

160-4-7-. 21 Definitions

- **Accommodation** -Changes in instruction that enable children to demonstrate their abilities in the classroom or assessment/test setting. Accommodations are designed to provide equity, not advantage, for children with disabilities. Accommodations include assistive technology as well as alterations to presentation, response, scheduling, or settings. When used appropriately, they reduce or even eliminate the effects of a child's disability; but do not reduce or lower the standards or expectations for content. Accommodations, that are appropriate for assessments do not invalidate assessment results.
- **Adult student** - A student with a disability, age 18 or older, to whom rights have transferred under the ID EA 2004 and Georgia Rule
- **Age of majority** - The age at which, by law, a child assumes the responsibilities of an adult. In Georgia, the age of majority is 18
- **Alternate assessment** - An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities designed by the State and required in lieu of regular Statewide assessments, when determined necessary by the child's IEP team
- **Assistive technology device** - Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device
- **Assistive technology service** - Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
 - The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment
 - Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities
 - Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices
 - Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
 - Training or technical assistance for a child with a disability or, if appropriate, that child's family
 - Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child
- **Behavioral intervention plan (BIP)** - A plan for a child with disabilities, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings .

- **Braille** - A tactile system of reading and writing, used by children who have blindness or visual impairments, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.
- **Charter school** - Has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965
- **Child with a disability** -In general:
 - 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, and other health impairment, a specific learning disability, or deaf-blindness and who needs special education and related services. If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability
 - 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
 - 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
 - Who, by reason thereof, needs special education and related service
- **Consent** means that:
 - 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
 - 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
 - The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked)
- **Core academic subjects** - Refers to English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography
- **Day; business day; school day:**
 - Day is calendar day unless otherwise indicated as business day or school day
 - 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 day equates to any day, including a partial day that children are in attendance at school for instructional purposes. School day has the same meaning for all children in school, including children with and without disabilities
- **Elementary school** - A nonprofit institutional day or residential school, including a public elementary charter school, which provides elementary education and contains any grade below four and does not contain any grade above grade eight
- **Eligibility Team** - A group of qualified professionals and the parent of the child, which determines whether the child is a child with a disability and determines the educational needs of the child
- **Evaluation** - Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs
- **Evaluation report** - A summary of evaluation results obtained in the process of collecting information to determine if a child is a child with a disability and the educational needs of the child. The evaluation reports will vary from child to child, depending on the types of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report
- **Free appropriate public education (FAPE)** - Special education and related services that:
 - Are provided at public expense, under public supervision and direction, and without charge
 - Meet the standards of the State, including the requirements of this part
 - Include an appropriate preschool, elementary school, or secondary school education in the State involved
 - Are provided in conformity with an individualized education program (IEP) that meets the requirements IDEA 2004
- **Functional behavioral assessment (FBA)** - A systematic process for defining a child's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed
- **Homeless children** - Has the meaning given the term homeless children and youths in section 725 (42 US .C . 11434a) of the McKinney - Vento Homeless Assistance Act
- **Include** - The items named are not all of the possible items that are covered, whether like or unlike the ones named
- **Individualized education program (IEP)** - A written statement for a child with disability that is developed, reviewed, and revised in accordance with ID EA 2004
- **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
- **Individualized family service plan (IFSP)** - A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP is written, if the IFSP meets all the requirements of the IEP
- **Infant or toddler with a disability** - An individual under three years of age who needs early intervention services because the individual:

- 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
- Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay
- **Limited English proficient** - H as the meaning given the term in section 9101(25) of the ESEA
- **Local educational agency (L EA)** - A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law
- **Modifications** – Alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Consistent use of modifications could adversely affect students throughout their educational career. Modifications in Statewide assessments may invalidate the results
- **Native language** - (a) When used with respect to an individual who is limited English proficient, means the following:
 - 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.
 - In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment
 (b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication)
- **Parent** - (a) Refers to:
 - A biological or adoptive parent of a child
 - A foster parent
 - 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)
 - A n 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
 - A surrogate parent who has been appointed
 - Except as provided in the paragraph 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

- If a judicial decree or order identifies a specific person or persons 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"
 - Psychological services includes:
 - Administering psychological and educational tests, and other assessment procedures
 - Interpreting assessment results
 - Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning
 - 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
 - Planning and managing a program of psychological services, including psychological counseling for children and parents
 - Assisting in developing positive behavioral intervention strategies
 - 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
 - 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.
 - Social work services in schools includes:
 - Preparing a social or developmental history on a child with a disability
 - Group and individual counseling with the child and family
 - 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
 - Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program
 - Assisting in developing positive behavioral intervention strategies
 - Speech - language pathology services includes -
 - Identification of children with speech or language impairments
 - Diagnosis and appraisal of specific speech or language impairments
 - Referral for medical or other professional attention necessary for the habilitation of speech or language impairments
 - Provision of speech and language services for the habilitation or prevention of communicative impairments
 - Counseling and guidance of parents, children, and teachers regarding speech and language impairments

- **-based research (SBR)** - Research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties ; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review
- **Secondary school** - A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. State law defines "middle school" as a school which contains no grade below grade four and no grade above grade eight. State law defines "high school" as a school which contains any grade above grade eight
- **Special education** - (a) General:
 - Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including
 - Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings
 - Instruction in physical education
 - Special education includes each of the following, if the services otherwise meet the requirements of (a)
 - Speech-language pathology services is considered special education and a related service under State standards
 - Travel training
 - Vocational education
 - Individual special education terms defined. The terms in this definition are defined as follows:
 - 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
 - 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
 - Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:
 - To address the unique needs of the child that result from the child's disability
 - 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
 - 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:

- Develop an awareness of the environment in which they live
 - 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)
 - 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
 - Vocational and technical education means organized educational activities that offer a sequence of courses that:
 - Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors
 - May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph
 - Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential
 - Includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual
 - **State educational agency (SEA)** - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools
 - **Supplementary aids and services** - Aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for a Free and Appropriate Public Education
 - **Transition services** -(a) A coordinated set of activities for a child with a disability that:
 - 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
 - Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation
- (b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education
- **Universal design** - Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998

- **Ward of the State** -(a) A child who is a foster child; award 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

Treutlen County Special Education Policy and Procedures

SECTION 1: Professional Duties and Responsibilities Confidentiality

- All special education information is confidential.
- Unless in immediate use, files should be maintained in a locked filing cabinet.
- For all personnel in the school system, breaching confidentiality is a violation of ethics and may result in a reprimand or dismissal
- Georgia State Rules http://public.doe.k12.ga.us/_documents/doe/legalservices/160-4-7-.08.pdf

Job Responsibilities-Special Education Teacher

The role of the Special Education Teacher encompasses a broad range of responsibilities, extending from the individual student, to the classroom, to the school as a faculty member, to the central office, and into the community at large. The responsibilities of the Special Education Teacher include:

- Developing and Maintaining IEPs
 - Follow procedures in Section 4 for writing IEPs
 - Review IEPs on an on-going basis
 - Report progress on annual goals at the end of each grading period
 - Maintain a current IEP for each child on teacher’s caseload
- Maintaining Student Records/Reporting Student Data
 - Maintain student records in a uniform order (review the guidelines for organization of Individual Student Records in Section 2)
 - Report student data as requested by the School Coordinator or Special Education Director (refer to Section 6- FTE)
 - Provide a Caseload Report (refer to Section 6-FTE) as directed to the School Coordinator or Special Education Director
 - Provide a Class Schedule to the Director of Student Services
- Documenting Parent/Guardian/Surrogate Contacts
 - Contacts with parent(s)/guardian(s)/surrogate(s) for due process meetings should be documented in the IEP (document phone calls, home or work site visits, written notice, e-mail, etc.)

- Other contacts with parent(s)/guardian(s)/surrogate(s) should be documented and maintained by the teacher for each child.
- Evaluating Student Progress
 - Uses progress monitoring (CBM) to report progress on the student’s IEP goals.
 - Reports progress on IEP goals when Report Cards are issued (i.e., typically every 9 weeks).
 - Reminder: Progress Monitoring is a DUE PROCESS requirement.
- Completing Referrals for Reevaluation
 - Teachers are responsible for gathering the needed referral information for all students reported on their Caseload Reports.
 - Referral information should be forwarded to the Director of Student Services.
 - Teachers are responsible for completing the Referral for Psychological Services in its entirety.
- Attending Due Process Meetings
 - Attendance is required at all IEP Meetings for students on your caseload
 - Work with the Director of Student Services to schedule IEP Meetings
 - Bring appropriate paperwork
- Attending Special Education Meetings:
 - All special education teachers are expected to attend building departmental meetings and system-wide special education meetings.
 - These meetings are scheduled to explain rules, regulations, local procedures, etc.
 - Teachers will be notified in advance so that they can make plans to attend.
 - Provide copies of Parental Rights and the Georgia Special Needs Scholarship information to parents.

160-4-7-.01 Purpose of Exceptional Students Rules:

These rules are designed to:

- Ensure that all eligible children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living
- Ensure that the rights of children with disabilities and their parents are protected
- Assist educational agencies to provide for the education of all children with disabilities
- Assess and ensure the effectiveness of efforts to educate children with disabilities.

Applicability to State and Local Agencies

- Public agencies within the State. These provisions apply to all political subdivisions of Georgia that are involved in the education of children with disabilities, including:
 - The Georgia Department of Education (GaDOE);
 - Local educational agencies (LEA s), regional educational service agencies (RESAs), state schools and state charter schools;
 - Other State agencies with educational programs and schools such as the Department of Human Resources and Department of Labor; and,
 - The Department of Corrections, Department of Juvenile Justice and other local correctional facilities

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

- Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under ID EA 2004 are given to children with disabilities
 - Referred to or placed in private schools and facilities by that public agency; or
 - Placed in private schools by their parents when FA PE is at issue

- State Advisory Panel
 - The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in Georgia
 - The advisory panel must consist of members appointed by the State Board of Education, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including:
 - Parents of children with disabilities (ages birth through 21);
 - Individuals with disabilities;
 - Teachers;
 - Representatives of institutions of higher education that prepare special education and related services personnel;
 - State and local education officials, including officials who carry out activities under subtitle B of title V **11** of the McKinney-Vento Homeless Assistance Act, (42 U .S .C .11431 et seq .);
 - Administrators of programs for children with disabilities;
 - Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
 - Representatives of private schools and public charter schools;
 - Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
 - A representative from the State child welfare agency responsible for foster care;
 - Representatives from the State juvenile and adult corrections agencies

- Special rule. A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26)
- Duties. The advisory panel must:
 - Advise the GaDOE of unmet needs within the State in the education of children with disabilities;
 - Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
 - Advise the GaDOE in developing evaluations and reporting on data to the Secretary of the United States Department of Education;
 - Advise the GaDOE in developing corrective action plans to address findings identified in Federal monitoring reports;
 - Advise the GaDOE in developing and implementing policies relating to the coordination of services for children with disabilities
- Limitation
 - Unless specifically stated in these Rules, it is not the intention of these Rules to change or expand the rights or responsibilities provided under any Federal law or regulation.

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

- A free appropriate public education (FAPE) must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school
- A student will be able to attend Treutlen Middle/High School until his/her 22nd birthday. The student will be transitioned to his/her post-school outcome before his/her 22nd birthday. School services will cease on the students 22nd birthday. The Special Education Director/Designee will notify the adult student and the parent(s) at least one (1) month before the student's birthday and services cease.
- Students with hearing aids or external components of surgically implanted medical devices will be check monthly by the school nurse.

160-4-7-.03 Child Find Procedures

- Look under Child Find on this Website.

160-4-7-.04 Treutlen Counties Procedures for Supervision of Evaluations and Re-evaluations

1. A request for an evaluation may be made by a teacher, administrator, or parent.

2. All initial referrals must be completed within 60 calendar days of receipt of parent consent for evaluation.
3. Once a request has been made, existing data will be gathered, i.e. RTI, grades, etc., the lead special education teacher for the grade of the student will commandeer consent for evaluation. The lead special education teacher will also distribute an evaluation packet to the student's teacher(s), present and/or past, to the parent/guardian, and as needed to the student.
4. The school nurse will administer a vision and hearing test if the student does not have a complete hearing and vision test within the last year.
 - If the student passes then the student will continue the evaluation process.
 - If the student does not pass one or both test, the parent will be contacted and the student will be required to seek a medical evaluation and pass the failed test(s).
 - Once medical documentation has been obtained by the school, the student will continue the evaluation process.
5. The student will be referred to the school psychologist.
 - The school psychologist will work with the appropriate RTI coordinator.
 - The school psychologist will also obtain information from Infinite Campus about student's grades and discipline.
6. Classroom observation by the lead teacher may also be used to obtain more pertinent information.
7. The student will then have a comprehensive evaluation led by the school psychologist.
8. The test will be scored by the school psychologist and all pertinent information will be gathered to summarize the information.
9. If testing or other gathered information points to other areas of concern, speech, OT/PT, etc., the student will be evaluated by the professional working in that particular area.
10. The parent will be notified in writing and an eligibility meeting is conducted.
 - The results of the test and all of the information will be explained to the committee by the school psychologist and if need be the other professionals that evaluated the student.
 - Based on the information the committee will determine if a disability exists.
 - If a disability exists, the committee will determine the area of the disability.
 - Based on the information and the area of disability, an IEP meeting will be held to determine what serviced will be implemented to help the student succeed.
 - The IEP team will help write the IEP as drafted by the lead teacher or designee.
 - The IEP will be signed by all of the committee members and copy given to the parent/guardian.

Annual Evaluations and Re-evaluations:

1. During the summer the Special Education Director will run a report showing the dates for the annual evaluations and re-evaluations for the upcoming year.
2. During Pre-Planning, the report will be distributed to the all special education teachers including the two lead teachers and the school psychologist.
3. When the teachers receive the caseloads, the teachers will check the date of the report with the date of the IEP and confirm.
4. Monthly, the Special Education Director will send the month's due dates and the following month's due dates to remind teachers about the upcoming dates.
5. At the end of each month, each teacher must turn in the report with the meeting date of the annual evaluation. This will help confirm dates.
6. At the end of each month, the school psychologist will also turn in the re-evaluation report confirming the student(s) have been tested.
7. The Special Education Director will then check off the dates as meetings occur and as IEPs are updated.
8. At the conclusion of a parent meeting, make sure you have accomplished the following:
 - The IEP meeting check off list
 - Paragraph that is to be read about ESY
 - Parent rights

Procedures for Measureable Annual Goals

- All goals must be measurable.
- There is **NEVER** a need/deficit with a goal and there is never a **GOAL** without a need/deficit.
- Goals are:
 - Written so support access to the general education curriculum
 - Measurable:
 - Specify the conditions under which the behavior will occur
 - Reflect a target/observable behavior
 - Indicate a criteria for performance which is appropriate for the skill
 - At a specific level of performance
 - For a specific length of time
 - Using progress monitoring data based on what is taught, i.e. curriculum based assessment/curriculum based measurement
 - Skill based

- The CBM warehouse provides resources for Curriculum Based Assessments.
 - http://www.interventioncentral.org/cbm_warehouse

Special Education Eligibility

Eligibility for Special Education Services and Placement

- http://archives.doe.k12.ga.us/DMGetDocument.aspx/160-4-7-.05_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F652A505DFC2E6E9873664C9C07475C448B6F4C484C7DA08A6&Type=D
- Determined by team members in the eligibility team
- Determined through review of formal and informal sources of information
- Presence of a disability and need for services must be established; presence of a disability alone is insufficient for placement
- Disability must adversely impact educational performance (even with correction for sensory impairments)
- Progress monitoring data required for all areas except sensory impairments and in some cases, TBI (Traumatic Brain Injury) & Autism placements

Possible Exclusions

- Lack of appropriate instruction in reading, math, or writing
- Limited English Proficiency
- Atypical educational history including attendance issues
- Environmental or economic disadvantage
- Cultural Factors

Related Services

- Physical and Occupational therapies are related services
- They are not areas of eligibility
- These services require Doctor's orders from a physician
- Assessment information needed for IEP development but not for eligibility determination
- Adaptive P.E.

Areas of Eligibility and Requirements:

1. Autism

http://archives.gadoe.org/DMGetDocument.aspx/Autism_eligibility_3-11-10.pdf?p=6CC6799F8C1371F68ED41AA6F919E8FF80855C47A88CC8D64AC212CA68770DA0&Type=D

- Comprehensive evaluation required to include the following:
 - Formal assessment of IQ
 - Adaptive Behavior

- Educational evaluation
 - Communication (verbal/nonverbal, prosody, and pragmatics)
 - Behavioral, including social interactions
 - Developmental history
- Five characteristics of Autism:
 - Differences in developmental rates and sequences
 - Difficulty interacting with people and participating in events
 - Deficits in communication
 - Over- or under-react to sensory stimuli
 - Restricted or unusual repertoire of activities of interests

2. Deaf/Blind

http://archives.gadoe.org/DMGetDocument.aspx/Deaf-Blind_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F6A4D044DAD9A9D708963EE6677575107E7F6965A5A4B1B518&Type=D

- Concomitant Hearing and Visual impairment that causes severe communication and educational needs that cannot be accommodated in programs solely for children with deafness or blindness
- Current optometric or ophthalmological examination and audio logical evaluations required
- Written Audio logical evaluation should include dates, results of evaluation, and recommendations for classroom environmental modifications

3. Deaf/Hard of Hearing

http://archives.gadoe.org/DMGetDocument.aspx/DHH_Rules_and_Regulations.pdf?p=6CC6799F8C1371F603FEC15D61D462810206EFC6597482136605AB10BBC9A77C&Type=D

- Absence of measurable hearing such that:
 - Primary sensory input for communications is other than auditory or
 - The ability to communicate is adversely affected, even though the child usually relies on listening for communication
- Requires the following reports or evaluations for initial placements:
 - Audio logical
 - Ontological
 - Comprehensive evaluation
 - Academic/achievement levels
 - Receptive/expressive language abilities
 - Social and emotional adjustment
 - Psychological evaluation
- Unilateral hearing loss may be considered if academic or communicative deficits secondary to loss are documented
- Hearing loss may be permanent or fluctuating

4. Emotional Behavioral Disorder

<http://archives.gadoe.org/DMGetDocument.aspx/EMOTIONAL%20AND%20BEHAVIORAL%20DISORDER.pdf?p=6CC6799F8C1371F6B8F2A7669398C922E63F2BDC2C8B7BAE1D64B35B9DC25364&Type=D>

- Exhibits one or more of the following characteristics of sufficient duration, frequency, and intensity that interferes significantly with educational performance to the degree special education is necessary:
 - Inability to build or maintain satisfactory interpersonal relationships
 - Inability to learn what is not explained by intellectual, sensory, or health factors
 - Consistent or chronic inappropriate behavior or feelings under normal circumstances
 - Displayed pervasive mood of unhappiness or depression
 - Displayed tendency to develop physical symptoms, pains, or unreasonable fears associated with personal or school problems
- Required documentation:
 - Comprehensive prior extensions of services including counseling, modifications of the regular program, or alternative placement
 - Data-based progress monitoring of the results of the interventions
 - Psychological and educational evaluations
 - Report of behavioral observations over a significant period of time
 - Social history, including interventions offered outside the school
 - Written analysis of the duration, frequency, and intensity of one or more of the five characteristics of EBD
- Possible exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - Visual, hearing, or motor disabilities
 - Intellectual disabilities
- Social Maladjustment:
 - Does not automatically make a child eligible
 - Classroom behavior problems and social problems do not indicate automatic eligibility for placement

5. Intellectual Disability (Mild)

http://archives.gadoe.org/DMGetDocument.aspx/160-4-7-.05_ID_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F60491518A7964E3637EAB863F5EFC1DEFA52C6DE25E2059CC&Type=D

- Intellectual functioning based on multiple sources of information documenting IQ scores between approximately 55 and 70 (use range of scores +/- one standard error of measurement for interpretation)
- Consider impact of communication, motor, and/or sensory deficits
- Significant limitations in child's effectiveness in meeting standards of maturation, learning, personal, independence, or social responsibility
- Adaptive behavior:
 - Two measures required, one must be formal (i.e., a standardized instrument such as *ABAS* or *Vineland*)
 - Formal measure from someone at the school and informal assessment from someone outside the school, such as a parent
 - A composite score that is two standard deviations below the mean or a score that is at least two standard deviations below the mean in one of three areas
 - Conceptual
 - Social
 - Practical
- Deficits in intellectual functioning and adaptive behavior existed prior to age 18
- Classroom observation demonstrating the child's inability to progress in a typical, age appropriate manner, considering cultural, medical, and education history
- Possible exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - Visual, hearing, or motor disabilities
 - Emotional disturbances

6. Intellectual Disability (Moderate, Severe, Profound)

http://archives.gadoe.org/DMGetDocument.aspx/160-4-7-.05_ID_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F60491518A7964E3637EAB863F5EFC1DEFA52C6DE25E2059CC&Type=D

- Intellectual functioning based on multiple sources of information documenting IQ scores between approximately 40 and 55 (Moderate); approximately 25 and 40 (Severe); and below approximately 25 (Profound) (use range of scores +/- one standard error of measurement for interpretation)
- Consider impact of communication, motor, and/or sensory deficits
- Significant limitations in child's effectiveness in meeting standards of maturation, learning, personal, independence, or social responsibility
- Adaptive behavior:

- Two measures required, one must be formal (i.e., a standardized instrument such as *ABAS or Vineland*)
 - Formal measure from someone at the school and informal assessment from someone outside the school, such as a parent
 - A composite score that is two standard deviations below the mean or a score that is at least two standard deviations below the mean in one of three areas
 - Conceptual
 - Social
 - Practical
- Deficits in intellectual functioning and adaptive behavior existed prior to age 18
- Classroom observation demonstrating the child’s inability to progress in a typical, age appropriate manner, considering cultural, medical, and education history
- Possible exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - Visual, hearing, or motor disabilities
 - Emotional disturbances

7. Orthopedic Impairment

http://archives.gadoe.org/DMGetDocument.aspx/Orthopedic_Impairment_Rules_Regs.pdf?p=6CC6799F8C1371F65545E28E215201AA21D6C3174AC002573CD6F3BD70BDBCF3&Type=D

- Impairment may be due to:
 - Congenital abnormalities
 - Disease
 - Other causes resulting in contractures
- Secondary disabilities may be present
- For initials, current medical report indicating diagnosis and prognosis
- Comprehensive educational assessment documenting adverse effects of OI on child’s educational performance by documenting deficits in at least one of the following:
 - Pre-academic/academic functioning
 - Social/emotional development
 - Adaptive behavior
 - Motor development
 - Communication abilities
- Psychological evaluation required when significant deficits are present in cognitive/academic functioning
- Exclusions:

- Lack of appropriate instruction in reading, math, or writing
- Limited English Proficiency
- Atypical educational history including attendance issues
- Environmental or economic disadvantage
- Cultural Factors
- IQ must fall above approximately 55
- IQ no lower than criteria expected for MID services

8. Other Health Impairment

http://archives.gadoe.org/DMGetDocument.aspx/OHI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6C24E001B33B21F8D923A06632FECA29C0A1C0B77F4864BD2&Type=D

- Chronic or acute health problems that limits in strength, vitality, or alertness (i.e., ADHD, diabetes, asthma, sickle cell anemia, etc.)
- Deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor or communication skills as a result of the health impairment
- Current (less than one year old) medical report required for initials
-
- Possible Exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - Visual, hearing, or motor disabilities
 - Intellectual disabilities
 - Emotional disturbances

9. Significant Developmental Delay

http://archives.gadoe.org/DMGetDocument.aspx/SDD_Rules_and_Regulations.pdf?p=6CC6799F8C1371F641AB3A546FF0E82D326518E920C90484578800E399541276&Type=D

- Standard scores fall two standard deviations below the mean in one of these areas:
 - Adaptive development
 - Cognition
 - Communication
 - Motor skills
 - Emotional development or

- Standard scores fall 1.5 standard deviations below the mean in at least two of these areas:
 - Adaptive development
 - Cognition
 - Communication
 - Motor skills
 - Emotional development or
- Applies to ages 3 through 9 only:
 - The student must be re-evaluated no later than the school year in which the child turns 9
- Must be placed by age 7
- Exclusions beginning at kindergarten:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - Visual, hearing, or motor disabilities
 - Emotional disturbances

10. Specific Learning Disability

http://archives.gadoe.org/DMGetDocument.aspx/160-4-7-.05_SLD_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F663E40FB40C44553EDB7CB5259FFB3192CEAB2E7B758D84E0&Type=D

- Eligibility team members must include:
 - Special education teacher (highly qualified & certified)
 - Regular education teacher
 - Individual qualified to conduct diagnostic assessments
 - Parent
- Deficits in basic psychological processes (e.g., attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological).
- Child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state approved grade level standards, and intellectual development
- Progress monitoring over a period of 12 weeks (or for the length of time recommended by the instructional strategy used) that shows the child is not expected to make progress toward the benchmark
- Current analyzed classroom work samples
- Classroom observation by a team member
- Teacher report required reflecting child's academic performance and behavior in area(s) of underachievement
- Two current assessments required to document area(s) of underachievement

- Underachievement in at least one of the following areas:
 - Oral expression
 - Listening comprehension
 - Written expression
 - Basic reading skills
 - Reading comprehension
 - Reading fluency
 - Mathematical calculation
 - Mathematical problem solving
- Exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors
 - SLD does not apply to children who have learning problems that are primarily the result of sensory impairments, motor or intellectual disabilities, or emotional or behavioral disorders
 - Children whose classroom performance shows evidence of pervasive weaknesses that do not reflect a pattern of strengths and weaknesses

11. Speech-Language Impairment

http://archives.gadoe.org/DMGetDocument.aspx/SI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6ECD701F3B10F58FBC3284DAD0567D0001367CE02A527CF38&Type=D

- Impairment in one of the following areas:
 - Articulation
 - Fluency
 - Voice
 - Language
- Evaluation must be sufficient to identify all of the child's special education and related service's needs, regardless of the reason for referral
- Documentation of adverse effect on educational performance
- Nonverbal/verbally limited, children with autism, and those with sensory or motor impairments
 - Eligibility determined by team members who have expertise in the appropriate area(s) through a functional assessment
- Medical evaluation required for voice/resonance impairment
- Exclusions:
 - Lack of appropriate instruction in reading, math, or writing
 - Limited English Proficiency
 - Atypical educational history including attendance issues
 - Environmental or economic disadvantage
 - Cultural Factors

- Rule of environmental, cultural, or economic disadvantage as primary factors causing impairment
- Inconsistent, situational, or developmentally appropriate speech language difficulties

12. Traumatic Brain Injury

[http://archives.gadoe.org/DMGetDocument.aspx/Traumatic Brain Injury Eligibility 3-31-10.pdf?p=6CC6799F8C1371F636C006B9ACB93349743E30350287ECA14660888523ED7A5D&Type=D](http://archives.gadoe.org/DMGetDocument.aspx/Traumatic%20Brain%20Injury%20Eligibility%203-31-10.pdf?p=6CC6799F8C1371F636C006B9ACB93349743E30350287ECA14660888523ED7A5D&Type=D)

- Deficits in cognitive, social, or motor skills due to acquired brain injury that adversely impact educational performance
- Verification of TBI through:
 - Medical records or
 - Other sources, such as social services, medical bills, etc.
- Summary of pre-injury functioning
- Evaluation addresses impact of TBI in the following areas:
 - Cognitive
 - Social/Behavioral
 - Physical/Motor

13. Visual Impairment and Blindness

[http://archives.gadoe.org/DMGetDocument.aspx/160-4-7-.05 VI Eligibility 3-31-10.pdf?p=6CC6799F8C1371F6E31C808BFC500F0674BF020E8F819B1CBEDD61ED12E0686D&Type=D](http://archives.gadoe.org/DMGetDocument.aspx/160-4-7-.05%20VI%20Eligibility%203-31-10.pdf?p=6CC6799F8C1371F6E31C808BFC500F0674BF020E8F819B1CBEDD61ED12E0686D&Type=D)

- Current examination from an eye specialist or from a neurologist if a child has blindness due to cortical vision impairment
- Comprehensive educational evaluation
 - Cognitive levels
 - Academic achievement
 - Reading ability
 - Educational assessments related to vision must be completed by appropriately certified teacher
- Functional vision assessment rather than low vision evaluation may be used for children who:
 - Are under the age of 8 or
 - Have a severe cognitive and/or physical disability
- Additional information
 - Low vision evaluation needs to be completed by age 10 unless the student has a severe cognitive and/or a physical disability

- Low vision evaluation may not be available within the 60 day timeline in these cases, however, continue with the eligibility decision and document the date of the upcoming evaluation
- Update the eligibility and the IEP if possible, after receiving the vision report which must occur within 120 days of the Consent to evaluate
- Braille instruction
 - Evaluate the child to determine the need for Braille
 - Evaluation should review present and future needs for Braille
 - If Braille is determined to be a need then in the IEP:
 - Document results of evaluation
 - Explain how Braille will be implemented and integrated
 - Provide the date Braille instruction will begin and end, including the frequency and duration of each instructional session
 - Expected level of competency in Braille & measures used to determine competency
 - If Braille is determined not to be needed, then in the IEP:
 - Provide a statement indicating that Braille instruction will not be needed in order for the child to read and write effectively

160-4-7-.06 INDIVIDUALIZED EDUCATION PROGRAM (IEP)

ALL IEP's will be completed using Infinite Campus

The IEP Team is a group of individuals that is responsible for developing, reviewing, or revising an IEP for a child with a disability. The LEA shall ensure that each IEP Team meeting includes the following participants:

- The parents 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)
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child
- A representative of the LEA who:
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
 - Is knowledgeable about the general education curriculum
 - Is knowledgeable about the availability of resources of the LEA
 - An individual who can interpret the instructional implications of evaluation results
 - At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
 - Presence of Attorneys or other Advocates in IEP meetings:
 - If a parent comes to a meeting with an advocate, the meeting may proceed as scheduled

- If a parent comes to any IEP meeting with an attorney and without notifying the teacher or director in advance, adjourn the meeting and notify the Director of Student Services immediately. The meeting will be rescheduled when the director and the attorney representing Treutlen County Schools can attend; **however, give the parent the opportunity to continue the meeting without the attorney present**
- Whenever appropriate, the child with a disability

The IEP is a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with this Rule, and that must include:

- A statement of the child's present levels of academic achievement and functional performance, including:
 - How the child's disability affects the child's involvement and progress in the general education curriculum (i.e. the same curriculum as for nondisabled children)
 - For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities
- A statement of measurable annual goals, including academic and functional goals designed to:
 - Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum
 - Meet each of the child's other educational needs that result from the child's disability
- For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
- How the child's progress toward meeting the annual goals will be measured
- When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided
- A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:
 - To advance appropriately toward attaining the annual goals
 - To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities
 - To be educated and participate with other children with disabilities and nondisabled children in academic, nonacademic and extracurricular activities

- An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the nonacademic and extracurricular activities
- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments
- Parental Concerns need to be a part of the IEP
- The projected date for the beginning of the services and program modifications and the anticipated frequency, location, and duration of those services and program modifications
- Extended School Year Services (ESY) must be considered
 - If the IEP Team determines that ESY shall be provided:
 - Indicate which goals are being extended or modified to deliver FAPE
 - State the specific services needed, the amount of time for each service, the beginning and ending dates for the services and the service provider and location
 - The LEA shall provide ESY services as required by the child's IEP and all necessary transportation at no cost to the parent
- In developing each child's IEP, the IEP Team must consider:
 - The strengths of the child
 - The concerns of the parents for enhancing the education of their child
 - The results of the initial or most recent evaluation of the child
 - The results, as appropriate, of the child's Statewide or district-wide assessments
 - The academic, developmental, and functional needs of the child
 - In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports and other strategies, to address that behavior in the IEP or behavioral intervention plan
 - In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP
 - In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, that instruction or the use of Braille is not appropriate for the child
 - Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode
 - Consider whether the child needs assistive technology devices and services

- IEP Changes or Amendments. Changes or amendments to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by agreement between the parents and LEA:
 - In making changes to a child’s IEP after the annual IEP Team meeting for a school year, the parent(s) of a child with a disability and the LEA may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child’s current IEP
 - If changes are made to the child’s IEP, the LEA must ensure that the child’s IEP Team is informed of those changes
 - A parent must be provided with a revised copy of the IEP with the amendments incorporated

Transition Services: Beginning no later than the students entry into ninth grade or by age 16, whichever comes first, or younger if determined appropriate by the IEP Team and updated annually, the IEP must include:

- Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills
- The transition services (including courses of study) needed to assist the student in reaching those goals
- The LEA must invite the student with a disability to attend the student’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals
- If the student does not attend the IEP Team meeting, the LEA must take other steps to ensure that the student’s preferences and interests are considered
- To the extent appropriate, with the consent of the parents or the adult student who has reached the age of 18, in implementing the transition requirements, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services

Beginning not later than one year before the student reaches age 18, the IEP must include a statement that the student has been informed of the student’s rights under Part B of the IDEA, if any, which will transfer to the student on reaching age 18.

A member of the IEP Team described is not required to attend an IEP Team meeting, in whole or in part:

- If the parent of a child with a disability and the LEA agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting
- When the meeting involves a modification to or discussion of the member’s area of the curriculum or related services
 - The parent, in writing, and the LEA consent to the excusal

- The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting

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

Each LEA shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate. Treutlen County Schools will notify parents of the meeting at least 7 days before the meeting date, and will schedule the meeting at a mutually agreed upon time and place.

- The invitation to the IEP Team meeting shall indicate the purpose, time, and location of the meeting, participants who will be in attendance, and informs the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel. **The invitation shall also inform the parents of a child previously served in Babies Can't Wait of their right to request that an invitation to the initial IEP Team meeting be sent to the service coordinator or other representative of Babies Can't Wait to assist with the smooth transition of services**
- For a student with a disability, beginning not later than entry into ninth grade or by age 16 whichever comes first, or younger if determined appropriate by the IEP Team, the invitation must also indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student. The LEA will invite the student and identify any other agency that will be invited to send a representative
- If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; **copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits**
- The LEA must take whatever action is necessary to ensure that the parents understand the proceedings of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English
- The LEA shall provide a copy of the IEP to the parents at no cost

At the beginning of each school year, each LEA must have an IEP in effect, for each child with a disability within its jurisdiction.

An IEP or IFSP (Individualized Family Service Plan) for children aged three through five. In the case of a child with a disability aged three through five, an IEP or IFSP shall be in place. If the IFSP is utilized, it must be:

- Consistent with the Georgia rule for IEPs
- Agreed to by the LEA and the child's parents
- The LEA must:
 - Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP <http://www.pacer.org/parent/php/PHP-c59.pdf>
 - If the parents choose an IFSP, obtain written informed consent from the parents

A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services.

As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation.

Each teacher and provider is informed of:

- His or her specific responsibilities related to implementing the child's IEP
- The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP

If a child with a disability transfers to a new LEA in the same school year within Georgia, the new LEA (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous LEA), until the new LEA either:

- Adopts the child's IEP from the previous LEA
- Develops, adopts, and implements a new IEP that meets the IEP requirements of this Rule

If a child with a disability (who had an IEP that was in effect in a LEA in another State) transfers to Georgia within the same school year, the new LEA (in consultation with the parent) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous LEA), until the LEA:

- Conducts an evaluation if determined to be necessary by the new LEA
- Develops, adopts, and implements a new IEP, if appropriate

The new LEA in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous LEA in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act (which does not require prior parental consent to disclose education records to officials of another school where the student seeks or intends to enroll).

Each LEA must ensure that the IEP Team:

- Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved
- Revises the IEP, as appropriate, to address:
 - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
 - The results of any reevaluations conducted
 - Information about the child provided to, or by, the parents
 - The child's anticipated needs
 - Other matters
- Consolidation of IEP Team meetings. To the extent possible, the LEA must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child
- In conducting a review of the child's IEP, the IEP Team must consider the special factors
- A regular education teacher of the child, as a member of the IEP Team, must participate in the review and revision of the IEP of the child
- If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, the LEA must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP

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

Each LEA shall have policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia shall be educated with children who are not disabled.

Special classes, separate schooling or other removal of children with disabilities from the regular class environment 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.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each LEA must ensure that the placement decision:

- Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options
 - Is made in conformity with the LRE provisions contained in this rule
 - The child's placement is determined at least annually, is based on the child's IEP and is as close as possible to the child's home
 - Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled
 - In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs
 - A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum
- School age placements:
 - General education classroom with age-appropriate non-disabled peers
 - The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP
 - The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis
 - Instruction outside the general classroom for individuals or small groups.
 - Separate day school or program.
 - Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations:
 - A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP
 - Home-based services must be reviewed no less than quarterly by the IEP team
 - All IEPs that require home-based placements will include a reintegration plan for returning to the school setting
 - Residential placement in-state or out-of-state.
 - 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. The LEA shall provide hospital/homebound instruction to students with disabilities

Each LEA shall ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The LEA must ensure that each child with a disability has the supplementary

aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Each LEA must ensure the provision of supplementary aides and services determined appropriate by the IEP team in order to allow children with disabilities an equitable opportunity for participation in nonacademic and extracurricular activities.

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

The LEA shall assure that no child with a disability placed by the LEA in a public or private institution is denied access to an education in the LRE, except for those students in adult prisons.

The LEA responsible for the education for a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services.

The administrators and teachers at Treutlen County Schools will be fully informed about their responsibilities for implementing LRE. Each will also be provided with technical assistance and training necessary to assist students in learning in the LRE.

Most Special Education students will need some accommodations to the regular curriculum and classroom requirements to be successful. Regular classroom accommodations are a part of the IEP and should be addressed under Student Supports. It is the responsibility of the student's caseload teacher to provide that student's accommodations, BIP, testing accommodations, etc. to the appropriate personnel. **Within the first two weeks** of each school year, copies of the Student Supports and BIP must be distributed and explained to each special education student's regular classroom teacher and to the inclusion paraprofessional serving that student. In high school, these Student Supports should be shared with the regular education teacher within the first two weeks of school and again within the first two weeks of the **second semester**. Regular classroom teachers must sign off on and date the teachers receive the Student Supports, testing accommodations, BIP, and any other form the regular education needs to provide support for the student(s). The signed forms need to be placed in the student's file.

160-4-7-.08 CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Education records means the type of records covered under the definition of "education records" in 34 C.F.R. part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

- Each LEA shall provide a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the LEA intends to use in gathering the information, and the uses to be made of the information
- Confidentiality information shall be given in native languages appropriate to population groups served by the LEA
- Each LEA shall provide notice that is adequate to fully inform all parents concerning the policies and procedures which the LEA follows regarding storage, disclosure to third parties, and retention and destruction of personally identifiable information
- Each LEA shall provide a description of all of the rights of parents and children regarding this information, including the rights under FERPA

Access Rights and Required Procedures:

- Treutlen County Schools will permit parent to inspect and review any education records relating to their children that are collected, maintained, and used by the school system
- Each LEA may presume that the parents have the authority to inspect and review all records relating to their child unless the LEA has been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
- Parents only have the right to inspect and review only the data relating to their child or be informed of that specific information.

Amendment of Records at Parent's Request:

- The parent(s) 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 the LEA amend the information.
- The LEA may change the records or inform the parents of the refusal for amending the record and advise the parents of the right to a hearing.

Consent:

- Parental consent must be obtained before personally identifiable information is disclosed to other parties. Prior consent is not required to release information to:
 - Parents or eligible children
 - Other school officials, including teachers, within Treutlen County Schools. This includes legally constituted cooperating agencies or other agencies providing shared services
 - Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon the condition that the student's parents be notified of the transfer, receive a copy of the record, or have the opportunity for a hearing to challenge the content of the record
 - If the results of the hearing shows the information is inaccurate, misleading, or in violation of the privacy or other rights of the child, it must be amended and the parents must be informed in writing

- If the results of the hearing shows the information is accurate and not misleading, the parents must be informed of their rights to place in the records a statement commenting on the information and setting for the reason(s) for the disagreement
- The parental statement then becomes part of the student’s record
 - Authorized Federal, State or local representatives in connection with an audit or evaluation of Federal or State supported education programs
 - In connection with a child’s application for a receipt of financial aid for which the child has applied or which the student has received
 - State and local officials concerning the juvenile justice system
 - In compliance with a judicial order or a lawfully issued subpoena. The LEA must make a reasonable attempt to notify the child’s parents of the judicial order or subpoena before releasing the records
 - Disclosure in connection with a health or safety emergency if the information is necessary to protect the health or safety of the child or other individuals
 - The Office of Civil Rights
 - 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:

- Each LEA must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states
- All persons collecting or using personally identifiable information must receive training regarding the policies and procedures of handling personally identifiable information
- Treutlen County Schools will maintain a current listing of the names and positions of employees who may have access to personally identifiable information

Destruction of Information:

- Destruction means the removal of personal identifiers from information so that it is no longer personally identifiable

160-4-7-.09 Procedural Safeguards/Parent Rights

The term “Procedural Safeguards Notice” also refers to the document commonly identified as “Parent Rights” which, must be given to parents only one time per school year, except that a copy shall also be given to parents in the following circumstances:

- Upon initial referral or parent request for evaluation
- Upon receipt of the first state complaint in a school year
- Upon receipt of the first request for a due process hearing in a school year;

- Upon notification by the LEA to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct
- Upon request by the parent
- Parents will receive their “rights” at the students’ annual IEP meeting, unless one of the circumstances above applies.
- Parents may also access their “rights” on the Treutlen County Website, which includes a parent rights video, the condensed rights, and the full version of “Parental Rights.” <http://www.treutlen.k12.ga.us/Curriculum/SpecialEducation/ParentRights.aspx>
- Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
 - The time period in which to file a complaint or due process hearing
 - The opportunity for the agency to resolve the complaint
 - The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
- The availability of mediation
- The child’s placement during the pendency of any due process hearing
- Procedures for children who are subject to placement in an interim alternative educational setting
- Requirements for unilateral placement by parents of children in private school at public expense
- Due process hearings, including requirements for disclosure of evaluation results and recommendations
- Appeals of due process hearings, including the time period in which to file those actions
- Attorneys’ fees
- Notice provided in a language understandable to the parents

Each ELA shall establish and maintain procedures to provide an opportunity for the parents of a child with a disability to:

- Inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child
- Participate in meeting with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education (FAPE) to such child
- Obtain an independent educational evaluation of the child

Each LEA shall establish and maintain procedures to provide to ensure that parents:

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

Independent Educational Evaluation

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child with a disability in question. Public expense means that the LEA pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents

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

- If a parent requests an independent educational evaluation at public expense, the LEA must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless the LEA demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria
- If the final decision is that the LEA's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense
- If the parent requests an independent educational evaluation, the LEA may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the LEA may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the LEA evaluation
- The LEA must provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the LEA's criteria applicable for independent educational evaluations

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

- Shall be considered by the LEA, if it meets state and LEA criteria, in any decision made with respect to the provision of a FAPE to the child
- May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child
 - If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense
 - Whenever the state or LEA pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the state or LEA uses when it initiates an evaluation. Except for the criteria described in this Rule, a educational evaluation at public expense
 - A parent is entitled to only one independent education evaluation at public expense each time the LEA conducts an evaluation with which the parent disagrees

Notice to Parents/Guardian/Surrogate

- The parents shall be provided notice written in language understandable to the general public a reasonable time before the LEA proposes to initiate or change the identification, evaluation or educational placement of a child or the provision of a FAPE to the child. Written notice shall also be provided if the LEA refuses to take such action. After rights have been transferred to a child who has reached the age of majority, any written notice covered under this Rule shall be provided to both the child and to the parent(s) of the child
- LEA's shall provide a full explanation of all procedural safeguards/parent's rights available to the parent(s). The communication to the parent(s) shall include a description of the action proposed or refused by the LEA, an explanation of why the LEA proposes or refuses to take action, and a description of any options the LEA considered and the reasons why those options were rejected. Communication to the parent(s) shall include a description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposed or refused action. Also included shall be a description of any other factors which are relevant to the LEA's proposal or refusal, a statement that the parent(s) of a child with a disability has protection under the procedural safeguards/parent's rights, a statement of the means by which a copy of the procedural safeguards/parents' rights may be obtained, and information providing sources to contact for assistance in understanding the procedural safeguards/parents' rights
- In most cases, the above Notice requirements can be addressed by providing the parent(s) with a copy of documents such as the consent to evaluate, consent for placement, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request but these items have not yet been generated for the child. In such a case, the LEA must

- respond to the request through an alternative manner, such as through a letter to the parent(s)
- Graduating from high school with a regular education diploma constitutes a change in placement and requires written prior notice
 - Language understandable to the general public
 - Each LEA shall ensure that the notice required in this rule shall be written in language understandable to the general public
 - Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so
 - If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication
 - The LEA must ensure the parent understands the content of the notice
 - There is written evidence that the requirements have been met

Consent

Informal parental consent shall be obtained before:

- Conducting an initial evaluation to determine if the child qualifies as a child with a disability
- Conducting any re-evaluation of a child with a disability
- Providing initial special education and related services to a child with a disability
 - Consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE
 - Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement

Except for an initial evaluation, initial placement, and re-evaluation, consent is not required as a condition of any benefit to the parent(s) or child

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

The LEA must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability

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

- Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent of the child

- The rights of the parent of the child have been terminated in accordance with state law
- The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child

If the parent of a child in public school or seeking to enroll in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the LEA may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings

- The LEA does not violate its obligations under Child Find if it declines to pursue the evaluation

A LEA that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child

If the parents of a child fail to respond or refuse to consent to services, the LEA may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided

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

The LEA must obtain informed parental consent prior to conducting a re-evaluation of a child with a disability

- If the parent refuses to consent to the re-evaluation, the LEA may, but is not required to, pursue the re-evaluation by using the consent override procedures by accessing the mediation or due process hearing procedures
 - The LEA does not violate its obligation if it declines to pursue the re-evaluation
- The LEA need not obtain informed parental consent if it can demonstrate that:
 - It made reasonable efforts to obtain such consent
 - The child's parents failed to respond
- Parental consent is not required before:
 - Reviewing existing data as a part of an evaluation or a re-evaluation
 - Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children

A LEA may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of the LEA

If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or re-evaluation, or the

parent fails to respond to a request to provide consent, the LEA may not use the consent override procedures

- The LEA is not required to consider the child as eligible for services
- To meet the reasonable efforts requirement in the consent section of this rule, the LEA must document its attempts to obtain parental consent

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

- Revocation of consent to provide special education and related services is for all special education and related services; not individual services
- The intent to withdraw the child from special education and related services must be made in writing by the parent to the school system
- The school system may not continue to provide special education and related services to the child
 - Prior to removing the child from special education and related services, provide the parent prior written notice
- The school system may not use the procedures of mediation or due process hearings to override the withdrawal of consent
- The school system will not be in violation of the responsibility to provide a free and appropriate public education (FAPE) to a child with a disability because of the failure to provide further special education and related services
- The school system is not required to convene an IEP meeting for a child whose consent to receive special education and related services has been revoked
- Subsequent referrals for special education and related services shall be considered an initial evaluation and subject to the sixty day evaluation time period
- The school system is not required to amend the records of the child to remove any references to the provision of special education and related services prior to the receipt of the revocation of consent

Parental Training and Awareness

Parents may be provided assistance

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

160-4-7-.10 Discipline

Discipline Procedures for Treutlen County

Introduction:

The Treutlen County School System has a Code of Conduct, and all students are expected to follow these rules unless a child's IEP provides otherwise. This Code is included in the Handbook that each student is given at the beginning of each school year or when he or she

enrolls in school. All students are expected to know and follow these rules. Parents and students return a signed form to each school acknowledging that they have read and understand these rules. Students with disabilities are expected to follow the rules, just like all of the students in the school unless otherwise noted in the IEP. Disciplinary information contained in these procedures pertains to all students with disabilities in any category of eligibility who violate the code of student conduct.

In most cases, disciplining students who have an IEP is no different than disciplining other students. However, an IEP affords these students some protection. One protection includes the right to continuation of services indicated by the IEP if the student is removed (i.e., suspended or expelled) from school for more than 10 cumulative days within a school year. This protection is extended due to the requirement for [FAPE](#) and evolved from court cases involving the Office of Civil Rights. The IEP team will look at the data provided (IEP, Discipline referrals, BIP, etc) and determine the best possible placement for the child, the LRE (Least Restrictive Environment), and the appropriate services for the student in order to provide FAPE for that student.

The school system will ensure that the parent and the child with a disability will receive notice of the rules and regulations that apply to children with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program and at the annual IEP review meeting. The lead teacher or case manager is responsible for providing parents with procedural safeguards during the annual IEP meeting. At these meetings the lead teacher or case manager will provide discipline procedures.

A ***Manifestation Determination*** meeting (160-4-7-.10 (4)), (See State Discipline Rules) must be held within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and the relevant members of the child's IEP team must review all relevant information on the child. The meeting must occur by the 11th day of suspension. In addition, this type of meeting must be held anytime a student with an IEP has a **Change in Placement** (160-4-7-.10 (12)), (State Discipline Rules) due to his or her conduct. The Manifestation meeting will be set up by the Special Education Director along with the principal or the principal's designee.

If the team determines that the student's conduct was in direct or substantial relationship to the child's disability or a failure to implement the IEP, then an FBA (Functional Behavior Plan) must be conducted and a BIP (Behavior Intervention Plan) must be developed. If a FBA and BIP have already been conducted and created, the BIP must be modified. The child will also return to the placement in which he/she was removed, unless the LEA and parent agree that a change in placement is part of the modification in the IEP.

An FBA (Functional Behavior Assessment) will be implemented by trained personnel. It is the process of gathering and analyzing information about the student's behavior and accompanying circumstances in order to determine the purpose or intent of the actions. If the student is deemed eligible for Special Education through any exceptionality, then the case manager begins gathering data for an FBA. The manager may use observation, parent interview, student interview, teacher interview, rating scale, i.e. CDS (Conduct Disorder Scale), or testing. The manager will use these sources to gather data so the FBA may be written. Along with the FBA, the data will be used to write a BIP at the IEP meeting. Any student with an EBD exceptionality who is showing behavioral difficulties need to have an FBA and a BIP, or if a BIP is in place then the BIP needs to be reviewed and revised as necessary.

Serious Violations:

➤ A serious violation is considered to be:

1. A student carries a weapon to or possesses a weapon at school , on school premises, or at a school function under the jurisdiction of the State or the LEA
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA
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 State or the LEA
 - Any of the three offenses above will result in the removal of the student to an Interim Alternative Educational Setting for up to 45 school days.
 - The removal of the student can occur even if the student’s conduct is determined to be a manifestation of the student’s disability.
 - Removing the student for these offenses does **not** require parental consent, parental agreement, or a tribunal hearing.
 - If any one of the three violations occurs, the student’s parents will be notified immediately.
 - The parents of the child will be contacted by the principal or the principal’s designee within 24 hours of the occurrence.

Appeal:

- The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination, or if the school system believes that the current placement is highly likely to result in injury to the child or others, may appeal the decision and request a hearing pursuant to [Rule 160-4-7-.12](#)
- The appeal will be made to the Georgia Department of Education.
- An administrative law judge or hearing officer hears the facts and makes a determination regarding an appeal under the disagreement. The administrative law judge or hearing officer may:
 - Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of the rule or if the child’s behavior was a manifestation of the child’s disability.
 - Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school day if it is determined that the current placement is highly likely to result in injury to the child or others.
 - The school system may appeal if it is believed that returning the child to the original placement is highly likely to result in injury to the child or others.

Placement during Appeals:

- When an appeal has been made by either the parent or the school system, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period or under Special Circumstances.

Protections for Children Not Yet Eligible for Special Education:

- A child who has not been determined to be eligible for special education and related services and has engaged in behavior that would violate the code of student conduct, are assured protection if the school system had knowledge that the child was a child with disability before the behavior precipitated the disciplinary action that occurred.
 - The parent of the child expressed written concern to school system that the child is in need of special education services.
 - The parent of the child must express the concern in writing to supervisory or administrative personnel of the Treutlen County School system or a teacher of the child that the child is in need of special education or related services.
 - The parent of the child requested an evaluation of the child based upon [Rule 160-4-7-.04](#)
 - The teacher of the child at the school expressed specific concerns about a pattern of behavior demonstrated by the child directly to the special education director.
- The school system would not be deemed to have knowledge that a child has disabilities if the parent of the child has not allowed an evaluation , if the parent has refused services, or if the child has been evaluated and determined not to be eligible.
- If the school system has no prior knowledge of a child's disability, then the child may be subjected to the disciplinary measure applied to children without disabilities.
- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is complete, the child will remain in the educational placement determined by school authorities. If the child is determined to be a child with a disability, the school system must provide special education services.

- The child will be evaluated by the school psychologist within 20 school days. After the evaluation, a meeting will take place with the principal and/or designee, the child's parents, and the IEP team to determine the outcome of the evaluation. The lead special education teacher from the school will contact the parents about the meeting.

Referral to and Action by Law Enforcement and Judicial Authorities:

- The school system can report a crime committed by a child with a disability to appropriate authorities.
- The offense or the crime will be reported by the principal or designee.
- The school system reporting the crime committed by a child with a disability must ensure that copies of the special education and disciplinary record are transmitted to the appropriate authorities. Upon directive of administrative or supervisory personnel the lead teacher or designee will transmit the student's records.
- The school system can transmit copies of the child's special education and disciplinary records as permitted by FERPA (Family Educational Rights and Privacy Act).

General Information:

- Change of Placement:
 - OSS for a cumulative of more than 10 days
 - A series of removals that constitutes a pattern
 - A pattern is determined if:
 - A child's behavior is substantially similar to the child's behavior in previous incidents
 - The length of each removal
 - The total amount of time the child has been removed
 - The proximity of the removals to one another
 - The pattern is determined by the principal or the principal's designee
- In School Suspension (ISS)
 - ISS will not count as **removal** if the student continues to receive the services provided in the IEP
 - When a student is assigned ISS, the principal or designee will send the information to the receptionist. The receptionist will post the student(s) under school notices of Infinite Campus. The Case Manager will serve the student in ISS.
 - Students must continue to have access to the general curriculum and to progress toward the goals in the IEP in order for ISS not to be considered a removal and

not count toward the 10 days of suspension ([GaDOE Implementation Manual](#) page 138).

- Students with disabilities will be flagged in Infinite Campus so administrators will be aware of special needs students.
- Infinite Campus will be used to write IEP's so administrators will be able to acquire a student's BIP and assure that it is being appropriately followed.
- Each month the special education director will obtain the discipline records for the month for all students. A meeting will be held with each principal and assistant principal about the discipline to assure monitoring of student discipline.
- Special education teachers review BIP with the administrator(s) responsible for discipline and ensure the administrator has a copy. The administrator will also have the ability to access the BIP since the information is in Infinite Campus.
- The teacher responsible for the student's IEP (Case Manager) should monitor the discipline of students on their caseloads.
- Teachers will receive a copy of the students BIP plan at the beginning of each school year.
- Removal from school
 - Bus Suspension:
 - Will count as a removal from school if one of the following is met:
 - a. Transportation is a related service in the IEP
 - b. If the student has no alternate way to get to school
 - In School Suspension (ISS)
 - ISS will count as a removal if the student does not receive the special education serviced indicated in the IEP
 - Out of School Suspension (OSS)
 - OSS counts as a removal from school
 - Student removal will be discussed monthly at the discipline meeting.
 - Students that accumulate 7 days of removal will have his or her FBA and BIP reviewed. If the student does not have an FBA or BIP, then the IEP team will meet to develop one.
 - The principal or designee will contact the lead teacher of the removal from the bus.

➤ Change of Placement

- When a student is removed from school for more than 10 days:
 - On the 11th day a Manifestation Determination meeting will be held
 - Parents will be notified by the principal or the principal's designee
 - Parents will be provided Parental Rights by the principal or the principal's designee
 - The student will still receive services according to his or her IEP
- Serving students who have been removed for more than 10 days
 - The IEP team will determine the appropriate services to students who are removed for more than 10 cumulative days
 - Special education teachers will maintain a service log for the students being served

Below is a link to the State Discipline rules (just hold down the Ctrl button and click)
[State Discipline Rules](#)

160-4-7-.11 Surrogate Parent

In order to provide every child eligible for a public education with the protection of procedural due process, a surrogate parent shall be appointed by the LEA when:

- No parent can be identified
- The LEA, after reasonable efforts, cannot locate the parents
- The child is a ward of the State under the laws of Georgia
- The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act

Each LEA shall have procedures to determine that a child needs a surrogate parent and the assignment of an individual to act as a surrogate for the child

Each LEA responsible for educating children with disabilities shall maintain a list of eligible persons to serve as surrogate parents

In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case

Each LEA must ensure that a person selected as a surrogate parent:

- Is not an employee of the GaDOE, the LEA or any other agency that is involved in the education or care of the child
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents
- Has knowledge and skills that ensure adequate representation of the child

A person otherwise qualified to be a surrogate parent, is not an employee of the LEA solely because he or she is paid by the LEA to serve as a surrogate parent

In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all of the requirements

The surrogate parent may represent the child in all matters relating to:

- The identification, evaluation, and educational placement of the child
- The provision of FAPE to the child

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

160-4-7-.12 Dispute Resolution

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

- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received
- The party filing the complaint must forward a copy of the complaint to the LEA at the same time the party files the complaint with the GaDOE
- The complaint shall be reviewed and investigated as necessary and appropriate action taken within 60 calendar days of its receipt by the GaDOE
- If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing
- If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding

on that issue, and the complainant shall be so informed by the GaDOE. However, a complaint alleging a LEA's failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described

- Through activities of the GaDOE and the LEAs, the state complaint procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities
- The complaint procedure is as follows:
 - Complaints from any organization or individual shall be signed and addressed in writing to:

Director, Division for Special Education Services
Georgia Department of Education
1870 Twin Towers East
Atlanta, Georgia 30334-5010
 - The party filing the complaint must forward a copy of the complaint to the LEA serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent or the Special Education Director of the LEA.
 - The complaint shall include a statement that the State or LEA has violated a requirement of Part B of IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed
 - The Divisions for Special Education Services and Supports shall address the issue with the LEA in writing and request a response within 10 business days from the public agency directly involved
 - The LEA involved shall respond directly in writing and shall describe any explanation and/or actions relevant to the allegations
 - Copies of all correspondence shall be sent to the parties involved that include the complainant, the GaDOE and the LEA. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information
 - The parent who files the complaint and the LEA shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint
 - Upon receipt of the first State complaint from a parent in a school year, the LEA involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability
 - The division for Special Education Supports and Services shall review the LEA's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Division

for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an on-site visit, if necessary, to clarify the issue

- The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the IDEA. The on-site review may include examination of records, interviews, and classroom visits
- The Division for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint
- The Divisions for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the LEA is violating a requirement of the Part B of the IDEA
- The Divisions for Special Education Supports and Services shall issue a written decision to the LEA and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision
 - The Divisions for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance
 - If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the LEA is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities
 - GaDOE must not make any final determination that a LEA is not eligible for assistance under part B of the Act without first giving the LEA reasonable notice and an opportunity for a hearing
- An extension of the 60 calendar-day time limit for resolution may be made by the GaDOE only when exceptional circumstances exist with respect to a particular complaint or if the parent or other complainant and the LEA involved agree to extend the time to engaged in mediation, or to engage in other alternative means of dispute resolution
- Complaints that a LEA has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding child find are to be filed with the LEA in which the private school is located and a copy forwarded to the GaDOE
- Complaints - Private Schools. Complaints that a LEA has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding child find are to be filed with the LEA in which the private school is located and a copy forwarded to the GaDOE

Each LEA shall ensure that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification, evaluation, educational placement,

or the provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process.

- The mediation process shall be available on request of either party to resolve disputes.
- Mediation shall be available and offered upon each receipt of a complaint or a due process hearing request
- The procedures shall ensure that the mediation process:
 - Is voluntary on the part of the parties
 - Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA
 - Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques
- A LEA may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State established under section 671 or 672 of IDEA, who would explain the benefits of and encourage the use of the mediation process to the parents
- The GaDOE shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational or other impartial basis
 - An individual who serves as a mediator may not be an employee of the GaDOE or the LEA that is involved in the education or care of the child
 - Mediators must not have a personal or professional interest that conflicts with the person's objectivity
- A person who otherwise qualifies as a mediator is not an employee of a LEA or State agency solely because he or she is paid by the GaDOE to serve as a mediator
- The State shall bear the cost of the mediation process
- Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute
- If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:
 - Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings
 - Is signed by both the parent and a representative of the LEA with the authority to bind the LEA
 - The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process

The impartial due process hearing is designed to provide a parent or LEA an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a (FAPE) to a child with a disability

- The due process hearing request must allege a violation that occurred not more than two years before the date the parent or LEA knew or should have known about the alleged action that forms the basis of the due process hearing request
 - The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint
 - The school district’s withholding of information from the parent that was required to be provided to the parent
- Due process hearings are provided at no cost to either party; however each party is responsible for his/her, or its costs associated with hiring legal counsel or expert witness unless a court awards the recovery of such costs to the prevailing party
- The LEA must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the LEA
- Due Process Request Procedures are as follows:
 - The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the LEA, the party must provide a copy to the LEA’s Superintendent at the same time it provides it to the State
 - Either party, or the attorney representing either party, may file the due process hearing request
 - The state and the parties shall keep the content of the due process request confidential
 - The content of the complaint must include:
 - The name of the child
 - The address of the residence of the child
 - The name of the school and the LEA the child is attending
 - For a homeless child, the contact information for the child and the name of the school and LEA the child is attending
 - A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement or provision of a free appropriate public education (FAPE) including the facts relating to the problem
 - A proposed resolution to the problem to the extent known and available to the party at the time
 - A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above
 - The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above
 - Within five (5) days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination
 - A party may amend its due process request only if:

- The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting
- The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing
- If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again
- LEA response to a due process hearing request
 - If the LEA has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the LEA must within ten days of receiving the due process hearing request, send to the parent a response that includes an explanation of why the LEA proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the LEA used as the basis for the proposed or refused action; a description of the other factors that are relevant to the LEA's proposed or refused action
- The LEA response does not preclude the LEA from asserting that the parent's due process request is insufficient
- Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request
- Resolution process: Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the LEA must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:
 - Includes a representative of the LEA who has decision-making authority on behalf of the LEA
 - May not include an attorney for the District unless the parent is accompanied by an attorney
 - The parent and the LEA determine the relevant members of the IEP Team to attend the meeting
 - The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the LEA has the opportunity to resolve the dispute that is the basis of the request for a due process hearing
 - The resolution meeting need not be held if the parent and the LEA agree in writing to waive the meeting; or the parent and the LEA agree to use mediation to attempt to resolve the due process hearing request
- The resolution period: If the LEA has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur
 - The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation

- If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the LEA may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent’s due process hearing request
- If the LEA fails to hold the resolution meeting within 15 days of receiving notice of a parent’s due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline
- The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is necessary.
 - The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
 - Both parties agree in writing to waive the resolution meeting
 - After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible
 - If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation
- If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the LEA who has the authority to bind the LEA
 - The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process
 - If the parties execute an agreement, a party may void the agreement within three business days of the agreement’s execution
- The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:
 - Must not be an employee of the GaDOE or the LEA that is involved in the education or care of the child
 - A person who otherwise qualifies to conduct a hearing is not an employee of the GaDOE or its representatives solely because he or she is paid by GaDOE to serve as an administrative law judge or hearing officer
 - Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing
 - Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures
 - Must not be previously personally familiar with the specific program or services of the LEA at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge’s impartiality, but information or personal knowledge from other sources about the specific LEA or family, including the education or employment of the administrative law judge’s family shall impair that particular individual’s impartiality in the particular case
 - When any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties

- Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulation pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State Courts
- Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice
- Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice
- GaDOE or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons
- Subject matter of due process hearings. The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise
- Timeline for requesting a hearing. A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request
 - The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the LEA that it had resolved the problem forming the basis of the due process hearing request; or the LEA's withholding of information from the parent that was required to be provided to the parent
- Any party to a due process hearing has the right to:
 - Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities
 - Present evidence and confront, cross-examine, and compel the attendance of witnesses
 - Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing
 - Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing
 - Obtain written, or, at the option of the parents, electronic findings of fact and decisions
 - Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing
 - An administrative law judge or hearing officer may bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party
 - The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act
 - Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the

names of such persons who may actually testify and the general thrust of their testimony.

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

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

- Funds under Part B of the IDEA may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA
- If a court awards reasonable attorneys' fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph
- Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:
 - The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins
 - The offer is not accepted within 10 days
 - The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement
 - An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer
- Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation
- A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action
- The court may reduce the amount of the attorneys' fees awarded, if the court finds that:
 - The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy
 - The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
 - The time spent and legal services furnished were excessive considering the nature of the action or proceeding
 - The attorney representing the parent did not provide to the LEA the appropriate information in the due process hearing request notice
- The provisions do not apply if the court finds that the State or LEA unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA
- Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement
- If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings
- If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no

longer eligible for Part C services because the child has turned three, the LEA is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, the LEA must provide those special education and related services that are not in dispute between the parent and the LEA

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

160-4-7-.15 Georgia Network for Educational and Therapeutic Support (GNETS)

Heartland Academy in Mount Vernon, Georgia is part of the (GNETS) program. These programs provide comprehensive educational and therapeutic support services to students who might otherwise require residential or other more restrictive placement due to the severity of one or more of the characteristics of the disability category of Emotional and Behavior Disorders (EBD). Heartland Academy also has an Autistic Classroom.

- A referral to HA may be necessary for students served in the EBD and Autistic programs that:
 - Display aggressive/volatile behaviors (ex. hitting, kicking, biting, running away, uncontrollable behavior, etc.) on more than one occasion.
 - A FBA has been conducted
 - A BIP has been written, in place, and revised; however, the plan is not effective in controlling aggressive/volatile behaviors
- HA referrals are **NOT** for students that:
 - Can control behavior
 - Have attendance problems
 - Are failing; however, not because of behavior issues
 - ETC

Referrals to Heartland Academy are made by contacting the Lead Teacher or the Special Education Director.

- The Special Education teacher, directly connected with the student, the Lead Teacher and the Special Education Director will make sure all the steps have been taken before the process continues, (A FBA and BIP are in place and have been followed and revised as needed, student observations, etc).
- If it is determined the process has been followed, then the case manager will schedule an IEP meeting to discuss placement.
- If the IEP team, including the parent, decides placement is necessary, the case manager will fill out the forms for HA.

- When all forms are filled out completely and signed by the parents. The case manager will schedule an IEP meeting including representatives from Heartland Academy.

160-4-7-.16 GEORGIA LEARNING RESOURCES SYSTEM (GLRS)

Treutlen County Schools will work with our East Central GLRS. The director is Dr. Terrie Young. The Special Education Director will attend monthly meetings held by GLRS. Treutlen County personnel will also be involved with training provided by GLRS.

<http://archives.doe.k12.ga.us/documents/doe/legalservices/160-4-7-.16.pdf>