice must be written in the parents' native language and be understandable to the general public. If the parent's mode of communication is not a written language, it is the LEA's responsibility to ensure that the notice is translated orally or by other means. The school must have written documentation that this has been done.

### Initial Evaluations

Initial evaluations must be completed within 60 calendar days of the date the signed Parental Consent for Evaluation Form was received by school personnel. Initial referrals must be submitted to BIA's initial eligibility Special Education Lead within five school days after receiving the signed [Parental Consent to Evaluation Form](#) and must reflect current school year data and vision and hearing screening on file (according to best practices).

Only valid, extenuating circumstances will be accepted for missing a timeline. Whenever an individual does not meet the established timeline, he or she must document the reason on the *Late Timelines Tracker*. Use of the *Late Timeline Tracker and Non-Compliance Form* will be continued until completion of the eligibility process. The *Late Timelines Tracker* should remain current as the Special Education Lead and/or Special Education/IDEA Director will be monitoring these submissions.

**Academic referral:** *Must be based on at least (four) 4 progress monitoring data points (interventions) that demonstrate the child is not making sufficient progress.* Data points collected from the progress monitoring occur over several weeks of interventions.

### Timeline for Initial Evaluations

In the state of Georgia and at BIA, there is a 60 calendar day consistent with federal regulations. The timeline for conducting the initial evaluation begins when the school/District receives written parental consent to conduct the evaluation. The 60 day timeline to complete the initial evaluation begins from the date the consent was received by the school. The timeline ends with the IEP team's conclusion of all required evaluations. The team will then meet within a reasonable timeframe to review the results of all data and to consider whether the child meets eligibility criteria for special education services.

For children who transfer from one school/district to BIA, assessments are coordinated with the child's previous school, as necessary and as expeditiously as possible, to ensure prompt completion of an evaluation.

Prior to commencing the initial timeline, the school provides the parents with their *Parent Rights* upon referral, *Prior Written Notice* for initial evaluation, and *Parental Consent for Evaluation Form*.

1. The 60 calendar day timeline begins when the agency receives written parent consent to conduct the initial evaluation.
2. The initial evaluation is started and completed within the 60 day timeframe.
3. The initial evaluation is completed, and, on the basis of the evaluation, behavioral, disciplinary, and attendance data; the team determines eligibility for special education and related services.
4. The evaluation/eligibility team provides the parents with the *Eligibility Report* within a reasonable period of time.
5. The school provides the parents with *Prior Written Notice* for proposed identification (can be combined with notice for initial services).
6. The school provides the parents with the Notice of the IEP meeting at least 7 calendar days before the meeting. **If the team believes that eligibility and IEP development may be discussed at the same meeting, the *IEP Meeting Notice* must describe all proposed**

**special education decisions to be addressed at the meeting.**

7. The 60-school-day timeline ends when the evaluation has been concluded.
8. The IEP Team meets and develops an IEP within 30 calendar days of determination of eligibility.
9. The school provides the parents with *Prior Written Notice* and request for consent for the initial provision of special education and related services to the child.
10. Services on the IEP are commenced no later than 10 school days after written parent consent for provision of special education services is granted (*Parent Consent for Placement*) unless reasonable written justification for a delay can be shown.

**SST/Initial Evaluations - Frequently Asked Questions (FAQs)****1. Will an evaluation be denied if a parent does not submit requested documentation?**

The district will not deny a child an evaluation if a parent refuses to submit requested documentation such as birth certificate and social security card. An evaluation will not be denied if a parent refuses or fails to submit documentation such as medical documentation or prior intervention; however, the eligibility team may lack adequate information to determine that a student meets eligibility criteria without this information. A child will not be evaluated if the parent refuses or fails to sign a Parental Consent for Evaluation Form and/or if the District is unable to obtain appropriate assessments of the child's vision and hearing.

**2. What happens when a student meets minimum screening criteria and does not require further evaluation?**

When screening results indicate that a child is performing as expected for his/her age, the evaluation (screening) team meets with the parents to share and discuss the results of the screening. The parent is provided written documentation of the screening results and minutes of the conference.

**3. Is it mandatory for a general education teacher to attend eligibility meetings?**

District personnel should make every effort to include general education teachers in the eligibility determination process. The teacher's involvement at this stage might include providing work samples, completing checklists, consenting to a classroom observation, or consenting to an interview regarding the child's functioning. The eligibility team should also include the general education teacher in the eligibility meeting, or including the teacher by phone when needed. If, despite all efforts, the eligibility team is unable to secure a general education teacher to attend the eligibility meeting, the team should include documentation of all efforts (phone calls, letters, emails, etc.) in the child's file and have the parent sign the excusal letter allowing the meeting to proceed

without this representative.

**SST/Initial Evaluation Process & Timeline**

Person Responsible	Action	Timeline
Referral by Student Support Team (SST), Parent from district, or District	<ol style="list-style-type: none"> <li>1. Student referred for evaluation</li> <li>2. Copy of “Your Rights as Parent- Special Education” provides explanation to parent</li> <li>3. District must complete comprehensive evaluation and hold eligibility meeting</li> </ol>	Within 60 calendar days of receiving Parental Consent for Evaluation Form, excluding school holidays and other time when the student is not in attendance for five or more consecutive schooldays
Special Ed. Case manager	<ol style="list-style-type: none"> <li>1. Emails anyone involved with testing the student that Parental Consent for Evaluation Form has been signed and when due date is</li> <li>2. Both note due date for eligibility meeting to be held</li> </ol>	60 calendar days prior to due date
Exceptions: Parent	Repeatedly fails or refuses to produce the child for the evaluation; or a child enrolls in a school of another district after the timeline in this rule has begun and prior to a determination by the child’s previous district, or vision and hearing not adequate	60 calendar day rule does not apply
Comprehensive Evaluation: Multidisciplinary team of school psychologist, speech language pathologist,, occupational therapist and/or physical therapist, school social worker, teachers, parent	Look at the needs of the whole child, regardless of the reason for the referral. Assess all areas related to any suspected disability, including vision and hearing, and if appropriate, health, social and	<b>Within 60 days</b>

	emotional status, general intelligence, academic performance, communication status, and motor abilities.	
Impact on Educational Performance: General Education Teachers/MTSS Liaison	A number of interventions must be provided to the child in addition to traditional instruction that all students receive, and may vary in duration and intensity of support.	A minimum of 12 weeks of interventions (for SLD a minimum of 4 data points over the 12-week period)
Eligibility Consideration	Conduct observation and analyze work samples for student	20-30 days prior to eligibility meeting due date
Special ed. Case Manager	<ol style="list-style-type: none"> <li>1. Receives psychological information from psychologist</li> <li>2. Schedules the initial eligibility meeting with the parent and school personnel that need to be in attendance</li> <li>3. Send parent notification to parent (3 attempts noted)</li> <li>4. Send out an Google Calendar email notification to school personnel who will attend meeting</li> <li>5. Write draft IEP</li> </ol>	10 school days
Eligibility Team:	<ol style="list-style-type: none"> <li>1. Meeting is held with all required members in attendance</li> <li>2. Eligibility events are locked immediately following the meeting and members of the team sign off on the locked version of the Initial Eligibility Report from GOIEP</li> <li>3. Prior Written Notice for</li> </ol>	1-3 school days (prior to eligibility due date)

	ineligible students	
Signed at initial IEP Meeting	1. Create event in GOIEP Parent Consent for Placement. 2. Have parent sign, type name in form and lock	Date of scheduled eligibility meeting
Case Manager	Develop Initial IEP	Within 10 -20 school days if eligibility is established and if the initial IEP is not developed immediately following initial eligibility

[Overview SST Team Process](#)  
[MTSS Parent Guide](#)

**EXCEPTIONS TO THE TIMELINE**

**There are only three specific instances when an extension of the 60 school-day timeline may be justified:**

1. The parent of the child repeatedly fails or refuses to produce the child for the evaluation; or,
2. If a child enrolls in a new district after the evaluation has begun and before the determination of eligibility. In this case, the new district is required to make sufficient progress to ensure a prompt completion of the evaluation, and the parent and the school district must agree to a specific timeline for completion.
3. If the parent and the school agree in writing to extend the timeline, due to extenuating circumstances.

Once the evaluation is completed an eligibility meeting is held to discuss the results of all assessments and data. The eligibility team consists of the parent, general education teacher, special education teacher, a person that can interpret the results of the assessment or evaluation (e.g. school psychologist, speech language pathologist, occupational therapist, etc.). These individuals will use the data to determine whether the student is eligible for special education services. **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.

A student is either eligible or not eligible – A team cannot determine that they “want” speech eligibility/services but opt not consider Emotional Behavior Disorder eligibility/services.

Special education SERVICES cannot be selected based on a team or parent preference or eligibility category alone.

**REQUIRED TEAM MEMBERS:** Team members on each evaluation team may differ; however, there are specific members and skills that must be represented on the team. The makeup of this team should include:

- The parent(s) of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or if the child is less than school age, an individual qualified to teach a child of his or her age;
- Not less than one special education teacher of the child, or where appropriate, not less than one special education service provider of the child;
- A representative or representatives of the local education agency who:
  - a) Is/are qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with exceptionalities,
  - b) Is/are knowledgeable about the general education curriculum, and
  - c) Is/are knowledgeable about the availability of resources of the public agency;
  - d) Can interpret the instructional implications of evaluation results;
  - e) Is/are qualified to conduct individual diagnostic examinations of children; and

At the discretion of the parent or LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

Upon completion of the eligibility meeting the parent 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. The IEP facilitator can send a Password Protected copy of the evaluation report to the parent/legal guardian prior to the meeting if the report is available, however **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.

[IEP Facilitation Parent Guide \(English\)](#)

[IEP Facilitation Parent Guide \(Spanish\)](#)



## ELIGIBILITY CATEGORIES & DETERMINATIONS

**Eligibility Categories:** In order to be eligible to receive special education services, the student must meet the requirements of one or more of the following categories:

- Autism Spectrum Disorder (ASD)
- Deaf-Blind (D/B)
- Deaf/Hard of Hearing (D/HH)
- Emotional/Behavioral Disorder (EBD),
- Mild, Moderate, Severe, or Profound Intellectual Disability (MID, MoID, SID, or PID)
- Orthopedic Impairment (OI)
- Other Health Impairment (OHI)
- Significant Developmental Delay (SDD)
- Specific Learning Disability (SLD)
- Speech Language Impairment (SI)
- Traumatic Brain Injury (TBI)
- Visual Impairment, including Blindness (VI)

### **Autism Spectrum Disorders (ASD)**

Autism, Pervasive Developmental Disorders Not Otherwise Specified (PDD-NOS), and Asperger's Syndrome are developmental disorders that are known collectively as Autism Spectrum Disorders (ASD) and are included as a Pervasive Developmental Disorder in the American Psychiatric Association Diagnostic and Statistical Manual (DSM – V). The term ASD or autistic spectrum disorder is commonly used to describe the full range of the autism spectrum, which is a complex developmental disability with symptoms and characteristics that present in a wide variety of combinations from mild to severe.

ASDs are present from either birth or the child's very early development. They affect essential human behaviors such as social interaction, the ability to communicate ideas and feelings, imagination, and the establishment of relationships with others (National Research Council, 2001). Additional characteristics may include sensory issues, anxiety, resistance to environmental change or change in routine, and stereotyped movements. Autism has no cure, but many individuals on the spectrum become highly productive, loving and contributing adults.

**Deaf & Hard of Hearing (D/HH)**

Hearing loss is generally described as slight, mild, moderate, severe, or profound, depending upon how well a person can hear the intensities or frequencies most strongly associated with speech.

Impairments in hearing can occur in either intensities or frequencies or in both areas. Generally, only children whose hearing loss is greater than 90 decibels are considered deaf (NICHCY, June 2010).

**Deaf/Blind (D/B)**

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 (GADOE).

**Emotional & Behavior Disorders (EBD)**

Before identifying a student as having emotional and/or behavioral disorders, care must be taken to determine that the identified behaviors are of sufficient duration, frequency and intensity to interfere significantly with a student's educational performance, and to ensure that these behaviors cannot be explained by other intellectual, cultural, social, sensory, or general health factors. At times, children without emotional or behavioral disorders may exhibit specific characteristics of this disorder; however, these manifestations are not sustained. The process of identifying students with emotional and behavior disorders (EBD) who may require services involves offering a continuum of evidence-based academic and behavioral supports to help these students be successful in the least restrictive environment (LRE).

**Intellectual Disabilities (MID, MOID, SID, or PID)**

In Georgia, intellectual disabilities are classified as Mild Intellectual Disability (MID), Moderate Intellectual Disability (MOID), Severe Intellectual Disability (SID), and Profound Intellectual Disability (PID).

Every student with a significant intellectual disability deserves the opportunity to learn and be exposed to the same educational opportunities as his or her non-disabled peers, through access to the same curriculum, the Georgia Performance Standards. Regardless of the severity of their intellectual disabilities, students must be provided access to the GPS/Common Core through relevant skills and activities that are meaningful to them.

Through access to the Georgia Performance Standards, students with intellectual disabilities have the opportunity to learn information at their grade level while achieving their Individualized Education Program (IEP) goals. Exposure to grade appropriate materials can lead to more age appropriate

interests and leisure skills.

**Orthopedic Impairment (OI)**

Although a student may exhibit an orthopedic impairment, not every student with an orthopedic impairment requires special education and related services, since this disability may not impede his or her access to the general curriculum. Thoughtful planning for students with special health care needs promotes quality school-based care and helps to ensure that these students are able to participate in the general curriculum and educational setting. This kind of planning requires ongoing communication and collaboration among parents/guardians, school personnel, individuals representing a range of disciplines, community providers, specialists, and, when appropriate, the student. The goal is to provide the best possible service delivery to the student.

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**Other Health Impairment (OHI)**

Many students experience health concerns that impact their school experience. These range from temporary situations, such as minor surgery, to serious chronic conditions that can persist for a student's entire school career. The impact a health condition has on a student's ability to function in the school environment varies with the individual. School personnel must be able to respond with appropriate supports to assure the student's access to instruction. For some health conditions, accommodations under Section 504 are sufficient to meet a student's needs. In other situations, the student will require special education services and supports to address the impact of the health impairment on his or her educational progress.

**Significant Developmental Delay (SDD)**

Every child goes through a developmental process that involves learning and mastering skills such as sitting, walking, talking, skipping, and tying shoes. Children learn these skills, called developmental milestones, during predictable time periods.

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).

### **Specific Learning Disability (SLD)**

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

### **Speech Language Impairment (SI)**

School-based speech-language pathologists/therapists provide services to children ages 3 through 21 who have speech-language impairments. When a person is unable to produce speech sounds correctly or fluently, or has problems with his or her voice, then he/she may have a speech-language impairment. Speech-language impairments are communication disorders, such as an impairment in articulation and/or phonological production, language, fluency (stuttering), or voice, which adversely affect a child's educational performance. A speech disorder can be characterized by difficulties pronouncing sounds; by repetitions, prolongations, or blocked speech patterns; or by a voice that has an abnormal quality to its pitch, resonance, or loudness. When a person has trouble understanding others (receptive language), or sharing thoughts, ideas, and feelings completely (expressive language), then he/she may have a language disorder. Speech and language disorders can occur as a result of hearing loss, neurological disorders, brain injury, intellectual disabilities, drug abuse, physical impairments such as cleft lip or palate, and vocal abuse or misuse. Frequently, however, the cause is unknown. A speech or language impairment may be a primary disability or it may be secondary to other disabilities. [Speech Referral Process](#)

### **Traumatic Brain Injury (TBI)**

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the student's educational performance. The term applies to open or closed head injuries resulting in impairments that are immediate or delayed in one or more areas, e.g., cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. These

injuries may intensify pre-existing problems in these areas as well. Resulting impairments may be temporary or permanent in nature. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma or those resulting from internal occurrences such as stroke, tumor or aneurysm.

### **Visual Impairment & Blindness (VI)**

Two categories of students with visual impairments are recognized in the State of Georgia: blind and visually impaired. Some students who have a progressive vision loss but have not yet reached the acuity levels for either of these categories may be considered for visual impairment services upon documentation of the progressive vision loss from their optometrist or ophthalmologist. In the case of cortical visual impairment, the report of a neurologist can also be accepted for eligibility purposes as long as an ocular diagnosis is addressed in the report and the necessary visual acuity information is included. The student's educational team must decide whether the student would benefit from the RTI process if the student does not meet the criteria of blind or visually impaired, but has a progressive vision loss or visual field loss of more than 20 degrees that has a negative impact on the student's educational progress. Students who meet the criteria for blind or visually impaired can be directly referred to special education.

### **Documentation of Eligibility/Ineligibility**

When the eligibility team makes a determination of eligibility based on the data review from the completed comprehensive evaluation, it will be decided if the student is eligible or not eligible. An initial evaluation reviews the needs of the whole child, regardless of the reason for the referral.

In a comprehensive evaluation, the Special Education Lead reviews:

- informally and formally assess all areas related to any suspected disability, including, if appropriate, vision and hearing, 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 parents;
- 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 developmental, physical, intellectual, academic, communication, and social/emotional 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; and

- select assessment methods that, when administered to a child with impaired sensory, manual, or communication skills (to include English Learner (EL) barriers), the results accurately reflect the child's aptitude or achievement level and are not culturally biased

**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)
- Schoolwide 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

The parent is provided a copy of all documentation to include:

1. psychological evaluation report
2. eligibility report
3. any other assessment results
4. parent's rights regarding Special Education.

BIA uses the Georgia Online IEP Program (GoIEP) for the development of compliant eligibility reports.

There are built in validation and auditing components which ensure that the report has all necessary parts. Committees must ensure the quality of the data that is given in the eligibility reports.

### **Multidisciplinary Evaluation and Eligibility Determination 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. 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. General education teachers and teachers of special education are also a part of the eligibility determination team and are considered qualified professionals as well.

### **Committees consider the following:**

- (1) Case History (critical when considering exclusionary factors)
- (2) Progress Monitoring
- (3) State Assessment Results
- (4) Student Data in the following areas: (strengths, weaknesses, and optional information)

- Academic Achievement
- Adaptive Behavior
- Communication/Language
- Intellectual Functioning
- Medical
- Motor
- Observation
- Parent Information
- Psychological Processing
- Sensory (Vision/Hearing)
- Sensory Processing

Social/Emotional/Behavioral  
Work Samples

**Eligibility Decision Making committees should answer the following questions:**

- Have interventions been implemented and monitored as designed for an appropriate time to show effect or lack of effect in the identified area(s) of concern? Yes or No
- Progress monitoring demonstrated the child is not making sufficient rate of progress to meet age or state-approved grade-level standards within a reasonable time frame when the child's response to intervention is measured. Therefore, there is an adverse effect on educational (functional, developmental and/or academic) performance. Yes or No
- If a student is making progress then he or she is not eligible for services. There should be evidence of appropriate research based interventions over a time period. If he or she is not making progress then the committee proceeds to make an eligibility category decision.

A child or youth from 3 through 21 years of age is considered to have a disability under the Individuals with Disabilities Education Improvement Act (IDEA 2004) if the child or youth meets the eligibility criteria in any of the following areas and needs special education and related services:

- (a) Autism spectrum disorder.
- (b) Deafblind.
- (c) Deaf/hard of hearing.
- (d) Emotional and behavioral disorder.
- (e) Intellectual disability (mild, moderate, severe, profound).
- (f) Orthopedic impairment.
- (g) Other health impairment.
- (h) Significant developmental delay.
- (i) Specific Learning disability.
- (j) Speech-language impairment.



(k) Traumatic brain injury.

(l) Visual impairment

## **SUPERVISION AND MONITORING OF THE ELIGIBILITY REPORT**

The primary mechanism for creating and monitoring the Eligibility Report is the Georgia Online IEP Program (GO-IEP). Eligibility timelines are monitored by the Special Education/IDEA Director, Special Education Lead, and the Special Education Case Manager.

Transfer Eligibility Reports: The student is entered as a transfer student by the Student Information Specialist or the Special Education/IDEA Director into Infinite Campus. The Special Education Lead will assign students to a Special Education Case Manager. The status is set as a transfer from within a Georgia Public School System or Out-Of-State.

The Special Education Lead will review out-of-state transfer eligibility reports and determine if the existing report meets Georgia eligibility requirements. If the transfer report meets requirements, the Special Education Lead will set the remaining time on the 3 year eligibility report in GO-IEP and a case manager will be assigned to monitor the timeline through GO-IEP. If the out-of-state transfer eligibility does not meet Georgia eligibility requirements, the Special Education Lead will notify the case manager that the transfer process in GO-IEP has been set to determine eligibility through evaluation. The case manager will be instructed to honor the transfer IEP in good faith until Georgia eligibility can be established and a new IEP created. Once the evaluation is complete, an eligibility meeting will be scheduled and procedures for eligibility determination will be followed. A new IEP will be created.

In-state Transfer Eligibility Reports: The Special Education Lead will enter the transfer eligibility report into GO-IEP and indicate which county the report was transferred from. The timeline will be set according to the ending date on the transfer report. BIA reserves the right to schedule a redetermination meeting to readdress eligibility based on new data or circumstances affecting the student's educational progress. BIA will also amend the existing transfer IEP as needed.

BIA Initial Eligibility Reports: The school psychologist is responsible for completing the eligibility report. All school based data (summary of prior intervention, MTSS/RTI, behavior, attendance, social history) is given to the school psychologist when approved for referral to Special Education for evaluation. Prior to the initial eligibility meeting, the school psychologist and Special Education Lead review the draft report and conclude on the appropriate eligibility category. The draft report is presented to the eligibility committee, the report is finalized at the meeting and signatures are obtained. The timeline is set for three years in GO-IEP and will remain in effect until eligibility is due again or a redetermination for

eligibility is scheduled.

## **REEVALUATIONS**

An evaluation conducted for a child already identified as an exceptional child is considered a reevaluation. Such reevaluations must be done at least once every three years, as well as if conditions warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. Reevaluations may not occur more than once a year, unless the parent and the school agree otherwise. The team can review current data to determine continued eligibility without having a comprehensive evaluation completed.

Most components of the reevaluation process are identical to those required for initial evaluation, but there may also be some differences. The specific individuals on the reevaluation team may be different than they were for the initial evaluation, meaning the roles are the same, but the specific people may be different. A report of the reevaluation must be written and provided to the parents.

A reevaluation of the child's needs must be conducted at least once every three years unless the parent and the district agree that a reevaluation is unnecessary. The re-evaluation may be conducted at any time if the district feels the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the district agree to it.

### **Purpose of the Reevaluation:**

The reevaluation process is required every three years, or more often, if needed, to determine:

- Whether the child is still exceptional;
- The child's current educational needs;
- The child's present levels of academic achievement and functional performance;
- Whether the child still needs special education and related services: and
- Whether any accommodations or modifications to the special education and related services are needed to enable the child to meet the goals and objectives in the IEP and to participate, as appropriate, in the general education curriculum.

In addition to determining continued eligibility for special education and related services, the IEP should be reviewed, and revised if necessary.

### **Determining the Need for Reevaluation:**

Before any re-evaluation is conducted, the parent and the school determine whether a reevaluation is needed. They must consider the child's educational needs that may include whether the child is

participating in the general education curriculum and being assessed appropriately. The parent and the school will discuss the advantages and disadvantages of conducting a reevaluation, as well as its effects on the child's educational program. Normally a reevaluation should occur at least once every 3 years, unless the parent and the school agree that it's unnecessary. Documentation of this agreement must be maintained. In this case the progress monitoring data is utilized to determine continued eligibility; it may result in a waiver of eligibility.

### **Reevaluation Process: Review of Existing Evaluation Data**

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and Special Education Lead and/ administration agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child 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 additional areas of need due to a 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 the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the Special Education Lead must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's re-evaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.

## Reevaluation Process: Determination of Eligibility and Educational Needs

After reviewing the existing data on the child, if additional information is needed to determine:

1. The present levels of academic achievement and related developmental needs of the child;
2. Whether the child continues to have a disability or additional areas of need due to a disability;
3. Whether the child continues to need special education and related services;
4. 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/or
5. Whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum, then the Team will determine which assessments are needed to provide the additional information.

If a decision is made to conduct additional assessments, then after the assessments are complete, the Team reviews those assessments and determines the child's continued eligibility and educational needs. Once this determination is made, this completes the reevaluation process and the date of this determination is the child's re-evaluation date. In no more than three years from that date, the need for reevaluation must be considered again.

The Special Education Lead must provide written notice to the parent and must receive written informed parental consent before conducting any additional assessments as part of a reevaluation of a child with a disability. If the Special Education Lead makes multiple reasonable attempts to contact the parent for written consent to conduct additional assessments as part of a reevaluation and the parent does not respond after several attempts, the Special Education Lead must keep documentation of those attempts and lack of responses, and then the Special Education Lead may move forward with the reevaluation 4 C.F.R. § 300.300(c)(2).

### There are circumstances when a reevaluation is not required:

1. Before the termination of a child's eligibility due to graduation with a regular diploma, however, prior written notice is required for the change of placement.
2. Due to exceeding the age of FAPE eligibility, which would be the end of the school year in which the student turns 21, *Prior Written Notice* is required.
3. When the school and parent agree that a reevaluation is not needed.

### Parent Refusal for Evaluation

If the parent refuses to give consent for the evaluation, the district may, but is not required to, pursue the consent for evaluation through a due process hearing. If this action is taken, the district must provide prior written notice to the parents advising them of the action. In addition, if a parent refuses to

provide consent to administer additional assessments as part of the reevaluation process, the Special Education Lead may decide to discontinue the provision of special education services and supports to the child, if the Special Education Lead believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services. If the Special Education Lead discontinues the provision of special education services, it must provide the parent with prior written notice of its proposal to discontinue the provision of a free appropriate public education (FAPE) to the child consistent with 34 C.F.R. § 300.503(a)(2), including the right of the parent to use the mediation procedures in 34 C.F.R. § 300.506 or the due process procedures in 34 C.F.R. §§ 300.507-300.516 if the parent disagrees with the LEA's decision to discontinue the provision of FAPE to the child.

**Parent Evaluation & Re-Evaluation Fact Sheet**

**Consent for Reevaluation:**

Whenever a school proposes a reevaluation, the school must provide to the child's parent *Prior Written Notice (Parental Consent for Evaluation Form)* that describes the evaluation procedures.

The *Prior Written Notice (Parental Consent for Evaluation Form)* must include:

- A description of the action proposed by the agency
- An explanation of why the agency proposes the action
- A description of each evaluation procedure, assessment, record or report the agency used as a basis for the proposed action
- A statement informing the parent that he or she has protection under the procedural safeguards, and how a copy of the procedural safeguards can be obtained
- Sources for parents to contact to obtain assistance in understanding their procedural safeguards
- A description of other options considered and the reasons why those options were rejected
- A description of other factors relevant to the agency's proposal

In addition to the information above, the notice must be written in language understandable to the general public and provided either in the parent's native language or in another mode of communication used by the parent.

Reevaluation Process		
Person Responsible	Action	Timeline

<p>Review Process</p> <p><b>Comprehensive Evaluation: Multidisciplinary Team of school psychologist, speech language pathologist,, occupational therapist and/or physical therapist, school social worker, teachers, parent</b></p>	<p>1. Student is due for triennial reevaluation                  2. Copy of “Your Rights as Parent- Special Education” provide explanation                  3. Case Manager must complete evaluation and hold eligibility meeting</p> <p>Assess all areas related to any suspected disability, regardless of the reason for the referral. This includes vision and hearing, and if appropriate, health, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.</p>	<p>One year prior to the triennial expiration date the process begins. The timeline for a reevaluation is <b>not</b> the same as the initial. The reevaluation must be completed prior to the 3-year reevaluation date.</p>
<p>Exceptions: <b>Parent</b></p>	<p>Repeatedly fails or refuses to produce the child for the evaluation; or a child enrolls in a school of another district after the timeline in this rule has begun and prior to a determination by the child’s previous district</p>	<p>60 calendar day rule <b>does not</b> apply BIA has internal procedures to monitor the reevaluation process and expiration of eligibility</p>
<p>Impact on Educational Performance: <b>General Education Teachers &amp; Special Education Teachers</b></p>	<p>A number of interventions that may vary in duration and intensity of support must be provided to the child in addition to traditional instruction that all students receive.</p>	<p>A minimum of 12 weeks of interventions (for SLD a minimum of 4 data points over the 12-week period)</p>
<p>Eligibility Consideration:</p>	<p>Conducts observation and analyzes work samples for student</p>	<p>20-30 days prior to eligibility meeting due date</p>

	<ol style="list-style-type: none"> <li>1. Receives packet from school psychologist</li> <li>2. Schedules the eligibility meeting with the parent and school personnel that need to be in attendance</li> <li>3. Sends parent notification to parent (3 attempts noted)</li> <li>4. Sends an Outlook Calendar email notification to school personnel who will attend meeting.</li> </ol>	
<p>Eligibility Team:</p> <p><b>Case Manager, School Psychologist, General Ed Teacher, Parent, student (if appropriate) Social Workers (if appropriate)</b></p>	<ol style="list-style-type: none"> <li>1. Meeting is held with all required members in 5 school days (prior to eligibility due date) attendance</li> <li>2. Eligibility Events are locked immediately following the meeting and members of the team sign off on the locked version of the Eligibility Report from GOIEP</li> </ol>	<p><b>5 school days (prior to eligibility due date)</b></p>
	<ol style="list-style-type: none"> <li>1. Create an event in GOIEP Parent Consent for Placement.</li> <li>2. Have a parent sign, type name in form and lock.</li> </ol>	<p><b>Date of scheduled eligibility meeting</b></p>
	<p>Create an Addendum event in GoIEP or complete the Annual Review IEP (whichever is appropriate).</p>	<p>Within 10 school days if eligibility is established and not already done immediately following eligibility</p>

**INDEPENDENT EDUCATION EVALUATION (IEE) (Due to Parent Request)**

After an initial evaluation or reevaluation is completed, if a parent disagrees with the results of an evaluation conducted by district personnel, he or she has the right to request an Independent Education Evaluation at the school system’s expense. The district must agree to pay for the independent evaluation or begin due process procedures to show that the district’s evaluation is adequate. 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 (GaDOE, 2011).

If a parent obtains an independent educational evaluation at his or her expense, the results of the evaluation that meet state and district criteria shall be considered by BIA in any decision made with respect to the provision of FAPE for the child. When a parent elects to obtain an outside evaluation, they will sign a waiver which releases BIA from the requirement to meet the 60-day evaluation timeline.

When parents request an IEE, follow these steps:

The IEP Facilitator/Special Education Teacher will notify their lead who will then notify the Associate Compliance Director of Special Education

- Obtain the parent's written request for an IEE and provide it to the Associate Compliance Director of Special Education

The Associate Compliance Director of Special Education reviews the request and contacts the parent to schedule a district level meeting to review the parent's concerns.

- The district then determines whether an IEE will be provided to the parent at the school district's expense.
  - o *Public expense means that BIA either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent.*
  - o *The qualifications of the independent evaluator must be the same as those required of BIA evaluators.*
  - o *BIA may set a reasonable limit on the cost of the independent evaluation.*
  - o *Parents are not entitled to an independent educational evaluation at public expense before they allow BIA to conduct its own evaluation.*
  - o *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.*

- BIA officials must agree to pay for the independent educational evaluation or begin a due process hearing to show that the district 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.
- The district provides the parent Prior Written Notice informing the parent of the district's intent to grant the IEE at district expense, or the district's intent to file for Due Process.



- If the district agrees to pay for the IEE, the parent will be notified of the districts out-side evaluator.
- Parents have the right to obtain an IEE at their own expense, which can be reviewed by the IEP team.

[Parent Reevaluation & Independent Education Evaluations \(English\)](#)

[Parent Reevaluation & Independent Education Evaluations \(Spanish\)](#)

### **PRIVATE SCHOOLS PLACEMENT (160-4-7-.13)**

BIA is a district and charter school which operates as one school and, therefore, has no private school placements.

**LEAST RESTRICTIVE ENVIRONMENT (LRE) (160-4-7-.07)**

Least Restrictive Environment (LRE) is the educational placement in which a student with a disability can receive specialized instruction that is appropriate for his or her needs. The Individuals with Disabilities Education Act (IDEA) states each public agency must ensure that students with disabilities are educated to the maximum extent appropriate with students who are non-disabled. The student's placement is determined at least annually by the IEP team, a group of persons, including the parents, and the teachers who are knowledgeable about both the student and/or the meaning of the evaluation data.

**LRE Requirements**

The process for determining the LRE must be individualized for each student with a disability, including pre-school- age students, and students in public schools, private schools or other care facilities. The team establishing the student's placement must consider what accommodations and modifications are required for the student, and determine what setting is required for the student to have access to their grade level, general education curriculum. The IEP must include an explanation of to what extent, if any, the student will NOT participate with students without disabilities in general education classes AND in extracurricular and other non-academic activities.

- Students with disabilities, including students in public or private institutions or other care facilities in Georgia, shall be educated with children who are not disabled. [34 C.F.R. § 300.114(a)(2)(i)]
- Special classes, separate schooling or other removal of students with disabilities from the regular class environment shall occur 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. [34 C.F.R. § 300.114(a)(2)(ii)]

**Roles and Responsibilities**

- The school principal, IEP Facilitator, special education teachers and other stakeholders must: Maintain awareness of the needs of students with disabilities;
- Ensure that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment as agreed upon by IEP Team; and
- Assist in developing and implementing strategies to address issues /needs of students with disabilities at the local school, including school-wide plans of action.

### Determining Educational Placements

In determining the educational placement of a student with a disability, the placement decision must:

- Be made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options;
- Be determined at least annually, based on the student's IEP [34 C.F.R. § 300.116(b)(1)-(3)] and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience. (Federal Register, August 14, 2006. P. 46588)
- Consider any potential harmful effect on the student or on the quality of services that he or she needs; [34 C.F.R. § 300.116(d)] and
- Ensure that a student with a disability is not removed from age-appropriate regular classrooms solely because of modifications needed in the general education curriculum. [34 C.F.R. § 300.116(e)]

### Questions to Ask in Determining Educational Placements

The IEP team establishing the student's placement must answer the following questions:

1. What accommodations, modifications and adaptations does the individual require to be successful in the general education environment?
2. Why can't these accommodations, modifications and adaptations be provided within the general education environment?
3. What supports are needed to assist the teacher and other personnel in providing these accommodations, modifications and adaptations?
4. How will receipt of special education services and activities in the general education environment impact this student?
5. How will the provision of special education services and activities in the general education environment impact other students?

School age placements at BIA include the following:

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:
  - Additional support services -The child remains in the regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. Examples at BIA:
  - Direct service-The student remains in the regular classroom with direct services from special education personnel on a consultative, or co-teaching basis. Examples at BIA:

### Co-teaching

2. Instruction for individuals or small groups outside the general classroom.
3. 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. Please contact the Special Education Lead who will then contact the Special Education/IDEA Director.

### **Caution about Changes in Placement**

- Changes should be made at an IEP team meeting.
- IDEA 2004 provides for removal of a student with a disability from his or her placement when the student is posing a serious threat to self or others.
- Suspension of a student with a disability for 10 or more days constitutes a change in placement and a Manifestation Determination Review will take place.

### **Non-academic and Extracurricular Services and Activities**

In order to receive a FAPE, students must be included in more than just classroom activities. The school must ensure that each student with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the student to participate in school sponsored non-academic and extracurricular settings. [34 C.F.R. § 300.117]

Students with disabilities are to participate with students without disabilities in non-academic settings and extracurricular activities, to the maximum extent appropriate. These activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including employment by a public agency and assistance in making outside employment available. (34 C.F.R. § 300.107) These services or activities must be considered based on the student's individual needs and school offerings.

### **Frequently Asked Questions (FAQs)**

#### **1. Who decides what placement is the least restrictive environment for a student with a disability?**

The IEP team determines the least restrictive environment, which includes the services and supports needed for each eligible student with a disability and makes the placement decision in accordance with the Georgia Department of Education (GaDOE) Special Education Rules. The student's placement must be based on the IEP and be reconsidered at least annually by the IEP team. The IEP team must

consider any potential harmful effects on the student or on the quality of services needed when selecting the least restrictive environment for each individual student with a disability. Schools are to ensure that a full continuum of alternative placements is available to meet the special education and related service needs of students with disabilities.

The IEP team may not make placement decisions based only on the category of the student's disability, the severity of the disability, the placement options currently available, the availability of educational or related services, space available, or administrative convenience.

*BIA is a public state charter school that adheres to both state and federal mandates and provides a Free Appropriate Public Education (FAPE) learning environment.*

## **2. What types of support must be considered by the IEP team for a student with a disability to stay in the general classroom?**

The IEP team, which includes the parent and the district personnel, must carefully consider accommodations, modifications, personnel supports, and possible changes to the physical environment that will enable the student with a disability to be educated in general education settings.

## **3. In a co-teaching classroom, who is responsible for providing special education services?**

The special education teacher is responsible for providing special education services and should be listed as the service provider on the IEP.

## **DISCIPLINE (160-4-7.10)**

Georgia's special education laws and regulations contain provisions that parallel the IDEA suspension and expulsion requirements. According to Georgia school laws, LEAs are given the responsibility to develop appropriate and legally based disciplinary procedures. Other state laws regarding suspension and expulsion, which apply to all students, are also considered. For each specific situation, the required disciplinary procedures may be different. Therefore, it is extremely important for the school to examine each disciplinary situation as unique, carefully analyzing the behavior subject to discipline, in order to understand the school's responsibilities.

Georgia Rules and Federal laws have provisions that control what happens if the child violates a school rule, uses or sells illegal drugs or weapons, or does something that causes serious bodily injury to him/herself or someone else. These provisions clarify what action the district can take and what rights are afforded the child's parent.

The possible district actions and parental/student rights in these matters are explained in the discipline chapter of the GaDOE manual: (<http://www.doe.k12.ga.us/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Special-Education-Rules.aspx>).

A student with an IEP, even when suspended or expelled (not withdrawn) for more than 10 days, always maintains the right to services that allow the opportunity to make progress in the general curriculum and the right to receive IEP services.

### **Relationship of General Code of Conduct to IEP**

The code of student conduct shall apply to all students unless a student's Individualized Education Program (IEP) specifically provides otherwise. The LEA shall ensure that the parents and the student with a disability receive notice of the rules and regulations applicable to all students. An explanation with respect to student management, discipline (suspension/expulsion) must be provided upon the student's entry into a special education program **or** at the annual IEP review. For students with disabilities, traditional forms of discipline such as in-school suspension, detention, time-out, or the restriction of privileges may vary in how they are traditionally presented and are aligned with virtual practices. These forms of discipline are also used with non-disabled students and do not violate the provisions of a student's IEP or the student's right to a FAPE.

When an infraction takes place, the discipline actions for a student with disabilities should not be disproportionately different from that given to his or her peers. If a student infraction may be associated with the student's disability. If it is, then the administration must consider the following:

1. Was the student's IEP followed or implemented appropriately?
2. Did the school provide the proper support to discourage the infraction?
3. What options, other than suspension, would help extinguish the behavior?

### **Interim Alternative Settings 0-Day Rule**

The cumulative school days of suspensions during the current school year must be monitored. **NOTE:** *Any part of a school day counts as a full school day.* School personnel may remove a student with a disability who violates the student code of conduct from his or her current placement and place him or her in an appropriate interim alternative educational setting, another setting or suspension for not more than 10 consecutive school days (to the extent those alternatives are applied to students without disabilities). For additional incidents of misconduct, additional removals of not more than 10 consecutive school days in that same school year are permitted (as long as those removals do not constitute a change of placement under the 10-day rule). [34 C.F.R. § 300.530(b) (1); 34 C.F.R. §

300.536]

When the issue is suspension or expulsion, the law has special provisions that sometimes require schools to treat students with disabilities differently than other students. Legal problems can arise if a school fails to adhere to these provisions.

- If the number of days is 10 or fewer, school officials may suspend the student without educational services, but should address the behavior that results in suspensions.
- If this suspension will result in an eleventh cumulative school day of suspension, school officials or the IEP team must determine what services are needed. If this removal results in a pattern of removals that constitute a change of placement, the student with a disability must continue to receive educational services, as provided in Rule 160- 4-7- .02 Free and Appropriate Public Education, to enable the student to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP. The student must receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications defined in the behavioral intervention plan and IEP, where appropriate, which are designed to address the behavior violation so it does not recur. [34 C .F .R. § 300 .530(d)(1)(i) -(ii) ]

The LEA is only required to provide services during periods of removal to a student with a disability who has been removed from his or her current placement for more than 10 school days in that school year, to the extent services are provided to a student without disabilities who has been similarly removed. They must have access to the general education curriculum and the services outlined in the IEP [34 C.F.R. § 300.530(d)

## MANIFESTATION DETERMINATION REVIEW (MDR)

### Manifestation Determination Review process summary

#### 1. How soon should an MDR take place?

- Within 10 school days of any decision to change placement of a child with a disability because of violating and/or non-adherence to the school code of conduct.

#### 2. What are we trying to determine?

- If the conduct was caused by; or had a direct or substantial relationship to the child's disability or was the direct result of the school's failure to implement the IEP.

#### 3. Who is on the MDR team?

- Relevant members of the child's IEP team, as determined by the parent and LEA.

#### 4. What does the MDR team consider?

- All relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent.

### Functional Behavior Assessment (FBA) for Students with Behavior Disorders

Teachers and other school personnel use Functional Behavioral Assessments to determine what factors may be affecting a student's behavior and the function that a behavior serves for the student. The Individuals with Disabilities Education Act (IDEA) requires that school personnel complete an FBA before implementing a behavior plan for special education students with behavioral problems to understand why those challenging behaviors are occurring and to determine the most effective interventions to address the problem behavior(s).

- A Functional Behavior Assessment (FBA) is a tool used to gather specific data regarding an identified observable behavior that negatively impacts the student's learning or the learning of others.
- The FBA should be completed prior to developing a Behavior Intervention Plan.
- Functional Behavior Assessment components or the actual evaluation process for an FBA may include any or all of the following:
  1. teacher, student; and parent interviews regarding the behaviors;
  2. observation of the student;



3. rating scales to be completed by the parent, teacher and/or student;
4. academic screening;
5. review of discipline reports; and
6. review of educational and psycho-educational records.

### **When is a Functional Behavioral Assessment (FBA) conducted?**

Students may be referred for an FBA when they have had a substantial number of discipline referrals, they are demonstrating a consistent pattern of maladaptive behavior, and/or they are demonstrating maladaptive behaviors that are substantially impacting their educational functioning. This includes:

- When the student's behavior interferes with the student's learning or the learning of others
- When a student is served in an EBD Program
- When the current BIP has been ineffective as it relates to the behavior in question
- As part of the Manifestation Determination Review process

### **Behavior Intervention Plan (BIP)**

A behavior intervention plan includes positive interventions, strategies and supports to address the target behavior. The BIP is created by a team of BIA staff and the parents. The BIP is used to teach or encourage new behavior. A BIP should address the problem behaviors identified in the FBA. If the team is presented with enough data and knowledge about the causes and circumstances of your child's behavior, a FBA may not have to be completed. The BIP should be modified as the student's behavior changes.

### **What Should a BIP Include?**

Information from the FBA: This includes the target behavior, the data that was collected, and the best ideas about the purpose or function of the behavior. Positive strategies to avoid or prevent the behavior: These can include changes in routines, changes in classroom instruction, opportunities for choice, etc. New skills to replace the target behavior: These can include communication skills, social skills, self-management skills, choice-making, etc. Ways to teach the new behaviors: These may include modeling, practice, social stories, prompts, direct instruction, etc. Consequences: These include what happens if the target behavior is exhibited and also what happens when the desired behavior is

exhibited:

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

### Sample Behavioral Intervention Plan

#### **Special Circumstances: Weapons, Illegal Drugs, Injury**

This section examines issues related to disciplinary actions for code of conduct violations including violations related to weapons, drugs, serious bodily injury and behavior substantially likely to result in injury to the student or others. BIA has included this information in the manual as a reference to the GADOE guidelines regarding weapons, illegal drugs, and bodily injury.

Schools may use customary disciplinary techniques for all students, including those with disabilities. The school's focus should be on prevention, that is, methods used to prevent future occurrences of behavior problems. The IEP Team may remove a student with a disability to an Alternative Educational Setting up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the school district or the State Board of Education;
2. 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 under the jurisdiction of the school district or the State Board of Education (tobacco and alcohol are not illegal drugs under this definition); or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district or the State. (S.A. 72-991a(a)(3); 34 C.F.R. 300.530(g))

#### **Referral to Law Enforcement and Judicial Authorities**

School districts are permitted to report a crime that a student with a disability may have committed, to appropriate law enforcement authorities. However, under the Family Educational Rights and Privacy

Act (FERPA), the district must ask for parent consent to transmit a student's special education records to the authorities. However, if ordered by a judge or subpoena, the district must transmit the records. Copies of the student's special education and disciplinary records, if appropriate, are sent to the agency to which the crime was reported.

This regulation makes it clear the school can transmit records to appropriate law enforcement and judicial authorities only if FERPA will allow the disclosure. FERPA always allows disclosure if parental consent is given. FERPA exceptions to the parent consent requirement may allow for disclosure in other circumstances:

- Student records may be disclosed in compliance with a lawfully issued subpoena. However, parents must be notified in writing that the records have been subpoenaed before they are forwarded, unless the court has ordered that the existence of the subpoena or the contents of the subpoena not be disclosed.
- Student records may be disclosed in emergency situations where the disclosure is necessary to protect the health or safety of the student or others.
- Student records may be disclosed under limited circumstances pursuant to State laws concerning the juvenile justice system.

### **Change of Placement Due to Disciplinary Removal**

The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

### **For purposes of removals of a student with a disability from the student's current educational placement under this Rule, a change in placement occurs if:**

- The removal is for more than 10 consecutive school days, or
- The student has been subjected to a series of removals that constitute a pattern
  1. Because the series of removals total more than 10 school days in a school year;
  2. Because the student's behavior is substantially similar to the student's behavior in previous incidents n that resulted in the series of removals, and ;
  3. Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. [34 C.F.R. § 300.536(a)]

## Frequently Asked Questions (FAQs)

### **1. Does the 7-day written notice requirement for an IEP meeting apply to IEP meetings conducted to consider disciplinary matters?**

The district is required to give only 24 hours prior notice to the parents of the IEP team meeting when a student receives a long-term suspension, expulsion, short-term suspension that includes the eleventh school day of suspension in a school year, or is placed in a 45-day alternative educational setting. The purpose of the IEP meeting is to develop a functional behavioral assessment or behavior intervention plan, or to determine the special education services needed by the student, **or** to conduct a manifestation determination.

### **2. Does in-school suspension count as a day of suspension toward the Eleventh day rule?**

Whether in-school suspension days count as school days of suspension for determining if a change of placement has occurred depends on the nature of the in-school suspension environment. BIA provides instruction within a virtual setting. Additionally, a school day of in-school suspension should not count as a school day of suspension for services or change of placement purposes if, during the in-school suspension, the student is afforded an opportunity to:

- Continue to appropriately progress in the general curriculum;
- Continue to receive the services exactly as specified on his or her IEP; and
- Continue to participate with students without disabilities to the extent they would have in their current placement.

### **3. Do the discipline provisions of IDEA 2004 extend to students who are in the process of being identified as eligible for special education services?**

Yes. Federal regulations for IDEA 2004 state that if a school has knowledge that the student is a student with a disability, the student is protected under these provisions. A school is deemed to have knowledge if a teacher or other personnel expressed directly to the Director or to other supervisory personnel, specific concerns about a pattern of behavior demonstrated by the student, or if the Student's parent requested an evaluation.

Therefore, it is very important that screening records be maintained on students under 5 years of age in the student's cumulative folder. Likewise, for students over age 5, records from the general education intervention process should be maintained in the student's cumulative folder. Such data will provide documentation that if there was a suspected disability at some time in the past, the school determined whether or not the student should be referred for an initial evaluation to determine eligibility.

#### **4. What steps must be completed by the end of the tenth school day for a student to be suspended for a long term, or expelled from school, for behavior not involving weapons, drugs or serious bodily injury?**

The district must conduct a manifestation determination. Georgia requires a manifestation determination within 10 school days from the decision to impose a long-term suspension or an expulsion. School personnel may not order a long-term suspension or expulsion of a student with a disability until a manifestation determination has been completed. The alternative educational setting must provide 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
- Ensure the BIP is designed to address the behavior so it does not recur, if the behavior is a manifestation of the disability or is otherwise appropriate. 34 C.F.R. § 300.530(d)(5).

#### **5. Who determines the Interim Alternative Educational Setting (IAEP)?**

It depends on the behavior and the situation. The school can determine the IAEP for a short-term removal of 10 consecutive school days or fewer, or for a short-term removal of more than 10 days, which does not constitute a change in placement. When the student is being removed for more than 10 school days and the behavior is not a manifestation of the student's disability, the IEP team will determine the IAEP.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) (34 C.F.R. §§ 300.320-300.328; GEORGIA RULE 160.4-7-.06)**

The Individualized Education Program (IEP) serves as the framework for determining the meaning of the term a free appropriate public education (FAPE) in the least restrictive environment (LRE), a term frequently referenced in the Individuals with Disabilities Education Act (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 BIA Special Education Staff requests a review.

The IEP team may revise the IEP, as appropriate, to:

- Review student IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved;
- Address progress towards the annual goals;
- Address results of any reevaluation;
- Review information about the student provided to, or by, the parents as part of an evaluation or reevaluation;
- Discuss the student's anticipated needs; and/or
- Recommend other supports as warranted.

The IEP team consists of various members, depending on the information to be discussed and decisions to be made. The **required** members of the IEP team include:

- the parent or guardian (The parent/guardian should be involved in all discussions and decisions of the IEP.);
- at least one general education teacher. This teacher should help determine appropriate supplemental services, accommodations, and/or supports for district personnel that will work with the student;
- the special education teacher(s); and
- a representative of the LEA who can provide or supervise specially designed instruction and is knowledgeable about the general curriculum and the availability of district resources.
- Student, if discussing transitional services and/or if student is over 18 years of age

\*If any of these team members are not in attendance, an excusal letter must be signed during the meeting by the parent or legal guardian giving permission for this particular team member to be excused. This excusal letter must be uploaded and attached to the IEP in GoIEP.

Other persons that **may** attend an IEP meeting include: (no excusal letter needed if these participants not in attendance unless they were listed as required members on the Notice of Meeting)

- An individual that can interpret and relate evaluation results;
- Other individuals that have knowledge of the student or experts such as a Speech/Language Pathologist and related service personnel;
- students should participate if transition is being discussed and/or student is 18 years of age and;
- representative(s) from agencies that may provide or pay for the provision of transition services (with the consent of the parent or adult student).

### **Conducting IEP Meetings:**

It is imperative that IEP meetings are conducted according to the guidelines set forth by federal and state law as well as procedures established by the Department of Special Education. The development of sound IEPs ensure that students are provided a FAPE and have the opportunity for increased student achievement. IEP meetings are classified as initial, annual, or addendum meetings.

The following procedures are established to guide the development of all types of IEPs. District personnel should utilize procedures that adhere to the type of meeting being conducted.

### **[Quick Guide to The IEP](#)**

#### **[Notice of IEP/Placement Meeting](#)**

#### **[Parent Consent for Excusal from IEP Meeting](#)**

#### **1. The Case Manager/IEP Facilitator:**

- schedules the IEP meeting at least 7 calendar days in advance of an annual review meeting and within 10 calendar days after a request for a meeting has been submitted (Initial IEPs must be developed within 30 days of the determination of initial eligibility.);
- provides adequate notice to the parent(s) and school personnel (i.e. SLPs, OT/PTs, Interpreters, etc.);

- collaborates to draft a copy of the IEP; and sends password protected/watermarked draft of this draft document to the IEP team at least 24 hours prior to the meeting.
  - completes, locks final IEP (within 24 hours) and sends Parent Notification of Meeting and IEP to the parent (even if contact is initially made via phone or email. If parent(s) cannot attend, the IEP facilitator shall use other methods to ensure parent participation, including telephone conference.
2. Service providers, such as SLPs, OTs, and PTs, are optional members of the IEP team and should be considered as participants if the student receives these services, unless: their area of service is not to be reviewed (amendment meetings only) or the parent provided written permission for the service provider to be excused from the meeting. These providers must be invited and given at least 10 days notice to meet. The IEP facilitator must ask for updated current level of functioning data, projected necessary services, as well as new proposed goals as needed Prior to or at the onset of the IEP meeting, the Case Manager provides the parent(s) a copy of the Parent Rights and Information (Procedural Rights) and offers an oral review of these rights. All team members should introduce themselves, state their title/role, and ensure all members are appropriately listed on the IEP Meeting Team Members page.
3. During annual review meetings, the IEP Facilitator leads the team in a review of the student's performance relative to the goals and objectives from the previous IEP. Updated progress information should be discussed with the parent(s) during the annual review meeting.
4. The IEP Facilitator leads the team in a review of the student's Present Levels of Academic Performance During this review, team members should discuss:
- a. Evaluation and Assessment Results – This includes formal and informal measurements that were used to determine the student's eligibility to receive special education services; state- and district-wide test scores; reports and discussions of evaluation and assessment results including interpretation and indication of the results as related to typically performing students. This **does not** list only evaluation and assessment scores.
  - b. Academic and Functional Strengths – This outlines the area(s) in which the student demonstrates adequate skills as determined by test results, data, and/or team members' observations. Student strengths may be noted in the areas of academics (i.e. reading, math, etc.), developmental skills (i.e. gross/fine motor, social-behavioral, etc.) and/or functional skills (i.e., self-help, communication, etc.).



c. Academic and Functional Needs – This covers the area(s) in which the student exhibits delays that are interfering with mastery of and/or progress in the general curriculum. The identified functional needs are **directly linked** to the recommended goals and objectives.

d. Parent(s) Concerns – This examines concerns and comments provided by the parent(s) and should contain parent(s)' positive statements and questions. The information can be obtained by asking the parent(s) about their concerns, but may also be discerned from other discussions (during or prior to the IEP meeting). A parent comment or concern **must be noted**.

e. Impact of Disability Statement – This describes the characteristics of the student's disabilities, which interfere with the student's ability to make progress in the general curriculum, and indicates how the student's disability impacts classroom instruction. This **does not** just list the student's eligibility categories.

5. The team considers Special Factors. The team reviews and discusses:

- Interfering Behaviors and Behavior Intervention Plan (BIP) – This refers to determining whether the student exhibits behaviors that interfere with his/her learning and/or other students' learning. If the team determines that interfering behaviors exist, the team must decide if a BIP is required. If needed, the BIP should be developed or reviewed at the completion of the IEP meeting or during a separate meeting.
- Limited English Proficiency – This refers to a review of the student's needs as they relate to the ability to understand and communicate in English.
- Blindness/Visual Impairment – This refers to an assessment of whether the student has a visual impairment that requires special support including Braille.
- Communication Needs – This refers to determining whether speech and/or language needs negatively impact the student's participation in educational programming.
- Deaf/Hard of Hearing – This refers to consideration of the student's deficits in hearing and the relation of those deficits to the student's communication.
- Assistive Technology – This refers to a discussion about the student's need for services and devices specifically designed to support deficits in oral and/or written communication, as well as acquisition and/or demonstration of academic skills. The Special Education teacher completes

the AT Consideration documents prior to the meeting and consults with the AT Coordinator if an assessment is recommended. The AT Consideration document only identifies the type(s) of service(s) or device(s) (i.e. voice output device) that are recommended and **should not contain the brand name of specific service(s) or device(s)**.

- Alternative Format Materials – This identifies the student’s need for varied formats for instructional materials.
- Medical Limitation/Concerns – **Medications should be verified at every annual review** (or amendment, if applicable) and an updated **Individual Health Plan** should be obtained if needed.

6. The team develops a Transition Plan (if applicable). The Transition Plan examines the student’s abilities and post-secondary interests, and frames objectives and activities that will assist the student in meeting his/her secondary goals. (See the Transition Plans section for a comprehensive outline of procedures for developing a Transition Plan.)

7. The team develops or revises Goals and Objectives. Based upon the student’s identified area(s) of need, the team determines what annual goals and/or short-term objectives will enable the student to make progress toward the appropriate grade level standards. Short-term objectives should be developed for students who are assessed on the Georgia Alternative Assessment (GAA). Objectives should be written in measurable terms including statements of condition, criteria for mastery, and preferably dates of mastery. Objectives should be attainable within the annual (one-year) IEP period. The team clarifies that written progress on goals and objectives will be provided at the end of each grading period (or as often as reports of student progress are provided for students participating in general education).

8. The committee makes recommendations for Classroom Supports and Statewide Assessments. All of the student’s general education and special education teachers and service providers will implement the recommended supports and accommodations. Only accommodations that address the student’s individual learning and behavior profile should be recommended. Accommodations should relate to:

- Instructional Accommodations - the supports that will be implemented in preparation for and during instruction;
- Classroom Testing - the accommodations recommended to assist the student in accessing classroom assessments; **must match** the accommodations recommended for state- and district-wide assessments and be implemented consistently for all test administrations;
- Supplemental Aids and Services - the student’s needs for specific equipment or changes to the

instructional environment;

- Supports for Personnel - special training that must be provided to school personnel, Learning Coach or parent, so they can address the student's individual needs; and
- District- and State- wide Assessments - the IEP will outline the student's participation in both district-determined and state-required assessments. Recommended accommodations for participation **must match classroom testing accommodations** (*extended time must be indicated as time and a half or double time*). A rationale for participation in the Georgia Alternate Assessment (GAA) is required if the team determines that the student will not participate in regular assessments.
- The IEP team considers Placements and services and makes recommendations. Special education is a service and not a place. The team should always consider the student's ability to make progress in the general education setting first. If it is determined that the student cannot be adequately educated in the general education classroom (even with supplemental aids and services and/or support from special education personnel), the team should consider other placements along the continuum of services. The full continuum of placements and services includes:
  - General education setting only - students with disabilities are served in the general education class with no personnel support;
  - General education setting with consultative services - students with disabilities receive at least one segment per month of direct service from the special education teacher;
  - General education setting with Supportive Instruction - students with disabilities receive service from personnel other than a certified teacher in the general education classroom
  - General education setting with Co-Teaching - the special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (a full segment everyday);
  - Special Education Setting - special education instruction is provided to students with disabilities in a separate classroom with a special education teacher;
  - Alternative Placement - special education instruction is provided to students with disabilities in a special school, the home, a hospital, or a residential institution; and
  - Related Services - services that are related to the student's ability to benefit from the recommended specially designed instruction (i.e. occupational therapy, physical therapy,

nursing).

Following a discussion of options, the team should make recommendations for placements and services. The IEP team should consider more than one option. **A rationale for the team's recommendations should be included in the IEP.** (Placement and service recommendations are a result of the IEP team's consensus. If the team is unable to reach a consensus, the meeting should be tabled while additional information or data is obtained.)

The Least Restrictive Environment for instruction in each content area should be indicated. The amounts of service time, setting, begin/end dates, and providers' titles for each recommended service should also be listed on the Services Page of the IEP.

9. The IEP team discusses and makes Other Considerations:

- Least Restrictive Environment - explains the extent to which the student will not participate in the regular class. The team should consider academic subjects, electives, exploratory classes, and non-curricular activities;
- Extended School Year (ESY) - indicates the team's determination of whether the student requires educational experiences beyond the defined school year. The need for ESY is determined based upon factors including, but not limited to: demonstration of retention/recoupment, interfering behaviors, level/rate of progress, critical point of instruction, and/or age. Varied services should be considered for provision of ESY (i.e. packet of materials, tutorial services, computer-aided instruction, class, etc.); students **must not be included or excluded from ESY based upon eligibility**. The ESY Consideration portion of the IEP should be checked and a rationale stated within this section.
- Graduation and Transition Plan - indicates the team's recommendations for the type of diploma the student is working toward, and whether a Transition Plan is required and/or has been developed; and
- Transfer of Rights - identifies whether the student is his/her own educational decision-maker. The student and parents must be informed of transfer of rights on or before the student's 17<sup>th</sup> birthday, and rights are transferred on the student's 18<sup>th</sup> birthday. Upon transfer of rights, responsibility of written consent belongs to the student, but all notifications (meetings, IEP changes, evaluations) should be sent to both the parent(s) and the students 18 years and older.

The parent(s) may retain the student's rights through guardianship or power-of-attorney.

10. The IEP Facilitator should thoroughly review the Minutes from the meeting.
11. The Case Manager completes the Parent Participation page of the IEP. This page relates the staff's attempts to involve the parent(s) in the development of the IEP.
12. During IEP meetings in which placements and services are established for a new eligibility, the Case Manager should obtain the parent's consent for placement. The parent also has the right to reject consent for placement.
13. The IEP Facilitator ensures that the parent(s) and other team members have no additional questions or concerns.
14. The IEP meeting is adjourned. The IEP is locked and printed within 24 hours unless lead has been notified. The parent(s) sign(s) the Parent Participation page and the Parental Consent for Placement (if applicable). The IEP Facilitator provides the parent with a copy of the final IEP. This document must be Password Protected and sent within at least 24 hours of meeting unless lead has been notified.

### **Transfer Students**

To facilitate the transition for students who transfer within the state, the district shall take reasonable steps to promptly obtain a student's records from the previous school district, including:

Send out records request to previous school district

- Contact previous school via email, telephone and fax
- Communicate with parent requesting information and documentation
- Pull GADOE Portal and enrollment histories
- Follow up as necessary for missing documents
- Review any existing records available to include The IEP and supporting documents; and
- Any other records relating to the provision of special education or related services to the student.

### **Transfer within the State**

In the case of students with a disability who transfer to The Brookhaven Innovation Academy and enroll

with a current IEP from the school system they are leaving, the district shall:

- Provide the child with a free appropriate public education that includes services comparable to those described in the previously held IEP, in consultation with the parents, until the district accepts the previously held IEP; or
- Develop, adopt and implement a new IEP that is consistent with federal and state law.

### **Transfers OUT of BIA (withdrawal)**

To facilitate the transition for students who transfer outside the district, the district shall take reasonable steps to promptly respond to requests from the district for educational records.

### ***Transfer from outside the State***

In the case of students with a disability who transfer and enroll in the district with a current IEP from outside the state, the district shall:

- Provide the student with a free appropriate public education that includes services comparable to those described in the previously held IEP, in consultation with the parents, until the district conducts an evaluation, if determined necessary by the district; and
- Develop a new IEP if appropriate, that is consistent with federal and state law.

### **Frequently Asked Questions (FAQs)**

#### **1. Can an IEP meeting be held with less than 7 days' notice?**

Parent (s) should have reasonable notification to participate and/or be involved in their child's Individualized Education Program (IEP). The state does not provide a specific time frame. In some cases, a notice of any IEP team to develop or revise a student's IEP, including the determination of a student's educational placement may not be given ten (7) calendar days'.

This includes cases in which the 7-day notification is waived by the parent or the need for an expedited meeting is convened to:

- Address disciplinary issues;
- Determine the placement of the child if the child is a student with a disability and is not currently receiving educational services; or

- Meet other urgent needs of the child to ensure the provision of FAPE.

## **2. Who are the required members of the IEP team?**

Parent(s), a special education teacher, at least one general education teacher who works with the student, and an LEA representative are always required members of an IEP committee. If transition is being discussed and/or the student is 18 years of age or older, the student must be present as well. Members can but should not act in multiple roles. Required team members may be excused by the parent. (An excusal letter must be signed if the parent excuses a team member.)

## **3. What if the parent is unable to attend the IEP meeting or is unresponsive to meeting notifications?**

If the parent gives permission for the team to proceed in his/her absence, the team should conduct the IEP meeting and send home a copy of the IEP to the parent. If the team is unable to reach the parent after several attempts to schedule a meeting, all attempts should be documented and the meeting held. A copy of the IEP should be sent to the parent.

## **4. After development, when should the IEP be implemented?**

The IEP is implemented the day after it's developed, except when the meeting is held over the summer or during a vacation period and/or there are circumstances that require a short delay. If there are no such exceptions, the date of the day immediately following the meeting date should be listed on the demographics page of the IEP as the implementation date.

## **PERSONNEL, FACILITIES, AND CASELOADS (160-4-7.14)**

The IDEA and Georgia special education regulations provide specific instructions regarding special education personnel, special education instructional facilities, and special education caseloads. BIA teachers are trained twice a year on Special Education procedures and SLDS. Teachers assigned to courses with special education students receive additional training led by the Special Education Lead.

### **Personnel**

Professionals are responsible for maintaining current credentials regarding their qualification to serve students with disabilities. The Special Education Director is responsible for maintaining records of professionals' current credentials. Related service personnel must hold valid certification(s) or State

approved licensure(s) in the area(s) for which they provide service. Related service providers may not provide services when certificates have been waived on an emergency, temporary, or provisional basis.

### **Facilities**

BIA administration and Special Education Lead must provide classrooms (an educational setting) that is conducive to the instruction of students with disabilities in relation to the types of services that will be provided.

### **Caseloads**

Please follow the link below for BIA's caseload procedures.

<https://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/SBOE%20Rules/160-4-7-.14.pdf>



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**GEORGIA NETWORK FOR EDUCATIONAL AND THERAPEUTIC SUPPORT (GNETS)**  
**Code: IDDF (15) 160-4-7-.15**

**(1) DEFINITIONS**

- (a) All terms used in this Rule that are not defined in Section (1) and appear in the Individuals With Disabilities Education Act (IDEA), 20 U.S.C. §1401(3) et seq. and/or its implementing regulations, 34 C.F.R. §300 et seq. have the meaning stated in IDEA.
- (b) **Fiscal agent** - the local educational agency (LEA) or regional educational service agency (RESA) responsible for the fiscal management and budgeting of GNETS funding.
- (c) **Georgia Department of Education (GaDOE)** - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.
- (d) **Local Educational Agency (LEA)** - a local school system pursuant to local board of education control and management.
- (e) **Regional Educational Service Agency (RESA)** - an agency established under O.C.G.A. § 20-2-270 to provide shared services to improve the effectiveness of educational programs and services of LEAs and to provide direct instructional programs to selected public school students.
- (f) **State Board of Education (SBOE)** - the constitutional authority which defines education policy for the public K-12 education agencies in Georgia.
- (g) **State Education Agency (SEA)** – The term used in federal laws and regulations for the state education authority which in Georgia is the Georgia State Board of Education (SBOE).
- (h) **Therapeutic Supports** – Intensive individualized interventions and/or therapy that remediates severe disruptive and self- destructive behaviors.
- (i) **Zoned school** - the K-12 Public School that a student is assigned by the Local Education Agency (LEA)

**(2) GNETS PURPOSE AND SERVICES**

- (a) The Georgia Network for Educational and Therapeutic Support (GNETS) is a service available within the continuum of supports for LEAs to consider when determining the least restrictive

environment for students with disabilities, ages 5-21. GNETS services is an option in the continuum of supports that prevents children from requiring residential or more restrictive placement. Specifically, GNETS provides comprehensive educational and therapeutic support services to students who exhibit intense social, emotional and/or behavioral challenges with a severity, frequency or duration such that the provision of education and related services in the general education environment has not enabled him or her to benefit educationally based on the IEP.

(b) GNETS services aim to support students with social, emotional and/or behavioral challenges. These students' behaviors may include but are not limited to, significant, aggressive, self-destructive, atypical, and withdrawal behaviors. Children receiving GNETS services are taught coping skills, behavior regulation, and adaptive behaviors, with a keen focus on developing positive interpersonal relationships with others.

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

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

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

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

### **(3) CONSIDERATION FOR GNETS SERVICES**

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

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

(c) An individual student is considered for GNETS services only if his or her IEP team recommends

GNETS services based on the existence of all of the following, which will be documented in the student's education record:

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

#### **(4) CONTINUUM OF GNETS SERVICE DELIVERY AND ENVIRONMENTS.**

(a) 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.

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

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

1. Services provided in the general education setting.
2. Services provided in a facility dedicated to GNETS for part of the school day.
3. Services provided in a facility dedicated to GNETS for the full school day.

#### **(5) DUTIES AND RESPONSIBILITIES**

##### **(a) The SEA shall:**

1. Receive and disburse funds appropriated by the Georgia General Assembly to support GNETS services.
2. Administer the grant funds by performing the following in collaboration with the GaDOE:
  - (i) Develop rules and procedures regulating the operation of the GNETS grant, including the

application process;

(ii) Notify the fiscal agents regarding each fiscal year's allocation and approve GNETS services budgets; and

(iii) Monitor GNETS to ensure compliance with Federal and state policies, procedures, rules, and the delivery of appropriate instructional and therapeutic services.

**(b) The LEA shall:**

1. Ensure that FAPE is delivered to students recommended for GNETS services in the least restrictive environment (LRE).
2. Convene IEP team meetings as required by State Board of Education Rule 160- 4-7-.06.
3. Conduct FBAs/BIPs for any student considered for GNETS services in accordance with (3)(c)(2) of this rule.
4. Collaborate with the GNETS to determine opportunities for students to have access to general education activities.
5. Provide transportation to and from a GNETS, as required, including transportation to and from home/school for students receiving GNETS services for part of the school day and for students participating in extracurricular activities.
6. Maintain and report student record data in accordance with the State Board of Education Rule 160-5-1-.07 and GaDOE guidance.
7. Provide student outcome assessments and other relevant data to GNETS director or designee.
8. Monitor student IEP goals annually to determine students' progress and access to services in a lesser restrictive environment.
9. Provide ongoing professional learning opportunities and best practices for teachers to support students who exhibit social, emotional and/or behavioral challenges.
10. Allocate supports and resources, which may include in-kind services to GNETS to facilitate flexible models of service delivery and best practices for equitable educational support as appropriate.
11. To the maximum extent possible, collaborate with community service providers to deliver mental health services and/or family support in students' Zoned schools.
12. Collaborate with GNETS to examine student records and discuss the coordination of service

provisions for students being considered for GNETS in accordance with 34 CFR §300.501(2)(3).

13. Provide GNETS staff access to longitudinal data for all students receiving GNETS services to ensure teachers can access records for students included on their rosters.

14. Submit student schedules to the GaDOE with the GNETS code.

15. Monitor facilities for safety and accessibility for students served by GNETS and report identified concerns to all key stakeholders such as fiscal agents, GNETS directors and any other appropriate parties.

**(c) The GNETS shall:**

1. Collaborate with LEAs to ensure that special education related services are provided to all students receiving GNETS services.
2. Collaborate with GaDOE to implement activities outlined in the GNETS strategic plan to improve GNETS practices and student services.
3. Complete the annual needs assessment embedded in the GNETS strategic plan.
4. Submit application for grant funds annually.
5. Submit budget requests to support program operations to fiscal agents.
6. Collaborate with the fiscal agent to ensure appropriate expenditure of funds.
7. Submit student and program data as requested by the GaDOE.
8. Collaborate with LEAs to provide access to general education activities.
9. Collaborate with LEAs to ensure that students receiving GNETS services are provided access to general education classes and general education activities to the fullest extent possible based on the student's most recent IEP.
10. Conduct FBAs/BIPs for any student considered for GNETS services in accordance with (3)(c)(2) of this rule.
11. Monitor student IEP goals annually to determine students' progress and access to services in a lesser restrictive environment.
12. Collaborate with LEAs on building capacity for professional learning opportunities, flexible models of service delivery, and determining best practices for educational support.
13. To the maximum extent possible, collaborate with community service providers to coordinate

the delivery of mental health services and/or family support.

14. Collaborate with LEAs to examine student records and discuss the coordination of service provisions for students being considered for GNETS in accordance with 34 CFR §300.501(2)(3).
15. Collaborate with LEAs to convene IEP team meetings as required by State Board Of Education Rule 160-4-7-.06.
16. Collaborate with LEAs in the service area to determine a calendar that is best suited to provide GNETS services for students.
17. Provide valid teacher identification to LEAs to ensure teachers can access longitudinal records for students included on their rosters.
18. Monitor facilities for safety and accessibility for students served by GNETS and report identified concerns to all key stakeholders including, LEAs, fiscal agents and any other appropriate parties.

**(d) The Fiscal Agent shall:**

1. Be either the respective LEA(s) and/or Regional Educational Service Agency affiliated with the GNETS Services.
2. Account for and disburse grant funds in accordance with generally accepted accounting and financial reporting principles to restricted GNETS accounts, including, but not limited to, maintenance and operation, instructional materials, media, and sick leave. (For information concerning procedures, see the Financial Management for Georgia Local Units of Administration.)
3. Submit financial reports as required by the GaDOE.
4. Monitor facilities for safety and accessibility for students served by GNETS and report identified concerns to all key stakeholders including, LEAs, GNETS directors and any other appropriate parties.
5. Report requested data to the GaDOE.
6. Submit grant applications and budgets through the consolidated application. The fiscal agent will calculate indirect cost using one percent. Indirect cost may be used for providing such services as accounting, data processing and purchasing.
7. Serve in this capacity for the respective unit, for a minimum of three fiscal years in accordance with O.C.G.A. §20-2-270.

8. Ensure that GNETS services are provided for all local school systems within the GNETS service area.

**(e) Any fiscal agent who decides to no longer serve as fiscal agent for GNETS shall meet with school superintendents of the local school systems within a service area to take a vote no later than April 1 to be effective for the ensuing fiscal year.**

Authority: O.C.G.A. §§ 20-2-152; 20-2-240; 20-2-270; 20-2-270.1; 20-2-272; 20-2-274. Adopted: June 15, 2017 Effective: July 5, 2017

## ACCESSIBLE INSTRUCTIONAL MATERIALS AND ASSISTIVE TECHNOLOGY

### Definitions

Use of accessible instructional materials and assistive technology (AT) devices and services helps ensure that exceptional students receive FAPE. IEP teams consider whether a student **requires** these aids, and if the student does, it is included in the student's IEP.

**Accessible Instructional Material** (AIMs) refers to printed instructional materials provided to students who are blind or other print disabled in specialized, accessible formats (i.e. Braille, audio, digital, large-print, etc.). [34 C.F.R. § 300.172(a); § 300.172(b)(4)]

**Print instructional materials** include textbooks and related materials that are required for use by a student in the classroom. Specialized formats refer to Braille, audio, or digital text, but does not include altering the content. [17 U.S.C. § 121(d)(4)]

**Assistive technology device** refers to any item, piece of equipment or product system, whether acquired commercially off the shelf or by other means, with/without modification or customization, which is used to increase, maintain, or improve the functional capabilities of children with disabilities. The term does not include a medical device that is surgically implanted, or the replacement of such a device. [34 C.F.R. § 300.5]. Although the IDEA uses the term “device,” it is important to recognize that assistive technology devices required by students with disabilities include hardware and software as well as stand-alone devices.

**Assistive technology service** refers to any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device. The term includes:

- Evaluating the needs of a child with a disability
- Acquiring any required AT for students
- Selecting, designing, customizing, adapting, maintaining, repairing or replacing assistive technology devices
- Coordinating AT use and collaborating with other therapies, interventions, and services
- Providing training and technical support for students, families, staff, providers, and other IEP team members.



**Provision of Assistive Technology (160-4-7-.02)**

The legal cornerstone for providing assistive technology devices and services is found in Section 300.105 in the Federal Register based on the most recent reauthorization of IDEA.

The State of Georgia Rules and Regulations for Special Education also address the provision of assistive technology devices and services in section 160-4-7-.02 of FAPE. The rules and regulations are based on the mandates in IDEA. They are as follows:

- a) Children with disabilities who require assistive technology in order to receive a free appropriate public education (FAPE) are eligible for assistive technology devices or services, or both, as a part of the child's special education, related services, or supplemental aids and services.
- b) Each IEP Team will consider whether or not a child requires assistive technology devices and/or services in order to receive a free appropriate public education (FAPE) and provide appropriate response in Consideration of Special Factors section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille. [34 C.F.R. § 300.324]
- c) An assistive technology evaluation may be required if appropriate assistive technology solutions are not known to the child's IEP Team through the consideration process. This evaluation shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The child and family should also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.
- d) If the child's IEP Team determines that assistive technology devices and/or services are required for the child to receive FAPE, a statement to that effect must be included in the child's IEP.
  - 1) If assistive technology is required for the child to participate in District wide or Statewide testing, the need for technology should be documented in the appropriate section of the IEP and provided to the child.
  - 2) If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative format instructional materials, the assistive technology should be documented in the IEP and provided to the child.
- e) If the IEP Team determines that the child with a disability requires school purchased assistive

technology at home or in other settings to receive FAPE, the assistive technology must be provided to the child at no cost to the parent. The need for assistive technology in the non-school settings should be documented in the child's IEP. [34 CFR § 300.105] (Authority O.C.G.A. 20-2-150; 20-2-152)

### ***Provision for Accessible Instructional Material (AIMs)***

- a) The school system will provide print instructional materials in specialized, accessible formats to students who are blind or other print disabled in a timely manner. [See 34 C.F.R. § 300.172(a); § 300.172(b)(4)]
- b) Accessible materials will also be provided to students who require instructional materials in accessible formats, but who do not qualify for the materials under the definition of blind and other print disabled. [20 U.S.C. § 1413(a)(6)].

### **Assistive Technology Referral Process**

The Department of Special Education has a process in which assistive technology referrals are made to the Assistive Technology Department to consider and evaluate the need for assistive technology when student's needs are not being met with current interventions.

### **Guiding Questions**

1. What are the student's present levels of performance?
2. What are the student's abilities? (sensory, physical, vision, medical, areas of strengths and needs)
3. In which settings or environments does the student need support? What types of supports?
4. What do we want the student to be able to do (standards, relevant instructional tasks and goals)?
5. Can the student accomplish the tasks or achieve the goals independently using standard classroom tools?
6. If not, can the student accomplish the tasks or achieve the goals when provided with accommodations?
7. If not, can the student accomplish the tasks or achieve the goals when provided with currently available assistive technology?

8. If not, what additional supports need to be provided?
9. The IEP Team will monitor the student's use of the assistive technology and provide information to help determine if the assistive technology device and/or services are meeting the student's needs. Adjustments to a student's assistive technology will be assessed and determined as the student's physical, sensory, or academic abilities and/or needs change and support is warranted.

### **Frequently Asked Questions (FAQs)**

#### **1) Does the IEP Team need to consult with someone before placing assistive technology in an IEP?**

**NO.** If the IEP considers the student's needs and determines that AT is required, it can be added to the IEP. If the IEP team needs further guidance re: AT needed, then a Referral for an AT Consult is needed.

#### **2) Is there a need for an assistive technology objective for students who have assistive technology in their IEP?**

No. You do not need an AT objective in an IEP. AT is designed to help students reach their IEP goals/objectives. *But*, the provided assistive technology should be integrated into instructional activities and data collected.

#### **3) Can the student use his/her assistive technology system for state testing?**

Please refer to the Georgia Department of Education Handbook located on the Georgia Department of Education website ([www.gadoe.org](http://www.gadoe.org)) for state testing standards and conditional requirements for any accommodations.

### **PROCEDURAL SAFEGUARDS AND PARENTAL RIGHTS (160-4-7-.09)**

FAPE is defined as special education and related services that meet the following criteria:

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the Georgia Department of Education;
- include appropriate preschool, elementary, or secondary school education; and
- are provided in conformity with an individualized education program (IEP)

### **Parental Rights under the Individuals with Disabilities Education Improvement Act (IDEA)**

Parents of students with disabilities are afforded certain rights (procedural safeguards) that are explicitly outlined in the Parent Rights document, the current copy of which is located on our website and provided during IEP Meetings. It is the responsibility of every special education staff member to have an in-depth knowledge of parent rights. The following safeguards are meant to ensure confidentiality which may include, but not be limited to:

- Parents must be provided a copy of their Parental Rights and offered an explanation of their rights at least **annually** as well as any time a change in placement, evaluation and/or revocation is requested.
- Parents may obtain an independent educational evaluation of the child;
- Parents have the right to keep their child's records private.
- Parents may consent or refuse to consent to the evaluation, reevaluation or initial placement of their child and to any substantial change in placement of, or a material change in services for, their child. If the parent fails to respond to the request for parental consent to a substantial change in placement or a material change in services, the agency must maintain detailed records of written and verbal contacts with the parent and the response, if any, received from the parent.
- School employees and school district contractors involved with providing services to a student may view the student's records without the parents' permission.
- Parental Rights must be provided to the parent in his or her native language, unless it clearly is not feasible to do so.
- Parents can request a copy of all of their child's records through the BIA Department of Special Education; those records must be provided within 45 days of the request. When making this request, the parent must provide their request in writing. The district reserves the right to charge a fee for the copies; if a parent cannot pay for the copies, the district will provide the copies at no cost through an electronic format.
- BIA will maintain electronic records for all Students with Disabilities (SWD). The district maintains a working copy of the student's file in the Infinite Campus Portal and GoIEP platform and provides restrictions on who can access the file.
- Parents have the right to request changes or removal in the records. The BIA has the right to refuse to change the record. If BIA refuses to change the records the parents must be advised of their right to request a hearing. All such requests should be submitted to the Director of the

Department of Special Education in writing. Upon reviewing the records, if errors or incorrect information were included, an IEP meeting must be held to amend the record and the parent must be informed verbally or in writing. In the event the information is corrected, the parent must also be notified verbally or in writing.

- By giving written permission, parents have the right to allow a person acting on their behalf to inspect and review their child's records.
- The rights of parents regarding education records are transferred to the adult student at age 18. [34 C.F.R. § 300.625(b) ]

#### **Parents may also:**

- presenting complaints with respect to any matter relating to the identification, evaluation or educational placement of the child, or the provision of FAPE to the child;
- requesting mediation in accordance with this act;
- being members of any group that makes decisions on the educational placement of their child;
- demanding that their child remain in the child's current educational placement pending the outcome of a due process hearing, except as otherwise provided by federal law;
- appealing to the state board any adverse decision rendered by a hearing officer in a local due process hearing;
- appealing to state or federal court any adverse decision rendered by a review officer in a state-level due process appeal; and
- recovering attorney fees, as provided in the federal law, if they are the prevailing parties in a due process hearing or court action; however, only a court shall have the authority to award attorney fees, and such fees may be reduced or denied in accordance with federal law.
- participating in meetings with respect to the identification, evaluation and educational placement of the child, and the provision of FAPE to such child.

#### **When Parents Receive a Copy of the Parental Rights**

A copy of the procedural safeguards (Parental Rights) must be given to the parents of a child with a disability at least once per school year. [Parental Rights Guide to Understanding Parental Rights from the DOE](#) A copy also must be given to the parents when the following occurs:

- upon initial referral or parent request for evaluation;

- upon receipt of a complaint filed with the Georgia Department of Education (GaDOE);
- upon receipt of the first due process complaint in a school year;
- in accordance with discipline procedures; and
- upon request by a parent.

### **Timeframe for Reviewing Records**

The Family Educational Rights and Privacy Act (FERPA) allows all 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 was made. Schools are not required to provide copies of records and may impose a fee for copies. The Department of Special Education provides electronic copies upon this request.

### **Requesting Changes/Corrections to Records**

The Department of Special Education will respond to requests for correction to records. Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading. If BIA decides not to amend the record, the parent or student has a right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

### **Release of Records**

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;

- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

### **Parental Consent**

The Department of Special Education (BIA) is required to obtain informed written consent for any action requested. Parental consent is voluntary and may be revoked at any time.

#### **Parental 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 imply 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.

### **Parent Revocation of Special Education Services**

A parent may revoke consent for the receipt of special education and related services at any time. Once a parent indicates that he or she wishes to revoke consent, the Department of Special Education must be notified immediately to schedule a revocation meeting. Revocation of consent must be made in writing. At the revocation meeting, the parents are informed that they are refusing all special education services and the protections afforded to their child under IDEA. Once the meeting has been held, copies of the documents are provided to the Director. The Director sends a *Prior Written Notice* to the parents

documenting their request and all services are discontinued immediately.

### Revocation of Consent

#### **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.

**The parent or legal guardian (or student if the student is 18 years of age or older) must be present during the IEP meeting.**

#### **Definitions of “Parent”**

A foster parent does not always have authority to make educational decisions for a foster child in his or her care, unless he or she received training and was appointed as the educational surrogate for the foster child. The state has specific definitions for "parent," "person acting as a parent," "surrogate parent," and “guardian.”

- “Parent” means a parent, an adoptive parent, a person acting as a parent, a legal guardian, a surrogate parent, or a foster parent, if appointed by the State Court System.
- “Person acting as a parent” means a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of the child.
- “Surrogate Parent” means an individual appointed by the BIA, Department of Health & Human Services to make educational decisions regarding the free appropriate public education (FAPE) of the child with a disability.
- “Guardian” means a person authorized to act as the child’s parent and/or to make educational decisions for the child. It does NOT mean the State, if a the child is a ward of the state

A surrogate parent is needed when:

- no parent (as defined by IDEA) can be identified;
- BIA, after reasonable efforts, cannot locate a parent;
- the child is a ward of the State; or



- the child is an unaccompanied, homeless youth defined by McKinney-Vet Act.

BIA's Special Education Director determines if a child needs a surrogate parent if no parent can be identified, the child is a ward of the state, or the child is an unaccompanied homeless youth and assigns an individual to act as a surrogate for the child. BIA keeps a list of persons to serve as surrogate parents, if needed, on file in the special education department office.

## **DISPUTE RESOLUTION (160-4-7-.12) Complaint Process**

### **How to Avoid Mediation:**

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

- (1) formal complaints
- (2) mediation
- (3) due process hearing

### **Timeline of Due Process Hearing:**

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. The 45-day timeline starts the day after notification has been received of one of the follow:

- Both parties agree in writing to waive the resolution meetings;
- After either the mediation or resolution meeting starts, but before the 30-day resolution period ends, the parties agree in writing that no agreement is possible; or
- Both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or district withdraws from mediation. Extensions to the 45 days a decision may only be allowed when both parties agree and the extension does not violate

the rights of the student. violate the rights of the student.

### **Timeline of Impartial Due Process Hearing**

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. If a resolution meeting or mediation is used, the timeline of 45 days begins at the conclusion of

a 30-day resolution period, or earlier if the meeting does not result in a settlement. Other extensions may only be allowed when both parties agree and the extension does not violate the rights of the student.

### **Frequently Asked Questions (FAQs):**

#### **1. Who can give consent for a student's educational program?**

Parents and/or legal educational decision makers must be given Prior Written Notice and request for consent whenever a school proposes to initiate or change (or refuses to initiate or change) the identification, evaluation, placement or educational services of a child with an exceptionality.

#### **The school must also request parent consent if it is proposing to:**

- a) conduct an evaluation or reevaluation;
- b) begin to provide a child with special education services for the first time (initial services);
- c) change the frequency or duration of a service (material change of service); or
- d) change a placement for more than 25% of the school day (substantial change in placement).

Parents may then provide or withhold consent for decisions regarding these matters.

Consent from one parent is sufficient, even if the other parent refuses to consent. If an Education advocate is officially appointed, that is the person who will work with the school in planning and monitoring the student's school program, and who may grant or withhold consent just as parents may.

Unless a judicial order specifies differently, a school shall recognize the biological or adoptive parent of an exceptional child who is a minor as the educational decision maker for the child, even if other persons meet the definition of a parent for the child.

#### **2. What if there is disagreement about an action that requires consent?**

Parents and other legal educational decision makers should first clarify the issues about which there is no disagreement. Those actions, or portions of the IEP, should be implemented without delay. For the area of disagreement requiring consent, there are two options:

- (1) Mediation as an impartial proceeding whereby a mediator works with the parents and the school representative to reach consensus and develop a written agreement, or
- (2) A due process hearing in which a hearing officer makes the decision.

In mediation, both parties must first agree that they want to mediate. There is no cost to the parents or to the school for mediation. In due process, either the parents or the school may request a hearing.

### **3. Do all foster parents need surrogates?**

The IDEA and Georgia Special Education Rules definition of parent allows flexibility when determining who needs a surrogate parent and who can be one. Many foster parents can act as the parent and do not require a surrogate. Usually, short term or temporary foster parents will need a surrogate.

### **4. Who can file a formal complaint?**

Basically, anyone who has knowledge that the proper legal procedures were not followed or implemented may file a formal complaint with the Georgia Department of Education. This would include, but is not limited to, parents, parent advocates, the student if age 18, grandparents, foster parents, an individual, or an organization. In addition, it may be that in unusual circumstances, a member of the school team could file a formal complaint.

### **5. Does filing a formal complaint waive the parents' right to file for a due process hearing?**

No. Parents may file a formal complaint before, at the same time, or after filing for a due process hearing. However, if the issue is the same, the formal complaint investigation will be suspended until due process is resolved.

### **6. Can attorneys participate in special education mediations?**

Yes. Attorneys are allowed to participate in special education mediations. Most of the time, the presence of attorneys is discussed prior to the actual mediation, so that neither party is surprised. Because mediation is a voluntary process, any party that objects to the presence of an attorney may withdraw from the mediation.

### **7. What is the role of the mediator?**

Once the mediator is assigned, the mediator makes the conference arrangements, conducts and

facilitates the conference, writes the agreement reached, ensures that all copies are signed and given to both parties, and informs parties of their options if an agreement is not reached. If issues cannot be resolved, the mediator will declare that an impasse has been reached, and the mediation will be terminated. Mediators use a variety of techniques to structure the mediation. The mediator helps the parent and district representative clarify the issues in a disagreement and finds solutions that are satisfactory to both parties.

### **8. How long does mediation take?**

Many mediation sessions have been successfully completed in half a day. The mediator will determine whether progress is being made or whether additional time is needed to reach a resolution.

### **9. What happens if a parent files a due process complaint with the district but does not forward a copy of the due process complaint to the Georgia Department of Education? When does the timeline for convening a resolution meeting begin?**

BIA is responsible for sending a copy of the complaint to the GaDOE. The timeline for convening a resolution meeting begins on the day the school district receives the request.

### **10. May a parent file a due process complaint because he or she believes his/her child's teacher is not highly qualified?**

No. The regulations at 34 C.F.R. §300.18(f) allow no right of action on behalf of an individual student or class of students for the failure of a particular state or district employee to be highly qualified. However, a parent may file a GaDOE complaint about staff qualifications with the GaDOE.

## **TRANSITION SERVICES (160-4-7-.06)**

Transition is the movement from school to high school and post school environments. It requires support from multiple sources for the student and his/her family to make choices, develop connections and access services. Transition services should include the skills necessary for the student to be successful in education, employment and independent living after completion of high school.

*The transition plan should be fully functional when the student either enters ninth grade, or by the student's 16th birthday, whichever comes first? It is updated annually.*

The transition plan must include:

1. Appropriate measurable secondary goals based upon age appropriate transition assessments related to education/training, employment, and where appropriate, independent living skills. A template to these goals are located in Infinite Campus.
2. Transition services (including course of study) needed to assist the child in reaching those goals. The 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 post-secondary 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. Templates for Course of Study are located in Infinite Campus.
3. Involvement of the student in the transition components of the IEP. He or she must be invited to this portion of the IEP meeting. If the student does not attend the IEP meeting, the school 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. The parent and student should be aware of other agencies that must be invited to help with successful transition planning. Any other attendees must be on the Notice of Meeting that is sent to the family. The NOM must be sent to the student if he/she is 18 or older. It will be sent to the family as well.

#### **Four areas to be addressed in the Present Level section of the Transition Plan**

1. Type of Transition Assessment (s)
2. State the student's future goal(s).
3. Include a brief statement of the student's present level of performance.
4. Include a brief statement of how the disability impacts achievement of the future goal(s).
5. Conclude with a statement of what is needed to overcome the disability impact.

Many things to include in the Present Levels are included in the templates in IC, including a demographic statement, transition assessment statement, several types of interest's statements, communication level statements, behavioral statements, access to community statements, student

perceived academic areas of weakness and strength statements, and Bridge Law statements. Not all need to be used; it depends on the functioning level of the student, but they are there for review and use as needed.

The Transition Service Plan does not mean that you no longer work on academic, social, emotional, etc. needs. An IEP with a Transition Service Plan can contain purely academic goals, or you can incorporate the academic needs into goals that address the functional/transitional components of the academic need. In other words, rather than focusing on remediation, you are providing the student with strategies for dealing with the impact of the disability in the transition areas.

## TRANSITION ASSESSMENT

### Purpose of Transition Assessment

A clear understanding of the student's strengths and needs is critical to developing and implementing effective transition plans. The purpose of transition assessments is to help Individualized Education Program (IEP) teams determine the appropriate courses of study and community/vocational experiences that the student will need for secondary school success. Whether a student is interested in pursuing secondary education, trade school, employment, supported employment, or other activities associated with adult living, assessments will provide valuable information about the student's abilities and deficits.

Transition assessments are to be "multidisciplinary," which means there needs to be more than one source (*student, parent, regular educator, special educator, other agency, observation, etc.*) and more than one tool (*for example, do not give the same questionnaire, inventory, etc. to both the parent and the student*) used.

The Transition Specialist or BIA designee must conduct an age appropriate transition assessment that addresses the areas of education/training, employment, and, where appropriate, independent living. The transition assessments provide information to develop and write practical, achievable and measurable secondary goals and assist in the identification of transition services necessary to help the student reach those goals. The transition assessments must be conducted prior to identifying the measurable secondary goals and transition services in the student's IEP. For each secondary goal, there must be evidence that at

least one age appropriate transition assessment was used to provide information on the student's needs, strengths, preferences and interests regarding post-secondary goals.

Those responsible gather the information needed to understand student needs; taking into account strengths, preferences and interests through career awareness and exploration activities and a variety of formal and informal transition assessments. These assessments should seek to answer questions such as:

- a. What does the student want to do beyond school (e.g., further education or training, employment, military, continuing or adult education, etc.)?
- b. Where and how does the student want to live (e.g., dorm, apartment, family home, group home, supported or independent)?
- c. How does the student want to participate in the community (e.g., transportation, recreation, community activities, etc.)?

### **Selecting Appropriate Assessments**

Become familiar with your student, read the IEP thoroughly and review all data relative to the student, including the psychological evaluation and eligibility report, behavioral observations and student interview.

Become familiar with the different types of transition assessments and their characteristics. It is recommended that you use multiple evaluations and do them on an on-going basis.

Select assessment instruments that assist in answering the following questions the student may raise:

- Who am I?
- What do I want in life, now and in the future?
- What are some of life's demands that I can meet now?
- What are the main barriers to getting what I want from school and my community?
- What are my options in the school and community for preparing me for what I want, now and in the future?

### **Transition Services and Activities**

If determined appropriate by the IEP team, each IEP of a student with a disability must also contain an additional statement of needed transition services for the child, including, when appropriate, a statement

of the interagency responsibilities or any needed linkages.

Transition services should be a coordinated set of activities or strategies that support the student in achieving their desired post-secondary goals. The IEP team builds this set of activities from information regarding the student's present levels of academic achievement and functional performance in relation to his/her post-secondary goals. To start, the IEP team should consider the child's needs; including strengths, preferences and interests, to determine what skills, services or supports he or she will need in order to successfully transition from where he/she is now to his/her desired secondary and post-secondary goals. For each goal, the team must consider transition services in the areas of (a) instruction, (b) related service(s), (c) community experience, (d) development of employment and other post-school adult living objective, (e) if appropriate, acquisition of daily living skill(s), and/or (f) if appropriate, provision of a functional vocational evaluation which is conducted by the Georgia Vocational Rehabilitation Agency.

### **Developing Transition Services**

To develop transition services, the IEP team, including the student and parent, should answer the following question:

- What services, supports, or programs does this student currently need? (These may include for example, specially designed instruction, accommodations, related services, job coaching, special transportation, etc.)

Then, based on what the student currently needs, the team should ask:

- What additional services, supports, activities or programs will this student need in order to achieve his or her desired post-secondary goals?
- Are linkages being made to the needed post-school services, supports or programs before the student leaves the school setting?
- Do the transition services include strategies to ensure the student and his or her parents are aware of, and connected to, needed post-school services, programs and supports BEFORE the student exits the school system?



## Transition Service Elements

Transition services should be developed as a coordinated set of activities by considering each of the following:

- Instruction a student needs to complete courses, succeed in the general curriculum and gain post high school skills.
- Related services the student may need to benefit from special education while in school, and related service needs the student may be offered as he or she enters the adult world. If related services will be needed beyond school, the IEP should identify, as appropriate, linkages to adult agencies or providers before the student leaves the school system.
- Community experiences that are provided outside the school building or in community settings. Examples may include community-based work experiences and/or exploration, job-site training, banking, shopping, transportation, counseling and recreation activities.

## Overall Considerations for the Transition Process

### 1. Transition efforts should start early.

Be proactive rather than reactive. Provide information to families well before the student enters 9th grade so that they are aware of the process and can be considering ideas and options.

### 2. Student focused thinking is essential.

The IEP during the student's high school years must be focused on providing the student with the skills, knowledge and other agency connections that will allow them to be independent and successful citizens. It is therefore essential that the student voices, and gradually refines, his/her measurable secondary goals, and that instruction relates to these goals.

### 3. Planning should be comprehensive.

Annually, consider and discuss how the disability impacts each transition area. Be careful not to dismiss an area because of the misconception that the students' abilities (for example: students with a learning disability) do not have home living or recreation and leisure issues.

**4. Student participation is crucial.**

Because it is his or her life that is being discussed and about which decisions are being made, the mere physical presence of the student at the IEP meeting is not adequate. To as great a degree as possible, he or she needs to be actively directing the transition planning process, and taking on increasing responsibilities, at IEP meetings as he or she grows older.

**5. Family involvement is critical.**

Since parents most frequently become their child's sole "transition expert" as soon as the student graduates, it is important that they become informed, knowledgeable and active. It is also important that the family's requests, opinions and values are considered in transition planning.

**6. Community-based activities are important.**

Meaningful learning will most likely take place if it occurs in "real world" settings. If functional, successful involvement in the community is the goal of transition, then early, realistic immersion in that world will provide the student with essential learning experiences.

**7. Balance what is ideal with what is possible.**

It is important to prioritize a student's transition needs. The teacher cannot be all things to all people, but the teacher can help to provide students with the essential skills that allow them the opportunity to be successful.

**8. Transition planning would be beneficial for all students.**

The goal of secondary special education should be to provide students with disabilities with the skills, knowledge and connections they require to best achieve their future goals. However, despite a quality education and nurturing parents, many students, even those without disabilities, leave high school unprepared for the demands of everyday life. Though formal transitional planning is required only for students with special needs, it would undoubtedly benefit all students.

## **FAPE**

### **Definition of FAPE**

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 Entitled to FAPE**

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 BIA 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 Special Education Rules Implementation Manual Georgia Department of Education Richard Woods, Georgia's School Superintendent Page 19 of 228 All Rights Reserved 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, BIA are required to develop a written procedure that identifies a process for completing services when a student reaches the age of 22. The BIA 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 BIA 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.

### **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, BIA is responsible for providing services. BIA will 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 BIA's obligation is to provide FAPE.

### **Funding Sources and Insurance**

BIA and states may use whatever federal, state, private, or other sources of funds that are available to provide services to students under FAPE. BIA must not delay the delivery of services required by an IEP until the funding source is located or secured. Public or private insurance may also be used to support the placements if such use is at no cost to the parents and does not decrease the lifetime coverage available. Medicaid is a federal/state insurance program for which students may be eligible. The Medicaid agency encourages BIA and states to access the public benefits available through Medicaid when students are eligible. The IDEA clearly states that BIA must notify parents each time they propose to access the student's insurance and must have parental consent before accessing these funds. BIA must inform parents of their right to refuse BIA's access to the insurance benefits and of the fact that such refusal does not relieve the BIA of its responsibility to ensure that all required

services are provided at no cost to the parents. If BIA 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 BIA exceeds the amount in the IEP or amends the IEP to provide a different level of service, a new consent must be obtained.

### **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 BIA. BIA should not consider placement in residential facilities unless they have exhausted the nonresidential resources. The Georgia Department of Education Special Education Rules Implementation Manual Georgia Department of Education Richard Woods, Georgia's School Superintendent Page 21 of 228 All Rights Reserved (GaDOE) has tuition grants to assist local schools if they place a student in a residential facility. If BIA 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.

### **Accessible Instructional Materials and Assistive Technology**

BIA must provide print instructional materials in an accessible format to students who are blind or other print disabled. These materials must be provided in a timely manner, usually about the same time as the traditional materials are received by other students, unless unusual circumstances exist. Accessible formats include braille, audio, or digital text, but do not include the altering of the content. Refer to Georgia Rule 160-4-7-.02 Free Appropriate Public Education for the detailed explanation of children who are blind or otherwise print disabled. Additional information on accessible instructional materials can be found at the Georgia Instructional Materials Center website, <http://gimc.org/>. BIA 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. The student, staff, and family, if appropriate, should be trained in the use of any assistive technology made available to the student. Additional information on assistive technology is located on the Georgia Project for Assistive

Technology website: <http://www.gpat.org/>. BIA must have in place procedures and practices that ensure the proper functioning of hearing aids. Regular inspection of hearing aids should be documented. This also applies to external components of surgically implanted medical devices such as cochlear implants. Special Education Rules Implementation Manual Georgia Department of Education Richard Woods, Georgia's School Superintendent Page 22 of 228 All Rights Reserved However, BIA is not responsible for programming such devices or for providing postsurgery maintenance.

### **Extended School Year**

Each year, BIA must 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 BIA 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. A BIA must not state that ESY is only for certain groups of students or say it is for all of a certain group. Likewise, a BIA may not limit ESY services to a certain time period or type of activity.

### **Nonacademic and Extracurricular Activities**

FAPE can also include nonacademic and extracurricular services. BIA must 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 a French Club.

### **Charter Schools**

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 BIA 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 BIA has, as part of its resources, the full continuum of services and supports within the BIA. 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 BIA. The charter that is part of the BIA may not, however, decline to serve students with IEPs. Special Education Rules Implementation Manual Georgia Department of Education Richard Woods, Georgia's School Superintendent Page 23 of 228 All Rights Reserved 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. The central office of the BIA must treat charter schools that are part of the local BIA the same as all other individual schools within the BIA. 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 BIA 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. The GaDOE has an extensive web page for charter schools at <http://www.gadoe.org/External-Affairs-and-Policy/CharterSchools>. Included on this site is the Special Education Primer for Petitioners, Authorizers, and BIA document that provides guidance for implementing special education in charter schools. Both parents and educators will find this document helpful.

### **Medication**

BIA 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. BIA should not make medical decisions that require medication. Nothing prohibits a BIA, 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 BIA 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.

## GLOSSARY OF TERMS

**1. Accommodation** - Changes in instruction that enable children to demonstrate their abilities in the classroom or assessment/test setting. Accommodations are designed to provide equity, not advantage, for children with disabilities. Accommodations include assistive technology as well as alterations to presentation, response, scheduling, or settings. When used appropriately, they reduce or even eliminate the effects of a child's disability, but do not reduce or lower the standards or expectations for content.

**2. ACCESS: Assessing Comprehension and Communication in English State to State for English Language Learners (ACCESS for ELLs)** - Is administered annually to all English learners in Georgia. ACCESS for ELLs is a standards-based, criterion referenced English language proficiency test designed to measure English learners' social and academic proficiency in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains.

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

**4. 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.

**5. 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.



**6. Assistive Technology Device** - Refers to any item, piece of equipment, or product system, whether acquired commercially off the shelf or by other means, with/without modification or customization, which 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].

**7. Assistive Technology Service** - Refers to 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, or are otherwise substantially involved in the major life functions of that child. [34 C.F.R. § 300.6]

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

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

**9. Babies Can’t Wait (BCW)** - Provide a coordinated, comprehensive and integrated system of services for infants and toddlers with special needs, birth to 3 and their families. Provide early identification and screening of children with developmental delays and chronic health conditions. Improve the developmental potential of infants and toddlers birth to age 3, with developmental or chronic health conditions.

**10. 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 behaviors in school and/or educational settings.

**11. 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.

**12. 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]. In general terms, charter schools are publicly funded elementary or secondary schools that have been freed from some of the rules, regulations, and statutes that apply to other public schools, in exchange for some type of accountability for producing certain results, which are set forth in each charter school's charter.

**13. Child with a Disability** - In general,

- a. Refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, or deaf-blindness and who needs special education and/or related

services. If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability. [34 C.F.R. § 300.8(a)(1) – (2)]

b. A child with a disability aged three through nine (or any subset of that age range, including ages three through five) experiencing developmental delays, may include a child -

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. [34 C.F.R. § 300.8(b)(1) – (2)]

**14. Consent - means**

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). [34 C.F.R. § 300.9]

**15. Core Academic Subjects -** Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, art, history, and geography. [34 C.F.R. § 300.10]

**16. Georgia Milestones Assessment System (GMAS) -** Is a comprehensive summative assessment program spanning grades 3 through high school that measures how well students have learned the knowledge and skills outlined in the state-adopted content standards in language arts, mathematics, science, and social studies.

**17. 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; school breaks).
- 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 or without disabilities. [34 C.F.R. § 300.11]

**18. Deaf and Hard of Hearing (D/HH)** - A student who is deaf or hard of hearing is one who exhibits a hearing loss, whether permanent or fluctuating, which interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement. [34 CFR 300.7 (3), (5)].

**19. Due Process Technician (DPT)** - Provides administrative support within the Department of Exceptional Students for the District. Assists supervisors and administrators by coordinating administrative services (assisting students and families with tribunal IEP processes, preparing monthly reports, processing orders and check requests, planning conferences, evaluating records, etc.) Acts as a liaison with internal and external contacts within the District.

**20. Early Intervention Program (EIP)** - Serves students who are at risk of not reaching or maintaining academic grade level. The purpose of the Early Intervention Program is to provide additional instructional resources to help students who are performing below grade level obtain the necessary academic skills to reach grade level performance in the shortest possible time.

**21. Elementary School** - A nonprofit institutional day or residential school, including a public elementary charter school, which provides elementary education and contains any grade below four and does not contain any grade above grade eight. [O.C.G.A. § 20-2-291(c) [34 C.F.R. § 300.13].

**22. Eligibility Team** - A group of qualified professionals and the parent(s) of the child, which determines whether the child is a child with a disability and determines the educational needs of the child. [34 C.F.R. § 300.306(a)(1)].

**23. Emotional and Behavior Disorder (EBD)** - Student who exhibits one or more 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.

**24. End of Course (EOC)** - Serve as a student's final exam in the associated course, and contribute 20% to the student's final course grade in the ten courses designated by the State Board of Education.

**25. End of Grade (EOG)** - Designed to measure a student's performance on the goals, objectives, and grade-level competencies specified in the state adopted content standards in grades 3 through 8.

**26. English as a Second or Other Language (ESOL)** - A standards-based curriculum emphasizing academic and social language development. ESOL coursework is based upon the WIDA Consortium English Language Development (ELD) standards.

**27. Evaluation** - Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. [34 C.F.R. § 300.15]

**28. 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, .21 - 4 DEFINITIONS depending on the types of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report.

**29. Excess Costs** - Those costs that are in excess of the average annual per-child expenditure in a LEA during the preceding school year for an elementary school or secondary school child, as may be appropriate, and that must be computed after deducting amounts received under Part B of IDEA, Part A of Title I of the ESEA and Parts A and B of Title III of the ESEA. Any state or local funds expended for programs that would qualify for assistance under any of the parts described in this section, but excluding any amounts for capital outlay or debt service. [34 C.F.R. § 300.16]

**30. Free Appropriate Public Education (FAPE)** - Special education and related services that –

- a) Are provided at public expense, under public supervision and direction, and without charge;
- b) Meet the standards of the State, including the requirements of this part;
- c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- d) Are provided in conformity with an individualized education program (IEP) that meets the requirements IDEA 2004. [34 C.F.R. § 300.17]

**31. 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.

**32. Georgia Kindergarten Inventory of Developing Skills (GKIDS)** - Is a performance based assessment. The goal of the assessment program is to provide teachers with information about the level of instructional support needed by individual students entering kindergarten and first grade.

**33. 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, 42 U.S.C. 11431 et seq. [34 C.F.R. § 300.19].

**34. 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.

**35. Include** - The items named are not all of the possible items that are covered, whether like or unlike the ones named. [34 C.F.R. § 300.20].

**36. Independent Education Evaluation (IEE)** - If a parent believes a school has not properly evaluated his/her child, the parent is entitled to an IEE at school's expense under certain circumstances. The IEE is an evaluation a parent can request the school to pay for when they disagree with the school's evaluation. It should be paid for by the school but performed by someone NOT associated with the school.

**37. Individualized Education Program (IEP)** - A legal document that defines a child's special education program. An IEP includes the disability under which the child qualifies for Special Education Services, the services the team has determined the school will provide, the yearly goals and objectives and any accommodations that must be made to assist his learning.

**38. Individualized Education Program Team (IEP Team)** - A group of individuals defined in Rule

160-4-7-.06 Individualized Education Program that is responsible for developing, reviewing, or revising an IEP for a child with a disability. [34 C.F.R. § 300.23].

**39. Individualized Family Service Plan (IFSP)** - A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP is written, if the IFSP meets all the requirements of the IEP. [34 C.F.R. § 300.24]

**40. Individual Health Plan (IHP)** - Ensures access to an education for students with special health care needs, whether or not the student is classified as eligible for special education

**41. Infant or Toddler with a Disability** -

- a) An individual under three years of age who needs early intervention services because the individual -
  1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
  2. Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. [34 C.F.R. § 300.25]

**42. Intellectual Disability (ID)** - Significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period.

**43. Least Restrictive Environment (LRE)** - A student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate. They should have access to the general education curriculum, or any other program that non-disabled peers would be able to access. The student should be provided with supplementary aids and services necessary to achieve educational goals if placed in a setting with non-disabled peers.

**44. Limited English Proficient** - Has the meaning given the term in section 9101(25) of the ESEA. [34 C.F.R. § 300.27]

**45. Local Educational Agency (LEA)** - A public board of education or other public authority legally

constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law. [34 C.F.R. § 300.28]

**46. Manifestation Determination Review (MDR)** - is used to determine if inappropriate student conduct was caused by, or had a direct or substantial relationship to the child's disability, or was the direct result of the school's failure to implement the IEP.

**47. 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.

**48. Native Language** -

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

1. The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in (a) 2. .21 - 6

DEFINITIONS

2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication). [34 C.F.R. § 300.29]

**49. Orthopedic Impairment (OI)** - Students whose severe orthopedic impairments affect their educational performance to the degree that the student requires special education.

**50. Other Health Impairment (OHI)** - Other health impairment means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness



with respect to the educational environment, that:

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

**51. Parent -**

a) Refers to-

1. A biological or adoptive parent of a child;
2. A foster parent;
3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
5. A surrogate parent who has been appointed.

b) Except as provided in paragraph (c) below, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) to act as the —parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the —parent. [34 C.F.R. § 300.30]

**52. Parent Training and Information Center -** A center assisted under sections 671 or 672 of IDEA. [34 C.F.R. § 300.31]

**53. 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.

**54. 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.

**55. Personally Identifiable** - Information that contains-

- a) The name of the child, the child's parent, or other family member;
- b) The address of the child;
- c) A personal identifier, such as the child's social security number or student number; or
- d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. [34 C.F.R. § 300.32]

**56. Parental Rights** - Procedural Safeguards for parents.

**57. Related Services** -

- a) General. Related services means transportation to receive services and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and may include 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 iii. 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); Remember that specific names/brands are not listed in the actual IEP.

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 related 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:

a. 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);

b. 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;

c. To understand and use remaining vision and distance low vision aids; and

d. 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 .21 - 10 DEFINITIONS 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. Remove this parenthesis: 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 consultation 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; .21 - 11 DEFINITIONS
- 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;
- iii. Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- iv. Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- v. Assisting in developing positive behavioral intervention strategies.

15. Speech-language pathology services includes -

- i. Identification of children with speech or language impairments;
- ii. Diagnosis and appraisal of specific speech or language impairments;
- iii. Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- iv. Provision of speech and language services for the habilitation or prevention of

communicative impairments; and

v. Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

**58. Response to Intervention (RTI)** - is based in the general education classroom where teachers routinely implement a strong and rigorous standards-based learning environment. The tiered approach to providing layers of intervention for students needing support requires a school wide common understanding of the Common Core Georgia Performance Standards (CCGPS), timely assessment practices, and appropriate instructional pedagogy

**59. Scientifically-Based Research (SBR)** - Research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. [Section 9101(37) of ESEA; 34 C.F.R. § 300.35]

**60. Secondary School** - A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. State law defines —middle school as a school which contains no grade below grade four and no grade above grade eight. State law defines —high school as a school which contains any grade above grade eight. O.C.G.A. § 20-2-291(c). [34 C.F.R. § 300.36]

**61. Significant Developmentally Delayed (SDD)** - 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). [34 C.F.R. § 300.8(b)]



**62. 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 elective course(s)
2. Special education includes each of the following, if the services otherwise meet the requirements of (a) 1 —
  - i. Speech-language pathology services is considered special education and a related service under State standards; .21 - 13 DEFINITIONS
  - ii. Travel training; and
  - iii. Vocational education.

(b) Individual special education terms defined. The terms in this definition are defined as follows:

1. At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.
2. Physical education means the development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.
3. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction -
  - i. To address the unique needs of the child that result from the child's disability; and
  - ii. To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that

apply to all children.

4. Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to -

- i. Develop an awareness of the environment in which they live; and
- ii. Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

5. Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

6. Vocational and technical education means organized educational activities that offer a sequence of courses that -

- i. Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers .21 - 14 DEFINITIONS (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors;
- ii. May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and
- iii. Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential; and
- iv. Includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual. [34 C.F.R. § 300.39]

**63. Specific Learning Disability (SLD)** - A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term

includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders or environmental, cultural or economic disadvantage.

**64. Speech Language Impairment (SI)** - 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 speech-language impairment that adversely affects

the educational performance for these children to qualify for special education services.

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

(4) **Voice/Resonance Impairment** – interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker's ability to communicate effectively.. Voice/Resonance impairment includes aphonia or the abnormal production of vocal quality, pitch, loudness, resonance, and/or duration, which is inappropriate for an individual's age and/or gender. The term voice/resonance impairment does not refer to: A) Anxiety disorders (e.g. selective mutism) B) Differences that are the direct result of regional, dialectic, and/or cultural differences C) Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux (ex. 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

**65. State Educational Agency (SEA)** - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools. [34 C.F.R. § 300.41]

**66. Student Support Team (SST)** - The Student Support Team (SST) is a problem-solving process in every Georgia school. Its purpose is to find ways around roadblocks to success for any student referred to it.

**67. 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]

**68. Transition Services** -

- a. A coordinated set of activities for a child with a disability that –
1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
  2. Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation.
- b. Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. [34 C.F.R. § 300.43] .21 - 15 DEFINITIONS

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

**70. Universal Design** - Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002. [34 C.F.R. § 300.44]

**71. Visual Impairment (VI)** - One whose vision interferes with functioning in a regular school program or, for preschool-age children, in learning tasks. Examples are students whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. Visual impairment is determined on

the basis of a current examination by an ophthalmologist or optometrist.

**72. Ward of the State -**

- a. A child who is a foster child; a ward of the State; or in the custody of the Department of Human Resources.
- b. Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent. [34 C.F.R. § 300.45]