

Special Education Policies, Procedures, and Practices



MORGAN COUNTY CHARTER SCHOOL SYSTEM

The mission of Morgan County Charter School System is to ensure that all students will be successful in their learning and personal development through a system characterized by a challenging, personalized educational program encompassing advanced technology; extensive community and parental involvement; quality resources; an exemplary staff; and a safe and caring environment.

The purpose of this manual is to provide a guide for users on the implementation of special education services in Morgan County. It is not intended to establish mandates or ministerial duties, and nothing herein should be viewed as taking away from an IEP team's need to provide their own professional judgment to a particular situation. Instead, the teams using this guide are encouraged to use their discretion and address each situation on a case-by-case basis, so long as they comply with federal and state law. This manual is not intended to create new rights under any applicable state or federal law.

It is also not intended to supplant any existing laws or rights. Instead, readers are referred to Morgan County Charter School System's Parental Rights. These Rights, the IDEA and the State of Georgia special education regulations are the controlling provisions for services in Morgan County. This manual covers frequently asked questions and applied procedures, and is not intended to cover every situation. Further information is available by contacting Jay Homan, Assistant Superintendent for Student Support for the Morgan County Charter School System at jay.homan@morgan.k12.ga.us or at (706) 752-4600 or Robbi Jordan, Director of Special Education at robbi.jordan@morgan.k12.ga.us (706) 752-4600.

Revised for 2018-2019 School Year



MORGAN COUNTY CHARTER SCHOOL SYSTEM

**WRITTEN PROCEDURES AND PROCESSES
THAT SUPPORT THE IMPLEMENTATION
OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
AND
GEORGIA'S SPECIAL EDUCATION RULES
IN THE MORGAN COUNTY CHARTER SCHOOL SYSTEM**

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

The Morgan County Charter School System has developed procedures to supervise and monitor all aspects of the special education program – from pre-referral to placement, which are detailed in this document and involve weekly and monthly meetings with stakeholders at the individual, school, and system level, as well as high-quality professional learning activities and timelines for frequent, scheduled data checks to ensure that the program is being supervised and monitored with fidelity.

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Area of General Supervision I: Identification Process

The Morgan County Charter School System implements identification procedures and practices to ensure that ALL students suspected of having a disability receive a special education evaluation and services, if appropriate.

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

Confidentiality

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

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

Authorized Access to Records

Records saved prior to March, 2013: Each special education folder will have an access record attached to the left-hand side of the folder or an Access Stamp on the front of the folder. All personnel reviewing the folder is to sign his/her name, write in the date, and the purpose on the access record. Each file cabinet containing student's special education folders is labeled with the *Authorized Access to Records* information. All agencies and agents who have access to student records are listed below and are listed on the file drawer:

Authorized Access to Records

- Assistant Superintendent for Student Support
- Department Head/Special Education
- School Psychologist
- Speech/Language Pathologist
- Physical Therapist
- Occupational therapist
- Administrative Assistant for Student Support
- Principals
- School Counselors
- Designated Administrators
- Special Education/General Education Teacher
- School Social Worker
- Rehabilitation Counselor (Special Education)

Confidential information is stored in file cabinets and drawers that can be locked. The “official” file with original copies, is the file in the Morgan County Board of Education.

NOTE: The Office of Student Support for the Morgan County Charter School System is attempting to go “paper-free.” Since March, 2013, all special education records are saved and accessed only on-line.)

Student Records (Access Rights and Required Procedures)

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

Records Management

All official **Special Education Records** are maintained at the Morgan County Charter School System Board of Education Central Office and on-line through *the Georgia On-Line IEP program*.

All requests for records from transferring schools, Department of Juvenile Justice, parents, Social Security Administration, medical personnel, etc. are handled at the Board of Education central office, when the appropriate *Release of Information* has been provided. Records will be sent to transferring schools as soon as the child withdraws from the Morgan County Charter School System so that the student can be placed in the appropriate classes and receive the same services. All special education records will be sent from the Central Office.

Amendment Of Records At Parent’s Request

Parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request that Morgan County amend the information. The school system will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the school system decides to refuse to amend the information in accordance with the request, it will inform the parents of the refusal and advise the parents of the right to a hearing.

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

Results of Hearing

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

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

Any explanation placed in the records of the student will be maintained by the Morgan County Charter School System as part of the records of the child as long as the record or contested portion thereof is maintained by the school system. If the records of the child, or the contested portion thereof, are disclosed by the school system to any party, the explanation will also be disclosed to the party.

Parent Consent

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

1. Parents or eligible children;
2. Other Morgan County School System officials, including teachers, legally constituted cooperating agencies or other agencies providing shared services whom the system has determined to have legitimate educational interests.

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

12. The Office for Civil Rights.

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

Safeguards

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

Destruction Of Confidential Information

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. The Morgan County Charter School System **does not** destroy due process "official" special education information. This information is saved digitally and can be easily retrieved for future needs.

Special Education Referral Process: School-Aged Students

Requirement for Local School Student Support Teams

Prior to a student being referred for evaluation for Special Education eligibility, the student goes through various levels, or tiers, through the ***Response to Intervention Pyramid***. Each school has established procedures for implementing this pyramid. Prevention through intervention is stressed in all tiers. **The steps of the SST Process** are detailed in the system's Response to Intervention Handbook (Appendix A). Tier I includes evidence-based instruction which is based on Georgia Performance Standards. It includes effective school-wide behavior supports and differentiated instruction to promote higher levels of student engagement and achievement. Tier II interventions serve as standard intervention protocols for students in the school who require extended learning opportunities or students who are not making adequate progress and need additional interventions. If students are not making the expected levels of progress in Tier II, they are referred to the school's **Student Support Team** which comprises Tier III.

As soon as the student arrives at Tier III, vision/hearing screening is conducted by the school nurse or trained staff member. (Procedures for handling failure of the hearing/vision screening is included as part of the *Response to Intervention* Pyramid instructions in the *Response to Intervention* handbook. See Appendix A) **The Student Support Team Members** include, at a minimum, the referring teacher and at least two of the following participants, as appropriate to the needs of the student:

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

Parents/guardians are invited to participate in all meetings of their child's Student Support Team and in the development of interventions for their child. Alternative strategies for increasing the student's academic, social, and/or behavioral performance are identified, reviewed, and implemented during the time the student is being served through the Student Support Team.

The team will meet as often as needed, at prescribed intervals individually set for each child based on the results of his/her progress monitoring to review progress monitoring toward

interventions, to devise more, or revise, original strategies. Minutes of each meeting along with outcomes of interventions and plans for the next strategies are kept.

(For more information about the Pyramid of Intervention, a general education function, please refer to the Morgan County School System's Response to Intervention Handbook (Appendix A) located on the system website at www.morgan.k12.ga.us or a hard copy at each school.

Documentation of Tier II and Tier III interventions/activities, along with Progress Monitoring results, are included in the referral packet if a child is referred from Tier III to Tier IV, which becomes a special education referral. All student referrals are preceded by evidenced-based academic and/or behavioral interventions and the monitoring of progress. Before a referral for special education evaluation can be made, documentation that attempted reasonable alternative strategies and interventions have been made and have not been successful is provided. The referral for evaluation is then made in order to determine if physical, emotional, and/or academic problems may be interfering with the student's school progress.

Exceptions to the Use of the Student Support Team Process: If the student is referred directly for an evaluation, by-passing Tier III interventions, the Student Support Team committee fully documents the reason for the by-pass through written minutes.

Procedures for sustained supervision and monitoring of the Response to Intervention (RTI) and Student Support Team (SST) processes were developed, reviewed, and refined by stakeholders who use these pre-referral interventions at the school level, under the leadership of the Student Support Department and include the following activities:

1. Professional Learning to enhance knowledge and understanding of the system's written SST procedural implementation plan (See Appendix B)
2. Individual monthly check-ins/reviews conducted with each school-level RTI/SST Coordinator and school level Mental Health Counselors. Data on # of referrals, movement between tiers, types of interventions, outcomes of progress monitoring, and referrals to Tier IV are discussed at each meeting.
3. Monitoring data gleaned from the monthly reviews at each school in order to identify schools and/or personnel that require further technical assistance to support compliant technical practices. Once identified, technical assistance is provided on either an individual or systemic basis, depending on the need.
4. System Response to Intervention/SST meetings are held at least monthly with local school RTI Coordinators, the Director of Special Education, and the Assistant Superintendent for Student Support and Community Relations, both individually and as a group to discuss concerns with implementation/review data across the board (# students in each tier, moving across tiers, referred to Tier IV, types of research-based interventions being used with fidelity, etc.) and to continue to monitor/supervise implementation across all schools.

Student Evaluations

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

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

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

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

A child should be **referred** when:

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

As described in the Student Support Team section of these guidelines and in the Morgan County Charter Schools Response to Intervention Handbook, student referrals are accompanied by documentation of scientific, research or evidence-based academic or behavioral interventions that demonstrate insufficient rate of progress.

Student referrals must be accompanied by documentation of scientific, research or evidence based academic and/or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or State-approved grade-level standards within a reasonable time frame.

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

Procedures for sustained supervision and monitoring of Child Find procedures were developed, reviewed, and refined by stakeholders who participate in the Child Find process and include:

1. Professional Learning activities on the written procedures and implementation of the Child Find Rule for appropriate system and school personnel (See Appendix B)
2. Supervision to monitor the implementation of compliant practices for the Child Find Rule will be conducted by the Director of Special Education and carried out by conducting individual monthly check-ins/reviews with each school-level RTI Coordinator, preschool special education coordinator, and PreK Early Literacy Coordinator. Data on number of referrals and referral sources will be discussed at each meeting.
3. Supervision and monitoring data gleaned from the monthly reviews at each school in order to identify schools and/or personnel that require further technical assistance to support compliant technical compliant practices in the area of Child Find will be conducted by the Director of Special Education. Once identified, technical assistance will be provided on either an individual or systemic basis, depending on the need.

Initial Evaluation Referral Process

The **referral to Special Education** is made through the *Georgia On-Line IEP program*. Trained administrators at each school enter the initial referral data into the on-line IEP program and send the *Permission to Evaluate* form for parent signature. When the signature is obtained, the referral folder is forwarded to the School Psychologist. Accompanying the **parental consent** for evaluation form will include a list of areas to be assessed, *Parent Rights in Special Education*, and a Parent Questionnaire. If the parents of a child referred for special education evaluation refuse to give written consent for initial evaluation, the Morgan County Charter School System may continue to pursue the evaluation by using due process procedures or mediation procedures.

Timeframes for Evaluations

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

Exceptions

The timeframe described above does not apply if:

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

The digital **Referral** contains the following documentation:

- a. Signed and dated *Parental Consent for Evaluation*
- b. Parental Questionnaire, including Health information, as appropriate
- c. Work samples highlighting student performance
- d. Student Support Team Minutes/Intervention Strategies/Progress Monitoring

Results

e. Hearing/Vision Screening results

Special Education Child Find/Referral Process: Preschool-Aged Students

Preschool-aged children (aged 3-5) may be referred for special education evaluation by any person (such as parents, school personnel, local pediatricians and other medical staff, audiologists, parents, and/or staff from private preschools or daycares, Head Start, Pre-K, Health Department, Family and Children's Services and Early Intervention/Babies Can't Wait).

Individuals making referrals for special education evaluation may contact any Preschool Special Education staff member, the Pre-K Readiness Coordinator, or the Assistant Superintendent for Student Support at the Morgan County Board of Education Central Office. If the child is transitioning from the *Babies Can't Wait* program, the contact will be made to the Preschool Special Education Coordinator.

Referral Procedures:

For *Babies Can't Wait* Referrals:

- Preschool Coordinator receives notification of referral from *Babies Can't Wait* (BCW) office (usually by FAX)
- Preschool Coordinator enters the notification date on BCW timeline sheet;
- Preschool Coordinator is contacted by BCW Coordinator to schedule transition meeting;
- Preschool Coordinator enters the transition date on BCW timeline sheet;
- At transition meeting
 - Hearing/vision screens are scheduled
 - Parental information needed for Eligibility Report is obtained (parental concerns, developmental milestones, medical information, etc.)
 - Parental information needed for "Pre-Enrollment" (complete student name, DOB, address, social security number) is obtained
 - Parents are informed of the evaluation process
 - Evaluation is scheduled
 - Parent signs the *Permission to Evaluate* form before the evaluation
- Team evaluation (most often including special education teacher, Speech/Language Pathologist, general education "teacher," and parent) occurs;
- Eligibility/IEP meeting is scheduled Upon completion of evaluation,
- Central Office Enrollment Clerk is notified as to whether child is/is not eligible to receive services;
- If eligible, parent is provided with Registration Checklist (See Appendix C) and is directed to the Central Office Enrollment Clerk for final registration. After the initial

eligibility meeting, the Preschool teacher will follow up to ensure the registration process has been completed.

- Eligibility for Special Education status/dates is recorded on the BCW Timeline Sheet
- Central Office Enrollment Clerk is notified of pre-enrollment upon receipt of the Pre-Enrollment Form;

For Parent Referrals:

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

For Teacher Referrals:

(Preschool teachers, Daycare providers, PreK teachers, as appropriate, document intervention strategies, meet with the parent and then submit a "Preschool Screening Referral" to the Preschool Readiness Coordinator, who then forwards to either preschool special education teacher or Speech/Language Pathologist)

- Upon receipt of referral, Preschool Special Education teacher and/or Speech/Language Pathologist administers screening tests in the area(s) of delay. Based upon results
 - o Proceed with a complete evaluation, OR

- Provide further intervention strategies to preschool teacher and decide upon an agreed -upon date to determine whether student is progressing or whether to proceed with complete evaluation;
- If evaluation will take place, meet with parent to obtain information needed for Eligibility Report as well as information required for “Pre-Enrollment” (see Parent and/or BCW Referral procedures for parent information needed);
- Notify Central Office Enrollment Clerk of pre-enrollment by sending the “Pre-enrollment Form” ;
- Obtain a copy of child’s hearing/vision (if on hand at preschool) or schedule hearing screen with RESA audiologist; if parent has no concerns about vision, a Functional Vision Screen may be administered.
- Schedule date/time for evaluation;
- Have parent sign Permission to Evaluate;
- Participate in team evaluation (most often including special education teacher, general education preschool teacher, Speech/Language Pathologist, and parent).
- Upon completion of evaluation, schedule Eligibility/IEP meeting;
- Notify Central Office Enrollment Clerk whether child is/is not eligible to receive services;
- If eligible, provide parent with Registration checklist and direct parent to Central Office Enrollment Clerk for final registration process.
- Record name of student on Timelines Sheet: “Initial Referrals by month,” indicating whether or not student is eligible for special education services.

The Morgan County Charter School System conducts a **comprehensive and individual initial evaluation** before the initial provision of special education and related services to a child with a disability. In conducting an evaluation, Morgan County Charter School System:

1. Uses a **variety of evaluation tools** and strategies to gather relevant academic, functional and developmental information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability; and the content of the child's individualized education program including information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child to participate in appropriate activities);
2. Does not use any single procedure as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child;
3. Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors

Assessments and other evaluation materials used in Morgan County to assess a child under this section:

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

4. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. Evaluation tools and strategies are used which provide relevant information that directly assists persons in determining the educational needs of the child.

Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

5. Assessment selection and administration is such that, when administered to a child with impaired sensory, manual or speaking skills, the results accurately reflect the child's aptitude or achievement level, or whatever other factors the assessment purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills, except where those skills are the factors which the assessment purports to measure.

6. If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions, i.e., the qualifications of the person administering the test or the method of test administration must be included in the evaluation report.

7. In evaluating each child with a disability, the evaluation shall be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

8. Evaluations of children with disabilities who **transfer** to Morgan County in the same school year are coordinated with those children's prior and subsequent schools, as necessary and expeditiously as possible, to ensure prompt completion of full evaluations.

9. The evaluation of children referred because of learning and/or behavior problems is the responsibility of a **multidisciplinary evaluation team**. A qualified psychological examiner evaluates referred children who require a psychological and/or clinical evaluation.

Qualified Psychological Examiner Requirements

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

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

Additional Requirements

As part of the evaluation process, Morgan County will **review all existing evaluation data** such as evaluations and information provided by the parents of the child, current classroom-based, local, or State assessments and classroom-based observations; Progress Monitoring results from interventions carried out through the Response to Intervention process, and observations by teachers and related services providers. On the basis of that review and input from the child's parents, the evaluation team **will identify what additional data**, if any, are needed to determine:

- 1. Whether the child is a child with a disability and the educational needs of the child, or in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
- 2. The present levels of academic achievement and related developmental needs of the child;
- 3. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- 4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

The evaluation is not required before termination of a child's disability due to **graduation** from high school with a regular education diploma, or due to exceeding the age eligibility for a free and appropriate public education (FAPE).

However, Morgan County provides the child who is aging out of the program with a **summary of the child's academic achievement and functional performance**, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals.

Procedures for Reevaluation Determination/Consideration

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

Documentation for making the decision to re-evaluate (or not) is provided as part of the *Georgia On-Line IEP* Program.

If the team decides a re-evaluation is appropriate, a **Consent for Evaluation** form will be signed by the parent at the meeting and the information will be forwarded to the Office of Student Support at the Central Office. The timeline for initial referrals to special education is sixty (60) calendar days. Hearing/Vision screening will be requested of the School Nurse, while other items will be collected: a Confidential Parent/Health Questionnaire, analyzed work samples and/or data in the area of suspected disability, progress/mastery toward goals and objectives, and any Progress Monitoring in the area(s) of concern. When all re-evaluation has been obtained at the Central Office, it is sent to the School Psychologist. Once the psychologist completes the evaluation, she will contact the school to set up a meeting to review the results and to develop a new Eligibility Report. If appropriate, the current IEP will be amended to reflect the new eligibility results, additional goals and objectives, etc., with important information supplied in the "*Meeting Notes*" section. The date of this IEP/Eligibility meeting will become the new eligibility date. All paperwork will be given to the parent and saved on-line.

Procedures for sustained supervision and monitoring of evaluation/reevaluation procedures were developed, reviewed, and refined by stakeholders who participate in the actual evaluation/reevaluation process and include:

1. High quality, sustained Professional Learning activities on the written procedures for appropriate system and school personnel to assist with the implementation of the Evaluation and Reevaluation Rules.

2. Sustained supervision to monitor the implementation of compliant practices of the written procedures for the Evaluation and Reevaluation Rule by conducting individual monthly check-in data reviews with each school-level RTI Coordinator and weekly data reviews with the Assistant Superintendent of Student Support and Community Relations, Director of Special Education and School Psychologist. Data on the number of referrals for evaluation/ reevaluations, referral sources, types of intervention already tried, results of progress monitoring before referral, etc. will be discussed.
3. Sustained supervision and monitoring data gleaned from the monthly reviews at each school in order to identify schools and/or personnel that require further technical assistance to support compliant technical compliant practices in the area of evaluation and reevaluation. Once identified, technical assistance will be provided on either an individual or systemic basis, depending on the need by system, RESA, or GaDOE staff.
4. System meeting is held with local school RTI Coordinators, preschool coordinator, PreK Coordinator, Director of Special Education, School Psychologist, and Assistant Superintendent for Student Support at end of school year to review system evaluation/reevaluation data and to discuss any changes needed to improve written procedures in this area before the next school year begins.

Determination of Eligibility and Initial Placement

The **Eligibility Report** is the documentation that verifies if the student is or is not eligible for special education services. Led by the School Psychologist, an **eligibility team** (special education teacher, general education teacher(s), parents, school administrators) take part in evaluating/interviewing/observing the student and documenting the results on the *Georgia On-Line* Eligibility Report. An Eligibility Team Meeting to determine eligibility is required for all disability areas and convenes before an IEP (Individual Education Plan) is developed. It is the responsibility of the School Psychologist to insure that all evaluations and the Eligibility Team Meetings are scheduled and completed within state and federally-prescribed timelines in order to meet state and federal-prescribed timelines. A copy of the Eligibility Report will be kept on-line to be accessed by all Morgan County Charter School System employees who are given “read only” rights based on their affiliation with the student, and will be given to the parents of the student at no cost.

Documentation of Evaluation Results

The **Eligibility Report** is comprised of the following documented data:

- Student Identifying Information
- Case History (provides an overview picture of the child)
- Hearing and vision screening dates (conducted prior to administration of assessments). These screenings are completed within a year of the evaluation.

- Summary of interventions that were made PRIOR to referral (gives the committee a quick look at the interventions and adaption of content, methodology, and/or instructional delivery that have already occurred).
 - *Initial eligibility* – The committee lists the interventions provided for the child.
 - *Reevaluation* - The committee lists the specially designed instruction which includes: Adaption of Content, Methodology (specialized program), or Instructional Delivery. Additional areas of concern that have developed since the previous eligibility are also listed.

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

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

Exclusionary Factors

Possible exclusion factors are discussed at length during the Student Support Team (Tier 3) process as to whether the factor had an impact on the child's educational progress.

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

The Morgan County Charter School system utilizes the following guidance from the Georgia Department of Education when addressing each **exclusionary factor**:

Lack of appropriate instruction in reading, math and written expression. The Eligibility Team discusses: *Did the child have access to quality instruction and research-based curricula?*

Limited English Proficiency. It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the child suspected of having a disability if the child being evaluated is an English Language Learner. A language profile for this child is necessary so that it specifically investigates the language proficiency in both the primary language and English.

Cultural Factors. A child's culture should not be a determinant factor of a disability. Morgan County Schools obtains pertinent cultural information by interviewing key family members. All results obtained are then interpreted in relation to the child's dominant cultural influences.

Environmental or economic disadvantage. A child's environment or economic disadvantage should not be a determinant factor for determination of a disability. The committee thoroughly examines family stressors that may be impacting educational progress to include homelessness, unemployment, extended illnesses, death in the family, divorce, pre-school experiences, lack of books in the home or expectations of the family for the child.

Atypical education history. The team discusses if the child has high levels of mobility and/or absenteeism which may have influenced the educational progress of the child.

Visual, hearing, or motor disability. The committee analyzes information in order to rule out as source of difficulty when determining specific disabilities.

Mutism, tongue thrust and dialectic. Mutism, tongue thrust behavior without associated speech sound impairment, and dialectic differences cannot be a speech language disorder. The committee analyzes information in order to rule out as source of difficulty when determining specific disabilities.

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

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

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

DETERMINATION OF ELIGIBILITY BY THE ELIGIBILITY TEAM

Upon completion of the administration of assessments and other measures, a group of qualified professionals including, but not limited to the school psychologist, general education teacher, special education teacher, and other professionals who have knowledge of the child, as appropriate, and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child. This information is documented on the Eligibility Report, along with the attested agreement by members of the Eligibility Team. **The completed Eligibility Report is given to the parents within three days of the initial determination.**

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

Georgia Department of Education: Eligibility

AUTISM

Autism is a developmental disability, generally evident before age three, which adversely affects a student's educational performance and significantly affects developmental rates

and sequences, verbal and non-verbal communication and social interaction and participation.

Other characteristics often associated with autism are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Students with autism vary widely in their abilities and behavior. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional and behavioral disorder.

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

Evaluations and Assessments

The following evaluations and assessments shall be utilized to determine the presence of the characteristics of Autism Spectrum Disorder:

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

Eligibility and Placement

Eligibility shall be based on assessment of the five characteristic areas associated with autism spectrum disorder. The assessments shall minimally document that each of the characteristic areas of (1) developmental rates and sequences, (2) social interaction and participation (3) verbal and non-verbal communication are affected, (4) Sensory processing, and (5) Repertoire of activities and interests. The adverse effect on a child's educational performance shall be documented and based on the following criteria:

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

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

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

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

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

A child may have difficulties displaying a range of interests and/or imaginative play. A child may exhibit stereotypical body movements.

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

Deafblind

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

Eligibility and Placement

1. For a child to be determined eligible for placement in special programs for the Deafblind, the child shall have current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals.

Children who are deafblind shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), and an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report is required indicating the dates of the audiological evaluation and a description of the results of the audiological testing and amplification evaluation. In addition, the report should include a description of classroom environmental modifications which will assist the individualized education program (IEP) team in making instructional decisions, the child's ability to understand spoken language with and without amplification, and an interpretation of the results as they apply to the child in his or her classroom setting.

2. Children who are deafblind may receive educational services in classes with other disabled children; however, the class-size ratio for Deafblind shall be maintained.

Deaf and Hard of Hearing

A child who is **deaf or hard of hearing** is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement and, therefore, adversely affects a child's educational performance.

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

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

Eligibility and Placement

1. The eligibility report shall include audiological, otological and educational evaluation reports.

(a) **Audiological evaluations** shall be provided with initial referral. Children who are deaf or hard of hearing shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report shall be included in the audiological evaluation.

This written report shall include, but is not limited to: the date of the audiological evaluation, description of the results of the audiological testing, an amplification evaluation including the child's ability to understand spoken language with and without amplification, as well an interpretation of the results as they apply to the child in his or her classroom setting.

(b) An **otological evaluation** report from appropriately licensed or certified personnel is required at the time of initial placement in the program for the deaf/hard of hearing. The otological evaluation report is required as medical history pertinent to the absence of hearing. If such a report is not available upon initial placement, it shall be obtained within 90 days of placement. The initial or most recent otological evaluation result shall be summarized and that otological evaluation report shall be attached to the eligibility report.

(c) A **comprehensive educational assessment** shall be used in the development of the child's individualized education program (IEP).

The educational evaluation shall include assessment data from more than one measure and shall include, but is not limited to, information related to academic/achievement levels, receptive and expressive language abilities, receptive and expressive communication abilities, social and emotional adjustment and observational data relative to the child's overall classroom performance and functioning.

1. A **psychological evaluation**, using instruments appropriate for children who are deaf or hard of hearing, is recommended as part of the overall data when eligibility is being considered.

2. Children who exhibit a **unilateral hearing loss** may be considered for eligibility provided documentation exists that indicates academic or communicative deficits are the result of the hearing loss.

Additional Requirements

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

2. Any classroom to be used for a child who is deaf or hard of hearing shall be **sound-treated** and present an appropriate acoustical environment for the child. All placements, including regular education placements and desk arrangements within classrooms shall be made so that environmental noise and interruptions are minimized.

3. Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.

4. Each local education agency shall have **written procedures** to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing.

These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

Deaf/Hard of Hearing Policies and Procedures

In compliance with the rules of Georgia Board of Education Division for Exceptional Students, the following procedures will be followed:

1. All students receiving services in the hearing impaired program and have amplification or other assistive devices, e.g., hearing aids, cochlear implants, auditory trainers, and/or frequency modulations (FM) systems equipment will have their equipment checked daily to insure proper functioning. The procedures of the daily listening and hearing aid check shall include the designated responsible personnel, daily and ongoing schedule for checking equipment, and follow-up procedures to be recorded daily on specified forms.
2. Daily checks will be performed by the teacher, the student, or a designee. Documentation must be kept in the student's amplification folder. The teacher for the hearing impaired will work closely with the student's classroom teacher in recognizing signals from the student of the hearing aid that may indicate a problem. Students will be encouraged to take responsibility for caring for and maintaining their own hearing aids, cochlear implant, and/or FM system by reporting any problems to parents, hearing impaired teacher, regular classroom teachers, and/or the audiologist, checking batteries daily, and cleaning earmolds.
3. An annual comprehensive audiometric evaluation is required for all students enrolled in the hearing impaired program. This evaluation must be administered by a certified/licensed audiologist and is available through the Griffin RESA at no charge. The annual audiometric evaluation shall include, but is not limited to, the following:
 - full hearing re-test,
 - electroacoustic analysis of the hearing aid (if amplified)
 - hearing aid check,
 - aided sound field test results,
 - an otoscopic inspection,
 - unaided and aided pure tone and speech audiometry (as applicable),
 - immitance testing,
 - a frequency modulated (FM) system check (if utilized), and
 - a comprehensive written report summarizing data.

Emotional and Behavioral Disorder

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

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

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

Eligibility and Placement

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:

- Documentation of **comprehensive prior extension of services** available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions

-Psychological and educational evaluations

- Report of **behavioral observations** over a significant period of time;

- Appropriate **social history** to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and

- Adequate documentation and written analysis of the **duration, frequency and intensity** of one or more of the characteristics of emotional and behavioral disorders.

2. A child must not be determined to be a child with an Emotional and Behavioral Disorder if the primary factor for that determination is:

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

The term does not include children with social maladjustment unless it is determined that they are also children with EBD. A child whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement.

Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

Intellectual Disabilities

Intellectual disabilities refers to significantly sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and is manifested during the developmental period.

Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming.

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

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

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

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

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

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

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

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

(d) A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction;
2. Lack of appropriate instruction in math;
3. Lack of appropriate instruction in written expression;
4. Limited English proficiency;
5. Visual, hearing or motor disability;
6. Emotional disturbances;
7. Cultural factors;
8. Environmental or economic disadvantage; or
9. Atypical educational history (multiple school attendance, lack of attendance, etc.).

Eligibility and Placement

A child may be classified as having an **intellectual disability** (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior. Intellectual functioning and adaptive behavior shall be considered equally in any determination that a child is eligible for services in the area of intellectual disability. A comprehensive educational evaluation shall be administered to determine present levels of academic functioning. The report shall be prepared for each child to provide an adequate description of the data collected and explicit pre-referral interventions prior to evaluation and to explain why the child is eligible for services in a program for children with intellectual disabilities. In situations where discrepancies exist between test score results from intellectual functioning, adaptive behavior and academic achievement, the eligibility report must contain a statement of specific factors considered which resulted in the decision of the eligibility team. Eligibility teams must establish that any limits in performance are not primarily due to the exclusionary factors and must document this in the eligibility report:

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

Mild Intellectual Disability (MID).

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

Moderate Intellectual Disability (MID).

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

Severe Intellectual Disability (SID).

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

Profound Intellectual Disability (PID).

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

Orthopedic Impairment

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

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

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

Eligibility and Placement

Evaluation for initial eligibility shall include the following.

- (1) A **current medical evaluation** from a licensed doctor of medicine. The evaluation report used for initial eligibility shall be current within one year. The evaluation shall indicate the diagnosis/prognosis of the child's orthopedic impairment, along with information as applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions.
- (2) A **comprehensive educational assessment** to indicate the adverse affects of the orthopedic impairment on the child's educational performance.
- (3) Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, motor development or communication abilities resulting from the orthopedic impairment. When assessment information indicates significant deficit(s) in cognitive/academic functioning, a psychological evaluation shall be given.

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

Other Health Impaired

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

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

Significantly Developmental Delay

The term significant developmental delay refers to a delay in a child's development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided with special intervention, the delay may adversely affect a child's educational performance in age-appropriate activities.

The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age appropriate activities. The SDD eligibility may be used for children from ages **three** through **nine** (the end of the school year in which the child turns nine).

Eligibility

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

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

- (a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;
- (b) Lack of appropriate instruction in math or math readiness skills;
- (c) Limited English proficiency;
- (d) Visual, hearing or motor disability;
- (e) Emotional disturbances;

- (f) Cultural factors; or
- (g) Environmental or economic disadvantage.

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

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

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

Placement and Service Delivery

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

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

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

Specific Learning Disability

- (1) Specific Learning Disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

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

Exclusionary Factors

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

- a. Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension);
- b. Lack of appropriate instruction in math;
- c. Lack of appropriate instruction in writing;
- d. Limited English proficiency;
- e. Visual, hearing or motor disability;
- f. Intellectual disabilities;
- g. Emotional disturbances;
- h. Cultural factors;
- i. Environmental or economic disadvantage; or
- j. Atypical educational history (such as irregular school attendance or attendance at multiple schools)

Required Data Collection

(1) In order to determine the existence of Specific Learning Disability, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development. Ultimately, specific learning

disability is determined through professional judgment using multiple supporting evidences that must include:

(a) Data are collected that include:

(i) At least two current (within twelve months) assessments such as the results of the CRCT or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;

(ii) Information from the teacher related to routine classroom instruction and monitoring of the child's performance. The report must document the child's academic performance and behavior in the areas of difficulty.

(iii) Results from supplementary instruction that has been or is being provided:

(a) that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;

(b) such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade-level standards within a reasonable time frame;

(iv) Interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.

(a) Any educationally relevant medical findings that would impact achievement.

(b) After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:

1. An observation by a required group member;

2. Documentation that the determination is not primarily due to any of the exclusionary factors;

3. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and

4. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include:

(i) A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months and

(ii) Current Response to Intervention data based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.

(iii) As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

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

(2) Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence must be included documenting that the processing deficits are relevant to the child's academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the child **is** not making the expected progress toward established benchmarks. This is indicated by comparing the child's rate of progress toward attainment of grade level standards.

(3) Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:

- (a) **Oral expression**- use of spoken language to communicate ideas;
- (b) **Listening comprehension**-ability to understand spoken language at a level commensurate with the child's age and ability levels;
- (c) **Written expression** - ability to communicate ideas effectively in writing with appropriate language;
- (d) **Basic reading skills**-ability to use sound/symbol associations to learn phonics in order to comprehend the text;
- (e) **Reading comprehension**-ability to understand the meaning of written language based in child's native language;
- (f) **Reading Fluency Skills**- the ability to read and process a text with appropriate rate and accuracy;

- (g) **Mathematics calculation**-ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and
- (h) **Mathematical problem solving** -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.

(4) Progress monitoring includes the data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting child progress during instruction. When reviewing progress monitoring data, those students that exhibit a positive response to the research validated instruction being provided cannot be considered as having a specific learning disability even though they may show deficits on achievement tests in the specified areas. In addition, children whose achievement in classroom academics indicates performance that is commensurate with pervasive weaknesses that are not indicative of a pattern of strengths and weaknesses may not be considered as having a specific learning disability.

(5) One group member responsible for determining specific learning disability must conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the child is conducted in the learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The observation must include information from the routine classroom instruction and monitoring of the child's performance.

The SLD Eligibility Group

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

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

(2) Each group member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

Speech-Language Impairment

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

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

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

(4) **Language Impairment** - impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment.

(5) The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance. The term language impairment does not include:

- A) Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
- B) Children who have regional, dialectic, and/or cultural differences
- C) Children who have auditory processing disorders not accompanied by language impairment.
- D) Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a

documented speech-language impairment that adversely affects the educational performance for these children to qualify for special education services.

(3) Fluency Impairment - interruption in the flow of speech characterized by an atypical rate, or rhythm, and/or repetitions in sounds, syllables, words and phrases that significantly reduces the speaker's ability to participate within the learning environment.

Excessive tension, struggling behaviors and secondary characteristics may accompany fluency impairments. Secondary characteristics are defined as ritualistic behaviors or movements that accompany dysfluencies. Ritualistic behaviors may include avoidance of specific sounds in words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include dysfluencies evident in only one setting or reported by one observer.

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

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

Evaluation, Eligibility and Placement

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

1. Evaluation:

- A) Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.]
- B) A comprehensive evaluation shall be performed by a certified or licensed Speech-Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in

determining if the child is a child with a disability An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure.

C) A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child's eligibility for speech-language services.

This may include assessments in the areas of health (e.g. ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

D) The evaluation is sufficient to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been referred or *classified*.

E) Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice impairment on the child's educational performance.

F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)

Eligibility:

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

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

B) Eligibility shall be determined based on the documented results of at least two or more measures or procedures, at least one of which must be formal, administered in the area of impairment and documentation of adverse effect.

A speech-language disorder does not exist if:

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

B) A child exhibits inconsistent, situational, transitory or developmentally appropriate speech-language difficulties that children experience at various times and to various degrees.

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

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

(e) A child is eligible for placement in a speech-language program if, following a comprehensive evaluation; the child demonstrates impairment in one or more of the following areas: speech sound, fluency, voice or language that negatively impacts the child's ability to participate in the classroom environment. The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, must be documented in writing and used to assist in determining eligibility.

Placement:

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

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

Traumatic Brain Injury

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or

both, that adversely affects the child's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma.

Eligibility

(1) Evaluation for eligibility shall include the following.

(a) A summary of the child's pre-injury functioning status. This information may be available through previous formal evaluations, developmental assessments, achievement tests, classroom observations and/or grade reports.

(b) Verification of the TBI through the following:

1. A **medical evaluation** report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or
2. Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.

(c) A **neuropsychological, psychological or psychoeducational evaluation** that addresses the impact of the TBI on the following areas of functioning:

1. **Cognitive** - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.
2. **Social/Behavioral** - this includes areas such as awareness of self and others, interaction with others, response to social rules, emotional responses to everyday situations and adaptive behavior.
3. **Physical/Motor** - this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance.

(d) Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance shall be documented.

Placement and Service Delivery

The identification of **Traumatic Brain Injury** (TBI) for educational program-ming does not dictate a specific service or placement. The child with TBI shall be served by any appropriately certified teacher in any educational program, as specified in the child's Individualized Education Program (IEP) Team minutes.

Visual Impairment

A child with a visual impairment is one whose vision, even with correction, adversely impacts a child's educational performance. Examples are children whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. The term includes both visual impairment and blindness as follows:

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

Eligibility and Placement

- (1) A current (within one year) **eye examination report** shall be completed and signed by the ophthalmologist or optometrist who examined the child..
 - (a) A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment.
- (2) A **clinical low vision evaluation** shall be completed by a low vision optometrist for children who are not totally blind;
 - (a) if the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility.
 - 1. The low vision evaluation should be completed by age 10 for children who do not have one during eligibility determination prior to age 8 unless other circumstances apply.
 - 2. The low vision evaluation is often difficult to schedule within the 60 day timeline, therefore, if children meet all other eligibility requirements, the eligibility report shall document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision.
 - 3. Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP.
 - (i) The low vision evaluation must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment.
- (3) A **comprehensive education evaluation** shall be administered to determine present levels of functioning. The impact of the visual impairment on the child's educational performance shall be considered for eligibility.

(a) Educational assessments may include cognitive levels, academic achievement, and reading ability

1. Educational assessments related to vision must be completed by a teacher certified in the area of visual impairments.

(b) In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel.

(4) **Braille instruction** is always considered critical to appropriate education for a child who is blind. Children identified with visual impairments shall be evaluated to determine the need for braille skills. The evaluation will include the present and future needs for braille instruction or the use of braille. For children for whom braille instruction and use is indicated, the individualized education program (IEP) shall include the following:

(a) Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;

(b) How instruction in braille will be implemented as the primary mode for Learning through integration with other classroom activities;

(c) Date on which braille instruction will commence;

(d) The length of the period of instruction and the frequency and duration of each instructional session; and

(e) The level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used.

(f) For those children for whom braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicate the absences of braille instruction will not impair the child's ability to read and write effectively.

Procedures for sustained supervision and monitoring of Eligibility Determinations procedures were developed, reviewed, and refined by stakeholders who participate in the actual evaluation/reevaluation process and include:

1. High quality, sustained Professional Learning activities on the written procedures for appropriate system and school personnel to assist with the implementation of the Eligibility Determination Rule.

2. Sustained supervision to monitor the implementation of compliant practices for the Eligibility Determination Rule by conducting individual weekly check-in data reviews with the Director of Special Education and School Psychologist. Data on number of eligibility meetings, types of eligibility, schools with referrals meeting eligibility, and the demographics of each eligible student will be discussed and used to supervise and monitor the Eligibility Rule.

3. Use of supervision and monitoring data gleaned from the weekly reviews in order to identify any personnel that require further technical assistance to support compliant technical practices in the area of eligibility will be conducted by the Director of Special Education. Once identified, technical assistance is provided.

4. System meeting held with local school RTI Coordinators, preschool coordinator, PreK Coordinator, Director of Special Education, School Psychologist, and Assistant Superintendent for Student Support at end of school year to review system Eligibility data and to discuss any changes needed to improve this area before the next school year begins.

Procedures: Special Education Referrals for Children Placed in Private Schools Located in Morgan County by their Parents and Home School Children/Equitable Services and Limitations of Services

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

Once a request for an evaluation is received, the referral packet is mailed to the parent. When all items of the packet are returned, including interventions attempted and *Consent for Evaluation* is signed, the referral is logged for evaluation and the appropriate evaluators are assigned.

The Morgan County Charter School System will evaluate private school/home school students within the Georgia Department of Education sixty (60) day timeline requirement. Once testing is complete, the Director of Special Education is notified so that an Eligibility/IEP meeting can be scheduled. If the student is eligible for special education services, the IEP team will develop an IEP (if the student is a resident of Morgan County) and offer these services if the parent enrolls the student into a Morgan County school. If the parent chooses to enroll the child, the IEP team will project the implementation date of the IEP forward to a date when the child will be enrolled. If the parent chooses to continue the student's placement in a private school, then the IEP minutes will reflect this decision. When students are placed in private or home school, the school district may consider some services. The Morgan Charter School System has agreed to use its private/home school allocation to provide Speech/Language services to those students found eligible for Speech/Language services, for as long as the funding for the allocation is available.

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

For children **ages 3-5**, Morgan County is required to expend an amount that is the same proportion of its IDEA preschool funding as the number of private school children with disabilities, ages 3-5, residing in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.

Provision of Property, Equipment, and Supplies to Private Schools

The Morgan County Charter School System controls and administers the funds used to provide special education and related services and holds title to and administers materials, equipment, and property purchased with those funds. The system ensures that the **equipment and supplies** placed in a private school are used only for special education purposes and can be removed from the private school without remodeling the private school facility.

Equipment and supplies may be removed from a private school by Morgan County if they are no longer needed for special education purposes or the removal is necessary to avoid their unauthorized use for other than special education purposes.

Location of Services and Transportation

If a private school/home school student is found to be eligible for Speech/Language services, an Individual Service Plan (ISP) will be developed to provide Speech/Language services.

Location - Services will be provided on the campus of a Morgan County school. Special Education **transportation** is not provided. The Individual Service Plan (ISP) will be reviewed annually. An Individual Education Plan (IEP) will be offered if the student intends to enroll in Morgan County Schools; and if the student does not enroll, a new Service Plan will be written as long as the student remains eligible. When the Individual and subsequent Individual Service Plans are developed, Morgan County will ensure that a **representative of the private school** attends the meeting. If the representative cannot attend, Morgan County shall use other measures to ensure participation, including individual or conference telephone calls.

Equitable Services Determination and Limitations of Service

Equitable services will be provided. Services provided to private school children with disabilities will be provided by personnel who meet the same standards as personnel providing services in the public schools, *except* the personnel is not required to meet the highly qualified definition, however, parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

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

Procedures for students who attend private school in Morgan County but are not Morgan County Residents

If the student does not live in Morgan County but attends a private school in Morgan County, the Morgan County Charter School System will evaluate the child and the Eligibility Team will determine eligibility. It is the responsibility of the parent to notify the eligibility status to the system of residence. The system of residence is responsible for offering services, not Morgan County Schools. If the student attending a private school in Morgan County is found eligible for Speech/Language services (the special education service agreed to be offered to private school students eligible for this service) and if there is space available, then a Service Plan can be developed for Morgan County speech services only.

Private School Residency Responsibilities to Morgan County 3 and 4-Year-Old Residents attending Preschools/PreKindergartens Connected to Primary/Elementary Schools Outside Morgan County

| | District of Residence | Private School District |
|---|------------------------------|--------------------------------|
| Initial Evaluation | Yes | No |
| Eligibility | Yes | No |
| IEP/Free Appropriate Public Education Offered | Yes | No |
| Individual Service Plan | N/A | N/A |

Private School Residency Responsibilities for Students Aged 5-21 who are attending Schools Outside Morgan County

| | District of Residence | Private School District |
|---|------------------------------|--------------------------------|
| Student Support Team Documentation | No | Yes |
| Initial Evaluation & Reevaluations | No | Yes |
| Eligibility | No | Yes |
| IEP/Free and Appropriate Public Education Offered | Yes | No |
| Service Plan | No | Yes |

NOTE: In order for school systems to share eligibility data and reports, they must first secure permission to release/obtain records from the parents.

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

Placement of Children by Parent in Private Schools and LEA Offer of FAPE
(from the Georgia Department of Education Special Education Rules Implementation Manual, April, 2011)

The Morgan County Charter School System is not required to pay for the cost of education, including special education and related services for the child **parentally placed** at a private school, if FAPE (Free and Appropriate Education) was made available for the child. Special education and related services provided to parentally-placed private school children with disabilities, including **materials and equipment must be secular, neutral, and non-ideological**. According to State Board of Education rules, each local education agency/school system makes the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities prior to the start of the school year. Speech/Language services will be offered to eligible private school students.

Private school placement may occur in three circumstances:

1. First, if the Morgan County Charter School System determines that it cannot provide free appropriate public education (FAPE), the system will identify and pay for a private school to provide services. This is at no cost to the parent.
2. Second, a parent may remove the child from public school at any time and enroll the child in private school. Under certain circumstances the parent may request reimbursement from the school district to pay for the private placement.

The parents must tell the IEP team they disagree with the proposed IEP and placement and want the Morgan County Schools to reimburse them.

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

If the Morgan County Charter School System asks to evaluate the child during the 10 day period and the parents refuse, then reimbursement may be denied.

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

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

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

Children with Disabilities in Private Schools Placed or Referred by Morgan County Charter School System (LEA)

Morgan County Charter School System ensures that a child with disability who is placed in or referred to a private school or facility by the school system as a means of providing special education and related services is provided special education and related services in conformance with an **IEP/Service Plans**:

- i) At no cost to the parents ;
- (ii) Is provided an education that meets the standards that apply to education provided by the Georgia Department of Education (Georgia Department of Education (GaDOE)) and by Morgan County; and
- (iii) Has all of the rights of a child with a disability who is served by Morgan County.

The Georgia Department of Education shall monitor compliance of these children through procedures such as written reports, on-site visits and parent surveys; disseminate copies of State standards to each private school and facility to which Morgan County has referred or placed a child with a disability; and provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them

Placement of Children by Parents when FAPE is at Issue

If the Morgan County Charter School System made a free appropriate public education (FAPE) available to a child and the child's parents elect to place the child in a private school or facility, Morgan County is not required to pay for the cost of the education, including special education and related services, for the child at the private school or facility. Disagreements regarding the availability of a program appropriate for the child or concerning the question of financial responsibility are subject to the procedural safeguards provided in State Board of Education Rule 160-4-7- .09.

Reimbursement for Private School Placement

If the parents of a child with a disability, who previously received special education and related services in a local educational agency/school system enroll the child in a private preschool,

elementary school or secondary school without the consent of or referral by the Morgan County Charter School System, a court or an administrative law judge (ALJ) may require the school system to reimburse the parents for the cost of that enrollment if the court or ALJ finds that the school system had not made a FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate .

A parental placement may be found to be appropriate by an ALJ or a court even if it does not meet the state standards that apply to education provided by the State or local education agency. The cost of reimbursement described above may be reduced or denied if :

(i) At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the local education agency, the parents did not inform the IEP Team that they were rejecting the placement proposed by the school system to provide a FAPE to their child and did not state their concerns or their intent to enroll the child in a private school at public expense ; or

(ii) At Least 10 business days prior to the removal of the child from the local education agency, the parents did not give written notice to the school system that they were rejecting the placement proposed by the school system to provide a FAPE to the child and did not state their concerns or their intent to enroll the child in a private school at public expense;

(iii) If, prior to the parent's removal of the child from the school system , the system informed the parents through the notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation ; or

(iv) Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Exception to Limitation on Reimbursement:

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

(i) The school prevented the parents from providing the notice ;

(ii) The parents had not been provided a copy of the parent's rights under IDEA and, therefore, had not been notified of the requirement to provide the notice described in above; or

(iii) The provision of notice would likely result in physical harm to the child .

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

(i) The parents are not literate or cannot write in English; or

(ii) The provision of notice would likely result in serious emotional harm to the child.

Area of General Supervision II: Services and Supports

The Morgan County Charter School System ensures that appropriate procedures are in place so that students with disabilities receive a free and appropriate public education in the least restrictive environment to access the general curriculum.

High quality, sustained Professional Learning activities are provided to all administrators, special education and general education faculty and staff throughout the school year and summer related to each of the areas in the State Board Rule below.

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| State Board Rule: 160-4-7-.07 – Least Restrictive Environment |
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LRE Requirements: Written Policies and Procedures

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

Determining Educational Placements

Annual IEP Placement Determination

In determining the educational placement of a child with a disability, including a preschool child with a disability, the Morgan County Charter School System ensures that the placement decision is made by a group of persons, including the parents, special education teachers, general education teachers, administrators, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions contained in this rule.

The child's placement is determined at least annually and 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.

Full Continuum of Alternative Placements/Location of Services

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

Preschool placements include:

- A regular education early childhood program in the public school or community (*such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare*), and preschool programs with special education services delivered as;
 - (i) Additional supportive services
 - a. The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.)
 - (ii) Direct services
 - a. The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or co-teaching model.
 - (iii) The child is in the regular education early childhood program but special education and related services are provided outside a regular education early childhood program.
- Placements for children not attending a regular early childhood program:
 - (i) A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;
 - (ii) A program provided at home as a natural environment;
 - (iii) A program provided through service providers in their offices; or
 - (iv) Any combination of the above and/or other settings based on the child's IEP.

School age placements include:

- General education classroom with age-appropriate non-disabled peers, if required by the IEP:
 - (i) Additional supportive services
 - a. The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.

- (ii) Direct services
 - a. 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 school system agree at an IEP meeting with the following considerations:
 - (i). 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;
 - (ii) home-based services must be reviewed no less than quarterly by the IEP team; and
 - (iii) 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 Morgan County School System provides hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

Non-Academic and Extracurricular Settings

The Morgan County Charter School System ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities (including meals, recess periods, and other services and activities) to the maximum extent appropriate to the needs of that child. The school system ensures that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings. Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school system, 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 Morgan County Charter School System ensures that supplementary aides and services determined appropriate by the IEP team are provided in order to allow children with disabilities an equitable opportunity for participation in nonacademic and extracurricular activities.

Relationship of General Code of Conduct to IEP

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

Interim Alternative Settings and 10-Day Rule

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

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

After a thorough review of the student's relevant information (grades, discipline, attendance, psychological information, parent and teacher observations/comments, classroom performance, and achievement) the conduct must be determined to be a **manifestation** of the child's disability if the school system, the parent, and relevant members of the child's IEP Team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of the L EA's failure to implement the IEP.

If the school system, the parent, and the relevant members of the child's IEP Team determine that the conduct in question was a direct result of the failure of the school system to implement the IEP, the system will take immediate steps to remedy those deficiencies.

Manifestation Determination

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

Special Circumstances

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

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the school system.

Notification of Change in Placement

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

Appeal Process

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or if the Morgan County Charter School System believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing.

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

Placement during 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 provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the school system agree otherwise .

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

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

1. The school system must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:
 - (i) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child is in need of special education and related services;
 - (ii) The parent of the child requested an evaluation of the child;
 - (iii) The teacher of the child or other personnel of the school system expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Assistant Superintendent for Student Support or to other supervisory personnel of the school system.
2. The school system would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability based on special education eligibility rules.
3. If the school system does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

4. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner. Until the evaluation is complete, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school system and the information provided by the parents, the school system will provide special education and related services.

Referral to Law Enforcement and Judicial Authorities

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

Change of Placement due to Disciplinary Removal

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

- 1 . The removal is for more than 10 consecutive school days, or
 - 2 . The child has been subjected to a series of removals that constitute a pattern
 - (I) Because the series of removals total more than 10 school days in a school year;
 - (II) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
 - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
- (b) The school system determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.
1. This determination is subject to review through due process hearings and judicial proceedings .

Procedures for IEP Development/Components

Individual Education Program Overview

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

The parents/guardians are notified of the proposed date, time and location of each IEP meeting in order to give them sufficient time to make arrangements to attend or to contact the school to reschedule the meeting. The parents are sent **written notice** on the Meeting Notification Form found in the *Georgia On-Line IEP Program* regarding the meeting date and time, followed up by an email, telephone, or another written request three days after the first notice. The school system must give the parents every opportunity for a convenient, mutually agreed upon meeting time as well as the option to reschedule so that the parents may attend.

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

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

If the student **does not meet eligibility** for a special education program, regular education options are discussed, and the student is referred back to the Student Support Team for follow-up and continuing interventions, as needed.

If the Placement Committee recommends that a student be placed in any special education program, a **Parental Consent for Placement** will be signed before services are initiated.

If the parent is not present, the student's case manager will send the parent a copy of the eligibility report, the IEP, psychological report, parental rights and Consent for Placement form by mail for review and signature, following up with a telephone call to insure understanding. If the parent did not attend the IEP meeting where eligibility and placement were decided, the date for initiation of services must be at least 10 days from the date of the IEP meeting in order to allow proper notice and opportunity for the parent(s) to respond (assuming the parent agrees to the placement and signs the Consent for Placement form).

Annual Review: Overview

The IEP must be reviewed annually. Procedures for initiating the Annual Review are the same as the process for creating the original IEP:

- A. The student's Case Manager will send a **Notice of IEP Meeting** to the parents ten days prior to the projected review date. The projected review date must occur before the end date of the current IEP, so case managers are encouraged to begin working with parents to arrange a mutually-agreed upon date well before the ending date. A copy of the notification (for documentation purposes) is automatically saved in the *Georgia On-Line IEP* program, along with the parent's response to the invitation. All required attendees are invited, along with other stakeholders invited by the parent or the school. The parents will be given the names in writing of all members invited to the Annual Review.
- B. At the **Annual Review** meeting, the current IEP, including mastery/progress toward goals/objectives is reviewed by the committee and a new IEP is developed based on the student's Present Level of Performance. A copy of the new IEP is sent home with the parents if they are in attendance, or mailed if they are not present. A copy of the new IEP is saved through the on-line IEP program for "read only" access for school personnel given the rights to that student's IEP. (NOTE: The *Parental Consent for Placement* is required to be signed only once, at the time of the initial placement, even though the program or location of program may change.)

Placement of Transfer Students

Every transferring student from a Georgia school to the Morgan County Schools will be checked through the SLDS system in order to determine if he/she received special education services from the transferring school. If so, records will be requested from that school. Records will also be requested from students outside of Georgia. Once received, the records will be reviewed by the Office of Student Support in order to determine the presence of all required information and documentation. These records will be scanned into the *Georgia On-Line IEP Program* and notice will be sent to the student's Case Manager to review the records, along with information about any needed documentation. While waiting on a new IEP meeting, the student will be placed in the appropriate program(s) based on records from the

transferring school. The Assistant Superintendent for Student Support will review all records and dates and enter the information into the *Georgia On-Line IEP* system.

Within sixty (60) days of the transfer or receipt of records, the Case Manager will set up a time to meet with the student's Morgan County IEP team and a new Morgan County IEP will be developed, following the review of the transferring IEP and eligibility information. A new The Morgan County Charter School System's **Consent for Placement** form will be signed at the IEP meeting and parents will be provided with a copy of *Parent's Rights in Special Education*.

If transfer records are received directly by the school, the records will be sent to the Office of Student Support at the Central Office for scanning and review

Components of the Individual Education Program (IEP)

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

- (a) A statement of the child's **present levels** of academic achievement and functional performance, including:
 - 1. **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); or
 - 2. For preschool children, as appropriate, how the **disability affects the child's participation** in appropriate activities;
- (b) A statement of **measurable annual goals**, including academic and functional goals designed to:
 - 1. 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; and
 - 2. Meet each of the child's other educational needs that result from the child's disability;
- (c) For children with disabilities who take **alternate assessments** aligned to alternate achievement standards, a description of **benchmarks or short-term objectives**;
- (d) A description of:
 - 1. How the **child's progress** toward meeting the annual goals will be measured; and
 - 2. 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;
- (e) 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:

1. To advance appropriately toward attaining the annual goals;
 2. To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
 3. To be educated and participate with other children with disabilities and nondisabled children in academic, nonacademic and extracurricular activities;
- (f) **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;
- (g) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments; and
1. If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why:
 - (i) The child cannot participate in the regular assessment; and
 - (ii) The particular alternate assessment selected is appropriate for the child; and
 - (iii) The parents of the child must be informed that the child is being assessed against alternate or modified achievement standards and any consequences of such assessments.
 2. IEP teams must select for each assessment only those accommodations that do not invalidate the score according to state standards.
- (h) 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.
- (i) Beginning not later than 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 information about **Transition Services**:
- (a) **Appropriate measurable postsecondary goals** based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.
 - (c) **Student Preferences and Interests**

Transition Services Participants: The Morgan County Charter School System invites 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 school system will 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 school system will invite **a representative of any participating agency** that is likely to be responsible for providing or paying for transition services. (The determination of the knowledge or special expertise of this person must be made by the party (parents or school system) who invited the individual to be a member of the IEP Team.)

(c) 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. (This section is known as the **Transfer of Rights**.)

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 Morgan County Charter School System ensures that each IEP Team meeting includes the following participants:

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

Excusal of IEP Team Member

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

1. The parent, in writing, and the school system consent to the excusal; and
2. The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

Transition for Children Birth through Two – Part C

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

Parent Participation in IEP: Notification and Invitation

The Morgan County Charter School System ensures 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, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and scheduling the meeting at a mutually agreed upon time and place.

The invitation to the IEP Team meeting indicates 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 school system 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 school system will 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 school system is unable to convince the parents that they should attend. In this case, the school system will 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 Morgan County Charter School System takes 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.

A copy of the IEP is provided to the parents at no cost in either hard copy or digital format, depending on the desire of the parent.

The Morgan County Charter School System ensures that the parents of each child with a disability are members of any group that makes decisions on the child's educational placement.

When the IEP Must be in Effect

At the beginning of each school year, the IEP will be in effect for each child with a disability served by the Morgan County Charter School System.

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

1. Consistent with the Georgia rule for IEPs; and
2. Agreed to by the school system and the child's parents.

The Morgan County Charter School System:

- (i) Provides to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

The Individual Family Service Plan

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

1. The infant's or toddler's present levels of physical, cognitive, communication, social or emotional, and adaptive development.
2. The family's resources, priorities and concerns relating to enhancing the development of the infant or toddler.
3. The major outcomes expected to be achieved for the infant or toddler and his or her family, as well as criteria for determining progress made toward such outcomes. Any revisions of either outcomes or services to achieve them must also be included.
4. The specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity and method of delivery.

5. The natural environments in which the early intervention services will be provided, including a justification of the extent, if any, to which the services will not be provided.
6. The date the services will begin and their anticipated duration.
7. The identification of the service coordinator, from the profession most immediately relevant to the infant's or toddler's family's needs, who will be responsible for the coordination and implementation of the plan with the other agencies and persons.
8. The steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services. (From: The Learning Disabilities Association of America: <http://www.lidaamerica.org/aboutld/professionals/guidelines.asp>)

Initial IEPs' Provision of Services

The Morgan County Charter School System ensures that:

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

Accessibility of Child's IEP to Teachers and All Others

Each student with a disability'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 through the Student Information System/Georgia On-Line IEP, and each teacher and provider is informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

Inter and Intra-State Transfer of Students with IEPs

IEPS for Children who Transfer to Morgan County from Another Georgia System

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

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

IEPs for Children who Transfer from Another State

If a child with a disability (who had an IEP that was in effect in another State) transfers to Morgan County within the same school year, Morgan County (in consultation with the parent) will provide the child with Free and Appropriate Public Education (including services comparable to those described in the child's IEP from the previous school system), until Morgan County:

- (a) Conducts an evaluation if determined to be necessary, and
- (b) Develops, adopts, and implements a new IEP, if appropriate.

All paperwork for transferring students with disabilities will be requested from the previous school by the Morgan County Charter School System Central Office at the Board of Education and scanned into the Georgia On-Line IEP program. School administrators, counselors, special education teachers, general education teachers, and the school psychologist, as appropriate, will be notified when paperwork has been received. The Assistant Superintendent for Student Support will inform the special education teacher when an IEP/Eligibility Review needs to be held.,

FERPA and Transmittal of Records

To facilitate the transition for a child who transfers to Morgan County:

- (a) The Morgan County Charter School System works diligently to promptly obtain the child's records, including the IEP, eligibility report, psychological evaluation report, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous school system in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act (which does not require prior parental consent to disclose education records to officials of another school where the student seeks or intends to enroll); and
- (b) It is expected that the previous school system in which the child was enrolled will take reasonable steps to promptly respond to the request from Morgan County schools.

Development of the IEP

In developing each child's IEP, the IEP Team considers:

- 1. The strengths of the child;
 - 2. The **concerns of the parents** for enhancing the education of their child;
 - 3. The results of the initial or most recent evaluation of the child;
 - 4. The results, as appropriate, of the child's Statewide or districtwide assessments; and
 - 5. The academic, developmental, and functional needs of the child.
- (b) **Consideration of special factors.** The IEP team must:
- 1. 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;

2. 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;

3. 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;

4. 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; and

5. Consider whether the child needs **assistive technology** devices and services.

(c) Morgan County ensures that **Extended School Year** services (ESY) are available as necessary to provide a free and appropriate public education. Extended School Year services are provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of free and appropriate public education (FAPE) to the child. Morgan County does not limit Extended School Year services to a particular disability category or unilaterally limit the type, amount or duration of those services.

1. The IEP Team determines if Extended School Year services are needed as part of the child's free and appropriate public education. In doing so, the team considers the individual needs of the child.

2. If the IEP Team determines that Extended School Year services shall be provided, it shall:

(i) Indicate which goals are being extended or modified to deliver the child's free and appropriate public education (FAPE); and,

(ii) 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.

3. The Morgan County Charter School System provides Extended School Year services as required by the child's IEP and all necessary transportation at no cost to the parent.

(d) A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of:

1. Appropriate positive behavioral interventions and supports and other strategies for the child; and

2. Supplementary aids and services, accommodations, program modifications, and support for school personnel.

(e) 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 the school system.

1. 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 school system 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.

(i) If changes are made to the child's IEP, Morgan County ensures that the child's IEP Team is informed of those changes. The amendment will be posted to the Student Information System (Infinite Campus) in the Georgia On-Line IEP, to which all appropriate school system personnel have access.

(ii) The parents will receive a copy of the amendment either in paper or digital (depending on the desires of the parents) format.

Review and Revision of IEPs

General Overview:

The Morgan County Charter School system ensures that the IEP Team:

(a) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(b) Revises the IEP, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
2. The results of any reevaluations conducted.
3. Information about the child provided to, or by, the parents;
4. The child's anticipated needs; or
5. Other matters.

(c) Consolidation of IEP Team meetings. To the extent possible, the Morgan County Charter School System encourages the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

(d) Consideration of special factors. In conducting a review of the child's IEP, the IEP Team must consider the **special factors** described above.

(e) A regular education teacher of the child, as a member of the IEP Team, must participate in the review and revision of the IEP of the child.

(f) There are several reasons for failure to meet **transition** objectives:

1. If a participating agency, other than the school system fails to provide the transition services described in the IEP, Morgan County schools will reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

2. Nothing in this part relieves any participating agency, including the State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

(g) Children with disabilities in **adult prisons**:

1. The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons (Department of Corrections):

(i) Participation of children with disabilities in State and districtwide assessments; and

(ii) The requirements related to transition planning and transition services do not apply to children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

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

3. The IEP requirements in this Rule and the Least Restrictive Environment (LRE) requirements do not apply with respect to the modifications described above.

Morgan County Charter School System Procedures

Notification of Meetings (IEP, Re-Evaluation, Eligibility, etc.)

IEP Meeting Notice

The parent must be notified of the proposed date, time and location of an IEP meeting to give sufficient time to make arrangements to attend or contact the school to reschedule the meeting. The notice should include the purpose of the meeting (including transition, if appropriate); the proposed date, time and location of the meeting; as well as the names (whenever possible) and positions of the people that the system will invite or have invited to attend. The parent may request to reschedule the IEP meeting or to participate by telephone via a conference call if attending in person is not possible.

There are two circumstances in which a required member of the IEP Team may be excused:

- when an IEP Team member's area of curriculum or related services is NOT being changed or discussed at the meeting, the parent and the system may agree to excuse

the team member from all or part of the meeting if the parent consents in writing to this excusal; or

- when the IEP Team member's area of curriculum or related services is not being discussed at the meeting, the parent and the system may excuse an IEP Team member from all or part of a meeting if the parent consents in writing to the excusal and the person submits relevant written input to the IEP Team prior to the meeting.
- A. Notification must be given 10 calendar days prior to the meeting.
 - B. A minimum of two attempts must be made to involve a parent. One attempt must be a written notice. Documented attempts may include:
 - 1) Telephone conversations
 - 2) E-mail
 - 2) Notice sent in mail
 - 3) Notice sent with student
 - 4) Certified Mail
 - 5) Home visit
 - 6) Social worker
 - C. After two of the above attempts have been made, the meeting may proceed without parental attendance.
 - D. If a response is given stating that parent will attend, you may proceed with the meeting with or without the parents in attendance. (If the parent requests to reschedule, you may not proceed without them.)
 - E. Participants to be included are:
 - 1. Parents of the child or surrogate parent if the child is a ward of the state;
 - 2. At least one regular education teacher of the child (if the child is, or may be participating in the regular education environment);
 - 3. At least one special education teacher or provider of the child;
 - 4. A representative of the school system, local school system Representative;
 - 5. Related Service Providers, if appropriate
 - 6. Student, if transition is being discussed or if the child is 16 or older or in 8th grade;
 - 7. Any other appropriate personnel.

Developing the IEP

- A. When beginning the IEP meeting:
 - Review the purpose of the meeting;
 - Introduce all team members;
 - Review the agenda for the meeting, if developed;
 - Review Parental Rights;
 - Discuss reason for referral, if appropriate.

- B. In a successful IEP meeting:
- Decisions are documented;
 - There is a clear understanding of who is responsible for designated tasks—Action Plan;
 - All team members are active participants;
 - Team members are open, honest, and positive.
- C. Team Members/Case Manager
- At the beginning of the year or once a child is referred, the case manager/ team members are established. All staff that will work with the child or assess the child should be set up as team members in the *Georgia On-Line IEP*, including parents and the student (if over 14).

Present Levels of Academic Achievement and Functional Performance

- A. The Present Levels of Performance is the basis for the development of the entire IEP including the Transition Plan, the Goals/Objectives, and the Classroom and State Assessment Accommodations. The Present Levels should include academic, developmental, and functional performance. It should be specific and individualized and related to measureable findings and observations.
- B. The Present Levels of Performance must include the most recent state assessment and system level assessment results (automatically included in the *Georgia-On-Line IEP*). This is not be a listing of state scores or grades only. Pertinent formal or informal testing data should be included along with an explanation of the information which better defines the current levels of the student. This information will help in linking goals and objectives that may need to be developed for the student.
- C. The Present Levels of Performance include statements identifying the student's academic, developmental, and/or functional strengths and weaknesses. In addition, each identified area of significant deficit should be addressed in the annual goals, short-term objectives, if appropriate, accommodations/modifications, and special education and related services.
- D. The Present Levels of Performance must include parental input whether the parent is present at the meeting or not. The parental input may be from a previous discussion with the parent during the school year. Additional parental input may also be included in the minutes of the IEP.
- E. A discussion of the impact of the disability on involvement and progress in the general education curriculum or for preschool in appropriate activities is included.
- F. All Considerations of Special Factors are addressed with statements written where needed.
- The need for a **Behavior Intervention Plan** is documented in this area.
 - If the student needs or is using an **assistive technology** device or **alternative format** for instructional materials, this is where the need is documented.
- G. **Transition Planning** must begin at end of 8th grade or by age 16 whichever is first.

- **Preferences, Strengths, Interests and Course of Study based on Present Levels of Performance and Age Appropriate Transition Assessments:** An assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) should be conducted in conjunction with the development of the transition components.
The initial transition assessment may be prior to the eighth grade and could occur when a re-evaluation consideration is conducted. It should also be ongoing and fluid. Assessment tools that clearly describe a child's strengths and weaknesses and document a child's interests and perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment. Also, there are six characteristics that should be considered when conducting a transition assessment; the assessment should be child centered, continuous, and occurring in many places, involving a variety of people, have understandable data, and be sensitive to cultural diversity.
- **Desired Measurable Post-Secondary Outcome/Completion Goals:** These should be measurable post-secondary outcome/completion goals of what the child wants to achieve *after* graduation. They should be "major life accomplishments" or "completion goals." These should be in the areas of Education/Training, Employment and Independent Living (as appropriate). These goals should be written in easy to understand language. These outcome/completion goals can change and become more refined as the child has more experience and gets closer to graduation. They should occur after the child graduates from school.
- **Transfer of Rights:** This topic will be discussed and dated if student is 17 years old and older. Once the student turns 18 years old, it must be documented and dated that the student has been informed that the rights have been transferred.
- **Measurable Transition IEP Goals:** These are based on age appropriate transition assessment and include transition activities and services appropriate to attain the Post-Secondary Outcome/Completion Goals. This section should include *measurable* transition IEP goals that directly relate to the how, when, where, and what is needed to complete each postsecondary outcome/completion goal. They should be relevant to "how to get to" the desired post-secondary outcomes. They must be meaningful. This section is divided into Education/Training, Development of Employment, Community Participation, Adult Living Skills and Post School Options, Related Services and Daily Living Skills (as appropriate). There will be at least one measurable transition IEP goal for Education/Training and Employment. Measurable transition goals for Independent Living are addressed as appropriate.
- **Transition Activities and Services:** This section addresses the transition activities and services that are needed to attain these measurable goals. Transition Activities and Services are planned to meet the "what is needed to achieve these goals" criterion. Many activities and services are documented, planned, and implemented for each goal.
- **Persons and Agency Involved:** This section includes the people who will help the child achieve the goals. Documentation is provided that these persons were

invited to the Transition IEP meeting and that the parents and student (if over 18) were notified of their possible attendance.

- **Date of Completion and Achieved Outcome:** This part of the Transition Plan is left blank and then completed at the next annual review.

Measurable Annual Goals & Short Term Objectives

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

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

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

Student Supports – Accommodations, Supplemental Aids and Services and Supports

- All new teachers of special education students are provided access to the IEP, including classroom and state assessment accommodations, through the *Georgia On-Line IEP*.

State Testing

- Allowable accommodations for state testing may only be allowed when agreed upon by the IEP Team.
- The state testing accommodations are accommodations that are also used throughout the year and not only for state testing.

- The allowable assessment accommodations may be found in the annually updated **Georgia Assessment Manual**.
- Decision-making guides for selection of appropriate assessment accommodations can be found in the **Georgia Accommodation Manual**.
- Rules should be followed carefully when choosing a **conditional accommodation** for a student and should be chosen rarely. If this choice is made by the IEP Team, the Director of Special Education must be contacted. Tests administered with conditional modifications will not count towards *College and Career Ready Performance Index* (CCRPI) measurements.
- Only students with significant cognitive disabilities may be allowed to participate in the Georgia Alternate Assessment (GAA), and this decision is documented in the IEP.

Services in General Education, in Special Education, & Related Services

- Services in General Education include Consultation, Supportive Instruction, Collaborative, and Co-teaching.
- Services in Special Education setting include resource and self-contained (both considered small group instruction) and now defined as a “**separate class**.”
- **Related Services** include Occupational Therapy, Physical Therapy, Special Transportation, Adapted PE, Interpreter, and Orientation and Mobility, Counseling, School Health/Nursing Services, School Social Work, Audiology, Diagnostic Services, and Psychological Services.

Services Considered

All options considered are discussed and documented in the IEP. Once the options are decided upon, a WHY statement should be included which describes the extent to which the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities, if this is the case.

Extended School Year Services (ESY)

The IEP team will decide whether the child needs **Extended School Year** (ESY) services or will document either a date by which the team will reconvene to determine the need or will write a rationale statement of why the student does or does not need the service.

Functional Behavioral Assessment

The purpose of a **Functional Behavioral Assessment** is to determine the relationship between the environment and the occurrence of behavior. In other words, the assessment seeks to determine what elicits the behavior and what goal the behavior is achieving (hence, its function). Signed **Consent for Evaluation** is required prior to conducting FBA.

1. The IEP Team begins by listing student's behaviors that have resulted in missed instructional time and possibly disciplinary action
2. The team will prioritize the behaviors and choose the top one to three behaviors to focus on for the functional assessment.
3. The team must describe the behavior in such a way that there is no doubt what the behavior looks like and when it is occurring. The behavior must be described so that it is observable, measurable, and clear to an observer.
4. The team should recall and summarize everything that has been done in the past in order to prevent or minimize the problem behavior (Changing seat, modifying assignments, teaching anger management strategies).
5. The team should consider characteristics that are unique to a student (physical, emotional, cognitive, social, and academic).
6. The team should determine why a behavior is occurring:
 - How often does the target behavior occur and how long does it last?
 - Where does the behavior typically occur? Where does it never occur?
 - Who is present for the occurrence/nonoccurrence of the behavior?
 - What is going on during the occurrence/nonoccurrence of the behavior?
 - When is the behavior most likely/least likely to occur?
 - How does the student react to the usual consequences that follow the behavior?

In order to answer these questions, the team utilizes: observation, interviews, behavior rating scales, discipline records, special education records, notes from parents, teachers, and student, etc. The IEP Team should collect enough information to effectively answer the above questions.

A functional assessment of an individual's behavior is based on the assumption that all behaviors serve some purpose for that person. In identifying the function of a behavior, the team must identify events, which occur before a behavior (antecedent) and the events that follow a behavior (consequences). According to the **Implementation Manual for the Special Education State Rules**, if an IEP team has adequate information to develop a **Behavior Intervention Plan** (BIP), a Functional Behavior Assessment (FBA) may not be required. Although not required, best practice is to conduct a Functional Behavioral Assessment prior to the development of a Behavior Intervention Plan. (See Appendix C)

The IEP Team must develop intervention plans (**Behavior Intervention Plan**) based on the information provided through this *Functional Behavioral Assessment*. The following techniques are considered when designing behavior intervention plans:

1. manipulate the antecedent and/or consequences of the behavior;

2. teach more acceptable behavior replacement behaviors that serve the same function as the inappropriate behavior;
3. implement changes in curriculum and instructional strategies; and
4. modify the physical environment.

To be meaningful, plans need to be reviewed at least annually and revised as appropriate. However, the plan may be reviewed and reevaluated whenever any IEP Team member feels that a review is necessary.

A **Behavior Intervention Plan** is not just punishment. It is designed to help a student learn to stop herself/himself from repeating inappropriate behavior.

(Information from: Addressing Student Problem Behavior, <http://cecp.air.org/fba/problembehavior/text.htm>)

Extended School Year Services: Consideration Guidelines

Local school districts are required to consider the need for Extended School Year Services (ESY) for each student with a disability. ESY may be necessary to provide a particular student a free appropriate public education as required by the *Individuals with Disabilities Education Act (IDEA)*.

As with all other programming needs, the need for ESY is documented via data gathered about the student's performance in relation to the IEP goals and objectives.

Extended School Year (ESY) must be addressed at least annually in all Individual Education Program (IEP) meetings.

The rationale for any decision must be indicated on the IEP.

Extended School Year services may include a variety of program delivery models.

The following factors are considered when reviewing whether a student is eligible for Extended School Year services:

- Nature of child's disability;
- The severity of the disability;
- The age of the student;
- The areas of learning crucial to the child's attainment of self-sufficiency and independence;
- The contents of any applicable transition plan;
- Areas of student's curriculum which need continuous attention;
- Progress on skills as identified in the IEP goals and objectives which address, as appropriate, the student's needs in the areas of academics, communication, social, behavior, motor, vocational, and mobility;
- The rate of progress for the student or the rate of regression which may limit the student's ability to achieve IEP goals and objectives;
- The relative importance of the IEP goals at issue;

- Whether related services are needed to enable the student to progress toward IEP goals;
- Whether there were any delays or interruptions in services during the school year;
- Other pertinent information such as emerging skills.

Recommended sources of information when considering whether a student with disability requires Extended School Year services:

- Assessment information maintained on the student, including pretest and post-test data;
- Current IEP and pertinent curricula information;
- Progress reports maintained by teachers, therapists and others having direct contact with the student before and after breaks in educational programming.
- Educational, medical or psychological records of the student from public and private sources;
- Prognosis or opinions of educators, medical personnel, parents, and others who work with the student;
- Achievement of goals on successive IEPs;
- Reports by parents of negative changes in adaptive behaviors over extended break periods;
- Progress reports of teachers contrasting present and previous levels of achievement;
- Medical and other agency reports indicating degenerative type difficulties that become exacerbated during breaks in educational programming.

Documentation of Extended School Year Services

If a student is determined eligible for Extended School Year services by the IEP team, the team must:

- Indicate which goals and objectives from the current school year are being extended or modified. Such extension is needed to develop a free, appropriate public education (FAPE).
- The specific services needed
- The amount of time for each service
- The beginning and ending dates for the services
- The service provider and location

Extended School Year services will be provided when recommended in the student's IEP, and all necessary transportation is offered at no cost to the parent. Special Education and Related Services necessary to meet an individual student's needs shall be provided by qualified personnel.

Case Manager Responsibilities

It is the responsibility of each student's Case Manager to become very familiar with each of his/her student's IEPs. The Case Manager:

- A. Insures that a student's IEP is reviewed at least once annually, but may have

been or need to be **amended** during the school year several times. The Case Manager will keep track of student progress to insure the current placement and IEP are appropriate. The Case Manager will insure that Progress Reports are sent to parents with all Report Cards.

- B. Insures that all classroom accommodations are carried out.
- C. Increase that all testing accommodations are carried out.
- D. Makes sure that IEPs are fully and accurately implemented. This validation includes insuring that the hours of service stated in the IEP match the student's actual schedule.
- E. Insures that all of the student's teachers have access to the IEP.
- F. Monitors both the academic and behavioral progress of students. This information should be shared with parents on a regular basis through telephone contact or by sending home informal progress reports.
- G. Contacts parents at the beginning of the school year.
- H. Participates in Eligibility /IEP meetings for new referrals; sending out Parent Notification of Meeting, developing the IEP, insuring that the parents receive copies, etc.
- I. Prepares paperwork In a timely, efficient, and accurate manner.
- J. Finalizes all IEPs within three to five days from the meeting.

IEP Amendments

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

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

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

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

The answer to both of these questions is yes, but the Individuals with Disabilities Education Act (IDEA) does not specify any specific circumstances in which these changes may be made.

Professional judgment should be used to determine when it is necessary to convene a meeting. Amendments are intended to relieve the paperwork burden when minor changes need to be made in the IEP.

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

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

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

Dismissals

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

Maintenance of Credentials for Professional Employees

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

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

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

Classroom Size and Appropriateness

- (d) The Morgan County Charter School System provides classrooms of suitable size in a distraction- free areas, as required by the type of program or services to be established with

appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served . The school system follows this Georgia Department of Education policy as a safeguard to prevent placing children with disabilities in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction.

Maximum Class Size and Caseload by Eligibility Category

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

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

Preschool Special Education

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

Special Education Maximum Class Size

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

| | | | | |
|---|-----------|-----|----|----|
| Specific Learning Disabilities | 1-3 | 8 | 10 | +1 |
| Emotional/Behavior Disabilities | 4 or more | 8 | 11 | +1 |
| Moderately Intellectually Disabled | 4 or more | N/A | 11 | +1 |
| Orthopedically Disabled | 4 or more | N/A | 11 | 0 |
| Deaf/Hard of Hearing | 1-3 | 3 | 4 | +1 |
| Vision Impaired | 1-3 | 3 | 4 | +1 |
| Orthopedically Impaired | 1-3 | 4 | 5 | +1 |
| Vision Impaired/Blind | 4 or more | N/A | 6 | +1 |
| Profoundly Intellectually Disabled | 4 or more | N/A | 6 | 0 |

NOTES:

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

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

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

EXCEPTION TO INDIVIDUAL MAXIMUM CLASS SIZE: The individual maximum class size with a paraprofessional may be increased as noted for two segments per day per teacher for the remainder of the school year. Maximum teacher/pupil ratio without a paraprofessional may not be increased.

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| State Board Rule: 160-4-7-.15 -- Georgia Network for Educational and Therapeutic Support (GNETS) |
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The Psychoeducational Network is known as the **Georgia Network for Educational and Therapeutic Support (GNETS)**. GNETS programs support the local school system's continuum of services by providing comprehensive special education and therapeutic support for the children served. The purpose of the GNETS is to prevent children from requiring residential or other more restrictive placements by offering cost-effective comprehensive services in local areas. Families have the opportunity to be engaged in all aspects of service planning. Child specialists (educators, psychologists, social workers, psychiatrists, behavior support specialists, or etc.) from a variety of professions collaborate on behalf of the children served. All programs may serve children ages 3 through 21 years by the program staff in classes, with direct therapeutic services, evaluation and assessment or other services as appropriate.

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

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

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

Eligibility and Placement

Students receiving services through a GNETS Program are referred by the Morgan County Charter School System through the Individual Education Program (IEP) process. An IEP team may consider in-class services by a GNETS program for a child with an emotional and behavioral disorder based upon documentation of the severity of the duration, frequency and

intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation includes prior extension of less restrictive services and data which indicate such services have not enabled the child to benefit educationally. For children receiving in-class services, the student's home school is actively involved and exit criteria are developed upon entry into the GNETS program. The home school continues to be actively involved in the progress of the student attending Rutland Academy throughout the child's tenure there, and exit criteria are developed upon entry into the GNETS program so that the IEP Team (and the child) will know expectations for returning to the home school. (See Appendix D)

Documentation of On-Going Effectiveness and Improvement

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

Recommended Class Size by Level

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

Positive Behavioral Interventions and Supports

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

Academic Curriculum

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

Area of General Supervision III: Student Progress

The Morgan County Charter School System ensures that preschool and school-aged students with disabilities make progress in the general curriculum as compared to same-aged peers.

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

Free Appropriate Public Education (FAPE)

All children with disabilities between the ages of **3 through 21** who are residing in Morgan County are entitled to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school. If a student is receiving special education services upon reaching **age 22**, Morgan County Schools will serve the student until the end of the semester in which the student turns 22. Morgan County Schools will stop providing services on the date of the 22nd birthday or the last school day prior to the birthdate if the birthday falls during the summer, weekend, or school holiday. It is the goal of Morgan County Schools to secure the successful transition of students to their desired post-school outcomes and will collaborate to complete that transition by age 22. The adult student and parents will be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22.

FAPE will no longer be provided by Morgan County Schools upon a student graduating from school with a general education diploma. This rule will be reviewed at the annual review prior to the student graduating and/or at the **Summary of Performance** meeting.

Children with disabilities may be served by the **Babies Can't Wait** program in Morgan County as well as other agencies providing services to children from birth to **age 3**. By age three, a transition meeting is held; and the children are then served under Individuals with Disabilities Education Act (IDEA) with a Morgan County Charter School System IEP. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. The Morgan County Charter School System works collaboratively with *Babies Can't Wait*, as well as other agencies to ensure that services are provided in Morgan County from birth through 21. .

Transfer of Rights

At age 18, students become their own educational decision makers, unless a court decides they are not able to make these decisions. On or before the student's 17th birthday, the school is to inform the parents and the student, that at age 18, the student attains the age of majority in Georgia and will become his or her own educational decision maker. This is done during the IEP meeting. The school may also inform parents of other options or where to get more information about guardianships, powers of attorney and any other options.

Beginning at age 18, the school is to send all notices to both the parent and the student, but the student will provide informed written consent for any action requested by the system. When the student turns 18, he or she becomes the educational decision maker, but the parents retain the rights to all notices of meetings, notices of changes in program or placement, and notices of evaluations while the student is eligible under the IDEA.

Exception to FAPE

The obligation to make FAPE available to all children with disabilities does not apply to adult students aged 18 through 21, who, in the last educational placement, prior to their incarceration in an adult correctional facility:

- (i) Were not actually identified as being a child with a disability;
- (ii) Did not have an IEP in effect; and
- (iii) Graduates from high school with a regular high school diploma. (This constitutes a change in placement, requiring written prior notice.)

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

- (i) Had been identified as a child with a disability and had received services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail;
- (ii) Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability; or
- (iii) Have graduated from high school but have not been awarded a regular high school diploma.

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

Delay of Services

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

Medicaid Reimbursement

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

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

The Morgan County Charter School System obtains parental consent prior to accessing a child's or parent's public benefits or insurance for the first time and after providing notification to the child's parents. The parental consent to access a child's or parent's public benefits or insurance:

- (i) Specifies the personally identifiable information that may be disclosed or information about the services that may be provided to a particular child, the purpose of the disclosure (e.g., billing for services provided under IDEA), and the agency to which the disclosure may be made (e.g. the Georgia Department of Community Health); and
- (ii) Specifies that the parent understands and agrees that the school system may access the child's or parent's public benefits or insurance to pay for services provided under IDEA.

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

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

Students with Disabilities who are Covered by Private Insurance

(Notice to parents regarding use of benefits)

1. With regard to services required to provide FAPE to an eligible child, the Morgan County Charter School System may access the parents private insurance proceeds only if the parents provide consent.
2. Each time the school system proposes to access the parents' private insurance proceeds, it must –
 - (i) Obtain parental consent; and

(ii) Inform the parents that their refusal to permit the school system to access their private insurance does not relieve the school system of its responsibility to ensure that all required services are provided at no cost to the parents.

Residential Placement

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

Provision of Accessible Instructional Materials

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

1. Print instructional materials include textbooks and related core materials that are required by the school system for use by children in the classroom.
2. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities.
 - (i) Specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.
3. Children who are blind or print disabled include:
 - (i) Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.
 - (ii) Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
 - (iii) Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
 - (iv) Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

Provision of Assistive Technology

Children with disabilities who require assistive technology in order to receive a free appropriate public education (FAPE) are eligible for assistive technology devices or services, or both, as a part of the child's special education, related services, or supplemental aids and

services. Assistive technology devices are identified in the IDEA 2004 as: 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 children with disabilities. Each IEP Team considers whether or not a child requires assistive technology devices and services in order to receive a free appropriate public education (FAPE). Each IEP written in Morgan County indicates the appropriate response in the *Consideration of Special Factors* section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille in the IEP.

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

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

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

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

FAPE and Extended School Year Services

The Morgan County Charter School System ensures that *Extended School Year* (ESY) services are available as necessary to provide a FAPE. The term *Extended School Year* services means special education and related services that:

1. Are provided to a child with a disability:
 - (i) Beyond the normal school year of the school system;
 - (ii) In accordance with the child's IEP;
 - (iii) At no cost to the parents of the child; and
 - (iv) Meet the standards of the State of Georgia

These services are provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. In implementing the requirements of this section, the Morgan County Charter School does not :

- (i) Limit extended school year services to particular categories of disability; or
- (ii) Unilaterally limit the type, amount, or duration of those services.

Extracurricular Activities Accessibility

The Morgan County Charter School System takes steps, including the provision of supplementary aids and services that have been determined to be appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities equal opportunity for participation in those services and activities. (Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the local education agency referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school system and assistance in making outside employment available.)

Access to Physical Education and Specially Designed Physical Education

The Morgan County Charter School System ensures that:

(a) General. Physical education services, specially designed if necessary, are made available to every child with a disability receiving FAPE, unless the school system enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

(b) Each child with a disability is afforded the opportunity to participate in the regular physical education program available to nondisabled children unless:

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

Services to Charter Schools that are not Local Education Agencies (LEA)

Children with disabilities who attend public charter schools retain all rights to a FAPE. While Morgan County is a Charter School System, there are no Charter Schools in the System that are not part of the Local Educational Agency (LEA). If a Charter School does begin in Morgan County, the following rules will apply:

The School System would:

- serve children with disabilities attending those charter schools in the same manner as the Morgan County Charter School System serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such

services on the site to its other public schools; and 2. provide funds to those charter schools at the same time and on the same basis as the LEA provides funds to the LEA's other public schools, including proportional distribution based on relative enrollment of children with disabilities.

Charter Schools that are Local Education Agencies (LEAs)

If the public charter school is an LEA, that charter school is responsible for ensuring that all of these requirements are met. (All schools in Morgan County are Converted Charter Schools.)

Programming Options and Equal Access

The Morgan County Charter School System ensures that children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the school system, including art, music, and Career, Technical and Agricultural Education.

Routine Checking Of Hearing Aids/Other Components

Hearing Aids

The Morgan County Charter School System ensures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

External Components of Surgically Implanted Medical Devices

The Morgan County Charter School System ensures that the external components of surgically implanted medical devices are functioning properly. The Morgan County Charter School System is *not* responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Prohibition On Mandatory Medication

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

Nothing in the paragraph above shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a child's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services as it relates to child find.

Area of General Supervision IV: Parent Engagement

The Morgan County Charter School System provides an appropriate continuum of services to facilitate parent engagement as a means of improving results for students with disabilities.

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| State Board Rule: 160-4-7-.09 -- Procedural Safeguards and Parent Rights |
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Parent Rights Document

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

The Georgia Parental Rights document can be accessed in English and other supporting translations on the TransACT website. Morgan County Schools has an account with this website, and a system employee can register and access the appropriate state form or parental rights in Spanish, Portuguese, Vietnamese, Chinese, Russian, Korean, and Urdu. The website can be accessed at the following web address: <http://www.transact.com/public/default.htm>.

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

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

Parents/Guardians may elect to receive the *Procedural Safeguard/Parent Rights* notice by electronic mail, an option made available to all parents/guardians by the Morgan County Charter School System. A copy of these Procedural Safeguards can also be found on the system website at www.morgan.k12.ga.us

Notice To Parents/Guardian/Surrogate

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

Written notice shall also be provided if the school system refuses to take such action. After rights have been transferred to a child who has reached the age of majority, any written notice covered under this Rule shall be provided to both the child and to the parent(s) of the child. The Morgan County Charter School System provides a full explanation of all procedural safeguards/parents' rights available to the parent(s). The communication to the parent(s) includes a description of the action proposed or refused by the local education agency, an explanation of why the local education agency proposes or refuses to take the action, and a description of any options the school system considered and the reasons why those options were rejected. Communication to the parent(s) includes a description of each evaluation procedure, assessment, record or report the local education agency used as a basis for the proposed or refused action. Also included shall be a description of any other factors which are relevant to the local education agency's proposal or refusal, a statement that the parent(s) of a child with a disability has protection under the procedural safeguards/parents' rights, a statement of the means by which a copy of the procedural safeguards/parents' rights may be obtained, and information providing sources to contact for assistance in understanding the procedural safeguards/parents' rights.

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

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

Language Understandable to the General Public:

1. The Morgan County Charter School System ensures that the notice required in this rule is be written in language understandable to the general public.
2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
3. If the native language or other mode of communication of the parent is not a written language, the Morgan County School System will take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (i) The school system ensures that the parent understands the content of the notice; and
 - (ii) That there is written evidence that the requirements have been met.

Content of Parent Rights

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

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to education records;
5. Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
 - (i) The time period in which to file a complaint or due process hearing;
 - (ii) The opportunity for the agency to resolve the complaint; and
 - (iii) The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
6. The availability of mediation;
7. The child's placement during the pendency of any due process hearing;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private school at public expense;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Appeals of due process hearings, including the time period in which to file those actions;
12. Attorneys' fees; and
13. Notice provided in a language understandable to the parents.

Parent Opportunity to Review Records

The Morgan County Charter School System provides an opportunity for the parents of a child with a disability to:

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

The Morgan County Charter School system ensures that parents:

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

Parent Participation in Meetings

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

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

3. Each local education agency shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

(i) If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local education agency shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.

(ii) A placement decision may be made by a group without the involvement of the parent(s) if the local education agency is unable to obtain their participation in the decision. In this case, the local education agency must have a record of its attempts to ensure their involvement, including information that is consistent with State Board of Education Rule 160-4-7-.06 *Individualized Education Program*.

1. The local education agency makes reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.

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

Independent Educational Evaluation

When a parent of a student with a disability disagrees with an evaluation conducted by the Morgan County Charter School System, the parent has the right to request that Morgan County Schools fund an independent educational evaluation. An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not an employee of the School System. Any results obtained through this independent evaluation must be considered by the School System in any eligibility or placement decision. School-level administrators and teachers are asked to notify the Assistant Superintendent for Student Support IMMEDIATELY upon request of an independent educational evaluation by a parent. The School System is under strict time constraints once a parent makes this request.

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

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

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

2. If the final decision is that the local education agency's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.

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

4. The Morgan County Charter School System will provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the local education agency's criteria applicable for independent educational evaluations.

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

1. Shall be considered by the local education agency, if it meets state and local education agency criteria, in any decision made with respect to the provision of a FAPE to the child; and

2. May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child.

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

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

Parental Consent

At a minimum, informed parental consent is obtained before:

1. Conducting an **initial evaluation** to determine if the child qualifies as a child with a disability;
2. Conducting any **re-evaluation** of a child with a disability;
3. Providing **initial special education and related services** to a child with a disability;
 - (i) 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.
 - (ii) Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.
4. Disclosing personally identifiable information under conditions.
5. Accessing a child's or parent's public benefits or insurance for the first time as described in State Board of Education Rule 160-4-7-.02.

The Morgan County Charter School System makes reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

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

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

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

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

The Morgan County Charter School System (responsible for making FAPE available to a child with a disability) will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

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

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

The Morgan County Charter School System obtains informed parental consent prior to conducting a re-evaluation of a child with a disability. Except for an initial evaluation, initial placement, and re-evaluation, consent is not required as a condition of any benefit to the parent(s) or child.

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

The Morgan County Charter School System will make reasonable efforts to obtain the informed **consent from the parent for an initial evaluation** to determine whether the child is a child with a disability.

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

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

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

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

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

Parental consent is not required before:

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

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

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

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

Parent Refusal for Consent/Revocation

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

- Upon parent request, all Special Education services would be eliminated for this student. These services include special transportation, other related services such as Occupational Therapy and Physical Therapy, benefits from other public and private programs, testing accommodations, and provision of assistive technology.
- This revocation may impact the student's high school graduation requirements and diploma options.

- The Individual Education Program (IEP) developed for this student and his/her eligibility/re-determination report has deemed him or her eligible for Special Education and in need of services.
- By revoking Consent for Placement, the parent would be giving up the procedural safeguards available under the Individuals with Disabilities Education Act (IDEA).
- The revocation of parental Consent for Placement means that the Morgan County Charter School System is not deemed to have “knowledge of disability” under IDEA and that all rules and timelines for student discipline (including suspension, expulsion, and manifestation) that apply to general education students would apply to this student.
- The parent is not allowed to revoke “partial” consent for only some of the services provided by the IEP. If the parent and Morgan County Schools disagree about whether a Free and Appropriate Public Education (FAPE) would be provided with or without the provision of a service, the parent may use the due process procedures outlined in *Special Education Parental Rights* to obtain a ruling regarding the services. Consent for services is for consent for special education.

Parental Training and Awareness

Parents may be provided assistance:

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

Surrogate Parents

In order to provide every student eligible for public education with the protection of procedural due process, under circumstances where a student's parents or guardians are not known or are unavailable, or a student is a ward of the State, that student will be assigned a surrogate parent. (*Refer to Federal Regulations 300.519.*) **Criteria:** The person who is selected to be a surrogate parent may not be an employee of the State Education Agency, Local Education Agency or any agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child s/he represents; and has knowledge and skills that ensure adequate representation of the child (attends a Surrogate Parent Training Session.)

In the case of a child who is an unaccompanied **homeless youth**, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.

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

Best practice in Morgan County will continue to be to *offer* the training to foster parents before they are asked to sign a Consent for Evaluation, Consent for Placement, or make educational decisions in an IEP meeting. However, the training will *not* be mandatory for the foster parents, but strongly encouraged. Morgan County also encourages the use of surrogates if the foster placement is projected to be a very short placement or if the foster parent has not had the child for a reasonable amount of time to make educational decisions without some guidance in special education terminology, etc.

Review of Guidelines to Determine the Need for a Surrogate Parent

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

If the answer is NO, then the school system will assign a surrogate parent to the case. The Director of Special Education is responsible for assigning surrogate parents to specific cases. The **current list** of trained surrogate parents can be obtained from the Office of Student Support.

Surrogate Parent Responsibilities

The surrogate parent may represent the child in all matters relating to - (a) The identification, evaluation, and educational placement of the child; and (b) The provision of FAPE to the child [34 C.F.R. § 300.519(g)]

Complaint Process

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

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

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

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

8. The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the Individuals with Disabilities Education Act (IDEA). The on-site review may include examination of records, interviews and classroom visits.

9. The Division for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.

10. The Division for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the school system is violating a requirement of Part B of the Individuals with Disabilities Education Act (IDEA).

11. The Division for Special Education Supports and Services shall issue a written decision to the school system and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.

(i) The Division for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.

(ii) If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the school system is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities.

(iii) The Georgia Department of Education (GaDOE) must not make any final determination that the school system is not eligible for assistance under part B of the Act without first giving the school system reasonable notice and an opportunity for a hearing.

(h) Complaints that the school system has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding Child Find are to be filed with the school system in which the private school is located and a copy forwarded to the Georgia Department of Education (GaDOE).

Mediation Process

The Morgan County Charter School System ensures that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification,

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

(a) The mediation process shall be available on request of either party to resolve disputes.

(b) Mediation shall be available and offered upon each receipt of a complaint or a due process hearing request.

(c) The procedures shall ensure that the mediation process:

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

(d) The school system may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State who would explain the benefits of and encourage the use of the mediation process to the parents.

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

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

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

(f) The State shall bear the cost of the mediation process

(g) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:

1. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and
2. Is signed by both the parent and a representative of the school system with the authority to bind the school system;

3. The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process.

Impartial Due Process Hearings

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

(a) The due process hearing request must allege a violation that occurred not more than two years before the date the parent or school system knew or should have known about the alleged action that forms the basis of the due process hearing request.

1. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or
2. The school district's withholding of information from the parent that was required to be provided to the parent.

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

(c) The school system must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the school system.

(d) Due Process Request Procedures are as follows:

1. The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the school system, the party must provide a copy to the Superintendent of the Morgan County Schools at the same time it provides it to the State.
2. Either party, or the attorney representing either party, may file the due process hearing request.
3. The state and the parties shall keep the content of the due process request confidential.
4. The content of the complaint must include:
 - (i) The name of the child;
 - (ii) The address of the residence of the child;
 - (iii) The name of the school and the school system the child is attending;
 - (l) For a homeless child, the contact information for the child and the name of the school and school system the child is attending;
 - (iv) 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;

- (v) A proposed resolution to the problem to the extent known and available to the party at the time.
- 5. A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above.
- 6. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above.
 - (i) Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination.
- 7. A party may amend its due process request only if:
 - (i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
 - (ii) The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing
 - (iii) If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again.
- 8. The school system's response to a due process hearing request:
 - (i) If the school system has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the school system must within ten days of receiving the due process hearing request, send to the parent a response that includes:
 - (I) An explanation of why the school system proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the school system used as the basis for the proposed or refused action; a description of the other factors that are relevant to the school system's proposed or refused action.
- 9. The school system's response does not preclude the system from asserting that the parent's due process request is insufficient.
- 10. Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request.

(e) **Resolution process:** Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the school system must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:

1. Includes a representative of the school system who has decision-making authority on behalf of the school system; and
 2. May not include an attorney for the school system unless the parent is accompanied by an attorney.
 3. The parent and the school system determine the relevant members of the IEP Team to attend the meeting.
 4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the school system has the opportunity to resolve the dispute that is the basis of the request for a due process hearing.
 5. The resolution meeting need not be held if the parent and the school system agree in writing to waive the meeting; or the parent and the school system agree to use mediation to attempt to resolve the due process hearing request.
- (f) The resolution period: If the school system has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.
1. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation.
 2. If the school system is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in the State Board of Education rule, the school system may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request.
 3. If the school system fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline.
- (g) The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is necessary.
1. The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
 - (i) Both parties agree in writing to waive the resolution meeting;
 - (ii) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;

(iii) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or school system withdraws from mediation.

(h) If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the school system who has the authority to bind the school system.

1. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process.

2. If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution.

(i) The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:

1. Must not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child;

- (i) A person who otherwise qualifies to conduct a hearing is not an employee of the Georgia Department of Education or its representatives solely because he or she is paid by Georgia Department of Education to serve as an administrative law judge or hearing officer.

2. Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;

3. Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;

4. Must not be previously personally familiar with the specific program or services of the school system at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific school system or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;

5. 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.
 6. Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts;
 7. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
 8. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
 9. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.
- (j) Subject matter of due process hearings. The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise.
- (k) Timeline for requesting a hearing. A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.
1. **Exceptions to the timeline.** The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the school system that it had resolved the problem forming the basis of the due process hearing request; or the school system's withholding of information from the parent that was required to be provided to the parent.
- (l) Any party to a due process hearing has the right to:
1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
 3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing;
5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.
6. Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

(i) An administrative law judge or hearing officer may bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

7. The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act.

8. Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

(m) The parties may agree to settle the matters in dispute at any time whereupon the ALJ, upon written request, shall enter an order dismissing the matter.

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

(n) The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform 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.

(o) Parents involved in hearings must be given the right to:

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

(p) An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds.

1. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a free and appropriate public education (FAPE) only if the procedural inadequacies:

(i) Impeded the child's right to a free and appropriate public education

(ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free and appropriate public education to the parent's child; or

(iii) Caused a deprivation of educational benefit.

(l) Nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering the school system to comply with procedural requirements.

q) Nothing in this Rule shall be construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

(r) The Georgia Department of Education, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public.

(s) A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph(s) below.

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

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

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

(u) **Civil Action.** Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

1. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action.

2. In any civil action, the court:

- (i) Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;
- (ii) Hears additional evidence at the request of a party; and
- (iii) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate.
- (iv) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.

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

(x) **Attorneys' fees.** In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or

(y) To a prevailing party who is the Georgia Department of Education or the school system against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate

after the litigation clearly became frivolous, unreasonable, or without foundation; or

(z) To a prevailing Georgia Department of Education or school system against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

(aa) **Funds under Part B of the IDEA** may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA.

This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA.

(bb) If a court awards reasonable attorneys' fees, they must be based on rates

prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph.

(cc) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
2. The offer is not accepted within 10 days; and
3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(i) An award of 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.

(dd) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation.

(ee) A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section

(ff) The court may reduce the amount of the attorneys' fees awarded, if the court finds that:

1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
2. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or The attorney representing the parent did not provide to the local education agency the appropriate information in the due process hearing request notice.

(gg) The provisions of paragraph (dd) of this section do not apply if the court finds that the State or local education agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.

(hh) **Child's status during proceedings.** Except as noted in the State Board of Education Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or school system and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.

(ii) If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

(jj) If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the school system is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, the school system must provide those special education and related services that are not in dispute between the parent and the school system.

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

Easy to Understand General Overview of the Complaint Procedures

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

Complaint Process

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

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

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

Mediation Process

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

Impartial Due Process Hearing

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

A resolution can be reached through several ways in a dispute with a district over the rights and services afforded to students with disabilities and their families. The quickest and most efficient method is to contact the special education administration in the district. The special education director can often assist a family in working out the differences with minimal time and conflict.

When a resolution cannot be worked out locally, specific processes are guaranteed to families of students with disabilities under the Individuals with Disabilities Education Act (IDEA). These include: (1) formal complaints, (2) mediation, and/or (3) a due process hearing. Please refer to the dispute resolution chapter in this manual for a full description of the dispute resolution process.

Area of General Supervision V: Readiness for College and Career

The Morgan County Charter School System ensures that students with disabilities are prepared for college and/or careers upon exiting from high school.

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| <p style="text-align: center;">State House Bill 400 – Bridge Law (See also “<i>Transition Services</i>” under State Rule: 160-4-7-.06 – IEP)</p> |
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Components(From the Georgia Department of Education website:

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

The BRIDGE (*Building Resourceful Individuals to Develop Georgia’s Economy*) Act, **House Bill 400**, was signed into law May 2010 to create an atmosphere motivating middle- and high-school students to learn because they see the relevance of education to their dreams and future plans. The implementation of the BRIDGE Act provides middle- and high-school students with career counseling and regularly-scheduled advisement to choose a focused plan of study.

The most critical parts of the BRIDGE Act mandate all students in middle and high school receive counseling and regularly-scheduled advisement. The second mandate is that students choose a career area, create an Individual Graduation Plan, and graduate high school prepared to go to college or to enter the workforce. The third mandate requires regularly-scheduled advisement for all high- and middle- school students. The new rigorous performance standards and graduation requirements found in Georgia secondary schools better prepare our students and ensure they are prepared to move on successfully from one phase of their educational life to the next, and eventually to become a productive citizen of Georgia’s workforce. The BRIDGE Act when coupled with Georgia’s economic and workforce development model creates qualified workers to attract strong, stable companies and industries.

High School students receive:

1. Career counseling
2. Career guidance
3. Regularly scheduled career advisement
4. Information to enable students to successfully complete their individual graduation plans

The Morgan County Charter School System provides to **sixth, seventh and eighth** grade students the following:

- o counseling
- o regularly-scheduled advisement
- o career awareness
- o career interest inventories
- o information to assist students in evaluating their academic skills and career interests.

Individual Graduation Plan for 8th Grade Students

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

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

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

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

Transition

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

Transition is the movement from school to post school environments. It should include the skills necessary for the student to be successful in education, employment, and independent living after completion of high school. Transition requires support from multiple sources for the student and his/her family to make choices, develop connections, and access services. Beginning not later than the first IEP to be in effect when the student begins ninth grade or turns 16, or younger if determined appropriate by the IEP team and is updated annually thereafter. The IEP must include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and (2) the transition services (including course of study) needed to assist the child in reaching those goals. Course of study should focus on instructional and educational classes and experiences that will assist the student to prepare for transition from secondary education to postsecondary life and a regular high school diploma. It should relate directly to the student’s post-secondary outcome goals and show how the planned course of study is linked to these goals.

The course of study should be meaningful to the student's future and motivate the student to reach successful post school outcomes.

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

Procedures used by the Morgan County Charter School System to ensure that appropriate transition services are planned for students with disabilities are outlined in the **IEP section (Rule 160-4-7-.06)** in this document.

Glossary of Common Terminology used in Special Education Programming

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

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

Age of majority - The age at which, by law, a child assumes the responsibilities of an adult. In Georgia, the age of majority is 18.

Alternate assessment - An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities designed by the State and required in lieu of regular Statewide assessments, when determined necessary by the child's IEP team.

Assistive technology device - Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device. [34 C.F.R. § 300.5]

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

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

Behavioral intervention plan (BIP) - A plan for a child with disabilities, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings.

Braille - A tactile system of reading and writing, used by children who have blindness or visual impairments, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.

Charter school - Has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA). [34 C.F.R. § 300.7]

Child with a disability – In general,

(a) Refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, or deaf-blindness and who needs special education and related services. If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability.

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

1. Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

2. Who, by reason thereof, needs special education and related service

Consent means that –

- (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- (c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

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

Day; business day; school day -

- (a) Day is calendar day unless otherwise indicated as business day or school day.
- (b) Business day refers to Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).
- (c) School day equates to any day, including a partial day that children are in attendance at school for instructional purposes. School day has the same meaning for all children in school, including children with and without disabilities.

Elementary school - A nonprofit institutional day or residential school, including a public elementary charter school, 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.

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

Free appropriate public education (FAPE) - Special education and related services that –

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

Functional behavioral assessment (FBA) - A systematic process for defining a child's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

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

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

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

Individualized education program team (IEP Team) - A group of individuals defined in Rule 160-4-7-.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 - (a) An individual under three years of age who needs early intervention services because the individual -

1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
2. Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay.

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

Local educational agency (LEA) – A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law.

Modifications - Alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Consistent use of modifications could adversely affect students throughout their educational career. Modifications in Statewide assessments may invalidate the results.

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

1. The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in (a) 2.
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

Parent - (a) Refers to-

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

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

(c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent."

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

Part B - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities who are ages 3 through 21. Part B is administered by the Georgia Department of Education and carried out by LEAs and other public agencies.

Part C - Section of IDEA 2004 that relates to the assistance to states for the education of children with disabilities and the early intervention programs for infants and toddlers, ages birth through 2, with disabilities. In Georgia, Part C is administered by the Department of Human Resources, Division of Public Health as the Babies Can't Wait program.

Personally identifiable - Information that contains-

- (a) The name of the child, the child's parent, or other family member;
- (b) The address of the child;
- (c) A personal identifier, such as the child's social security number or student number; or

- (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Related services -

- (a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes.
- (b) Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.
- (b) Exception; services that apply to children with surgically implanted devices, including cochlear implants.

1. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

2. Nothing in paragraph ((b)(1)) -

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE;

(ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required.

- (c) Individual related services terms defined. The terms used in this definition are defined as follows:

1. Audiology includes -

- (i) Identification of children with hearing loss;

- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

2. Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

3. Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

4. Interpreting services includes -

- (i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and
- (ii) Special interpreting services for children who are deaf-blind.

5. Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

6. Occupational therapy – skilled services and interventions provided by a qualified occupational therapist/occupational therapy assistant that includes:

- (i) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation related to the student's ability to perform school relates tasks as independently as possible by evaluating and establishing goals to address deficits in the following areas, as appropriate based on a student's individualized needs: fine and gross motor skills, sensorimotor skills, visual motor/perceptual skills, social integration, activities of daily living, feeding, positioning, and sensory processing and regulation for alertness/attention.

- (ii) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
- (iii) Preventing, through skilled intervention, initial or further impairment or loss of function.
- (iv) Providing education and training of school personnel to support and monitor occupational therapy programs such as sensory diet, positioning, and feeding.

7. Orientation and mobility services –

- (i) Services provided to blind or visually impaired children by qualified personnel to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community; and
- (ii) Includes teaching children the following, as appropriate:
 - (I) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
 - (II) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
 - (III) To understand and use remaining vision and distance low vision aids; and
 - (IV) Other concepts, techniques, and tools.

8. Parent counseling and training means:

- (i) Assisting parents in understanding the special needs of their child;
- (ii) Providing parents with information about child development; and
- (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

9. Physical therapy means services provided by a qualified physical therapist to include:

- (i) Improving, developing, or restoring function and participation that have been impaired related to the student's ability to perform educational and related tasks as independently as possible;
- (ii) Physical therapy in school settings supports the purpose of IDEA to advance "further education, employment and independent living" of children with disabilities and addresses the students' goals for the educational environment.

(iii) School based physical therapy is a related service provided when it is required in order to assist a child with a disability to benefit from special education as determined by a student's IEP team.

(iv) Physical therapy provided in educational environments supports children's ability to function, access, and participate safely in all school environments. Physical therapists address issues involving safe access, balance, strength, motor skills, coordination, ambulation, transfers, safe mobility, and general independence as they relate to tasks required in educational environments. Physical therapists assist in providing equipment for students who need support for posture, positioning, proper structural alignment, class participation, and activities of daily living during school activities. This includes providing consult or training services to teaching staff and other personnel on behalf of students for training and monitoring physical therapy programs and equipment.

(v) Prevention, through prompt skilled intervention, initial or further impairment or loss of function and participation.

10. Psychological services includes -

- (i) Administering psychological and educational tests, and other assessment procedures;
- (ii) Interpreting assessment results;
- (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- (iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- (vi) Assisting in developing positive behavioral intervention strategies.

11. Recreation includes -

- (i) Assessment of leisure function;
- (ii) Therapeutic recreation services;
- (iii) Recreation programs in schools and community agencies; and
- (iv) Leisure education.

12. Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability.

The term also includes vocational rehabilitation services provided to a child with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

13. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse.

School health services are services that may be provided by either a qualified school nurse or other qualified person.

14. Social work services in schools includes -

- (i) Preparing a social or developmental history on a child with a disability;
- (ii) Group and individual counseling with the child and family;
- (v) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- (vi) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (vii) Assisting in developing positive behavioral intervention strategies.

15. Speech-language pathology services includes -

- (i) Identification of children with speech or language impairments;
- (ii) Diagnosis and appraisal of specific speech or language impairments;
- (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

16. Transportation includes -

- (i) Travel to and from school and between schools;
- (ii) Travel in and around school buildings; and
- (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Scientifically-based research (SBR) - Research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Secondary school - A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. State law defines "middle school" as a school which contains no grade below grade four and no grade above grade eight. State law defines "high school" as a school which contains any grade above grade eight.

Special education - (a) General.

1. Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including -

- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- (ii) Instruction in physical education.

2. Special education includes each of the following, if the services otherwise meet the requirements of (a) 1 —

- (i) Speech-language pathology services is considered special education and a related service under State standards;
- (ii) Travel training; and
- (iii) Vocational education.

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

1. At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.

2. Physical education means the development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.

3. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction -

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

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

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

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

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

(i) Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors;

(ii) May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and

(iii) Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential; and

(iv) Includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual.

State educational agency (SEA) - The agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools.

Supplementary aids and services - Aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for a Free and Appropriate Public Education. [34 C.F.R. § 300.42]

Transition services - (a) A coordinated set of activities for a child with a disability that –

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
2. Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

Universal design - Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002. **Universal Design for Learning** is a set of principles for curriculum development that give all individuals equal opportunities to learn. Universal Design for Learning provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone--not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs.

Ward of the State - (a) A child who is a foster child; a ward of the State; or in the custody of the Department of Human Resources. (b) Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent.

Other Information: Provision of Occupational and Physical Therapy Services in the Educational Setting

Related Services: Occupational and Physical Therapy Services

Special education instruction is designed to meet a student's unique educational needs resulting from a physical, emotional, cognitive, and/or communication disability. Related services are those supportive services that may be required to assist a student in benefiting from special education instruction as described in the Individualized Educational Program (IEP). In the educational setting, Occupational Therapy (OT) and Physical Therapy (PT) are necessary services designed to support the student's achievement of the educational goals and objectives as defined in the IEP.

- A. Occupational Therapy (OT) services generally focus on the development and strengthening of sensory motor, fine motor, self-help skills, and the design of environmental adaptations and adaptive devices to support functioning of individuals with disabilities.
- B. Physical Therapy (PT) services generally focus on the development and strengthening of gross motor skills to achieve increased muscle strength, mobility and endurance to support functioning of individuals with disabilities. Physical therapy services also focus on monitoring the function, fit, and proper usage of mobility aids and adaptive devices.

Educational Relevance of Therapy

There are significant differences between services that may be required for an individual student due to medical issues and services that may be required for a student to benefit from an appropriate educational program. For example, the medical model for physical and occupational therapy provides rehabilitative treatment for acute and chronic conditions. In the medical model, intensive therapy is often provided during an acute or post-operative phase. Medical/rehabilitative services for disabling conditions may require treatment in a medical rehabilitation setting and *are not* the responsibility of the local school district.

If a student's disability is not interfering with his/her ability to participate in or benefit from an appropriate regular or special education program, the student may *not* require Occupational Therapy and/or Physical Therapy as educationally related services. OT and/or PT Related Services are provided only when necessary for the student to benefit from the Special Education services described in the IEP.

The fact that a student may have a diagnosed disability does not in and of itself constitute a need for Occupational or Physical Therapy services. Services for a student with a medically-diagnosed condition or a medical prescription requesting related services *will not be provided* if the student can benefit from appropriate educational program without those services.

Education therapy is provided in the following situations:

- a) Student has met eligibility criteria for special education as per State Special Education Rules.
- b) Therapy has been determined necessary through a documented assessment process, to enable the student to benefit from the Individualized Education Program (IEP).

Medical therapy (not school-based therapy) is provided in the following situations:

- a) Prior to or following surgery;
- b) Acute rehabilitation (i.e., initial therapy for burns, head injury, spinal cord injury);
- c) Therapy deemed necessary but which does not enhance education or IEP goals.
- d) Therapy deemed necessary but the student does not qualify for special education programming;
- e) Therapy maintenance program if student is functionally independent in his/her educational setting.
- f) Therapy rehabilitation program if student is functionally independent in his/her educational setting.

Evaluation Process for OT/PT: Overview

Evaluation for Occupational and/or Physical Therapy is a comprehensive process to assess a student's functional performance in the educational setting. The extent and nature of the evaluation are determined by the therapist with consideration of the student's disability and how it impacts educational benefit. Whenever possible, therapists use standardized assessment instruments in conjunction with informal procedures.

The evaluation includes a written report indicating the nature and severity of the student's problem. When appropriate, the report also includes a recommendation concerning service options and/or levels of service to be considered by the IEP committee. The evaluation report is completed within 30 school days from the date the referral is received. When the evaluation is completed, the therapist contacts the school staff to schedule an IEP meeting to review the results.

In some cases, student information may suggest that an evaluation for OT or PT be completed during the initial referral process for special education (i.e., when there is substantial documentation that a student's severe physical or intellectual disabilities will prevent him/her from benefiting from education without the support of OT/PT, those services may be required for support with self-help skills or positioning).

NOTE: *If an OT or PT evaluation is completed during the initial referral process for special education, a decision concerning the need for related services cannot be established until eligibility for a specific area of disability is determined.*

Occupational or Physical Therapy: Referral Process

The decision to make a referral for OT/PT is based on a determination of whether the student is benefiting from his/her special education program. If the parent/teacher determines that the student's IEP goals cannot be achieved without the provision of OT or PT services, a referral should be initiated. The following procedures are used by the Morgan County Charter School System:

1. Special education teacher completes the OT/PT referral form provided by Northeast Georgia RESA, and attaches the following: results from a current hearing/vision screening, the IEP, and the RESA IEP Checklist. All of this documentation is sent to the Office of Student Support, where it will be forwarded to RESA for distribution to the appropriate therapist.
2. The appropriate therapist will conduct an evaluation to determine whether services are necessary.
3. Following the evaluation, The **OT/PT Evaluation Report** is completed and sent to the referring special education teacher.
4. The special education teacher schedules an IEP meeting for the student, insuring that the Occupational Therapist or Physical Therapist is in attendance.

(NOTE: If a student is not enrolled or eligible for IDEA special education services and is thought to need related/support services such as OT/PT, referrals should be made through the RTI/SST/504 process.)

5. If services are indicated, the therapist sends a letter and medical referral form to the physician. (Current laws of the Georgia State Board of Physical Therapy mandate a physician's referral be obtained prior to the delivery of physical therapy services.)

Initial Placement Procedures for Students Eligible for OT/PT

Students who qualify for Occupational Therapy and/or Physical Therapy, based upon eligibility requirements under IDEA and the initial OT/PT evaluation, may be considered for OT/PT services. An Individual Education Program (IEP) meeting is scheduled to consider Related Services. The IEP committee makes all placement recommendations for students to receive special education services and/or related services. Participants at the meeting should include the following:

- Parent
- Special Education teacher
- Occupational Therapist and/or Physical Therapist
- Regular classroom teacher
- Representative from the Local Educational Agency

If the team agrees that the Related Service is appropriate, the IEP goals and objectives are examined to insure that they address identified educational needs of the student and should be stated in such a way that they reflect that relationship (i.e., *How will therapy help the student benefit from his/her special education program?*).

Methods of implementation are determined by the therapist and may be reflected in the goals and objectives on the IEP. In determining whether or not assessed educational needs should be met by a therapist, the following criteria should be apparent:

1. Entrance criteria clearly indicate need for service.
2. Activities are educationally related to classroom activities and are designed to enable student to benefit from classroom instruction.
3. Therapy activities cannot be assigned to classroom staff.
4. Student is unlikely to benefit from the special educational activities without Occupational or Physical Therapy.
5. Occupational Therapy/Physical Therapy activities must relate to IEP goals and objectives.
6. Therapy services are necessary to meet IEP goals.
7. Provision of therapy services will improve the student's ability to adapt, thus enhancing potential for learning.

Service Delivery Definitions for Occupational and Physical Therapy

Direct Services

Direct service refers to occupational or physical therapy (OT or PT) provided to students primarily by the therapist in collaboration with the student's teacher and other staff. The purpose of direct therapy is to provide training in strategies necessary to reach functional performance on the student's individual education program (IEP) objectives within the educational setting.

Direct services are recommended only when the identified problem prevents successful educational outcomes based on IEP objectives and when other personnel cannot be trained to implement the necessary strategies. This service may take place in a variety of environments (i.e., classroom, cafeteria, gym, etc). Direct services should include some consultation with others, including family members, who need to incorporate specialized training into daily activities.

Direct OT and PT services are listed on the IEP with specific recommendations concerning frequency and duration. IEP goals and objectives that require the support of Occupational Therapy and/or Physical Therapy should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

CONSULTATION

Consultation refers to indirect service where the teacher and other staff are trained by the therapist to assist the student with strategies to meet specified educational objectives. Consultation involves the exchange of ideas and skills among staff related to the educational program for a student and/or development of specialized materials or equipment necessary to assist the student to benefit from his/her educational program. Consultation requires direct interaction between the student and the therapist in natural environments on an ongoing basis. This service may take place in a variety of environments (i.e., classroom, gym, cafeteria, etc.). Consultation is recommended when the identified problem interferes with, but does not prevent, the achievement of functional performance on the IEP objectives.

Consultation Occupational Therapy and Physical Therapy services are listed on the IEP with specific recommendations concerning frequency and duration. Minimally, consultation services are recommended for one segment per month. A segment may range from 30 to 60 minutes. IEP goals and objectives, which require the support of OT and/or PT, should include the Occupational and/or Physical Therapist as implementers along with the teacher and other appropriate staff.

Procedures for Students Determined to be Ineligible for OT/PT

If a student initially referred for Occupational Therapy/Physical Therapy is determined to be ineligible for OT or PT services, the student's special education teacher/case manager schedules a meeting to review the OT/PT Evaluation Team Report and recommendations with the student's parent(s).

Exit Criteria for OT/PT

A student no longer qualifies for Occupational and/or Physical Therapy services when the therapy is not required for the student to benefit from special education. Factors to consider include the following:

The student's IEP goals have been met and no additional services are required.
The student's disability ceases to be educationally relevant under regulations of IDEA.

Therapy is contraindicated due to a change in the student's medical or physical status.
Assessments indicate that the student has reached a point of appropriate positive change.

An IEP meeting with the appropriate participants is required to exit or dismiss a student from any special education or related service(s).

Assistive Technology

As part of the Individual Education Program (IEP) process, the team considers supplementary aids and supports, and whether any referral for evaluation(s) is necessary for the provision of a free appropriate public education (FAPE). Guiding questions for considering assistive technology are: What do we want the student to be able to do? Can the student accomplish the tasks or achieve the goals independently using standard classroom tools? If not, can the student accomplish the tasks or achieve the goals when provided with accommodations or modifications? If not, can the student accomplish the tasks or achieve the goals when provided with currently available assistive technology? If not, what additional supports need to be provided?

Although a formal Assistive Technology Evaluation process exists, a student's case manager may decide to examine and observe a student's use of selected specialized educational software.

Morgan County Charter School System already has portable word processors available for special education-eligible student use. The case manager should check with the Administrative Assistant for Special Education in the Central Office to determine if any are available for individual student use. If the school does not have one, and the need for Assistive Technology is documented on the IEP, one will be purchased.

Selecting appropriate software/hardware for the classroom can be a challenge. Staff trained in Assistive Technology is available to assist case managers in this decision-making process. Similarly, these staff members are available to provide training and support for the application of the selected specialized software/hardware.

After the case manager makes a selection, it is critical that he/she determines if the selected software/processor is effective. A period of time for utilization, a minimum of six weeks, is considered best practice.

If the IEP Team requests an Assistive Technology Evaluation, the Case Manager will contact the Assistant Superintendent for Student Support so that she can set up a meeting with the trained Assistive Technology Team. The team will utilize the Assistive Technology checklist used in the IEP process. The team will have sixty calendar days from the date of the initial referral to complete the evaluation and meet with parents/IEP Team to go over recommendations.

At the IEP Team Meeting, the Assistive Technology Evaluation results are reviewed. If the team recommends interventions, modifications, or trial devices, equipment will be provided to use as a trial with the student and a date is set to reconvene to discuss the success of the device or to fine-tune other recommendations.

After receipt of the Assistive Technology device(s), the Assistive Technology Team will provide training to school staff and student in its use.

State Assessments

Participation in Assessments

Students who should participate in the regular assessment are those students whose IEP teams have determined that it is reasonable for them to participate in the statewide or district-wide assessment(s) with appropriate accommodations. The decision for reasonableness is based on several factors. IEP teams should ask the following question:

Is the focus of the student's instruction the Common Core Georgia Performance Standards (CCGPS) or a modified CCGPS?

If the student's instruction is based on the CCGPS, the student should be taking the regular assessment.

Once it has been determined that the student is going to participate in the regular assessment program, consideration must be given to both instructional and testing accommodations. Many students with disabilities participate in assessments with no accommodations because of the nature of the disability. For example, a student with a speech/language impairment with an IEP for articulation instruction will probably need no accommodations in order to participate in the regular assessments. These are primarily paper and pencil assessments where no speech is necessary. A student with a visual impairment who uses large print text for instructional purposes will need large print tests in order to participate in the regular assessment.

Large print tests would be the testing accommodation listed in the student's IEP. The challenge for the IEP team is to look at the instructional accommodations and classroom testing accommodations the student uses and decide which of these is necessary for participation in the statewide assessment. The student needs to be provided with all the required accommodations but not accommodations that would simply be provided. For example, it would be "nice" if all students could have extra time or breaks during the test. The question is "Does this student require these accommodations in order to participate?" The goal is to allow the student with a disability the opportunity to participate in/access the assessment in the most standard way possible.

When the answer to the first question is **no**, IEP teams must then consider the third question: **Is the focus of the student's instruction on an alternate, functional curriculum with CCGPS components?** If the student's instruction is an alternate, functional curriculum with CCGPS components and not the CCGPS curriculum, the student should be placed on the Georgia Alternate Assessment (GAA). The student assessment program in Georgia is based on those skills and content knowledge that a student acquires through study of content that is in the CCGPS.

A student in a functional curriculum with CCGPS components would not be studying those skills as extensively as students on the CCGPS and content that are being tested by Georgia's regular testing program.

(NOTE: It is good practice to always consult with the school system's Student Support Leadership before recommending the Georgia Alternative Assessment for a student. Although it is an IEP decision whether a student should be on Georgia Alternative Assessment or not, there are certain Georgia guidelines that must be adhered to in making that determination.)

Once it has been determined that the student will participate in the Georgia Alternative Assessment, the IEP team begins selecting objectives from the CCGPS that will assess the student's progress toward his/her goals. All decisions regarding participation in the assessment program are documented in the student's IEP.

Procedures

In order for the Georgia Department of Education to satisfy the Individuals With Disabilities Education Act (IDEA) requirement for reporting the number and performance of students with disabilities participating in statewide assessments, including alternate assessment measures, the Morgan County Charter School System properly codes every student with an IEP. Specific directions are provided with the examiner's materials for each statewide test. However, the following provides a general overview of relevant issues that apply to the Georgia Kindergarten Assessment Program-Revised (GKIDS), the Criterion-Referenced Competency Test (CRCT) or modified (CRCT-M), the Norm-Referenced Test (NRT) if given, the Grade 3 Writing Assessment, the Grade 5 Writing Assessment, The Middle Grades Writing Assessment (MGWA), the GHS GT, and the GHS WT, and the End of Course Tests (EOCT).

Students with disabilities who have an IEP recommending participation in statewide assessments with no accommodations or with accommodations that result in a standard test format should participate in the assessment like all other students.

- Students with disabilities who have an IEP recommending participation in statewide assessments with accommodations that result in nonstandard test format should participate in the assessment with the designated accommodations. .
- Students with disabilities with IEPs recommending nonparticipation in statewide assessments must have the type of alternate assessment for the student identified in the IEP and following Georgia Department of Education guidelines for alternate assessment.

Georgia Alternate Assessment (GAA)

Under the Individuals with Disabilities Education Act (IDEA), all students with disabilities must be considered for participation in all statewide assessments.

The decisions regarding the participation of students with disabilities in statewide assessment must be made on a case-by-case basis and by each student's IEP team. The IEP team should

- (a) consider the purpose of the assessment,
- (b) consider the feasibility of the student's participation,
- (c) determine what accommodations, if any, the student will need and document this in the student's IEP, and
- (d) document in the IEP the decision for the student to participate in the assessment or for the student not to participate.

If the student's IEP team recommends that she/he not participate in the statewide assessment, then the IEP must document the reason the student will not participate, and then identify how the student will be assessed. The IEP should be completed early enough in the school year to permit adequate preparation and to allow sufficient time to order materials. Since the GAA is a portfolio assessment and has administration periods throughout the school year, it is very important that the decision to participate in GAA is made early.

Standard and Nonstandard (Conditional) Administration

Standard administration refers to testing conditions in which the procedures and directions included in the administration manual are followed **exactly**.

Nonstandard administration refers to testing conditions in which the procedures and directions included in the administration manual are **not followed exactly**. The state now uses the term **conditional**.

NOTE: There are no nonstandard administrations of the Georgia High School Graduation Tests (GHS GT), End of Course Tests, and the Georgia High School Writing Test (GSHWT).

In order for a student to be administered a test in a nonstandard format, the student must have an IEP that specifies special accommodations.

A few accommodations, such as large-print test materials or test administration in a small group, may fall within a *standard* administration format (specific information is given in each test manual). Other accommodations result in a *nonstandard* administration. It must be noted that not all tests have a nonstandard administration. The GHS GT, EOCT, and the GHSWT do not have nonstandard formats and any accommodation specified in the IEP and not considered as standard by the test manual will require a waiver request. Other state tests, however, according to the specific test manual, will specify standard and conditional testing accommodations.

Whether a standard or a conditional administration is given, the recommended accommodation(s) identified in the student's IEP must be provided. The students' test protocols must be coded to reflect a standard or non-standard/conditional test administration to provide data on the number and performance of students with disabilities on assessments as required by the IDEA. Modifications for any assessments determined by the IEP team to be modified in such a way that causes it to be "nonstandard" or "conditional" need to be thoroughly discussed as to the reason for the possibility of a non-standard administration.

Types of Accommodations (Refer to current Georgia Student Assessment Handbook)

Students with disabilities often need accommodations when taking an assessment. If a student needs accommodations and does not receive them, the assessment will reflect the student's disability rather than the student's acquired skills or knowledge. Accommodations for students with disabilities under the IDEA must be determined at the annual IEP team meeting. Accommodations that are provided for assessments should be the same types of accommodations that are provided for instruction. There should be a direct link. No accommodations should be used for the first time during the assessment process. For example, if a student has not used a "reader" during instruction, the presence of a reader may in fact hinder the student's performance by distracting him/her. As another example, if a student typically uses a study carrel to complete written assignments, then a study carrel during a test would be an appropriate accommodation.

Setting Accommodations:

Accommodations to the setting in which the testing normally occurs may be helpful to students with disabilities. The following are some examples of accommodations to the test setting:

- Small group testing
- Study carrel
- Special Lighting
- Adaptive or special furniture
- Special acoustics
- Separate room
- Individual administration

Timing/Scheduling Accommodations:

Accommodations that adjust the time allowance or distribution for a test are considered timing or scheduling accommodations. The following are some examples of timing/scheduling accommodations:

- Extended time
- Flexible schedule
- Frequent monitored breaks during testing

- Frequent breaks during selected subtests
- Optimal time of day for testing
- Subtests in different sequence

Presentation Accommodations:

Accommodations that present the test materials and / or test directions in a manner other than that described in the test administration manual are considered presentation accommodations. The following are some examples of presentation accommodations:

- Large print
- Sign the directions
- Sign test questions
- Sign reading passages
- Explain or paraphrase the directions for clarity (in English only)
- Braille
- Color overlays, templates, or place markers
- Use of highlighter by student
- Oral reading of test questions in English only by reader or assistive technology
- Oral reading of reading passages in English only by reader or assistive technology
- Low vision aids (e.g. CCTV, magnifying equipment)
- Repetition of directions (in English only)
- Materials presented with contrast and tactile cues
- Photograph used
- Substitute manipulative
- Use directions that have been marked by teacher
- Audio amplification devices or noise buffer/listening devices

Response Accommodations:

Accommodations that allow for alternate answering modes for the student are considered response accommodations. The following are some examples of response accommodations:

- Student marking in test booklet
- Student use of Braille
- Proctor or scribe writes student response
- Technology applications, such as Braille, word processor, or other communications device with all grammar and spell check devices disabled
- Student points to answers
- Basic function calculator or adapted basic calculator
- Adapted writing tools (e.g., pencil grips, large diameter pencil)
- Slant board with wedge

Senior Summary of Performance

For a student whose eligibility ends due to graduation with a general education diploma, special education diploma or certificate of attendance, or to exceeding the age requirements, the Morgan County Charter School System provides the student with a *summary* of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting his/her postsecondary goals. The purpose of the Summary of Performance is to provide strategies for successful transition with needed supports.

Other Information: Vocational Rehabilitation Services

Understanding Vocational Rehabilitation Services

The purpose of the Vocational Rehabilitation (VR) program is to assist eligible persons with physical, mental, or emotional disabilities to prepare for, obtain, regain and/or maintain employment. Each referral is different and no applicant is the same. When determining eligibility, the VR Counselor must make the determination on a case-by-case basis. Though a student is found eligible for special education services while in school based on his or her educational needs, he or she may not be automatically eligible for services through VR. When considering who may be eligible for VR services, keep in mind the main goal of the VR service program, "To assist individuals with disabilities to enter the workforce." In order to accomplish this goal, the disability must impede the applicant's ability to obtain and retain employment. The Morgan County Charter School System applies for a Vocational Rehabilitation Grant every year to offset the costs of a part-time Vocational Rehabilitation Counselor.

Who is eligible for Vocational Rehabilitation (VR) services?

Any citizen of Georgia who has a physical or mental disability that impacts his/her ability to go to work and who can benefit from VR services to go to work may be eligible.

How does the process work?

- The individual meets with a VR Counselor to complete an application for services.
- The counselor and the individual discuss how the disability affects his/her ability to work, and if he/she will benefit from VR services, and discuss the means to secure employment.
- If the individual qualifies for VR services, choices will be discussed in order to reach the employment goal.
- Assessments are used to determine the services necessary to reach the employment goal.
- A Work Plan is created, outlining responsibilities and services needed to reach the work goal.
- Financial eligibility requirements need to be met to receive some purchased services.

What services are available?

The services available are based on what is needed to go to work. They may include, but are not limited to:

- Vocational assessment
- Vocational counseling and guidance
- Physical and mental restoration services
- Vocational training
- School-to-work transition
- Rehabilitation technology
- Supported employment
- Job search and job placement
- Referral to other agencies for needed services

Once the necessary vocational rehabilitation services are received and employment is achieved, a 90-day follow-up is provided to the individual and the employer to ensure that there are no problems and the job is a good fit. After the 90-day follow-up period, the case is closed. Vocational Rehabilitation does not provide permanent support but is available as needed for people with disabilities to seek, secure, and sustain employment. More information can be found at the website: www.vocrehabga.org

Other Information: Georgia Special Needs Scholarship

Georgia Special Needs Scholarship

The **Georgia Special Needs Scholarship** provides eligible special education students with the opportunity to attend another public or an approved private school. See the “Questions and Answers” documents on the GA DOE website at www.doe.k12.ga.us for more information about the program.

Special Needs Student Scholarship Eligibility Criteria

- The student’s parent currently resides within Georgia and has been a Georgia resident for at least one calendar year; and
- The student has spent the prior school year in attendance in a Georgia public school in grades K-12 and was in attendance on both previous October and March FTE counts; and
- The student was served under an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations at any point during the previous school year; and
- The Student is enrolled at one of the state’s approved participating private schools by the state assigned date—no exception.

Not Eligible for the Program

- Toddler and Pre-K students are not eligible. Students must complete one school year in grades K-12 in a Georgia public school before they are eligible for a scholarship.
- Students not enrolled and reported in both the October and March FTE counts in the previous school year are not eligible.
- Students who were not served under an IEP in place during the previous school year are not eligible.
- A home school operating under O.G.C.A. 20-2-690 is not eligible to enroll scholarship students.
- Residential treatment facilities licensed are not eligible to enroll scholarship students.
- Department of Juvenile Justice Schools and students are not eligible for the scholarship.

Steps to Apply for a Scholarship

If interested in applying for a Georgia Special Needs Scholarship, parents must go to the GA DOE website after May 1. At that time, the parent will download, read and follow the “Directions to Apply” in the “For Parents” box to apply for the new school year.

Parental Responsibilities

- Determine child's eligibility and scholarship estimate on the website. Make at least two copies of the sheet. Save one for records;
- Complete and submit the electronic Parent Intent Form on the website;
- Download the list of approved private schools from the website beginning in mid-February. This list will be updated monthly through July;
- Apply and enroll the child at one of the approved private schools before given date in September; Parent must provide the private school with the child's scholarship calculation sheet or the child will not be eligible; and
- Withdraw the child from the public school.

Georgia Learning Resources System (GLRS)

The **Georgia Learning Resources System (GLRS)** is a teacher support system for special educators and other professionals who work with exceptional children. GLRS is part of a nationwide network of Special Education Learning Resource Centers. Within Georgia there are 16 GLRS centers coordinated by the Division for Exceptional Students of the Georgia Department of Education. They are located in Albany, Atlanta, Augusta, Cleveland, Columbus, Ellijay, Griffin, Macon, Newnan, Savannah, Scottsdale, Summerville, Vidalia, Waycross, Winterville, and Wrightsville. Each center serves approximately ten to thirty surrounding counties, enabling individuals to reach a center without traveling more than about 60 miles. The Morgan County Charter School System is part of the **Northeast Georgia GLRS Center** located in Winterville, Georgia (about 35 miles from Madison).

What Services Does GLRS Provide?

1. GLRS maintains an instructional materials center where special educators can preview and borrow materials. The collection includes diagnostic materials, teacher training, and professional materials and child use instructional materials. Materials are loaned on a short-term basis to provide educational intervention for particular children, to be used by teachers for trial or preview or to help facilities selection and purchase decisions.
2. GLRS provides in-service training through workshops and conferences on effective use of media and education equipment, new teaching techniques and methods, and innovative instructional materials. Every effort is made to provide workshops that directly relate to the identified needs or interests of each school system.
3. GLRS maintain a video-tape collection of outstanding special education workshops that have been conducted throughout Georgia. In addition, exemplary special classrooms can be videotaped. These tapes may be borrowed for workshops, in-service meetings or individual previewing.
4. GLRS sponsors various special projects to introduce innovative ideas and materials being used successfully with exceptional children across the nation.
5. GLRS acts as an information interchange network. Information is disseminated to special educators about the various areas of exceptionality, exceptional children in Georgia, and meetings and conferences of interest to special educators.
6. GLRS provides information and referral for diagnostic services and educational planning for the severely disabled child.
7. GLRS provides coordination and support for Child Serve Activities.

Who Can Use the Services of GLRS?

Any individual who works with exceptional children may use the services of GLRS. This includes teachers, administrators, teacher trainers, college students, psychologists, counselors, therapists, etc. Persons needing help should contact the GLRS Director, at Northeast Georgia RESA, Phone: (706) 742-8292, Website: www.negaresa.org

Other Information: Local Procedures Regarding Special Education Services for Students with Attention Deficit Disorder Diagnosis

Other Health Impaired

Students who have been appropriately diagnosed with some form of attention-deficit (ADD)/hyperactivity disorder (ADHD) may be served in programs for **Other Health Impairments**; however, just because a student has such a diagnosis does not mean he or she is automatically eligible for OHI services. Students with ADD/ADHD must meet the same criteria as students with other forms of health impairments.

The State Regulations indicate that students who are eligible for *Other Health Impairment* services experience limited alertness (or heightened alertness to environmental stimuli) that adversely affect educational performance to a degree of severity as to require special education to meet the unique needs of the student.

For example, with appropriate medical interventions and educational accommodations, a student with diabetes may perform adequately within the regular education program and would not be considered eligible for OHI services. Another diabetic student's condition may be so severe that they do not have the physical stamina to perform in the regular education program, and special education services are needed in order for this student's needs to be met in the school setting. The same is true for ADD/ADHD students. **The determination of eligibility must be done on an INDIVIDUAL CASE BASIS.**

Before a student with ADD/ADHD is referred for consideration for Other Health Impaired (OHI) services, an intervention plan should be implemented within the regular education program. (See the Morgan County Charter School System Response to Intervention Manual located on the system website www.morgan.k12.ga.us for further information for developing such plans.) **If data documents that interventions in regular program are unsuccessful, the Student Support Team then will refer the student for an evaluation of special education eligibility that must include a complete psychological evaluation.** Most students' needs with ADHD can be met through Tiers I through III, SST and/or 504 accommodations. If a child is referred for testing and does not have a previous diagnosis of ADD/ADHD, then the initial eligibility process will look at behaviors and academics to determine if the child is a child with a disability. A school psychologist cannot diagnose ADD/ADHD for the purposes of eligibility for special education under the category of Other Health Impaired. A clinical psychologist or physician must diagnose the ADD/ADHD for the eligibility team to consider Other Health Impaired.

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