

DuBois Integrity Academy Charter School System



Special Education Manual

**A Guide for Special Education Teachers and Other
Personnel Serving Students with Disabilities**

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SECTION I: INTRODUCTION

Purpose

The purpose of the Du Bois Integrity Academy Charter School System Special Education Manual is to provide a resource of current information for special education teachers and other staff members working with students with special needs in the Du Bois Integrity Academy Charter School System. A free appropriate public education (FAPE) is offered to all students with disabilities in the Du Bois Integrity Academy Charter School System between the ages of 5 through 12.

In this manual, general guidelines and specific procedures may be found to assist teachers and staff members with due process and IEP development for students with disabilities.

Laws mandating special education and related services are some of the mostly highly litigated laws in the United States. For this reason, if there is ever any doubt about what steps should be taking in a particular case, please contact the special education director, Dr. Jameka Davis.

The Du Bois Integrity Academy Charter School System Special Education Manual has been written expressly for the use of the employees of the Du Bois Integrity Academy Charter School System.

Mission

THE MISSION OF DUBOIS INTEGRITY ACADEMY is to prepare college and career ready scholars who are confident and inquisitive lifelong learner

Vision

THE VISION OF DUBOIS INTEGRITY ACADEMY is to prepare scholars who can compete globally, demonstrate citizenship, discover their purpose, and fulfill their dreams.

PROFESSIONAL DUTIES AND RESPONSIBILITIES

Confidentiality:

All special education information is confidential.

Confidential records maintained for students served in special education programs are protected under the provision of the policies of Du Bois Integrity Academy Charter School System, under Georgia school laws, and federal statute (Family Education Right to Privacy Act-FERPA).

Unless in immediate use, files should be maintained in a locked filing cabinet; List of personnel (list of specific titles, not names) with access to files should be displayed on the filing cabinet. Review by any person must record their action by signing the Special Education Record Access Sheet contained in the students' files. Parents/guardians/surrogates have the right to inspect, review, and to receive copies of their child's records.

Students age 18 or older may inspect their confidential file upon request.

Information contained in a student's special education file can be released to an agency outside of Du Bois Integrity Academy Charter School System if the parent gives signed consent to authorize release of information. Signed parental consent is NOT needed to release records when a student transfers from one public school system to another.

Persons who are not employees of Du Bois Integrity Academy Charter School System may NOT review student files except with the signed consent from the parent/guardian or with permission from the Special Education Director. All requests of this nature should be directed to the office of the Director of Special Education. The action must be recorded by signing the Special Education Record Access Sheet contained in the student's file.

Any conversation regarding a student with a disability or to a student's special education status or program should be carefully restricted only to professional staff working with the student or professional staff working in the interest of the student. Paraprofessionals should also know about the importance of confidentiality. For example, if someone asks a paraprofessional about a student's performance, the paraprofessional should refer the person to the student's special education teacher. Any document that needs discarding must be shredded if it contains any identifying information regarding a student.

For all personnel at Du Bois Integrity Academy Charter School System, breaching confidentiality is a violation of ethics and may result in reprimand or dismissal.

Personal Cell Phone Use:

All special education teachers should refrain from personal cell phone usage during any instructional time in which they should be assisting a special education student. If you find yourself in an emergency and must use your cell phone to reach a parent, please ensure that you do not make calls in front of students or during instructional times. Please do not take care of personal business of any fashion during instructional time. Please turn off cell phones during IEP meetings.

Computer Use:

Please limit computer/internet/iPad usage to school business purposes.

Email:

Each staff member has access to email. This will be our primary method of communicating with you concerning special education issues. You are to check your email on a daily basis. Using email to communicate will allow us to reduce the number of SPED meetings held during the school year. If this communication method is to be effective, it is important that you pay close attention to email as you will receive important notices through email only.

Special Education Meetings, Professional Learning, and In-Service Activities:

Throughout the year, there will be times when staff meetings and/or in-service sessions are required. There may be times when you cannot attend these sessions; however, you are expected to notify the SPED Director in advance of your reasons for being absent. Attendance records of these meetings are kept and shared with principals as part of your end of the year evaluation. You and your principals will be notified of these meetings in advance.

Personnel Involved in Extracurricular Activities:

Many of you have extra-curricular responsibilities such as club sponsorships, coaching responsibilities, etc. at your school. Those who coach sports, sponsor clubs, or are in charge of any other extracurricular activities, were hired as a teacher FIRST and a coach or extracurricular personnel second. No sport or extracurricular activity that a special education teacher is involved in should interfere with that teacher's classroom performance and should NEVER take away from the instruction of a student with a disability. Coaching matters or extracurricular matters should not be taken care of when a teacher is supposed to be in class instructing students. You are expected to attend meetings and sessions at a minimum and to make your attendance a profitable use of your time.

JOB RESPONSIBILITIES

Special Education Lead Teacher

The Special Education Lead Teacher at each school involves parents, general education teachers, special education teachers, and special education personnel in providing the most appropriate educational options for students with disabilities. The Special Education Lead Teacher will:

- 1) Attend all SPED Director meetings and redeliver, in a timely manner, information to staff as appropriate
- 2) Assistance in scheduling as needed
- 3) Participation in IEP meetings of special education teachers at respective school as needed
- 4) Model appropriate teaching techniques and strategies for special education teachers as needed
- 5) Assist other special education teachers in writing standards based and legally defensible IEPs
- 6) Assistance with ensuring accurate and timely completion of all SPED paperwork of special education teacher
- 7) Works with school testing coordinator to ensure that students with disabilities receive appropriate testing accommodations according to IEPs
- 8) Assist in mentoring new special education teachers
- 9) Assist in supervises SPED paraprofessionals in the school building
- 10) Acts as a liaison between the Response to Intervention and Special Education staff
- 11) Performs other duties as assigned by school administration or central office administration

Special Education Teacher

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

- 1) Developing and Maintaining IEPs
 - ┆ Follow procedures for writing IEPs
 - ┆ Review IEPs on an on-going basis
 - ┆ Report progress on annual goals at the end of each grading period
 - ┆ Maintain a current IEP for each child on teacher's caseload
- 2) Maintaining Student Records/Reporting Student Data
 - ┆ Maintain student records in a uniform order
 - ┆ Report student data as requested by the school SPED lead teacher or SPED Director
 - ┆ Provide a FTE verification sheet (on all students listed on the teacher's caseload report)
- 3) Documenting Parent/Guardian/Surrogate Contacts
 - ┆ Contacts with parent(s)/guardians(s)/surrogate(s) for due process meetings should be documented in the IEP (document all phone calls, home or work site visits, written notice, email, etc.)
 - ┆ Other contacts with parent(s)/guardians(s)/surrogate(s) should be recorded in a communication log
- 4) Evaluating Student Progress
 - ┆ Use progress monitoring to report progress on the student's IEP goals
 - ┆ Report progress on IEP goals when Report Cards are issued every 9 weeks
 - ┆ REMINDER: Progress monitoring is a DUE PROCESS requirement!
- 5) Completing Referrals for Reevaluation
 - ┆ Teachers are responsible for gathering the needed referral information for all students reported on their caseloads.
- 6) Referral information should be forwarded to the school psychologist
- 7) Attending Due Process Meetings
 - ┆ Attendance is required at all IEP meetings for students on caseload
 - ┆ Work with school staff to schedule IEP meetings
 - ┆ Bring appropriate paperwork
- 8) Beginning of Every School Term/Semester

- ┆ Inform general education teachers of the accommodations and modifications necessary for the students with special needs in their classrooms and secure signatures on the Receipt of Accommodations, confidentiality form, IEP and/or behavior intervention plan
 - ┆ Inform other school personnel, such as bus drivers or daycare van drivers, of modifications/ accommodations and/or behavior intervention plans when necessary to meet the needs of the student
 - ┆ In addition, general education teacher must be informed of their responsibilities related to the IEP and have access to the student's IEP
- 9) Attending Special Education Meetings:
- ┆ All special education teachers are expected to attend building departmental meetings and system-wide special education meetings
 - ┆ These meetings are scheduled to explain rules, regulations, local procedures, etc.
 - ┆ Teachers will be notified in advance so that they can make plans to attend.

Special Education Paraprofessional

The role of the Special Education Paraprofessional is vital to the overall functioning of the special education program in the classroom, school, and in the school district. The responsibilities of the Special Education Professional include:

1. Supportive Instruction
 - ┆ Support whole group instruction
 - i. Monitors students and redirects off-task student
 - ii. Provides individual assistance to students when needed
 - ┆ Assist with individualized instruction
 - ┆ Tutor individual and/or small groups of students
 - ┆ Prepare student-specific materials and adapt as necessary
 - ┆ Implement and reinforce teacher-developed instruction
 - ┆ Implement AT interventions under direction of Special Education Teacher
 - ┆ Provide acceleration or remediation of instruction
 - ┆ Support implementation of accommodations

2. Interacting with Students
 - ┆ Exhibits patience and kindness toward students
 - ┆ Models appropriate communication skills for students
 - ┆ Treats students with respect
 - ┆ Disciplines students with fairness and equity, according to the Special Education teacher's guidelines
 - ┆ Assists students with toileting, feeding, and/or other physical care

3. Interacting with Adults
 - ┆ Participates in team meetings when requested
 - ┆ Responds respectfully and tactfully to others
 - ┆ Maintains a professional attitude and works cooperatively with others

- ┆ Follows directions of supervisor
- 4. Improving Knowledge Base
 - ┆ Attends and participates in assigned workshops and training
 - ┆ Applies information learned in training to the job
 - ┆ Demonstrates initiative in learning new tasks
- 5. Monitoring Students
 - ┆ Observes, records, and charts student's behavioral responses in the classroom
 - ┆ Reports unusual changes in student behavior to supervisor
- 6. Ethics
 - ┆ Confidentiality is maintained at all times
 - ┆ Complies with all local, state, and federal regulations and policies
- 7. Additional Expectations
 - ┆ Maintains prompt and regular attendance
 - ┆ Uses appropriate communication skills, both written and oral
 - ┆ Limits taking care of personal business during work hours
 - ┆ Maintains a professional appearance in dress and grooming
 - ┆ Assists in routine classroom housekeeping duties
 - ┆ Exhibits time on task and hard-working attitude
 - ┆ Exhibits flexibility and a cooperative attitude
- 8. For a variety of reasons, Paraprofessionals should not perform the following tasks:
 - ┆ Design or develop instruction
 - ┆ Develop lesson plans
 - ┆ Determine student grades
 - ┆ Conduct formal assessments

Student File Management:

All special education records are part of a student's permanent record. Teachers need to be familiar with how these records are maintained.

The special education teacher will be assigned a caseload. This teacher is considered the "case manager" for that student. The only exception is if a student receives services from more than one special education teacher; the designated or appointed case manager is responsible for that student; however, any other special education teacher working with that student is responsible for reporting

progress towards IEP goals and objectives to the case manager. Case managers are responsible for ALL due process documentation and adherences to compliance with local procedures, and state and federal law.

The first thing a special education teacher should do when he/she received a caseload roster is to begin familiarizing with the student on the caseload. This means reading the entire IEP in full, paying particular attention to the accommodations, modifications, and behavior intervention plans.

Read in full the last full psychological evaluation and present and past present levels of performance on students. These documents are full of valuable information regarding the student's educational and social history that can and will prove helpful in building a positive educational experience for the students.

It is the case manager's job to meet with the student's general education teachers and inform them of the classroom and testing accommodations of the student. The case manager must inform the general education teacher of his/her responsibilities related to the student's IEP.

Case managers are responsible for meeting all deadlines by the specified due dates (initial IEP meetings, annual reviews, reevaluation/redetermination meeting, FTE data verification, and any other information requested by the Director of Special Education).

SECTION II: DUE PROCESS PROCEDURES

Child Find is mandated by special education law. It is a process that systems use to identify, locate, and evaluate all children, birth through twenty-one, in the system who are suspected of having disabilities. Federal law requires that systems must have policies and procedures in place to ensure the identification, location, and evaluation of these children.

For children in Pre-K through 5th grade enrolled in public schools, Child Find is accomplished through the GA Student Achievement Pyramid of Interventions. Du Bois Integrity Academy Charter School System has developed a Pyramid of Interventions to meet the academic and behavioral intervention needs of students. As interventions are selected and implemented, revisions are made in the local pyramid.

The Child Find process is facilitated by the locally-developed Pyramid of Interventions. All students at Du Bois Integrity Academy Charter School System participate in evidence-based instruction, which is developed based on grade level Georgia Standards of Excellence (GSE). When students struggle in the general education curriculum, Tier 2 and, if needed, Tier 3 interventions are provided. Data is collected at all tier levels to determine the students' responses to interventions that have been implemented. Students who do not make progress with the individual interventions provided at Tier 3 may be referred for an evaluation to determine eligibility for special education and related services.

Tier 3 serves as a Child Find responsibility for students who may need special education and related services. Students in private schools, home-schools, and charter schools, highly mobile students including migrant children, and those students who are detained or incarcerated in city/county jails or correctional facilities who are referred for special education services should also have documentation of these prior interventions to assist in the determination of eligibility for special education services. Child Find is a critical part of the special education process for all children suspected of having disabilities.

With the implementation of the Pyramid of Interventions and the focus on progress monitoring and response to interventions, only those students who are not making progress, despite evidence-based instruction, will be referred to special education to determine their eligibility. Screening to determine appropriate educational strategies is not to be considered as an evaluation.

Du Bois Integrity Academy Charter School System special education program receives and processes referrals for special education services for children aged 3 through 21. Children may be referred by parents, school personnel, local pediatricians, private speech/language pathologists, 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.

Du Bois Integrity Academy Charter School System uses PowerSchool Special Education, an online program that allows development and administration of student reports, individualized education plans, forms, and records. PowerSchool Special Education, utilized through our SIS System (PowerSchool), allows a practical method to determine which children at Du Bois are currently receiving special education and related services.

Pre-Referral Information:

Prior to referral for evaluation, students at Du Bois Integrity Academy Charter School System are provided a wide range of intensive, research-based interventions. School level data review teams meet regularly to review the progress of students who are referred for interventions. When a student does not make the progress required to meet age or grade level standards, the student's Response to Intervention (RTI) folder is sent to the school RTI Coordinator.

Response to Intervention:

The Georgia Student Achievement Pyramid of Interventions graphically illustrates the process of aligning appropriate assessment with purposeful instruction for all students. In Georgia, Response to Intervention is based in the general education classroom where teachers routinely implement a strong and rigorous standards-based learning environment. The tiered approach to providing layers of intervention for students needing support requires a school wide common understanding of the Georgia Standards of Excellence (GSE), timely assessment practices, and appropriate instructional pedagogy.

Georgia's RTI process includes several key components:

- A 4-Tier delivery model designed to provide support matched to student need through the implementation of standards-based classrooms.

- Evidence-based instruction as the core of classroom pedagogy.

- Evidence-based interventions of increasing levels of intensity based on progress monitoring. The use of a variety of ongoing assessment data to determine which students are not meeting success academically and/or behaviorally.

- Data Teams in each school serve as the driving force for instructional decision making in the building.

- Purposeful allocation of instructional resources based on student assessment data.

All students participate in general education learning. Students requiring interventions to meet individual learning expectations will receive support through a systematic and purposeful process. The number of students requiring interventions will decrease as the level of intensity of the intervention increases. All pre-referral interventions are determined to be equitable by type, degree and frequency across all racial/ethnic groups. District and school leaders collaborate to identify effective interventions for adoption at all school levels for universal, targeted, and intensive tiers.

Georgia has implemented a four-tier Response to Intervention (RTI) model in a) identifying and b) addressing students' academic and/or behavioral needs. Standards-based instruction, universal screening, and progress monitoring are the critical foundation elements of our model (Tier 1). Every public school in Georgia is mandated to teach the standards to all students based on their grade level and/or content area. Universal screening helps teachers identify students who will need more individualized assistance. Progress monitoring allows teachers to assess the effectiveness of instruction and to differentiate their assistance based on the instructional and/or behavioral needs of the students. When a variety of Tier 1 strategies are utilized and the student is not showing significant improvement

this should be the trigger that activates the school's RTI plan to bring more *focused attention and* more intensive instructional assistance that comprises Tier 2.

Tier 2 is characterized by the addition of more concentrated small-group or individual interventions that target specific needs and essential skills. All Tier 2 Interventions must be research proven and aligned to the needs of the student and resources of the school. Interventions may involve an increase in intensity, frequency, and duration of the strategies utilized in Tier 1, or they may be entirely different based on information shared among staff members. Collaboration by staff in delivery of rigorous instruction and appropriate Tier 2 interventions is vital in order to ensure a transfer of learning from Tier 2 to Tier 1 activities. Progress monitoring is more frequent and is vital in order to judge the effectiveness of the interventions based on the student's response to them. If such appropriate interventions-- implemented with fidelity and for an established duration-- are not effective then the staff must call upon the assistance of the Student Support Team (SST), which is Tier3.

In Tier 3, SST is the structure and RTI is the process. Team members now individualize appraisal and interventions to determine barriers to learning and develop appropriate individual interventions for the student. If a variety of SST/Tier 3 interventions are finally determined not to be adequate and the need for more individualized assistance is thus documented, the SST will make an appropriate referral for consideration of placement of the student in an appropriate Tier 4 program. If found eligible, this student may be placed in Special Education, English to Speakers of Other Languages (ESOL), Gifted or other programs that are delivered by specially trained teachers. In summary, the SST is mandated by federal court order and our RTI model is a systemic process to bridge behavioral and academic gaps. Ultimately, the success of any SST relies on the foundation of Tiers 1 and 2. Success is attainable when schools analyze their data to identify school-wide, classroom, and individual student needs and by their use of research based strategies and interventions led by ongoing professional learning, coaching, and measurement of student response to these supports. The Georgia Pyramid of Interventions/RTI is a robust school improvement framework which is guided by data-driven decision making and time-proven practices to proactively address the needs of all Georgia students in the 21st Century.

Students who transfer to Du Bois Integrity Academy Charter School System from another GA public school with a current Individual Education Plan (IEP), or Section 504 Plan do not have to go through the RTI process. Also, students who were actively involved in the RTI process (in-state or out of state) will be assessed by the current school's intervention team and placed in the appropriate tier within the GA Pyramid of Intervention.

Exceptions:

Information for students who transfer to the Du Bois Integrity Academy Charter School System from a private school (in-state or out of state) with a written education plan to address suspected disabilities should be given to the school's special education lead teacher at their current school.

The RTI Coordinator for the school should consult with the SPED Director if consideration is being given to a shortened tier process. Vision and hearing screenings are a required part of the process. A signed consent for vision and hearing screening must be obtained from parent/guardian.

A student who is found to have an obvious and serious disability may bypass the SST process and be referred directly to special education. The Director of Special Education must approve this exception.

Prior to determining that a special education referral is necessary, the student's RTI folder must be reviewed by the RTI team. The team will review the information for further recommendations and strategies. It is necessary for ALL students with suspected disabilities (preschool and speech included) to go through the RTI process. Parents maintain their due process right to request an evaluation. However, eligibility for special education should not be considered without documentation of prior instructional interventions. Once the intervention team determines that a student should be referred for testing, the RTI folder should be sent to the school's RTI Coordinator for review. Once reviewed, the file will then be given back to the grade team leader. The team leader will complete the initial referral package and forward to the school psychologist. It is imperative that the RTI team as well as other school staff be mindful of the calendar timeline mandated by state regulations.

Initial Referral Process:

After a student has received interventions and progress monitoring indicates lack of success, the RTI team will determine that a referral for a complete psychological evaluation is appropriate. It is the responsibility of the RTI Coordinator at each school to see that the referral packet is completed appropriately. After inspection that all documents are included, the RTI Coordinator will give the RTI folder to the school psychologist. At that time, a comprehensive individual assessment will be conducted. Once the evaluation is completed, the IEP committee determines eligibility of the student for special education. If the student is eligible, an individual education plan of instruction and related services is developed.

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

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.

Preparation of Referral Packet:

All forms are available in this manual.

The team leader/RTI Coordinator should double check to make sure there is a current (with one year) vision and hearing screening. If not, obtain a vision and hearing screening consent to update the vision/hearing screening. This is before Parental Consent for Evaluation is obtained. No referral can be made until the student has either passed both hearing and vision or necessary corrective actions have been completed.

- a. If the student passes both vision and hearing screenings, the examiner should document this on the form. This documentation which must include the date of the screening and the examiner's name is required by state and federal regulations and becomes part of the student's school records.
- b. If the student fails either both of the screening areas, a second attempt at testing should be done. The retest must also be documented on the screening form. Students with a head cold and/or congestion may experience difficulty with the hearing screening and may need to wait until the congestion has cleared. The school should notify the parent regarding follow-up care and correction/treatment, if necessary. If the parent cannot pursue the follow-up or requests financial assistance, then the following steps should be taken:
 - i. Vision screening failures-Refer the student to the school system social worker for follow-up. The school social worker, TBA, will assist the parent in contacting community agencies that may provide financial assistance.
 - ii. Hearing screening failures-Refer the student to the school system social worker, TBA, for follow-up. The school social worker will assist the parent in contacting community agencies that may provide financial assistance. If a severe hearing deficit is suspected, contact the special education director, Mr. Charlie Walker, for information regarding a possible referral to an audiologist or assistance with medical services.

Vision and hearing screening data is current for one calendar year from the date of the screening, follow-up evaluation, and/or correction. Medical forms from a doctor stating date of exam with corrected visual acuity and/or results for hearing screening may be accepted and further screenings by the school are not necessary.

Students who cannot participate in the vision and hearing screenings due to a young age or low cognitive functioning should be assessed using the observation form for functional vision and hearing. These forms should be completed by an adult (parent/guardian/teacher) who knows the child well.

Students who have sensory deficits and meet eligibility criteria for Visually Impaired or Deaf/Hard of Hearing must have a documented screening for the sensory area that is not considered deficit. For example, students who are blind or visually impaired must have hearing screenings. Likewise, students who have hearing impairments must be screened or vision. The medical

records documenting the deficit area are then used to proceed with further testing. Once the student has passed the vision and hearing screening, parental rights and parental consent to evaluate (with the description of types of evaluations) are sent home.

When the parent returns the Parental Consent for Evaluation to the school, this form should be stamped with the date received at the school. The 60-day timeline starts with this date. (Not the date signed by the parent.)

After the Parental Consent for Evaluation is received and the parent has indicated that he/she is in agreement, the school RTI Coordinator sends the student's RTI folder, which includes all progress monitoring data, summary sheets, charts, grades, medical reports, attendance, etc., to the school psychologist.

The following information is optional and may be requested prior to or after psycho-educational testing is completed:

- a. Anecdotal record forms
- b. Observation forms
- c. Achievement testing
- d. Formal and informal measures of adaptive behavior
- e. Behavior rating scales

At this time, the student is placed on the psychological service log for evaluation.

The school psychologist will use a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the child, including information provided by the parents that may assist in determining: i) Whether the child is a child with a disability and ii) 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).

The psychologist uses more than one procedure to determine whether a child has a disability and the appropriate educational program for the child. Technically-sound instruments are used to assess the relative contribution of cognitive, emotional, and behavioral factors, in addition to physical or developmental factors.

Instruments selected based on the following criteria:

- i) Are less than ten years old;
- ii) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- iii) 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;
- iv) Are used for the purposes for which the evaluation nor measures are valid and reliable
- v) Are administered by trained and knowledgeable personnel; and
- vi) Are administered in accordance with any instructions provided by the producer of the assessments.

Du Bois Integrity Academy Charter School System assesses children 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. If the student is not eligible for special education services, the original RTI forms will be returned to the school's RTI coordinator, and a meeting will be held with parents to discuss the evaluation results. If the student is eligible, the school psychologist will notify the special education director who will

assign the student to a case manager.

The case manager will schedule an eligibility meeting with the parents/guardians. Parents/ guardians must be given at least seven day notice prior to the meeting. It is the case manager's

responsibility to do a follow-up contact with the parent regarding the meeting date and time. A response is needed before the meeting can proceed. If the parent cannot attend it should be documented on the notification form that the case manager contacted the parent and has permission to proceed with the meeting.

- └ It is also the case manager's responsibility to notify all related service personnel, administrator(s), regular education teacher(s), and/or other special education teachers that should participate in the placement committee meeting. Participation by staff members is expected unless an unavoidable situation arises. If any invited participant is unable to attend, the case manager should be prepared to present information from that staff member and have the parent sign an excusal letter that the meeting may continue.
- └ A student cannot receive special education services until the parents have approved the Individual Education Plan and have signed the consent for placement. If the student does not qualify for special education services at this time, the special education caseload manager should send the referral back to tier 3 to the school RTI Coordinator.

Timelines for Initial Evaluations:

- └ All initial referrals must be completed within 60 calendar days of receipt of parent consent of evaluation.
- └ When students do not attend school for five or more consecutive days because school is not in session (such as spring, summer, fall or winter breaks) including the weekend days before and after such holiday periods, those days are not counted in the 60 day timeline. In order to meet the timeline requirements, on some occasions, it may be necessary for the school psychologist to evaluate students during the time school is not in session.
- └ Refer to the school calendar to determine when the eligibility determination is due.
- └ If the permission is received less than 30 days before the end of the school year, the days can be split between the current and next school year. Again, it is important to refer to the special education calendar to determine this date.
- └ After the student has been determined eligible for special education services, the IEP team has 30 calendar days to develop the IEP.
- └ If, for ANY reason, there is a delay in the time requirement the special education teacher should contact the special education director to discuss the delay. The delay must be clearly documented in the student's file. **THE GEORGIA DEPARTMENT OF EDUCATION ALLOWS NO EXCEPTIONS FOR DELAYS IN INITIAL TIMELINE REQUIREMENTS.**
- └ The time frame described above does not apply to the LEA if:
 - a. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - b. A child enrolls in a school or another LEA after the relevant time line in this rule has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability.

When Parents Present Private Evaluations:

When parents are willing to share copies of evaluations that were obtained at private expense, the school system has an obligation to give consideration to the report. The school system is under no obligation to accept the full report at face value; however, the system may be obligated to conduct its own evaluation. When schools receive copies of psychological reports from parents who advocate that their child has a disability, the report should be sent directly to the school psychologist. The psychologist will review the report for psychometric soundness, appropriate choice of test instruments, compliance with state department mandated timelines for determining eligibility, and appropriateness of test administration. The school psychologist will meet with the RTI team to determine appropriate interventions.

The presentation of a private psychological evaluation is an insufficient reason for by-passing the RTI process.

Parent Request for an Independent Educational Evaluation:

A parent is entitled to only one independent educational evaluation at public expense each time Du Bois Integrity Academy Charter School System conducts an evaluation with which the parent disagrees. (Public expense means that the district either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent). The qualifications of the independent evaluator must be the same as those required of the Du Bois Integrity Academy Charter School System evaluators. The system may set a reasonable limit on the cost of the independent evaluation. If a parent disagrees with the results of a completed evaluation done by DuBoisIntegrityAcademy,the parent may request an outside independent educational evaluation (IEE) paid for by the district. Du Bois Integrity Academy Charter School System must agree to pay for the independent evaluation or begin due process procedures to show that the evaluation is adequate. If there is a due process hearing and the system's evaluation is judged to be sufficient, then it will not have to pay for an IEE.

Parents are not entitled to an independent educational evaluation at public expense before they allow the system to conduct its own evaluation. Once the Du Bois Integrity Academy Charter School System evaluation occurs, and the parents disagree with the results of the evaluation, they can request one at public expense. The system will provide the parents with a list of qualified examiners from which to choose for the independent educational evaluation. Du Bois Integrity Academy Charter School System will work with the parents to find a mutually agreeable evaluator. Usually a parent will make all the arrangements and provide the transportation.

If a parent obtains an independent educational evaluation at his or her expense, the results of the evaluation that meet state and district criteria shall be considered in any decision made with respect to the provision of FAPE for the child.

Request for independent educational evaluations should be directed to the Special Education Director immediately.

Special Education Eligibility Team:

No student shall be placed in a special education program until that student is the subject of an Eligibility Team meeting. Members **may** include any or all of the following:

- the Special Education Director,
- parents,
- student (**must** be a part of a transition meeting),
 - principal and/or assistant principal,
 - school psychologist,
 - School RTI/SST Coordinator
 - counselor,
 - classroom/general education teacher(s) (at least one general education teacher **must** be a part of the team),
 - any special education teachers presently serving or one who may be assigned to serve the student,
 - related service personnel (ex. nurse, OT/PT), and any other personnel whose knowledge and/or expertise would assist in determining the best placement for the student.

Initial Eligibility Team Outcomes:

If the student is found to be **eligible** for special education services they may begin as soon as the parent signs the Consent for Placement. If the parent refuses consent, services **MAY NOT** be given to the student.

Students Ineligible for Special Education Services:

If the student is found **ineligible** for special education services, recommendations from the evaluation will be provided to the teachers and accommodations /interventions will be made accordingly by the school SST. Should the SST develop alternative strategies and interventions that are successful with a student, naturally the student should not be referred for further evaluation. However, the SST should not exclude a student from further evaluation because the team “feels” that the student will not meet special education eligibility. The SST must have data to support the decision that interventions are successful at Tier III and that the student is successful without further evaluation. The SST may have attempted reasonable strategies at the school level in Tiers II and III and have physical/emotional/academic questions that might be answered by an evaluation. Remember: The SST is not an Eligibility/Placement Team; therefore, SST should never make decisions on special education eligibility or placement.

Procedures for Requesting Speech Screening/Assessment:

Students who are suspected of having speech disorders must go through the RTI process as outlined in the RTI manual.

The general education teacher will contact the RTI/SST School Coordinator to schedule a screening assessment be conducted by the SLP.

- A. The SLP will notify the building SST/RTI Coordinator whether there is a need for speech interventions.
- B. The SLP will begin to provide speech interventions to the student.
- C. After sufficient interventions have been documented, an RTI/SST meeting will be scheduled to review the results of the assessment (i.e. progress monitoring and intervention documentation). A written summary will be provided to include with RTI/SST minutes.
- D. If the assessment by the SLP provides significant evidence that speech services are needed, all documentation that is needed for a speech referral is compiled and submitted to RTI/SST building level coordinator for review.
- E. If it is determined that the student qualifies for speech services the level and frequency of service will be documented by the Special Education Department.

Please note that the fact that the interventions are successful **may** be an indication that a speech referral is needed. If determined eligible, the student can begin to receive the appropriate services on a consistent basis and the system can receive funds to provide the services.

Preschool Students with Disabilities:

Du Bois Integrity Academy Charter School System provides services to 3-5 year old students in a variety of ways. The Preschool Special Needs Program is a federally mandated service. The most appropriate option for meeting the needs of the student is determined by the IEP team.

Services may include comprehensive educational and therapy services to students with significant developmental delays in the areas of cognition, communication, motor, adaptive and social skills as well as with serious medical needs. Any child who is three to five years old who is experiencing significant difficulties or delays in development, whether physical, mental, or emotional, can be referred for services. Areas of concern can include difficulties in developing speech and language skills, thinking skills, adaptive skills, motor skills or social skills. A play-based assessment will be conducted to determine if a child qualifies for the preschool special education program.

Additionally, speech therapy, occupational and physical therapy are contracted.

Referral Process for Preschool Special Education Program:

The Du Bois Integrity Academy Charter School System special education program receives and processes referrals for special education services for children aged 3 through 5. Children may be referred by parents, school personnel, local pediatricians, private speech/language pathologists, 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.

1. Babies Can't Wait (BCW) Referrals

- ┆ Notification print out sent from BCW
- ┆ BCW Caseworker calls or emails to arrange Transition Meeting (6 months prior to the child's 3rd birthday)
- ┆ Transition Meeting held and referral is completed
- ┆ One month before the child's third birthday contact is made with parent to set up evaluation
- ┆ Consent to evaluate is obtained

- ┆ Vision/Hearing Screening passed
- ┆ Evaluation is completed in all 5 developmental areas including Speech/Language if needed
- ┆ Eligibility and IEP Meeting held prior to child's third birthday, and Preschool Outcome Data form is completed

2. Community Preschool-aged Children

- ┆ Referral is made
- ┆ A Vision/Hearing screening is scheduled, and a referral packet is sent to parents to be completed and returned when they come for the Vision/Hearing screening
- ┆ Consent for evaluation is signed by parents/guardians
- ┆ Vision and hearing screening obtained and passed
- ┆ A developmental evaluation is completed
- ┆ Eligibility and IEP meeting held, and Preschool Outcome Data form is completed.
- ┆ Students scoring within normal limits are referred back for monitoring by the parent/daycare/private Pre-K and referred at a later date if necessary

3. Students Enrolled in the Pre-K Program

- ┆ All students are assessed by the Pre-Kindergarten teacher in all content areas of the Pre-K program content standards at the beginning of the school year
- ┆ All deficit areas are targeted for intervention by the teacher. Additional available school personnel are consulted as needed.
- ┆ The school RTI/SST Coordinator is notified by the teacher, as needed, and a committee meeting is scheduled with recommendations made
- ┆ With prior intervention documented, appropriate paperwork is completed by the school RTI/SST Coordinator at the last Student Support Team (SST) meeting to refer the student to the special education preschool program
- ┆ Observations and a developmental screening are completed by special education staff
- ┆ Students scoring within normal limits are referred back to SST for monitoring and referred at a later date if necessary
- ┆ Students scoring within the potential delay area or below are referred for further intervention in the Pre-K class and scheduled for follow-up evaluation in areas of potential delay
- ┆ Consent for evaluation is obtained from parents/guardians
- ┆ Vision and hearing are obtained and passed
- ┆ A developmental evaluation is completed
- ┆ Eligibility and IEP meeting is held within the 60-day timeline and Preschool Outcome Data form is completed.

4. Preschool-aged Students Attending Head Start Program

- ┆ All students are assessed by the Head Start teacher in all content areas of the Head Start

curriculum at the beginning of the school year. All students are also screened for speech and language delays.

- ┆ All deficit areas are targeted for intervention by the classroom teacher and SLP assigned to Head Start. Head start should have a committee to help with decisions.
- ┆ If agreement is reached that the child has made progress with interventions and is functioning within normal limits, the child is monitored with continued attendance in Head Start program by parents/guardians and teachers. Referral to Special Education can be made at a later date, if necessary.

- ┆ With prior intervention documented, students not making adequate progress are referred to Special Education
- ┆ A developmental screening is completed by special education staff
- ┆ Students scoring within normal limits are referred back to parent and teacher for monitoring and referred at a later date if necessary
- ┆ Students scoring within the potential delay area or below are scheduled for follow-up evaluation in areas of potential delay
- ┆ Consent for evaluation is signed by parents/guardians and developmental evaluation is scheduled
- ┆ Vision and hearing tested and passed
- ┆ Evaluation is completed
- ┆ Eligibility and IEP meeting is held within the 60-day timeline, and Preschool Outcome Data form in complete

Private/Home Schools Participation:

Du Bois Integrity Academy Charter School System conducts child find, determines the proportionate share of federal funds and provides equitable services to parentally placed private school children with disabilities who attend private/home schools located in Du Bois Integrity Academy Charter School System without regard to where the children reside. Representatives of private elementary and secondary school in Du Bois Integrity Academy Charter School System jurisdiction, parent or parent representatives of those SWD in private schools, and parents of eligible home schooled SWD are provided timely and meaningful consultation notice.

When conducting the Timely and Meaningful Consultation process, Du Bois Integrity Academy Charter School System covers the following items during the meeting:

1. The child find process for private/home schools – how private school students can participate equitably and how parents, teachers, and private school officials will be informed of the child find process and procedures. Du Bois Integrity Academy Charter School System attempts to locate, identify and evaluate all children suspected of having a disability within their jurisdiction.
2. What the proportionate share amount is and how it is calculated.
3. The consultation process itself and how it will operate throughout the school year so eligible students can participate in special education and related services. Services are comparable in quality, not quantity.
4. How, where and by whom proportionate share funds will be allocated, including a description of the types and amounts of services that will be provided. Du Bois Integrity Academy Charter School System makes the final decisions with respect to the services to be provided (even if there are insufficient funds

to serve all SWD) after receiving views from the participants.

5. How the district, if it disagrees with the views of the private schools on services, will provide a written explanation of why it chose not to follow the views of the private schools. The TMC is completed prior to school starting (prior to June) then the decision on services and fund amount to be provided is made (prior to when school begins).

Proportionate Share:

Since the passage of IDEA 1997, school districts have been required to allocate a “proportionate share” of their Federal IDEA funds to provide private school students with disabilities (SWD) with “services” in special education offered by the district. Funds and services may be provided to SWD enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school and secondary school.

FAPE availability is provided by the LEA where the student resides but an IEP need not be developed if the parents make clear their intention to enroll in a private school.

According to IDEA, an elementary or secondary school is defined as a nonprofit, institutional day or residential school including a public charter school that provides elementary and/or secondary education as determined under State law – in GA any combination of grades K-12. If a private school meets this definition of serving any K-12 grades then some or all SWD must be provided services from the district where the private school is located – includes preschool through 12th grade SWD and any enrolled from out of district/out of state SWD.

No parentally placed private school SWD has an individual right to receive some or all of the special education and related services that the SWD would receive if attending a public school.

Eligible SWD in Head Start, Pre-K Lottery, day cares or at home are the responsibility of the district for child find/special education services if residents.

Local arrangements for Head Start or Lottery students may be made if they are out of district.

Preschool out of district/state SWD in a program not meeting the elementary school definition are the responsibility of their district of residence for child find and services.

•NOTE: For profit private schools receive child find only from its LEA.

PLACEMENT OF CHILDREN BY PARENTS WHEN FAPE IS AT ISSUE.

(a) If the LEA 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, the LEA 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. However, these students must be included in the activities in paragraph (3) of this Rule. 1. Disagreements about FAPE: Such disagreements regarding the availability of a program appropriate for the child and the question of financial responsibility are subject to the procedural safeguards provided.

Reimbursement for Private School Placement: If the parents of a child with a disability, who previously received special education and related services in a LEA, enroll the child in a private preschool, elementary school or secondary school without the consent of or referral by the LEA, a court or an administrative law judge (ALJ) may require the LEA to reimburse the parents for the cost of that enrollment if the court or ALJ finds that the LEA 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 LEA.

Limitation on Reimbursement : The cost of reimbursement described in (a)(2) 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 LEA, the parents did not inform the IEP Team that they were rejecting the placement proposed by the LEA to provide a FAPE to their child and did not state their concerns or their intent to enroll the child in a private school at public expense ; or (ii) A t least 10 business days prior to the removal of the child from the LEA , the parents did not give written notice to the LEA that they were rejecting the placement proposed by the LEA 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 LEA , the LEA 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.

4. Exception to Limitation on Reimbursement : The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the LEA described in paragraph (3) immediately 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 paragraph (3) 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 LEA described in paragraph 4 immediately 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.

5. The cost of reimbursement may, in the discretion of the court or administrative law judge, not be reduced or denied for a parent's failure to provide the notice to the LEA described in paragraph 4 immediately 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.

Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment must be secular, neutral, and nonideological.

- (i) **Location of services.** Services provided to private school children with disabilities may be provided on site at the child's private school, including a religious school, to the extent consistent with law. 1. If it is necessary for the child to benefit from or participate in the services provided under his or her services plan, the private school children with disabilities must be provided transportation according to the following: (i) From the child's school or home to a site other than the private school; and (ii) From the services site to the private school, or to the child's home, depending on the timing of the services. (iii) LEA s are not required to provide transportation from the child's home to the private school. (iv) The cost of transportation as described in this Rule may be included in calculating whether the LEA has met the requirements of proportionate funding in this rule.

Property, Equipment, and Supplies. The LEA must control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment and property purchased with those funds. 1. The LEA may place equipment and supplies in a private school for the period of time needed for the program. 2. The LEA must ensure 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. 3. The LEA shall remove equipment and supplies from a private school 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. 4. No funds under IDEA Part B may be used for repairs, minor remodeling, or construction of private school facilities.

Reevaluations:

Du Bois Integrity Academy Charter School System provides a reevaluation of each child with a disability at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary. Reevaluations are due three years from the date of the student's last eligibility determination. This date is located at the top of the eligibility report. By this date the student must have a redetermination meeting completed and/or reevaluated. There are no exceptions to this rule. The school psychologist will develop a reevaluation schedule for the school year. The referral for reevaluation should be sent in 60 days before the due date or earlier if requested.

It is best practice for a student to have **two** complete evaluations before a redetermination is considered. Also, anytime there are concerns that new information may be needed for a particular student, it is important to talk with the psychologist to discuss and decide upon an appropriate time frame. At the beginning of each year, refer all students, who are under consideration for a reevaluation, to the nurse for vision and hearing screenings. This screening is good for one year.

Procedures for Reevaluation:

- ┆ Redetermination meeting held. During this meeting, the review team should look at each student individually to determine if a reevaluation is needed.
- ┆ No broad decisions should be made, such as excluding all middle school students from reevaluation.
- ┆ Important: At the annual review before the reevaluation is due, the committee needs to consider what action is needed before the eligibility due date-reevaluation or redetermination.
- ┆ This decision should be documented in the minutes.
- ┆ The redetermination form is not signed at this time.
- ┆ Meetings to complete the redetermination need to be scheduled well in advance (i.e., no less than 60 days) of the eligibility expiration date.
- ┆ If it is determined that the student needs to be reevaluated, the case manager completes the referral for reevaluation as well as completing and gathering other necessary documents:
 - Statement of Status and Related Behaviors form
 - Work samples
 - Structured Classroom Observations
 - Developmental/Social History Update
- ┆ Consent for vision and hearing screening is obtained.
- ┆ Once the student passes the vision and hearing screening, the parent/guardian is sent a copy of parental rights, consent for evaluation, and a description of types of evaluations.
- ┆ When permission is returned, it is stamped with a date the form is received at the school.
- ┆ After receiving consent, all appropriate paperwork should be given to the school psychologist.
- ┆ The school psychologist will use a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the child, including information provided by the parents that may assist in determining: i) Whether the child is a child with a disability and ii) 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).
- ┆ The psychologist uses more than one procedure to determine whether a child has a disability and the appropriate educational program for the child. Technically-sound instruments are used to assess the relative contribution of cognitive, emotional, and behavioral factors, in addition to

physical or developmental factors.

- ┌ Instruments selected based on the following criteria:
 - i) Are less than ten years old;
 - ii) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - iii) 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;
 - iv) Are used for the purposes for which the evaluation nor measures are valid and reliable
 - v) Are administered by trained and knowledgeable personnel; and
 - vi) Are administered in accordance with any instructions provided by the producer of the assessments.
- ┌ Du Bois Integrity Academy Charter School System assesses children 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.

Revocation of Parental Consent for Placement:

Parents have the right to request to revoke the consent for placement of their child with disabilities. If a parent requests to revoke consent, then the school must notify the Special Education Director so that all steps of Prior Written Notice (PWN) are followed. The IEP Team, including the Special Education Director, 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 notices are given to the parent of the child:

- Upon parent request, all Special Education services would be eliminated for this student. These may 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 Du Bois Integrity Academy 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 Du Bois Integrity Academy Charter School System 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 Rights:

Parental rights are reviewed and a copy offered yearly.

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

Surrogate Parents:

A "surrogate parent" is a person appointed for a student for whom no parent can be identified or who is a ward of the state or whose parent's whereabouts cannot be discovered, after reasonable efforts by the local system.

- ┌ When a child is a ward of the State, the surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements of the IDEA.
 - ┌ When a child is an unaccompanied youth as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 1143a (6)), the local system shall appoint a surrogate in accordance with these requirements.
 - ┌ The school system shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the system that the child needs a surrogate. A surrogate parent has no personal or professional interest that conflicts with the interests of the student represented, has knowledge and skills that ensure adequate representation of the student, and is not an employee of the Georgia Department of Education, the local system, or any other agency that is involved in the education or care of the child.
1. The school system must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.
 2. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child.

Free Appropriate Public Education (FAPE):

All children with disabilities between the ages of 3 through 21 who are residing within the Du Bois Integrity Academy Charter School System attendance zone 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, Du Bois Integrity Academy Charter School System will serve the student until the end of the school semester in which the student turns 22. It is the goal of Du Bois Integrity Academy Charter School System 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 should be notified that no individual entitlement to FAPE or other rights under IDEA are afforded the adult student after age 22.

Children with disabilities may be served in Babies Can't Wait as well as other agencies from birth to age 3. By age three, a transition meeting is held; and the children are then served under IDEA with a Du Bois Integrity Academy Charter School System Schools IEP. Du Bois Integrity Academy Charter School System works collaboratively with Babies Can't Wait as well as other agencies to ensure services are provided in Du Bois Integrity Academy Charter School System from birth through 21.

Confidentiality:

Confidentiality is one of the rights afforded to parents in the Parent Rights document. 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 are governed by confidentiality requirements. 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.

Maintaining Special Education Documents:

All special education student information is to be placed in brown folders and stored in locked filing cabinets, to be viewed only by the school system staff in the delivery of services to the student. Access sheets are to be kept in the front of all folders and to be signed when the folders are viewed by school personnel other than the special education teacher in charge of the information for that school term.

PowerSchool Special Education is a web-based secure state approved platform designed to streamline the processes of managing and tracking information relating to our special populations as required by law.

System administrators, special education case managers, and school administrators who have secure access to their students' IEPs information through this software program are governed by the confidentiality standards outlined in the Code of Ethics for Georgia Educators.

Inactive files (i.e., files representing students whose services were terminated or withdrew) are stored in electronic format at Du Bois Integrity administrative office and can be retrieved upon request from a parent. Only the Special Education staff has access to the records.

Personally identifiable information that is no longer needed to provide educational services to the child is destroyed by shredding documents

with pertinent information. The
destruction of the

confidential information is handled and supervised by the special education case manager and/or the special education central office staff.

Parent Request to Amend Records:

Parents are permitted to inspect and review any education records pertaining to their child. The access sheet is located in the inside cover of the student's folder and is signed as the folder is read/reviewed. Parents who believe that information contained in the student's records is inaccurate, misleading or violates the privacy or rights of the student may request that the information be amended or removed.

If the parent and the school officials cannot agree on the parent's request to remove or amend the information included in the student's record, the parents will be provided with an opportunity for a hearing to challenge the decision not to remove the information. The hearing held must be conducted according to the procedures and regulations under FERPA. If the results of the of the hearing decide that the information included in the record is not a violation of the privacy or other rights of the student, the parents will be informed of their right to place in the student's record a statement commenting on the information and explaining the reasons for disagreeing with the decision of the school system.

Written permission must be obtained from parents before records are released to a third party.

All special education personnel will receive training in confidentiality every year. This training may be included in school department or monthly special education meetings and may include a review of the DOE State Rules regarding Confidentiality.

Paraprofessionals should also know about the importance of confidentiality. For example, if someone asks a paraprofessional about a student's performance, the paraprofessional should refer the person to the student's special education teacher.

SECTION III: ELIGIBILITY CATEGORIES

Autism

1. Psychological Evaluation
2. Educational Evaluation
3. Communication Evaluation
4. Behavior Evaluation
5. Developmental History

Deaf-Blind

1. Audiological Evaluation
2. Otological Evaluation
3. Ophthalmological Evaluation

Deaf/Hard of Hearing

1. Audiological Evaluation
2. Otological Evaluation
3. Educational Evaluation
4. Psychological Evaluation (Optional)

Emotional/Behavioral Disorder

1. Documentation of interventions
2. Psychological Evaluation
3. Educational Evaluation
4. Behavioral Observations
5. Social History
6. Documentation of duration, frequency, and intensity
7. Exclusionary factors documented

Intellectual Disability

1. Psychological Evaluation
2. Educational Evaluation
3. Structured observation
4. Adaptive Behavior Evaluation
5. Relevant medical information
6. Exclusionary factors documented

Orthopedic Impairment

1. Medical Evaluation
2. Developmental/Educational Evaluation
3. Psychological (if significant cognitive/

academic deficits are present)

Other Health Impairment

1. Medical Evaluation
2. Developmental/Educational Evaluation
3. Psychological (if significant cognitive/academic/attention deficits are present)
4. Exclusionary factors documented

Significant Developmental Delay (ages 3-7 initial and 3-9 reevaluations)

1. Developmental Evaluation (5 skill areas)
2. Relevant medical information
3. Exclusionary factors for kindergarten or older

Specific Learning Disability

1. Psychological Evaluation
2. Comprehensive Educational Evaluation
3. Documentation of supplementary instruction that lasts for 12 weeks with 4 data points
4. Classroom Observation (in deficit areas)
5. Analyzed Samples of work (in deficit areas)
6. Relevant medical information
7. Exclusionary factors documented

Speech/Language Disorder

1. Documentation of prior evidenced-based interventions
2. Oral Peripheral Examination
3. Articulation Evaluation
4. Language Evaluation
5. Voice Evaluation
6. Fluency Evaluation

Visual Impairment

1. Optometrical or Ophthalmological Evaluation
2. Educational Evaluation

Traumatic Brain Injury

1. Summary of Pre-Injury functioning
2. Medical Evaluation/verification of TBI
3. Psychological Evaluation/ Neuropsychological/Psychoeducational

Eligibility:

Students' ages three through twenty-one years of age may be determined eligible for twelve Special Education categories. This section includes the Georgia Department of Education Special Education Regulations and local procedures relating to placement of students in Special Education programs. Every student placed in Special Education must first be determined eligible for services by an Individual Education Program (IEP) Team. The IEP Team may consist of the parent(s), a Regular Education Teacher, a person knowledgeable of the evaluation results, a Special Education Teacher, Local Education Agency (LEA) representative, the student (when appropriate), and any other individuals invited at the discretion of the parent or school system. If eligible, the IEP Team will identify goals and objectives to meet the student's needs in the least restrictive environment.

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.

Categories of Eligibility:

Under GA regulations, a student from 3 through 21 years of age is considered to have a disability under IDEA if the student meets eligibility criteria in any of the following areas:

Autism
Deaf/Blind
Deaf/Hard of Hearing
Emotional & Behavioral Disorder

Intellectual Disability (MIID, MOID, SID, PID)
Traumatic Brain Injury
Orthopedic Impairment
Other Health Impairment

Significant Developmental Delay
Specific Learning Disability
Speech-Language Impairment
Visual Impairment

An eligibility report that documents the area(s) of disability must be completed and filed in each student's special education due process folder. The eligibility report provides key summary statements for each component of the eligibility area(s).

Eligibility for Special Education Services and Placement:

- ┆ GA DOE requires a multi-disciplinary eligibility report
- ┆ Determined by team members on the eligibility team
- ┆ Determined through review of formal and informal sources of information
- ┆ Presence of a disability **and** need for services must be established
- ┆ Disability must adversely impact educational performance

- ┆ Progress monitoring data required for all areas except sensory impairments and, in some cases, TBI & Autism placements

Possible Exclusions:

- ┆ Lack of appropriate instruction in reading, math or writing
- ┆ Limited English Proficiency
- ┆ Atypical educational history
- ┆ Environmental or economic disadvantage
- ┆ Cultural factors

Related Services:

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

Categories and Summaries of Evaluation Information Required for Eligibility

AUTISM SPECTRUM DISORDER (AUT)

Definition

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

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

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 and (3) verbal and non-verbal communications are affected. The adverse effect on a child's educational performance shall be documented and based on the following criteria:

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

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

3. Communication (verbal and/or nonverbal). A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a non-verbal 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 bodymovements.

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

DEAFBLIND (DB)

Definition

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. [34 C.F.R. § 300.8(c)(2)]

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.

Additional Requirements

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

DEAF/HARD OF HEARING (D/HH)

Definitions

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. [See 34 C.F.R. § 300.8(c)(3) & (5)]

1. A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.
2. A child who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30-65 decibels American National Standards Institute without amplification) that the ability to communicate is adversely affected; however, the child who is hard of hearing typically relies upon the auditory channel as the primary sensory input for communication.

Eligibility and Placement

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

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

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

Additional Requirements

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

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

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

4. Each LEA shall have written procedures to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

Definition

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

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

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

Eligibility and Placement

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

- (i) Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions
- (ii) Psychological and educational evaluations
- (iii) Report of behavioral observations over a significant period of time;
- (iv) Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and
- (v) Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.

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

- a. Lack of appropriate instruction in reading, including the essential components of reading instruction;

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

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

INTELLECTUAL DISABILITY (ID)

Definition

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

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

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

(2) Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified

psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas.

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

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

- (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 (MOID)

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

Severe intellectual disability (SID)

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

Profound intellectual disability (PID)

- (1) Intellectual functioning below approximately 25; and

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

ORTHOPEDIC IMPAIRMENT (OI)

Definition

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

This term may include:

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

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

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 effects 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.

Eligibility and Placement

OTHER HEALTH IMPAIRMENT (OHI):

Definition: 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 deficit hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome, and
- (2) Adversely affects a child’s educational performance. [34 C.F.R.300.8(c)(9)]

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

Eligibility

1. Evaluation for initial eligibility shall include the following:
 - (a) The medical evaluation from a licensed doctor or medicine, or in the case of ADD and ADHD an evaluation by a licensed doctor of medicine or licensed clinical psychologist, should be considered by the child’s Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the child’s health impairment, along with information as applicable regarding medications, special health care procedures and special diet or activity restrictions. The evaluation report used for initial eligibility shall be current within one year and must document the impact of the physical condition on the vitality, alertness or strength of the child. In cases of illness where the child’s physical health and well-being are subject to deterioration or change, this report shall be updated as frequently as determined by the IEP Committee. A medical diagnosis does not automatically include or exclude a child from determination of eligibility.
 - (b) A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child’s educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given.
 - (c) A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is:
 - 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. Emotional disturbances;
- h. Cultural factors;
- i. Environmental or economic disadvantage; or
- j. Atypical educational history (attendance at multiple schools, lack of attendance).

Placement and Service Delivery

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

SIGNIFICANT DEVELOPMENTAL DELAY (SDD)

Definition

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). [See 34 C.F.R. § 300.8(b)]

Eligibility

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

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

- (a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;

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

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

(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 .05-17 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 DISABILITIES (SLD)

Definition

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

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

Exclusionary Factors

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

- a. Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension);
- b. Lack of appropriate instruction in math;
- c. Lack of appropriate instruction in writing;
- d. Limited English proficiency;

- e. Visual, hearing or motor disability;
- f. Intellectual disabilities;
- g. Emotional disturbances;
- h. Cultural factors;
- i. Environmental or economic disadvantage; or
- j. Atypical educational history (such as irregular school attendance or attendance at multiple schools) [*See* 34 C.F.R. § 300.309(a)(3)]

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 Georgia Milestones 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 timeframe;

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

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

(c) 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
- (e) comprehend the text;
- (f) Reading comprehension-ability to understand the meaning of written language based in
- (g) child's native language;
- (f) Reading Fluency Skills- the ability to read and process a text with appropriate rate and

accuracy;

(g) Mathematics calculation-ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and

(h) Mathematical problem solving -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.

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

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

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 (SLI)

Definitions

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

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

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

(2) Language Impairment - impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child's educational performance.

The term language impairment does not include:

- (3)** 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.
- (4)** Children who have regional, dialectic, and/or cultural differences
- (5)** Children who have auditory processing disorders not accompanied by language impairment.
- (6)** 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.

(4) **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.

(5) **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:

- (1) Anxiety disorders (e.g. selective mutism)
- (2) Differences that are the direct result of regional, dialectic, and/or cultural differences
- (3) 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)
- (4) Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child's performance in the educational environment and is amenable to improvement with therapeutic intervention.

Evaluation, Eligibility and Placement

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

1. Evaluation:

A) Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.]

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

C) A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child's eligibility for speech-language services. This may include assessments in the areas of health (e.g. ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

D) The evaluation is sufficient to identify all of the child's special education and related service's needs, whether or not commonly linked to the disability category in which the child has been referred or classified [34 C.F.R. 300.304(b)(4)] 34 C.F.R. 300.304(b)(6).

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

F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)m[34 C.F.R. 300.304(b)(i)].

2. Eligibility:

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

- 1) The Speech-Language Pathologist determines the presence or absence of speech-language impairment based on Georgia rules and regulations for special education, [34 C.F.R. § 300.8(c)(11)]
- 2) Documentation of an adverse affect of the impairment on the child's educational performance
- 3) The team determines that the child is a child with a disability [34 C.F.R. 300.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. [34 C.F.R. 300.8(b)(2)]

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

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 affect on the child's educational performance.

(4) 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.

(5) 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.

3. 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.

Communication Paraprofessionals- A communication paraprofessional is an adjunct to the Speech Language Pathologist (SLP) and assists with certain duties and tasks within the speech-language program. The communication paraprofessional is under the supervision of a certified or licensed SLP. The communication paraprofessional cannot carry their own caseload, nor do they increase the certified SLP's caseload outside of a self-contained classroom. The primary responsibility for the delivery of services, as indicated on the IEP, remains with the certified or licensed SLP. Children who receive services from the communication paraprofessional shall also receive services from the supervising SLP and/or licensed or certified SLP a percentage of the time designated in the IEP for speech-language services, but no less than one hour per month. Each LEA should develop and implement procedures for the training, use and supervision of communication paraprofessionals.

TRAUMATIC BRAIN INJURY (TBI)

Definition

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

Eligibility

(1) Evaluation for eligibility shall include the following.

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

(b) Verification of the TBI through the following:

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

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

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

production, eye-hand coordination, mobility and physical endurance.

(2) Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance shall be documented. 160-4-7-.05-28

Placement and Service Delivery

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

VISUAL IMPAIRMENT (VI)

Definitions

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

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

Eligibility and Placement

- (1) A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child.
 - (a) A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment.
- (2) A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind;
 - (a) if the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility.

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. 160-4-7-.05-31

SECTION IV: INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Procedures for IEP Development (Overview):

Following an eligibility team meeting and the determination that a student is a child with a disability and needs special education services, an Individualized Education Program (IEP) is developed for the student. The IEP details in writing the student's current performance, the student's needs that result from the disability, as well as the goals, accommodations, modifications, supports, and services that are required in order for the student to be involved in and make progress in the general education curriculum. The IEP is a result of a collaborative effort between parents, educational professionals, and, in most cases, the student. This IEP becomes the important document that insures the special education student is provided appropriate educational services based on his/her special needs. Additionally, any change in special education and/or related services for a student must be documented in the IEP. The IEP Team must review the IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved and to revise the IEP, as appropriate, to address any lack of progress, to discuss any reevaluations, and to discuss any other needs of the child. An IEP must be in effect at the beginning of each school year.

IDEA Required Members of the IEP Team:

- ┆ The parent(s) of the child
- ┆ A special education teacher or service provider
- ┆ A general education teacher (at least one)
- ┆ An individual who is able to interpret the instructional implications of evaluations
- ┆ A representative of the local educational agency (LEA) who
 - 1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of a child with disabilities;
 - 2) Is knowledgeable about the general curriculum; and
 - 3) Is knowledgeable about the availability of resources of the public agency;
- ┆ The child whenever appropriate
- ┆ And (at the discretion of the parent or school) other individuals that have knowledge of special expertise about the child

Excusal of IEP Team Member:

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 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.

Prior to each IEP meeting, parents must receive written notice of the meeting and the proposed action to be taken at the meeting. For all initial and reevaluation placement committee meetings, the case manager is responsible for notifying the parent(s)/guardian(s), related service personnel, general education teacher(s), administrator(s), or any other staff that should attend the placement meeting. The case manager is responsible for all notifications of all other IEP meetings.

- └ A copy of parental rights must accompany the letter.
- └ The written notice with the purpose, time, and location of the meeting should be sent to the parent approximately 7-10 days prior to the meeting.
- └ Special education teachers are responsible for sending and documenting follow-up reminders. **REMINDERS ARE IMPORTANT!** The reminders should be varied in attempts to notify the parent to ensure that they are aware of the meeting. Special Education teachers should be mindful that sending a notice home with the student is not sufficient. Follow-up to the written notice can be achieved in one of the following ways:
 - a. Written reminders mailed to the home
 - b. Phone calls in which you speak to the parent or messages left on answering machines or voice mailboxes
 - c. Home visits with the parent
 - d. Email to the parent
- └ Contacting the parent prior to scheduling the IEP meeting is recommended.
- └ Accommodating the parent's schedule is an important consideration under federal law. If it is absolutely impossible to agree upon a convenient day and time, ask the parent for permission to proceed with the meeting without their presence. Discuss with parents proposed actions that will be discussed in the meeting and solicit their concern(s) and input so these can be relayed to the IEP committee prior to any final recommendations.
- └ If the parent speaks a language other than English, then the Notice of IEP/Placement committee Meeting, Parental Rights, and any written reminders should be given in English and in the parent's native language if possible. Obviously, phone conversation and messages should also be in the parent's native language.
- └ Reminder notes and documentation of phone calls should be written and copied for the student folder.
- └ If the parent indicates that they plan to attend the meeting, it is still important to send the reminders. IF a parent responds that they will attend the meeting but then does not, the IEP meeting **MUST** be rescheduled at another time unless there is parental permission to continue.
- └ If the parent agrees to an IEP/Placement meeting with less than 7-10 calendar days notification, this agreement should be documented on the written notice letter.
- └ No meeting will be held without a parent in attendance without first notifying the Special Education Director.
- └ If the parent(s)/guardian(s) do not attend, there must be documentation of a minimum of three

attempts to involve them.

└ The written notice for the IEP/Placement Committee meeting is required by law to have the following components:

- a. The purpose, time, and location of the meeting
- b. Titles of individuals invited by the school to attend
- c. A statement to inform parents of their right to invite other individuals who have special knowledge or expertise regarding the student
- d. A statement indicating that transition will be considered for students age 14 or older
- e. Documentation that other agency personnel have been invited for transitioning services for students age 14 or older, if appropriate
- f. Documentation that the student is invited if age 14 or older regardless of the category or severity of disability

Annual Reviews:

Each student's IEP will be reviewed by the IEP team annually. Prior to the annual review meeting, the special education teacher does the following:

- A. Administers post-tests and collects and analyzes data in order to determine what degree the goals and objectives have been mastered. Sufficient and appropriate data should be used to document mastery or non-mastery of the goals. Data will be attached to the IEP final progress report and placed in the student's folder kept by the teacher.
- B. Meets with the general classroom teachers so that the student's present level of performance can be clearly stated in all areas.
- C. Drafts an IEP in Power School Special Education.
- D. Sends notification of the scheduled meeting to the parent at least 7-10 days before the meeting is to occur.
- E. Documents a **minimum of three notification attempts** or a response from the parent stating s/he will attend and a reminder. If the parent has stated s/he will not attend, there will be documentation that the school personnel attempted to change the meeting to meet the parents' schedule, have a phone conference, etc. If a meeting is to be held without the parents being present, the special education director must be notified.

Each special education teacher will also assure that the following is done for the meeting for his/her students:

- A. All meetings are scheduled so that ample time is left between meetings to ensure that each student will be able to be discussed appropriately. More time will be needed for re-evaluation meetings, and each student's meeting will need to be taken into consideration individually depending upon his/her needs to be discussed.
- B. All students who need to be met on that month are scheduled for a meeting.
- C. All appropriate staff on the team are notified of the meeting time/date.
- D. All necessary paperwork has been drafted by the proper staff prior to the scheduled meeting.

In developing the IEP, the team must look at the student's strengths (not just at his/her weaknesses), the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child

before designing a challenging program that provides involvement and progress in the general curriculum. In GA, the Common Core/GSE standards are the curriculum for all students, even those with the most significant cognitive disabilities. The primary goal of the IEP team is to develop a plan that will enable the student to be successful in the school environment.

Taping of the IEP meetings (Video/Audio):

- ┆ Teachers need to be prepared to tape all IEP meetings.
- ┆ Taping a meeting is unnecessary unless the parent is taping
- ┆ When you know a parent will likely want to tape a meeting, you should make plans to tape, also.

Lack of IEP Team Consensus:

Anytime an IEP meeting reaches a point in which a consensus is unlikely, adjourn the meeting and notify the Special Education Director immediately.

Presence of Attorney or Other Advocates in IEP Meetings:

- ┆ If a parent comes to a meeting with an advocate, the meeting may proceed as scheduled.
- ┆ If a parent comes to any IEP meeting with an attorney and without notifying the teacher, administrator, or Special Education Director in advance, adjourn the meeting and notify the Director of Special Education. The meeting will be rescheduled when the SPED director and the attorney representing Du Bois Integrity Academy Charter School System can attend; however, give the parent the opportunity to continue the meeting without the attorney present.

Present Level of Academic Achievement and Functional Performance (PLAAFP):

The present level of academic achievement and functional performance is a written narrative that establishes the student's current functioning level. There should be a direct relationship between the present levels of educational performance and other components of the IEP. Areas that are identified as deficits or weaknesses should be addressed through goals and objectives. Descriptions of the student's performance should document the need for any related services are provided.

At a minimum, the PLAAFP must clearly contain the following information:

- ┆ A summary of current information on the student's educational performance
- ┆ A summary of the effect of the student's disability on involvement and progress in the general curriculum
- ┆ A summary of the educational needs of the student that result from the disability and cannot be met through participation in the general curriculum
- ┆ A summary of the student's strengths
- ┆ A summary of updated evaluation information
- ┆ Results of the most recent statewide assessments of achievements
 - ┆ Concerns of the parents
 - ┆ For preschool students, a summary of the impact of the disability on his/her participation in age-

appropriate activities.

The case manager for the student is responsible for ensuring that all teachers, therapists, and other professionals who work with the student provide input into developing the PLAAFP.

Results of Evaluations and Assessments:

This section of the IEP includes information from the most recent psychological or eligibility report. Strengths and weaknesses should be stated verbatim from the psychological.

The most recent test results (MAPP, GAMilestones, etc.) should also be included. Psychological scores can be added; however, these scores should not be the only test results included. Scores need to be in summary form and not just a simple listing of results.

Strengths:

In describing a student's strengths, statements should reflect skills/knowledge the student currently possesses, which will allow him/her to work on grade level standards. Academic areas, developmental areas, and functional areas should be included.

Needs:

This area is extremely important and serves as the basis for the goals/objectives as well as classroom testing and accommodations. Every identified "need" must have a corresponding goal. Identifying each need with a numeral or letter makes it easier to check corresponding goals. "Needs" unrelated to the student's disability are not addressed in the IEP. "Needs" are barriers to the student's success in meeting grade-level standards in the general education classroom without support. In other words, in order to identify needs, think of skills that would enable the student to be successful in the classroom without support. Deficits in these skills result in "needs".

Parental Concerns:

This section should address concerns regarding the child's academics, behavior, performance on goals, and/or future plans. Communication with the parent may be through verbal or through written contacts. Specific comments and concerns should be elicited.

Impact of Disability:

Information stating how the student's disability affects the classroom performance, involvement, and progress on grade-level standards should be included. Statements should be specific and unique for each student. Present levels are not addressed in this section. Some specific characteristics include:

- ┌ Short-term memory problems

- ┘ Poor organization skills
- ┘ Auditory processing problems
- ┘ Visual processing problems
- ┘ Fine and gross motor deficits
- ┘ Slow rate of information processing
- ┘ Difficulty generalizing

Consideration of Special Factors:

There are six special factors the IEP team must consider for students. When a special factor applies to a student the IEP must contain written documentation of the required components for each factor. All areas should be addressed. If a child has a need in any of these special factors, “Yes” should be marked on the IEP. Needs should be addressed in the area below the special factors section.

For a student whose behavior impedes his/her learning or the learning of others:

- ┘ A functional behavior assessment (FBA) has been conducted to identify target behaviors. Give the date the FBA was developed.
- ┘ A Behavior Intervention Plan (BIP) must be developed as a part of the student’s IEP. The BIP must contain the following:
 - a. Target behavior (the behavior to be changed)
 - b. Positive behavioral interventions, strategies, and supports
 - c. Intervention strategies that include consequences

For a student with limited English proficiency:

When the present levels of performance or evaluation data indicate that the student has limited English proficiency (primary language of the home is not English) the student’s language needs related to the implementation of the IEP are considered and documented.

- ┘ Participation in ESOL services
- ┘ Teachers who work with student trained in effective instructional strategies for second language learners
- ┘ Use of interpreters to communicate translated forms with parents

For a student who is blind or visually impaired:

- ┘ The IEPs of students who are blind or visually impaired specify instruction in Braille or the use of brailled materials unless the IEP team decides, after evaluation of current and future reading/writing needs, that the use of Braille and Braille instructions are not appropriate for the student.
- ┘ The determination is based on a functional vision evaluation and assistive technology assessment. The results of these assessments should be documented and in the student’s special education file.
- ┘ If the IEP team decides Braille is not appropriate for the student, the IEP contains documentation of that decision.

For a student with communication needs:

When the present level of performance or evaluation data indicated that the student has communication needs which have not been addressed in another section of the IEP, those needs are considered and the services needed, if any, are documented.

For a student who is deaf or hard of hearing:

- ┆ Documentation of language or communication needs
- ┆ Documentation that opportunities for direct communication with peers and professional personnel in the student's communication mode have been considered.
- ┆ Documentation of academic levels

Consideration of whether the student requires assistive technology devices and services:

- ┆ If the present level of performance or any evaluation data indicate a possible need for assistive technology devices or services, documentation that these needs were considered.
- ┆ If the IEP team determines the student requires assistive technology devices or services, the decision is documented and addressed through IEP goals/objectives.
- ┆ The assistive technology device or service is clearly described. Specific names of devices do not have to be listed, but descriptions of what a device needs to do for the student is appropriate.
- ┆ Date of assistive technology evaluation.

Goals and Short Term Objectives:

The present level provides the baseline information for the development of measurable annual goals. Annuals goals are developed to meet the unique needs of the child identified in the present levels. Appropriate goals cannot be written without good data collections methods.

In the last reauthorization of 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.

Preschool/Pre-K IEPs and IEPs written for students who participate in an adaptive curriculum (tested through GAA) will be required to write 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.

Data Collection:

The special education teacher maintains data for each goal identified on the student's IEP. This data is used to

- ┆ Determine if an intervention needs continue, be modified, or be completely changed.

- └ Provide information for the annual review of the IEP
- └ Provide information for development of new goals on the IEP

The type of data collected and the format for collection is dependent upon the criteria set forth in the goal. Best practices suggest that data for goals should be available in chart and in graph form. Regardless of the method used, data collected may be shared with the parent at any time and therefore should be maintained in a format that the teacher can use to easily explain the student's progress to the parent(s).

Writing Goals:

- └ Gather the necessary information to write goals during one of the following time frames
 - a. The evaluation process
 - b. The 30-day timeline after eligibility has been determined
 - c. The student's period of IEP service (reevaluations only)
- └ Review areas of need and set goals for areas that show performance below the 25th percentile. This may require administration of probes for areas not previously identified as deficit.
- └ In most cases, two goals will be needed for each area identified.
- └ The first goal will reflect the student's performance for the current grade level placement, so choose an end-of-year mark between the 25th and 50th percentile.
- └ Use common sense. If this goal appears to be too ambitious, it may need to be re-set.
- └ When students change grade levels and/or case managers, goals should be reviewed for continued relevance and modified if necessary in order to ensure that the student is sufficiently challenged. The new primary case manager is responsible for completing this task.
- └ The second goal should address the student's performance for the following school year. Again, choose a mark that falls between the 25th and 50th percentile during the period of time closest to when the IEP will be reviewed. For example, if the student is in 2nd grade and the IEP is set to end in November, refer to the Winter Benchmark period for 3rd grade students.

Components of Goals:

Three critical components of the annual measurable goal are

- Conditions: Specify the context in which progress toward the goal is measured. Conditions are dependent on the behavior being measured and involve the application of skills or knowledge. Examples:
 - * "When presented with a second grade reading passage..."
 - * "When given a mixed fourth-grade level math calculation probe..."
 - * "Given a story prompt and three minutes to write..."
- Behavior: Clearly identifies the performance being monitored, usually reflects an action or can be directly observed and is measurable. Examples:
 - * "Sara will read..."
 - * "John will correctly solve..."
 - * "Sue will write..."

- Criterion: Identifies how much, how often, or to what standards the behavior child will perform in order to demonstrate that the goal has been mastered. The goal criterion specifies the amount of growth the child must make by the end of the end of the annual goal period.

Examples:

* "...107 words per minute with 5 or fewer errors."

* "...85% or more of the problems presented."

* "...37 words per minute."

Key Points:

- └ Baseline data for measurable goals are included in the PLAAPF.
- └ Write an IEP goal so that a teacher who does not know the child can develop appropriate instructional plans and assess the student's progress.
- └ IEPs should contain at least one goal. The number of goals will depend on the student's identified and prioritized needs.
- └ Annual goals in academic content may be drawn from the GSE standards but must be written in measurable form. Most often goals address supplementary instruction that is needed to build skills and thus provide access to the general curriculum.

Examples of Goals (and PLAAPF statement):

Elementary Example:

- Present Level [spring]: Robert is a first grade student who had difficulty decoding basic sight words. According to MAPP administered in January of his first grade year, he has an oral reading fluency of 25 words per minute.
- Goal: When given a second grade-reading probe, Robert will increase is oralreading fluency to 96 words per minute.

Report of Student Progress:

It is required that parents be informed of the student's progress towards achieving the IEP goals with the same frequency as progress is reported for student's without disabilities.

Progress reports are sent to parents at 4 ½ weeks intervals and report cards are sent out every 9 weeks. Special Education teachers are responsible for completing the IEP progress reports and sending these to parents as well. If a school has a building level policy that requires reports only for deficient grades, the special education teacher is required to send the progress reports regardless.

A copy of the progress report is kept by the special education teacher.

At the annual IEP meeting, a copy of each student's complete progress report should be retained in the student's brown folder.

At any and all times, teacher **MUST** have data collected and on file to substantiate the student's progress or lack of progress for their students.

Statements such as "Parents will be informed of progress every 4 ½ weeks", "every 9 weeks" are acceptable; however, "According to Du Bois Integrity Academy Charter School System policy" is not.

Student Supports:

Instructional Accommodations: Directly related to deficits described in the present levels. Must be stated in specific observable terms. Also, state who is to develop or provide the accommodations/modifications and when the accommodations/modifications will be provided.

Classroom Testing Accommodations: Accommodations should be consistent with instructional accommodations. However, some needed instructional accommodations may not be appropriate for statewide tests.

Supplemental Aids and Services: Provided in the general education classroom or any other education-related setting to enable student with disability to be educated with non-disabled peers.

Supports for School Personnel: Any training for teachers or staff to be able to meet the unique needs of the student.

Specific Information Regarding Accommodations for Students with Disabilities:

Accommodations are changes in the administration of an assessment in terms of how the student takes or responds to the assessment. Accommodations do not change the construct intended to be measured by the assessment or the meaning of the resulting scores. Accommodations are designed to provide equity, not advantage, and serve to level the playing field for students with disabilities. When used appropriately, they reduce or even eliminate the effects of a student's disability; they do not reduce learning expectations. It is critical to note that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment. In Georgia, accommodations may not alter, explain, simplify, paraphrase, or eliminate any test item, reading passage, writing prompt, or answer option. Further, accommodations may not provide verbal or other clues or suggestions that hint at or give away the correct response to the student.

Typically, accommodation use does not begin and end in school. Students who use accommodations will generally also need them at home, in the community, and as they get older, in postsecondary education, and at work. Accommodations for instruction and assessment are integrally intertwined. However, some accommodations are appropriate for instruction and not assessment.

Modifications versus Accommodations

- ┌ Accommodations do not reduce learning expectations. They provide access. However, modifications or alterations refer to practices 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.

Examples of modifications include:

- requiring a student to learn less material (e.g., fewer objectives, shorter units or lessons, fewer pages or problems),

- reducing assignments and assessments so a student only needs to complete the easiest problems or items,
- revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four), or
- giving a student hints or clues to correct responses on assignments and tests.

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. Providing a student with an unapproved modification during a state-mandated assessment constitutes a test irregularity and may result in an investigation into the school's or system's testing practices, as well as an invalidation of the student's score.

Accommodations are commonly categorized in four ways:

- Presentation Accommodations - adjusts the presentation of test material and/or test directions
- Response Accommodations - adjusts the manner in which students respond to or answer test questions
- Setting Accommodations - adjusts the place in which the testing normally occurs
- Scheduling Accommodations - adjusts the time allowance or scheduling of a test

Accommodations must adhere to the following principles:

- └ Should enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills
- └ Based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting
- └ Justified and documented in the student's IEP
- └ Must be reconsidered by the IEP team on a yearly basis at the time of the annual review of the student's IEP
- └ Decisions must be based on the most current data for the student
- └ Aligned with and be part of daily instruction in all classroom instruction and classroom assessments.
- └ Must not be introduced for the first time during the testing of a student
- └ Foster and facilitate independence for students, not dependence
- └ If the student no longer meets the criteria, the accommodation must be removed from the IEP.
- └ Must be evidence in the present level of performance as well as written goals and objectives addressing the deficit in which the accommodation is needed.
- └ Student performance on the intervention(s) should be progress monitored and data reported in progress reports and at annual reviews.
- └ Only accommodations listed as approved in GA's Student Assessment Handbook may be used on state-mandated tests.

Providing students with unapproved modification during a state-mandated assessment constitutes a test irregularity and may result in an investigation into the schools or system's testing practices, as well as invalidation of the student's score. Additionally, the Code of Ethics for GA Educators now includes provisions for sanctions of school or system personnel who are reported as having participated in an event deemed as a testing irregularity.

Standard and Conditional Accommodations:

Georgia has developed a testing program that is inclusive, designed to consider the needs of students with disabilities, and who, with access to the general education curriculum, can participate in regular state assessments with approved accommodations.

Two types of accommodations are approved, which include:

- **Standard Accommodations:** those accommodations that provide access to the assessment without altering the construct measured by the assessment.
- **Conditional Accommodations:** more expansive accommodations that provide access for students with more severe disabilities who would not be able to access the assessment without such assistance.

Conditional accommodations must be used sparingly and only when the student requires the accommodation to access the test due to the disability. The student's IEP team must determine and document that the conditional accommodation is absolutely necessary in order for the student to participate in the general testing program.

There are two possible Oral Presentation Accommodations:

- 1) *Read aloud test except for reading passages:* Oral reading of test questions in English only by reader or assistive technology is a standard accommodation that is available for struggling readers. Using the most recent benchmark score, if the student scores at or below the 15th percentile for his/her grade level, this accommodation is appropriate for that student. Students who score above the 15th percentile should not receive this accommodation. If the student meets the criteria of 15th percentile or below and the accommodation is included on the IEP for state testing, it must also be a part of the student's daily instructional routine for all printed material, with the exception of reading passages.
- 2) *Read aloud test including reading passages:* Oral reading of reading passages in English only by reader or assistive technology is a conditional accommodation that is established for non-readers. Using the most recent benchmark data, the student does not decode any words. The words read correctly on the Oral Reading Fluency passage are sight words and not words that have been decoded by the student.

The use of this conditional accommodation may be considered when **BOTH** the following conditions apply:

1. The student has a specific disability that severely limits or prevents him or her from decoding text at any level of difficulty, even after varied and repeated attempts to teach the student to do so (i.e. the student is a non-reader, not simply reading below grade level); **AND**
2. The student has access to printed materials only through a reader or other electronic format during routine instruction.

The IEP team must explicitly address the reading of the reading passages. Reading of reading passages should be carefully considered and allowed only for those students with the most serious decoding

disabilities.

Text must be read word-for-word exactly as written. The test administrator may not provide assistance to the student regarding the meaning of words, intent of test items, or responses to test items. The test administrator may not rearrange the order of text (e.g., read the questions before reading the passage). The test administrator may read test text to a small group provided all students have the same test form number. When a small group setting is used, the passage may be read once and each test item may be read twice. Each student must have a test book and must be instructed to follow along in their test booklet as the test administrator reads the text.

Use of Basic-Function Calculator:

Student uses a basic function calculator or adapted basic function calculator. Only a basic function calculator or function adapted calculator may be used. Scientific and/or programmable calculators are not allowed. The test administrator may not provide any assistance or direction to the student regarding the use of the calculator.

The use of this **conditional** accommodation may be considered for the Mathematics when **BOTH** the following conditions apply:

1. The student has a specific disability that severely limits or prevents her or his ability to calculate mathematically, even after varied and repeated attempts to teach the student to do so; **and**
2. The student has access to mathematical calculation only through the use of a calculator, which the student uses for classroom instruction.

IMPORTANT:

The accommodations for each **assessment** and each **subtest** must be listed separately in the student's IEP.

Do's and Don'ts When Selecting Accommodations:

Do make accommodation decisions based on individualized needs.

Don't make accommodations decisions based on whatever is easiest to do (e.g., preferential seating).

Do select accommodations that reduce the effect of the disability to access instruction and demonstrate learning.

Don't select accommodations unrelated to documented student learning needs or are intended to give students an unfair advantage.

Do be certain to document instructional and assessment accommodation(s) on the IEP or IAP.

Don't use an accommodation that has not been documented on the IEP or IAP.

Do be familiar with the types of accommodations that can be used as both instructional and assessment accommodations.

Don't assume that all instructional accommodations are appropriate for use on assessments.

Do be specific about the "Where, When, Who, and How" of providing accommodations.

- Don't** simply indicate an accommodation will be provided "as appropriate" or "as necessary."
- Do** refer to state accommodation policies and understand implications of selections.
- Don't** check every accommodation possible on a checklist simply to be "safe."
- Do** evaluate accommodations used by the student.
- Don't** assume the same accommodations remain appropriate year after year.
- Do** get input about accommodations from teachers, parents, and students, and use it to make decisions at IEP or IAP team planning committee meetings.
- Don't** make decisions about instructional and assessment accommodations alone.
- Do** provide accommodations for assessments routinely used for classroom instruction.
- Don't** provide an assessment accommodation for the first time on the day of a test.
- Do** select accommodations based on specific individual needs in each content area.
- Don't** assume certain accommodations, such as extra time, are appropriate for every student in every content area.

State Assessment:

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 questions:

- ┆ Is the focus of the student's instruction the GSE or a modified GSE?
- ┆ If the student's instruction is based on the GSE, 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 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** accommodations in order to participate?" The goal is to allow the student with a disability the opportunity to participate in 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 GSE components? If the student's instruction is an alternate, functional curriculum with GSE components and not the GSE curriculum, the student should be placed on the 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 GSE. A student in a functional curriculum with GSE components would not be studying those skills as extensively as students on the GSE and content that are being tested by Georgia's regular testing program.

Always consult with the school's Special Education Director before recommending GAA for a student. Although it is an IEP decision whether a student should be on GAA 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 GAA, the IEP team must begin selecting objectives from the GSE that will assess the student's progress toward his/her goals. Remember, all decisions regarding participation in the assessment program must be documented in the student's IEP.

Procedures:

In order for the Georgia Department of Education (GADOE) to satisfy the IDEA requirement for reporting the number and performance of students with disabilities participating in statewide assessments, including alternate assessment measures, school systems must properly code every student with an IEP. Specific directions will be 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), End of Year/End of Course Tests and Georgia Milestone.

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. In order to enable the GADOE to develop an accurate report of the number and performance of students with disabilities, the student's test protocol must indicate the code to designate him/her as a student with an IEP taking a standard format of the test. The specific codes and directions for this will be provided with the actual testing materials.

┌ 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. Again, to enable the GADOE to develop an accurate report of the number and performance of students with disabilities, the student's test protocol must indicate the code to designate him/her as a student with an IEP taking a nonstandard test format. The specific code and directions will be provided with the actual testing materials.

┌ Students with disabilities with IEP's recommending nonparticipation in statewide assessments must have the type of alternate assessment for the student identified in the IEP and following GADOE guidelines for alternate assessment.

Georgia Alternative Assessment (GAA):

Under 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.

Some students with disabilities cannot participate in state mandated assessments regardless how extensive the accommodations are. For these students, an alternative assessment is mandated by federal law.

The GAA is the procedure required by the state department of education. Students with significant cognitive disabilities may be assessed via an alternate assessment based on alternate achievement standards.

Who Should Participate in the GAA?

Students who should participate in the GAA are those whose IEP teams have determined that it is not reasonable for the students to participate in mandated assessments even with the maximum accommodations.

- ┌ Students who are not able to participate in group testing even with the maximum or nonstandard accommodations
- ┌ Students who do not need the test taking skills of standardized assessments for future use
- ┌ Students who participate in alternative, functional curriculum
- ┌ Students who are working towards a special education diploma

What are the components of the GAA?

A portfolio of student work samples is used to capture student learning and achievement/progress in four content areas (English/Language Arts, Mathematics, Science, and Social Studies)

Portfolio Collection Periods:

1. Achievement/Progress is documented in two collection periods during a school year. The first collection period provides evidence of a student's entry-level performance (initial performance of the skill); the second collection period provides evidence of a student's progress to date.
2. The collection period window between the first collection period and the second collection period is a minimum of twenty-one days to a maximum of five months.

Teachers collect evidence of student performance of tasks aligned to content standards. This evidence shows a student's achievement/progress towards those standards.

The GAA portfolio entries are scored for four discrete dimensions:

- ┆ Fidelity to standard
- ┆ Context
- ┆ Achievement/progress
- ┆ Generalization

Special Education Delivery Models:

- ┆ **General Education**-Student with disability is served in the general education class with no personnel support
- ┆ **Consultation**-Student with disability receives at least 1 segment
- ┆ **Supportive Instruction**-Student with disability receives service from personnel other than a certified teacher in the general education classroom (Ex: paraprofessional, interpreter, or job coach)
- ┆ **Collaboration**-A special education teacher teaches identified students within the regular education classroom with the general education teacher (less than full segment daily)
- ┆ **Co-Teaching**-the special education teacher provides service in the general education class by sharing teaching responsibility with the general education teacher (full segment daily)
- ┆ **Special Education Class/Resource**-The special education teacher provides service to the students with disabilities in a special education class

Least Restrictive Environment (LRE):

Least Restrictive Environment means that students with disabilities should be placed in the general education setting to the maximum extent possible. LRE is a requirement of the federal law mandating special education services, and in the Du Bois Integrity Academy Charter School System, the IEP team is expected to carefully consider the Least Restrictive Environment for each child. A child should remain in the regular classroom with special education and related services provided in the regular classroom unless there is evidence that this environment is not successful even with supports and services.

Factors to Consider Prior to Placement in a More Restrictive Setting

- 1) Is the student prescribed medication? If so, is the medication being administered as prescribed?
YES NO N/A

- 2) If the student is a first-time kindergarten student, has he or she been in preschool? If not, can the student's difficulty (whether academic, behavioral, or both) be explained by a lack of exposure to curriculum and/or structure?
YES NO N/A

- 3) Does the student regularly attend school? If attendance problems are evident, the school social worker may need to be involved.
YES NO N/A

- 4) In what manner is the student being provided Special Education services at present? Is the maximum amount of resources being utilized?
YES NO N/A

- 5) If the reason for the student's lack of success is primarily behavioral, has a Functional Behavior Assessment been conducted and has a Behavior Intervention Plan been implemented?
YES NO N/A

- 6) If the reason for the student's lack of success is primarily academic, have a variety of scientifically-based curriculum and learning strategies been attempted?
YES NO N/A

- 7) In situation where a student's behavior is the primary concern, has the parent or guardian been given the opportunity to develop behavioral strategies in conjunction with the school to address the behavior?
YES NO N/A

In order to guide an IEP Team through this process, a six-step sequence is presented and is represented visually in a flow chart.

CONTINUUM OF ALTERNATIVE PLACEMENTS.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

(a) Each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The above continuum must -

1. Include 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

2. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. (c) Preschool placements include:

(1) 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. 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:

(I) The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or coteaching model.

(II) 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.

2. 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.

(d) School age placements:

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:

(i) Additional supportive services. 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. The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching

basis.

2. Instruction outside the general classroom for individuals or small groups.
3. Separate day school or program.
4. Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations:
 - (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.
5. Residential placement in-state or out-of-state.
6. Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. The LEA shall provide hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.

IEP Segments:

IEPs reflect segments students are served in special education. Segments in general education are not recorded.

As students transition from preschool to elementary to middle and to high, the number of segments frequently change.

At Du Bois Integrity Academy Charter School System, a transition should be held near the end of the school year (spring), and staff members from the receiving school are invited. At this time, anticipated segments for the upcoming year are indicated on the IEP. If additional changes need to be made when school resumes, another meeting may be scheduled, or an addendum may be used to modify the segments. This may be an informal meeting.

Special Transportation:

Any transportation through special education is reserved for students whose disabilities deny access to the regular school bus or for students with specialized needs identified in their IEP. Special transportation must be linked to a student need related to the student's disability.

The following list includes examples that may be justification for providing special transportation services:

- ┆ Student who require a wheelchair lift to access the bus
- ┆ Student requires individual attention and monitoring during transportation
- ┆ The student's IEP specifies a change in the length of the school day

Special transportation services are part of the IEP process and should be listed under options considered and final recommendations. Justification for special transportation must be addressed in the minutes.

Transportation will not begin until the service is listed on or added to an existing IEP.

The request for special transportation should be submitted to the Special Education Director.

Medication:

If a student is administered medication at school by the school nurse, “medication administration” should be added to the IEP as a supportive service outside of the general classroom.

Participation with Peers:

An explanation of the extent, if any, to which the child will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities.

Extended School Year:

It is required that IEP committees consider the need for extended school year services during the development of a student’s IEP. This should be determined at the annual IEP review and documented in the IEP minutes under options considered/rejected and final recommendations. When considering ESY, the need is based on the emergence of critical skills or reduction in interfering behaviors.

ESY is sometimes needed in order to provide a student with a free appropriate public education (FAPE). ESY services are not limited to a particular disability category. The IEP team should consider multiple variables when determining the need for ESY:

- ┆ Age of the student
- ┆ Severity of the disability
- ┆ Student’s 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, behavioral, motor, vocational, and mobility
- ┆ The relative importance of the IEP goals at issue
- ┆ The student’s rate of progress or rate of regression which may limit the student’s ability to achieve IEP goals and objectives
- ┆ The contents of any applicable transition plan for the student
- ┆ Whether the related services are needed to enable the student to progress toward IEP goals
- ┆ Loss of instructional time
- ┆ Other pertinent information, including emerging skills

Whether or not the student is likely to regress without ESY services is not the sole criteria considered.

The purpose of ESY services is to address objectives for which the student did not make progress during 169 (approximately) instructional days and the student requires additional instructional time to achieve progress.

ESY is not the same as summer school. Nor, is ESY a replacement for the lack of summer activities available to the student. ESY is not an enrichment or remediation opportunity for the student.

Special education teachers should collect on-going data throughout the school year on a student’s progress toward mastery of IEP objectives. Critical data collection times are after students have extended breaks from school (Thanksgiving, Christmas, Spring).

If the teacher feels ESY services are necessary, the teacher should contact the Director of Special

Education several weeks prior to the IEP annual review to review all student data. The specific objectives that require extended instruction should be identified by the teacher.

If the IEP team determines during the annual review meeting that ESY services are necessary, this should be documented in the minutes section of the IEP. The documentation must include the following:

- ┆ Specific goals and objectives that require extended instruction (taken from the current IEP)
- ┆ The specific special education or related service to be provided
- ┆ The amount of time and location for specific ESY services
- ┆ The beginning and ending dates for services
- ┆ The title of the service provider
- ┆ Transportation arrangements

All ESY services and necessary transportation are provided at no cost to the parent.

ESY services must be provided by qualified personnel. Special education teachers must be appropriately certified. The student's current special education teacher is considered the most appropriate person to provide the services.

If the parent declines ESY services at an IEP annual review, it should be documented in the minutes of the meeting. The meeting then proceeds as usual.

Special education teacher should schedule the IEP annual review for students who may be an ESY candidate at the earliest possible date. This allows adequate time for a parent to exhaust due process rights if the school system determines ESY services are not necessary and the parent disagrees.

It is not required that ESY services duplicate the program the student participates in during the regular school year. The IEP team has the responsibility for designing the ESY services to appropriately meet the student's needs. The student's needs may not match the parent's need for child care arrangements

The provision of ESY services one year does not guarantee services for succeeding years. The need is determined on an annual basis.

Parent Participation in the IEP Process:

Include in this section all types of contacts/notices for parent notification regarding the current IEP meeting. If the parent/guardian does not attend, the draft IEP should be sent within 3 days of the meeting to give the parent prior written notice of decisions made at the meeting. This timeline will give the parent time to make any changes before the IEP is implemented. Implementation date will not begin before 7 days.

Minutes/Discussion

- ┆ Minutes may be a brief summary of the team members' comments.
- ┆ Any other services or supports that the student needs that haven't been addressed elsewhere in the IEP may be documented in the minutes.

*It is not necessary to repeat items that are documented in other portions of the IEP.

Parental Consent for Placement:

Du Bois Integrity Academy Charter School System require a Parent Consent for Placement be signed.

In the following time in placement/eligibility(s) determination

- ┆ Change in placement/eligibility(s) determined at an IEP/placement committee meeting
- ┆ Addition in placement/eligibility(s) determined at an IEP/placement committee meeting
- ┆ Deletion in placement/eligibility(s) determined at an IEP/placement committee meeting
- ┆ Any changes, deletions, additions in related services such as OT/PT/Speech/etc.

The most current consent for placement should list all eligibility areas and related services the student is currently receiving.

The parent indicates the acceptance or non-acceptance by checking “yes” or “no” accordingly. The parent also signs and dates the form. If the parent was not present at the IEP/Placement Committee meeting or chooses to take the IEP for review, the date the parent signs consent and the IEP meeting date may differ.

Parents should always receive a copy of their Rights in Special Education as part of the IEP/Placement Committee meeting.

For parents who do not speak English, the Parental Consent for Placement and Parental Rights should be presented in English and the native language (if available).

A new consent for Placement is **not** required for changes in delivery service model such as resource to co-teaching, etc. or to add a new class such as math, reading, English/language arts, etc.

IEP Addendums:

After the annual IEP meeting, there may be a need to change 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 current practice at Du Bois Integrity is to write the changes on an IEP Addendum form, documenting the method of obtaining the agreement (i.e.-via phone conversation, via IEP Conference, etc.) IEP Addendums are handled through GoIEP using the procedures set forth in the GoIEP training materials.

Can you make a change in time or placement on the IEP 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 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 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 on an IEP Addendum form and document the method of contact (i.e.—phone call or impromptu conversation) in the minutes. 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.

Important Meeting Reminders:

Due process procedures, including written notice, must be followed for every IEP meeting. Parental input is important and required.

The team does not vote on decisions regarding a student’s placement. It is the responsibility of school personnel to make a recommendation to parents regarding the appropriate program for the student. If disagreement occurs, both parties should attempt to mediate a resolution in the best interest of the student. If they are unable to agree on placement, the parent or the school system may request a formal mediation or initiate a hearing to resolve the disagreement. The Special Education Director should be contacted immediately.

SECTION V: ASSISTIVE TECHNOLOGY (AT)

As part of the Individual Education Program (IEP) process, the team considers supplementary aids and supports, and whether any referral for evaluation(s) are 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?

Assistive technology devices are identified in the IDEA 2004 as:

- ┆ Any item, piece of equipment or product system, whether acquired commercial off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional

capabilities of children with disabilities.

- ┘ The term does NOT include a medical device that is surgically implanted, or the replacement of such device

(Authority 20 U.S.C. 1401 (1))

Devices:

- ┘ Assistive technology devices required by students with disabilities include hardware and software as well as stand-alone devices. Almost any tool can be considered to be an assistive technology device.
- ┘ If the student needs something to access the curriculum or complete IEP goals then it is considered AT.

Academic and Learning Aids:

- ┘ Electronic and non-electronic aids such as calculators, spell checkers, portable word processors, and computer-based software solutions that are used by students who have difficulty achieving in the educational curriculum.

Aids for Daily Living:

- ┘ Self-help aids for use in activities such as eating, bathing, cooking, dressing, toileting, and home maintenance

Assistive Listening Devices and Environmental Aids:

- ┘ Electronic and non-electronic aids such as amplification devices, closed captioning systems, and environmental alert systems that assist students who are hard of hearing or deaf with accessing information that is typically presented through an auditory modality.

Augmentative Communication:

- ┘ Electronic and non-electronic devices and software solutions that provide a means for expressive and receptive communication for students with limited speech and language.

Computer Access and Instruction:

- ┘ Input and output devices, alternative access aids, modified or alternative keyboards, switches, special software, and other devices and software solutions that enable students with disabilities to use the classroom computer.

Environmental Control:

- ┆ Electronic and non-electronic aids such as switches, environmental control units, and adapted appliance that are used by students with physical disabilities to increase their independence across all areas of the curriculum.

Mobility Aids:

- ┆ Electronic and non-electronic aids such as wheelchairs (manual and electronic), walkers, scooters that are used to increase personal mobility.

Pre-vocational and Vocational Aids:

- ┆ Electronic and non-electronic aids such as picture-based task analysis sheets, adapted knobs, and adapted timers and watches that are used to assist students in completing pre-vocational and vocational tasks.

Recreation and Leisure Aids:

- ┆ Electronic and non-electronic aids such as adapted books, switch adapted toys, and leisure computer-based software applications that are used by students with disabilities to increase participation and independence in recreation and leisure activities.

Seating and Positioning:

- ┆ Adaptive seating systems and positioning devices that provide students with optimal positioning to enhance participation and access to the curriculum.

Tips:

Know Your Students' IEPs!

- 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. Keep track of student progress to make sure the current placement and IEP are appropriate. Collect data.
- Read IEPs from beginning to end to make sure you know all the specifics stated in the minutes. All the important information may not be found in the "boxes" or "summary" areas! IEPs may have specific requirements written in the narrative minutes for which you are responsible!

Make Sure IEPs Are Fully and Accurately Implemented!

- Hours of service stated in an IEP must match that student's schedule.
- Make sure to check each student's schedule to IEP matchup.
- This is especially important at the beginning of each school year.

Distribute IEP Accommodations Letters

- IEP Accommodations Pages for every student on your caseload should be given to all special education and regular education teachers who have that student in a class. This

information should be provided to all teachers during pre-planning to assist them in planning for special education students and their needs.

- B. If a student on your caseload has a schedule change during the school year, make sure the new teacher gets a copy of the Accommodations page.
- C. Remember to send out this information on any new students who may be added (through transfer or new eligibility) to your caseload during the year. Teachers will not know about the **legally binding accommodations** listed in the IEP unless you prepare (as necessary) and share with them.

Monitor Student Progress

- A. You must monitor both the academic and behavioral progress of students you teach (and especially those on your caseload). This information should be shared with parents on a regular basis through telephone contact or by sending home informal progress reports.
- B. You should contact parents at the beginning of the school year to let them know that you will be their child's special education caseload manager. (Hopefully you will also be one of the teachers for each student on your caseload, but this is not always true.) You may do this during open house, through a telephone call, or by mailing (not sending) a note home (secondary special education students are not very good about transmitting communications between home and school!). Documentation should be kept on all parental communications.
- C. Some IEPs will state specifically how parents are to be kept informed. Make sure you have read the minutes section of all IEPs for this and other specific information you need to know.

Prepare paperwork in a timely, efficient, and accurate fashion! There are many varied forms of special education paperwork for which you will be responsible. **This must be prepared accurately and submitted on time!** The Special Education Lead Teacher at your school will inform you and assist you with these requirements. If you do not understand or need assistance of any kind, please go to that person. Peers may be able to help, but it is the lead teacher who knows the specific requirements regarding each "paper" task you are assigned.

Assistive Technology Services:

As defined in IDEA, an assistive technology service is

- └ Any service that directly assists a child with a disability in the selection, acquisition, and use of an assistive technology device.
- └ The term includes
 - the evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment
 - purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities
 - selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
 - coordinating and use other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
 - training or technical assistance for a child with a disability or, if appropriate, that child's

family; and
-training or technical assistance for professionals (including individuals or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of children with disabilities.
(Authority 20 U.S.C. 1401 (2))

Considering AT:

The requirement to consider the need for assistive technology devices and services brings the issue of assistive technology to every IEP team. In order for IEP teams to be able to effectively, address assistive technology devices and services, teams must use a collaborative decision-making process to determine whether or not an individual student requires assistive technology.

Resources:

Selecting appropriate software/hardware for the classroom can be a challenge. 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.

Maintenance of Hearing Devices:

As specified in IDEA, it is the responsibility of the Du Bois Integrity Academy Charter School System to maintain hearing aids for all identified, due processed special education students. Money for said maintenance has been and will continue to be set aside through the IDEA Flow through budget. Expenditure of these funds will be made through the established purchase order process. Any professional person who has primary responsibility for due processed students with hearing impairments must monitor hearing aids to assure they are in accurate working condition. The hearing aid and auditory trainer checklist should be used to document daily monitoring of the aids. If a problem is identified with either the hearing aids or the auditory trainers, the Special Education Teacher should notify the administrators.

Annual Audiological Evaluations:

Students who are deaf or hard of hearing shall have an audiological evaluation administered by a certified/licensed audiologist on an annual basis, or more often if necessary. The annual audiological includes, but is not limited to:

- ┆ otoscopic inspection
- ┆ unaided and aided pure tone and speech audiometry (as applicable)
- ┆ immittance testing
- ┆ word recognition
- ┆ hearing aid check and electro-acoustic analysis of aid (if amplified)
- ┆ analysis of FM system check (if utilized)

The Special Education Teacher for students with hearing impairments and the Special Education

Director will work with the parents to schedule the annual audiological evaluation.

SECTION VI: RELATED SERVICES

The primary goal of the Related/Support Services is to improve the ability of a student with a disability (**one who already has an IEP**) so that s/he can benefit from IEP goals/objectives. Support personnel can provide direct services and/or program recommendations to classroom teachers, special education teachers, and instructional paraprofessionals for individual students and for groups. Related services are addressed in the attached GA Special Education Rules under Definitions.

Interpreter for the Deaf and Hard of Hearing:

An interpreter is provided for deaf or hard of hearing students who need assistance to understand instruction in the general education classroom. When a student is identified that needs the services of an interpreter, the administrator shall notify the Special Education Department.

Evaluations are required to determine the needs of students for Occupational and/or Physical Therapy as related services.

Occupational Therapy (OT):

Occupational therapy services provided by a qualified occupational therapist to develop and enhance the independent physical functioning of students with disabilities so the students can receive FAPE are services provided by schools are for educational purposes to enable a student with a disability to progress on his/her IEP. These services include:

1. Improving, developing, or restoring functions impaired or lost through illness, injury or deprivation.
2. Improving ability to perform tasks for independent functioning if functions are impaired or lost.
3. Preventing, through early intervention, initial or further impairment or loss of function.

Physical Therapy (PT):

Physical Therapy services provided by a qualified physical therapist to develop and enhance the physical functioning of students with disabilities so the student can receive FAPE are services provided by schools are for educational purposes to enable a student with a disability to progress on his/her IEP. These services include:

1. Increasing muscle strength, mobility, and endurance.
2. Focusing on gross motor skills that rely on the large muscles of the body involved in physical movement and range of motion.
3. Improving the student's posture, gait and body awareness, and monitoring the function, fit, and proper use of mobility aids and devices.

A portion of the therapist's evaluation includes the determination of educational relevance of therapy and appropriate level of intervention. Therapy that is rehabilitative, rather than educational, is not provided under GA guidelines. Referral Procedure:

A doctor's prescription is needed for an OT or PT referral. If a doctor sends Rx for either the IEP team will meet to determine if a referral for an evaluation is determined to be educationally needed.

Provision of Occupational & Physical Therapy Services in the Educational Setting:

I. Definition of 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.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.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.

II. 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 OT and/or PT 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.

1. 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 is provided in the following situations:

- c) Prior to or following surgery;
- d) Acute rehabilitation (i.e., initial therapy for burns, head injury, spinal cord injury);
- e) Therapy deemed necessary but which does not enhance education or IEP goals.
- f) Therapy deemed necessary but the student does not qualify for special education programming;
- g) Therapy maintenance program if student is functionally independent in his/her educational setting.
- h) Therapy rehabilitation program if student is functionally independent in his/her educational setting.

III. Overview of Evaluation Process for OT/PT

Evaluation 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 should be 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).

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.

IV. Referral Process for Occupational or Physical Therapy

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 teacher determines that the student's IEP goals cannot be achieved without the provision of OT or PT services, a referral should be initiated.

V. Initial Placement Procedures for Students Eligible for OT/PT

Students who qualify for OT and/or PT, 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 should be 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
- ┆ OT and/or PT
- ┆ Regular classroom teacher

The IEP goals and objectives should 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 should be apparent:

1. Entrance criteria clearly indicates 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 the OT or PT.
5. OT/PT 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.

VI. Procedures for Students Determined to be Ineligible for OT/PT

If a student initially referred for OT/PT is determined to be ineligible for OT or PT services, the student's teacher schedules a meeting to review the OT/PT Evaluation Team Report and recommendations with the student's parent(s).

VII. Exit Criteria for OT/PT

A student no longer qualifies for occupational and/or physical therapy services when the therapy is not required for the student to benefit from special education. Factors to consider include the following:

1. The student's IEP goals have been met and no additional services are required.
2. The student's disability ceases to be educationally relevant under regulations of IDEA.
3. Therapy is contraindicated due to a change in the student's medical or physical status.
4. Assessments indicate that the student has reached a point of appropriate positive change.

An IEP meeting with the appropriate participants is required to exit or dismiss a student from any special education or related service(s).

Health Related Services:

The Individuals with Disabilities Act includes health services in a list of possible related services. Such services make access to education possible for student with disabilities. Medical services that do not require a physician to perform them are to be provided by the school district (i.e., catheterization and tracheotomy suctioning).

Federal and state regulations define related services as 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, 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. The term also includes school health services, social work services in schools and parent counseling and training.

Medical services are defined as those services provided by a licensed physician to determine a student's medically related disability that results in the student's need for special education and related services. This limits the type of medical service essentially to evaluation/assessment.

School health services are defined as those services that make access to education possible for students with disabilities. Such services that do not require a physician to perform them are to be provided by the school system.

The ability to separate medical services from school health services provided under IDEA continues to cause conflict today. Despite legislative and associated regulatory language recognizing the differences between medical services and school health services, the judicial system has been called on numerous times to provide additional clarification and direction.

Adapted Physical Education:

It is required that students with disabilities participate in physical education at their school. This may be regular PE or specially designed or adapted PE. If PE is a requirement for the student's current grade level, it must be addressed in the student's IEP.

If adapted (specially designed) PE is indicated for a student, it must be addressed through the IEP. Adapted PE may be required for students with orthopedic impairments, low cognitive functioning level, or significant behavioral problems.

In some instances, a paraprofessional can be assigned to accompany the student to a regular PE class on a regular basis. This person provides support through program modifications or to assist the student with adapted equipment. The student is expected to participate in the PE class and master the objectives for the class as defined in the GSE. This is considered regular PE. The program modifications and supports should be documented in the appropriate places on the IEP. A description of the student's needs should be included in the present level of performance narrative.

Adapted PE is required for students who cannot achieve the GSE objectives for physical education for their grade level.

Adapted PE is considered a direct special education service. The need is addressed in the student's present level of performance narrative and in the development of goals and short term objectives. Adapted PE is listed as a special education service on the program summary of the IEP. The amount of service time, initiation and duration of service, service provider, and location not services must be completed. Adapted PE is also listed as a special education service on the parental consent for placement form. Additionally, the need for Adapted PE must be justified in the placement minutes of the IEP.

Adapted PE services can be provided by any one of the following individuals:

- ┆ Adapted PE Specialist
- ┆ Regular certified PE teacher
- ┆ Certified special education teacher (any area)
- ┆ PT
- ┆ OT

It is recommended that service providers engage in cooperative planning to lead to the development of appropriate adaptations and activities for each student receiving adapted PE. Goals for adapted PE can be developed from the following areas:

- Individual and team
- play Physical
- coordination
- Handling leisure/recreational
- equipment Socialization
- Distinguishing between work and leisure activities and others

SECTION VII: TRANSITION TO DESIRED POST-SECONDARY OPTIONS GUIDELINES

The purpose of a Transition Service Plan is to assist students with their IEP team and natural supports, build the skills and support they need to reach their post school outcomes. The successful transition of students with disabilities from school to post school environments should be a priority of every IEP team. The purpose of the Individuals with Disabilities Act (1997) was “to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.” (20 U.S.C. ~ 140 (d) (1) (A)).

The 2004 reauthorization of IDEA changed transition services to a “results-oriented process” that is focused on improving the academic and functional achievement of the child” (20 U.S.C. ~ 1414 (c) (5) (B) (ii). The Individual with Disabilities Education Improvement Act of 2004 (IDEA 2004) also requires the IEP team to include “appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living.”

- ┆ Transition should be discussed at the beginning of the Individualized Education Program meeting of all children in eighth grade or the year the student turns 16, whichever comes first.
- ┆ It should drive all contents of the Individualized Education Program. There should be a relationship between a child’s IEP goals and objectives and the Transition Plan.
- ┆ This document should be based on the child’s present level of performance.
- ┆ It should be “user friendly.”
- ┆ It should include input from school personnel, outside agency personnel, family, and above all the child.
- ┆ The transition services plan must be reviewed and updated at least annually at the student’s annual IEP review.

Caseload managers will meet in ongoing peer review teams to check all transition plans for compliance as annual IEPs become due. A compliance checklist will be completed for each IEP to show that all required pieces of the transition plan are addressed. Ten transition plans will be randomly selected each quarter by the Du Bois Integrity Academy Special Education Director and Lead Teachers to monitor using the compliance worksheet.

When a Student with a Disability Turns 22:

At the end of the semester in which a student turns 22, the special education services in Du Bois Integrity Academy Charter School System will cease. In the transition meeting, the adult student and parent must be informed that there is no individual entitlement to FAPE or other rights afforded the student upon reaching age 22. Students graduating with a general education diploma are not entitled to FAPE and other rights once they have graduated with the general education diploma.

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.

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.
- ┆ 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.
- ┆ This section should create a “snapshot” of where the student is currently in regards to their strengths, interests, vocational skills, career related coursework, community participation, and any other needs.
- ┆ Key features to include are the student’s age, grade, diploma track and course of study as well as evidence of transition assessments.

Building Resourceful Individuals to Develop Georgia’s Economy: BRIDGE Act, House Bill 400

The BRIDGE 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 BRIDGE Act mandates that 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 GA 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.

At Du Bois Integrity Academy, transition activities for all students begin in elementary school. Elementary students participate in shadowing activities which includes tours of the middle school. In accordance with the BRIDGE Law, middle school students receive regularly scheduled guidance activities focusing on career awareness. The high school transition coach works with the Middle School Guidance Counselor to provide information to assist students in evaluating their academic skills and career interests. The students also receive regularly-scheduled advisement to assist them in identifying post-school goals and diploma requirements for colleges and technical institutions. At the high school level, the Transition Coach, Graduation Coach, and Guidance Counselor collaborate to provide counseling and regularly-scheduled career advisement to all high school students and provide them with information to enable them to successfully complete their individual graduation plan.

Du Bois Integrity Academy's special education teachers have a working, collaborative relationship with the guidance/counseling department to ensure that all students are provided guidance, advisement, and regularly scheduled counseling that will enable them to successfully complete their individual graduation and transition plans, preparing them for a seamless transition to postsecondary study, further training or employment.

Measurable Transition IEP Goals:

- └ These should be 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 have a clearly defined point of mastery and clearly defined criterion (the who, what, when, where, and how to complete each postsecondary outcome/completion goal).
- └ The goals should be meaningful and relevant to "how to get to" the desired post-secondary outcomes.
- └ 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 must be at least one measurable transition IEP goal for Education/Training and Employment.
- └ Measurable transition goals for Independent Living should be addressed as appropriate.
- └ For each postsecondary goal there must be an annual goal(s) included in the IEP that will help the student make progress towards the stated postsecondary goals(s).
- └ All goals should be achievable within the current IEP year.

Transition Activities and Services:

- └ This section should address the transition activities and services that are needed to attain these measurable goals.
- └ Transition Activities and Services should be planned as the "what is needed to achieve these goals."
- └ Many activities and services (minimum of two activities) should be planned and

implemented for each goal.

Persons and Agency Involved:

- ┆ This section should include who will help the child achieve the goals stated.
- ┆ There must be documentation 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 at least 10 days in advance of the meeting.
- ┆ Team members include the student, parents, any public/private agency that is likely to provide services or to pay for services, all other IEP team members.
- ┆ When any agency is invited, prior consent must be obtained from the parent or age of majority student.

Date of completion and Achieved Outcome:

The date that the student completes the transition goal

Vocational Rehabilitation Services:

The purpose of the Vocational Rehabilitation (VR) program is to assist eligible persons with physical, mental, or emotional disabilities to prepare for, obtain, regain and/or maintain employment. Each referral is different and no applicant is the same. When determining eligibility, the VR Counselor must make the determination on a case-by-case basis. Though a student is found eligible for special education services while in school based on his or her educational needs, he or she may not be automatically eligible for services through VR. When considering who may be eligible for VR services, keep in mind the main goal of the VR service program, "To assist individuals with disabilities to enter the workforce." In order to accomplish this goal, the disability must impede the applicant's ability to obtain and retain employment.

Who is eligible for Vocational Rehabilitation (VR) services?

Any citizen of Georgia who has a physical or mental disability that impacts his/her ability to go to work and who can benefit from VR services to go to work may be eligible.

How does the process work?

- ┆ The individual meets with a VR Counselor to complete an application for services.
- ┆ The counselor and the individual discuss how the disability affects his/her ability to work, and if he/she will benefit from VR services, and discuss the means to secure employment.
- ┆ If the individual qualifies for VR services, choices will be discussed in order to reach the employment goal.
- ┆ Assessments are used to determine the services necessary to reach the employment goal.
- ┆ A Work Plan is created, outlining responsibilities and services needed to reach the work goal.
- ┆ Financial eligibility requirements need to be met to receive some purchased services.

What services are available?

The services available are based on what is needed to go to work. They may include, but are not limited to:

- ┆ Vocational assessment
- ┆ Vocational counseling and guidance
- ┆ Physical and mental restoration services
- ┆ Vocational training
- ┆ School-to-work transition
- ┆ Rehabilitation technology
- ┆ Supported employment
- ┆ Job search and job placement
- ┆ Referral to other agencies for needed services

Once the necessary vocational rehabilitation services are received and employment is achieved, a 90- day follow-up is provided to the individual and the employer to ensure that there are no problems and the job is a good fit. After the 90-day follow-up period, the case is closed.

Vocational Rehabilitation does not provide permanent support but is available as needed for people with disabilities to seek, secure, and sustain employment.

Senior Summary of Performance:

For a student whose eligibility ends due to graduation with a general education diploma or to exceeding the age requirements, the school system must provide 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. In the Senior Summary of Performance (SOP) will be completed for students who graduate with a certificate of attendance, as well. The purpose of the SOP is to provide strategies for successful transition with needed supports. The student should actively participate in the development of the SOP. Other IEP team members, family members or other community agencies involved in this student's transition planning process should also provide input. The SOP becomes the student's resume as he or she transitions to postsecondary settings.

To summarize which seniors will have a Summary of Performance written during the last months of school:

- ┆ Seniors graduating with a diploma
- ┆ Seniors who are exiting with a Certificate of Performance
- ┆ Seniors reaching 22 and exiting at the end of the semester in which they turn 22.

SECTION VIII: DISCIPLINE

Overview:

The code of conduct for students at each of the schools in Du Bois Integrity Academy Charter School System applies to ALL students unless a student's IEP provides otherwise. It is best practice to place an increased emphasis on proactive approaches rather than reactive behavior management. A student's case manager is responsible for ensuring that the parent/guardian/surrogate and the student receive notice of the rules and regulations applicable to students with disabilities regarding student discipline. This should be done when the student enters the special education program and at the annual IEP review. A student with a disability, who has an IEP in effect, can be removed like any other student for up to a total 10 school days for violations of the code of conduct or school rules during one school year. It is not necessary for the IEP team to meet. The administrator should notify the special education caseload teacher concerning all disciplinary actions made involving students with disabilities prior to implementation.

In most cases, disciplining students who have IEPs is no different than disciplining other students. However, IEPs afford these students some protection. One protection includes the right to continuation of services indicated by the IEP if the student is removed (i.e., expelled) from school for more than 10 cumulative days within a school year. This protection is extended due to the requirement for FAPE and evolved from a court case involving the Office of Civil Rights.

In addition to the right to continue special education services, students with IEPs may receive a consequence different from that of other students if the IEP team decides that the student's misbehavior was substantially related to or caused by the student's disability. This team also examines the student's IEP and BIP, and it reviews details of the misconduct. In this same meeting, the IEP team decides if the school system implemented the student's IEP/BIP correctly.

This type of meeting is called a Manifestation Determination and by GA State Rules, must occur by the 11th day of suspension. In addition, this type of meeting must be held anytime a student with an IEP is under consideration for a "change in placement" due to his/her misconduct.

If the IEP team decides that the student's misbehavior was not substantially related to the student's disability and that the IEP and BIP were properly implemented, then the student is treated the same as a student without an IEP would be treated. In other words, the student may be suspended beyond the 10 days; hence, the student would receive the same consequences any other student would be given. The only difference would be the continuation of special education services to provide FAPE as guaranteed by federal law. If the IEP team determines that the student's misbehavior was a manifestation of the disability, the team must ensure that there is a current FBA and BIP in place and review/modify both as necessary. The student returns to the original placement unless the parent and IEP team agree to a change in placement as part of the modification of the behavior intervention plan.

Any student with a disability whose behavior impedes his or her learning or the learning of others should have a Functional Behavior Assessment completed to determine target behavior and a Behavior Intervention Plan developed as part of the IEP. The behavior intervention Plan includes positive behavior interventions, strategies, and supports to address the behavior.

Functional Behavior Assessment (FBA):

Federal law mandates that school systems conduct Functional Behavioral Assessments (FBA) when taking certain disciplinary actions with students who are disabled. The process is based on the concept that if you understand the functioning of a challenging behavior, you can have great impact on changing it. This assessment is a comprehensive and individual approach to examining variable that promote the continuation of challenging behaviors.

Steps to Follow:

Although it is acceptable for the team to informally determine the function of a behavior, the process of conducting an FBA is best done in systematic stages:

1. The team specifies the problematic behavior and considers student variables that may impact the behavior. This provides a clear focus for discussing strategies that may be used to modify the behavior.
2. The team collects information about the student's behavior and the environments in which it occurs. This enables the team to determine the function of the behavior and have data to assist in developing an intervention plan.
3. The team considers how and to what degree the behavior intervention support is faded to promote generalized behavior changes.
4. The team may need to meet to problem solve and discuss on-going modifications.

***Before conducting the FBA, be sure to obtain a consent to evaluate.**

Conducting the FBA:

1. Identify problem behaviors
 - List all student behaviors that have resulted in missed instructional time and possible disciplinary action.
 - Decide if any of the behaviors typically occur together or in a "chain"
Usually, a student goes through stages of less disruptive behavior that escalates to a highly disruptive behavior.

- When a list is developed, prioritize behaviors and choose the top 1-3 to focus on for the functional assessment.
- Team may choose to focus on behaviors that occur early in the chain or those that are most intolerable in school
- Clearly articulate the behavior. Describe the behavior in such a way there is no doubt in anyone's mind as to what the behavior looks like and when it is occurring.

2. Strategies Attempted

- The team should spend time recalling everything that has been tried in the past.
- Prevention techniques include things such as:
 - *change of seating
 - *modifying assignments
 - *have student work with a partner
 - *teaching anger management strategies
- Past consequences may have included:
 - *loss of points
 - *loss of favorite activity
 - *suspension (ISS and OSS)
- Reviewing this past information assists the team in identifying what goal the student achieves through the behavior.

3. Recognition of Student Individual Variables

- Personal factors shape and determine an individual student's actions
- In the classroom setting, however, expectations of group behavior may supersede individual needs-you give up something for the good of the group.
- Teachers should consider individual characteristics in order to help explain why a student is unwilling or unable to meet behavioral expectations.
- Student variables may be physical, emotional, cognitive, social, and academic.

4. Analyze the Available Data

- Collect and review data from a variety of sources:
 - *notes written by teachers, parents, the student, and/or others
 - *previous discipline referral slips
 - *discipline record
 - *point card, behavior charts
 - *self-management documentation
 - *police reports
 - *video tapes of behavior
- If data is not available, times need to be spent in data collection. The needs of the student and the severity of the behavior may indicate that more formal approaches to data collection are indicated.
 - *Informant Interviews
- Adults who know the student well respond to questions about the student's behavior
 - *Direct Observation
- Adults directly observe the behavior in the natural context and record contexts, antecedents, consequences, and reactions by the student.
 - *Student Interviews

-Interviewing cooperative students provide quick and accurate information

*Ecological Interviews

-These consider the external variables common to the school environments (Classroom arrangement, curriculum, difficulty or ease of assigned work, length of work periods, grading policies, etc.)

Sufficient data needs to be collected to allow the team to answer these 6 questions:

1. How often does the target behavior occur and how long does it last?
2. Where does the behavior typically occur? Where does it never occur?
3. Who is present for the occurrence/nonoccurrence of the behavior?
4. What is going on during the occurrence/nonoccurrence of the behavior?
5. When is the behavior most/least likely to occur?
6. How does the student react to the usual consequences that follow the behavior?

Identifying the Function:

A functional assessment of an individual's behavior is based on the assumptions that all behaviors serve some purpose for that person. Behavior are reported by an individual because they are rewarded (the purpose of the behavior is fulfilled).

In the school setting most behaviors occur to "get" or "get away from" something.

- ┆ Work
- ┆ Failure
- ┆ Boredom

Specific antecedents and consequences are associated with each function. Antecedents associated with attention/access behavior that increase the likelihood the behavior will occur:

- ┆ Presence of favorite people, objects, activity
- ┆ Observation of attention to others
- ┆ Receiving low level of attention
- ┆ Unoccupied or bored
- ┆ Observations of others with a favorite object/activity
- ┆ Access to favorite object/activity denied

Consequences associated with attention/access behavior that keep the behavior occurring:

- ┆ Contact with teachers increases
- ┆ Verbal responses to the behavior increase
- ┆ Attention from peers
- ┆ Student is redirected to preferred activity, immediately or eventually

Some children want to get sensory feedback from self-stimulation. The function of self-stimulatory behavior is difficult to determine because the student's sensory feedback is not observable.

Typically, self-stimulatory behavior can be hypothesized if the following are true:

- ┆ Inconsistent antecedents and consequences associated with the behavior
- ┆ Problem behavior occurs when a person is alone or unoccupied, and continue even when others approach
- ┆ Problem behavior occurs repeatedly for long periods of time when no one is around
- ┆ Student appears calm and unaware of what is going on around him when Engaged in the behavior
- ┆ To get out of something (escape or avoid)

Antecedents associated with escape/avoid behaviors that increase the likelihood the behavior will occur:

- ┆ Transitions or lack of predictability
- ┆ Repetitive tasks, tasks which are easy or difficult, or non-preferred activities
- ┆ Too much or too little work
- ┆ Lack of choice or control
- ┆ Instructions, being told what to do
- ┆ Interruptions of routines
- ┆ Particular individuals
- ┆ Anticipation of an unpleasant event

Consequences associated with escape/avoid behaviors that keep the behavior occurring include:

- ┆ Task is made easier or modified in some way
- ┆ Student gets out of the task (sent to office) immediately or eventually
- ┆ Student is left alone
- ┆ Teacher provides extra assistance

<i>Goal of Misbehavior</i>	<i>Examples Of Misbehavior</i>	<i>What Student is Saying</i>	<i>How Teacher Feels</i>	<i>Student Reaction To Reprimand</i>	<i>Some Correctives</i>
<i>Attention Getting</i>	The Show Off The Clown Obtrusiveness (Brash) The walking question mark The infant terrible Cute remarks The model child (By age 8 or 9 usually moves to more complex i.e. Power)	I only count when I am being noticed or served.	Active: Annoyed, Bugged Passive: Wants to remind	Temporarily stops disturbing action when given attention. If intensifies, then goal is likely power.	Ignore – attend at pleasant times
<i>Power</i>	Argue, Contradict Continue forbidden acts Bad Habits Temper Tantrums Masturbation Untruthfulness Laziness Stubbornness Being late	I only count when you do what I want you to do.	Active: Provoked, loss of control, challenged Passive: “I’ll make him do it.” “You can’t get away with that.” “How dare you think you can”	Intensifies action when reprimanded. Student wants to be boss.	~Establish equality ~Consistent expectations ~Don’t argue, refrain from talking – use one sentence when tempted to use 5. ~Let limits speak for themselves. ~Redirect to constructive action
<i>Revenge</i>	Vicious Stealing Bed-wetting Violent Passivity (Vulgar, obnoxious)	I can’t be liked, I don’t have power, but I’ll count if I can hurt somebody.	Active: Hurt, Mad Passive: “How could he do this to me?”	Wants to get even when reprimanded. Makes self disliked.	~Respect – by allowing choices, don’t overpower ~Positive – allow preset limits and natural consequences instead of undue attention ~Provide support and faith, like him not behavior
<i>Displaying Inadequacy</i>	Stupidity Ineptitude Hopeless	“I can’t do anything right, so I won’t try to do anything at all.	Active: Despair Passive: “I give up.” “It’s useless.”	No reprimand, therefore no reacting Teacher gives up. Student gives up.	Behavior Modification Regard mistakes as inevitable Encouragement, Encouragement, Don’t do it for him. Don’t give up.

Developing the Relationship Statement:

The team should be able to write a relationship statement after looking at the data that has been collected. This statement defines the relationship between the environment and the behavior. The relationship statement is formatted as follows:

Antecedent – Behavior – Consequence (A – B – C)

The statement documents what happens before and after the behavior that predicts the occurrence of the behavior.

Example:

- (1) Antecedent-Difficult work soon to be given
Behavior-Student throws book across the room
Consequence-Student is sent to ISS and has an adult available to help him
- (2) Antecedent-Student bored by the assignment
Behavior-Makes remark under breath to another student
Consequence-Fight ensues and there is much excitement
- (3) Antecedent-Student feeling ignored
Behavior-Leans back in chair
Consequence-Teacher attends and tells student to put chair legs on the floor

A final note to take into consideration:

- ┆ For some students, one behavior may serve several functions.
- ┆ For other students, several behaviors may serve the same function.

According to the *Implementation Manual for the Special Education State Rules*, if an IEP team has adequate information to develop a BIP, an FBA may not be required. Although not required, best practice is to conduct an FBA prior to the development of a BIP. An FBA does not have to be re-written each year but should be reviewed periodically throughout the year with changes made as appropriate. The FBA drives the BIP. All students who meet eligibility criteria in the area of Emotional Behavior Disorder must have a BIP.

Components for a Behavioral Intervention Plan (BIP):

- ┆ Target/problem behavior, the hypothesized function of the behavior, and a summary of data collected that led to the hypothesis included in the plan.
- ┆ Behavior intervention plans are driven by the hypotheses and the FBA data collected. They are individualized for the student and include:
 - *positive (preventive) strategies to avoid the target behavior (e.g., antecedent modifications) that can include instructional modification, behavioral precursors as signals, modification of routines, opportunities for choice/control, clear expectations, pre-correction, errorless learning, etc.

*select new skills that replace problem behaviors that can be as or more effective than the problem behavior (replacement behaviors may include communication skills, social skills, self-management/monitoring skills, choice making, etc.)

*instructional methods to teach replacement behaviors that can include pre-instruction, modeling, rehearsal, social stories, incidental teaching, peer buddy, meeting sensory needs, direct instruction, verbal, physical, and/or visual prompting, etc.

*consequences that promote the learning of the replacement behavior that are based on student preferences

*consequences that address the occurrence of the target behavior

*the desired outcomes of the behavioral intervention plan for the student

- └ Action plan for the implementation of the BIP should include:
 - *activities, dates, and documentation describing who is responsible for completing each task
 - *materials, training, and support for the implementers of the plan
 - *how data will be collected and analyzed
 - *timelines for team meetings, data analysis, and monitoring the success of the BIP
- └ If necessary, a crisis intervention plan is developed when the safety of the student or of others is a concern.

Fostering School-Wide Positive Behavior Strategies:

School-wide positive behavior strategies cut off discipline problems before they become serious. Adhering to the following core principles assures positive intervention strategies:

- └ **Positive behavior strategies should teach and reinforce expected behavior and negative behavior should receive consequences that are meaningful and instructive.** Problem solving teams should be used to identify events in the environment that contribute to problem behavior.
- └ **Try to understand why a student behaves in a particular way.** It is usually driven by two principles: First, the behavior allows the youth to “get” something desirable, “escape” something undesirable or communicate a message or need. Second, behavior occurs in a particular context, either in a certain setting, under a certain condition or during an activity.
- └ **Address a student’s problem behavior with a functional behavioral assessment (FBA).** An FBA is a team problem-solving process that relies on a variety of techniques and strategies to identify the purposes of specific behaviors. It helps individualized education program teams select interventions to directly address that problem behavior. The assessment looks beyond the behavior itself and identifies (through observation and student, teacher and peer interview) significant, pupil- specific social, sensory, physical, affective, cognitive or environmental factors associated with the occurrence of specific behaviors.

- └ **Teamwork plays an important part in addressing student behavior problems.** It is critical that General Education Teacher be involved in the process from beginning to end.
- └ **Formulate a behavioral intervention plan for children exhibiting problem behaviors.** It should include strategies and supports, program modifications and supplementary aids and services as needed to address the behavior. BIPs emphasize the skills students need to behave in a more appropriate manner.
- └ **Integrate supports into a child's BIP.** Such support can include peers, family, teachers and paraprofessionals, language specialists, other school staff (custodians, cafeteria workers or volunteers and community agency service providers).
- └ **Reinforce appropriate behavior at least twice as often as the problem behavior was criticized.**

In School Suspension:

In-school suspension may not be considered removals from school if the student with disabilities is provided with educational services to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of the student's IEP.

The provision of educational services can be accomplished by the following:

- └ The ISS program must require students' regular education teachers to submit missed class work for students to work on.
- └ The student must receive any service

The IEP services can be provided by the following:

- └ The student with disabilities is allowed to attend regular scheduled special education classes while serving time in ISS.
- └ The special education teacher can go to the ISS classroom to provide services according to the IEP.

It is important that the ISS program and the special education teacher keep accurate records to document that the student did, in fact, receive special education services.

Administrators should use common sense when determining appropriate consequences for students with disabilities. Collaborative brainstorming with a student's special education teacher may result in consequences that are more effective for the student.

Teachers for students with disabilities should carefully examine repeated assignments of the student to the ISS for patterns. In some cases, assignments to ISS may be rewarding to students so they can avoid the demands of the regular classroom.

Out of School Suspensions (OSS):

When a student with disabilities is suspended from school for disciplinary reasons, it is considered a removal from school.

Federal law and Georgia regulations mandate that students with disabilities cannot be removed from school for more than 10 cumulative school days in one year:

- ┆ 10 consecutive school days, or
- ┆ A series of removals that cumulate to 10 days in one year

Removals beyond 10 school days in a school year constitute a change in the educational placement for the student.

It is not required that the school provides educational services for removals of 10 school days or less.

However, for students with disabilities who are removed from school for more than 10 school days in a school year, it is required that the school provide educational services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

Removals from School:

Removals from school are actions taken such as sending a student home for the remainder of the day or officially suspending the student from the school. It is imperative that administrators and special education teachers keep accurate records of any such actions for disciplinary reasons. Disciplinary removals can result in a change in the student's current educational placement if the following occurs:

- (1) The removal is for more than 10 consecutive school days; or
- (2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year.

Disciplinary Actions of 10 School Days or Less:

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

Disciplinary Actions beyond 10 Days:

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

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

If school administrators want to suspend a student from school for more than 10 consecutive school days, or to have a student's educational setting changed to an interim alternative educational setting for up to 45 school days for weapon or drug possession or for infliction of serious bodily injury on another person, school officials must notify the parent immediately of this decision. The administrator must also notify the Director of Special Education of this decision.

If a Functional Behavior Assessment has not been done prior to the misconduct resulting in suspension, or if the FBA is inappropriate, the IEP team completes an FBA.

If a Behavior Intervention Plan (BIP) has not been done prior to the misconduct resulting in suspension, or if the BIP is inappropriate, the team completes a BIP.

Placements in the In School Suspension program, detention program, opportunity room, etc. are not considered a change in the student's educational placement as long as IEP services are provided to the student by the appropriate special education teacher. Administrators and special education teachers should keep careful documentation in order to substantiate that special education services were provided.

Continuation of FAPE Services:

Administrators will contact the Director of Special Education to inform her that the student has exceeded more than 10 cumulative days within the school year.

- The administrator issuing the discipline will review the plan for continuation of services with the student and parent and obtain the required signatures. A copy of the notification letter will then be faxed to the special education office.
- Indicate Continuation of Services in Power School with a "Y" Code.
- Failure to show continuation of services in Power School, even if services are being provided, suggests that the Du Bois Integrity Academy Charter School System is out of compliance with federal and state regulations.
- The Special Education Department will maintain a log of services provided to students who have been removed for more than 10 cumulative days.

NOTIFICATION

(a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in Rule 160-4-7- .09 Procedural Safeguards.

Manifestation Determination:

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the student's IEP team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP. These steps are referred to as a "manifestation determination." In making this determination, the district, the parent, and relevant members of the IEP team (as determined by the parent and the district), will review

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

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

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

Note:

1. Always inform the Special Education Director about MD meetings as soon as possible
2. Thoroughly review the student's IEP, BIP, and placement prior to the meeting. For example, the BIP should be written based on individual student's needs and should not reiterate the school's discipline ladder. Let the Director of Special Education know if you have any concerns well in advance of the meeting. Do not wait until the last minute to do this review.
3. Manifestation Determination meetings may be highly charged emotionally for the parent, student, and sometimes the staff. Practice use of deflation techniques if anyone in the meeting becomes

overly aroused.

Referral to Discipline Tribunal:

If a student with disabilities engages in an activity that warrants long-term suspension, the principal may remove the student by out-of-school suspension for a period up to 10 days and request a discipline tribunal. If referred for a system level tribunal, the administrator of the school will notify the Director of Special Education or the caseload manager as soon as possible to review the records on the student and schedule a Manifestation Determination Review meeting with appropriate personnel and parents. Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice (Parent Rights in Special Education). The superintendent or designee is responsible for delivering a letter to the parent informing of the request for a discipline tribunal. The student's caseload manager notifies the parent in the same delivery of an IEP meeting scheduled for the purpose of manifestation determination and ensures that the parents receive copies of their Rights in Special Education. Georgia Rules specify that the manifestation determination must be scheduled no later than 10 school days after the date the student was suspended from school. Note: If the student has accumulated out-of-school suspension days prior to this incident, the manifestation meeting must be scheduled in less than 10 school days. The IEP team will determine if the behavior is a manifestation of the student's disability. If the behavior is determined to be related to the student's behavior, the student may remain in his/her current placement. If not, the IEP committee determines the most appropriate placement. If the behavior was related to drugs, weapons, or serious bodily injury, school administrators will notify the Tribunal Hearing Officer to schedule a tribunal hearing. The student may be referred to an alternative placement no matter the outcome of the Manifestation Determination. Factors influencing the timing of the meeting may include resolution decided upon for the current offense by the administrator, and the number of days the student has already received Out of School Suspensions (OSS) or ISS without special education services. The IEP committee will need to determine how the student shall receive FAPE if suspensions exceed 10 days. If the parent wishes to sign a waiver of their rights to a tribunal and Alternative School is recommended, the student shall continue to receive special education services at the home school until the intake appointment is conducted at the Alternative School unless consequences for discipline such as suspension prohibit them from doing so. If the parent does **not** wish to waive their rights to a tribunal, An IEP Meeting will be scheduled immediately following tribunal to review the recommended placement decision. The IEP committee will determine how to provide special education services to the student until the tribunal occurs. Parents will have a right to appeal the decision of the IEP Committee. It is the home school's responsibility to monitor the number of days of OSS and advise the special education department if FAPE beyond the allowable 10 days are needed. The committee is responsible for consulting the special education handbook on discipline for further details if needed regarding this process

Referral Due to Transfer from Alternative Setting for Discipline from Another County:

If a special education student has previously been enrolled in Du Bois Integrity Academy Charter School System within the last year, a special education transition meeting may be scheduled immediately. If the student has been away from Du Bois Integrity Academy Charter School System

for a year or longer, or never been enrolled in this system, the student must first go to the registration office prior to having the IEP meeting or enrolling. The Alternative School Director is notified to expect the student if Alternative School is to be considered and will request a meeting with the Director of Special Education.

It is recommended that the IEP meeting be held first, prior to enrollment. Records should be requested and received from prior placement before meeting.

If the IEP committee recommends placement at the Alternative School, he/she is not considered enrolled until intake has occurred. At this time, the secretary for the Data Management Technology Specialist will add the student in Power School.

Incarcerated Students:

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

Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE. A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. Du Bois Integrity Academy Charter School System will work closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the district's obligation is to provide FAPE.

Appeals Process:

If a parent of a child with a disability disagrees with the decision regarding placement or the manifestation determination, or it is believed that the current placement would cause injury to the child or others, the parent may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request. The written appeal must be filed with the Director of Special Education and include the name and home address of the child; the name of the school the child attends, and a statement of the reasons why the decision is being appealed. Once the appeal is filed an administrative law judge or hearing officer who is not employed by the school system will hear the facts and make a determination regarding the appeal. Parents will be provided with a list of persons who serve as administrative law judge /hearing offices as well as a statement of their qualifications.

During the appeals, the child will remain in an interim alternative educational setting pending the decision of the administrative law judge/hearing officer or until the expiration of the time period specified in the disciplinary code or federal law, whichever occurs first, unless the parent or school system agree otherwise.

Interim Alternative Educational Settings (IAES):

Serious behavior problems can result in removal to an Interim Alternative Educational Setting for up to 45 school days. This can happen even if the conduct is determined to be a manifestation of the student’s disability. Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing. In these cases, Du Bois Integrity Academy Charter School System officials must notify the parent immediately of this decision and provide parental rights.

School personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days if:

- (1) The student carries a weapon to school or to a school function, or possesses a weapon at a school or schools function under the jurisdiction of Clayton County.
- (2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of Clayton County.

Referral to and Action by Law Enforcement and Judicial Authorities:

Disciplinary actions that warrant referral to law enforcement agencies are specified in the Du Bois Integrity Academy Charter School System Code of Student Conduct. As such, school administrators will report a crime committed by a child with a disability to appropriate authorities as specified in the Code of Conduct. In accordance with Family Educational Rights and Privacy Act (FERPA) regulations, copies of the student’s special education records and disciplinary records will be provided to the appropriate authorities upon written request by the student’s parents or if the student is over 18, the student may make the written request him/herself.

Referral Due to Return from Youth Detention Centers (YDC), Regional Youth Detention Centers (RYDC), or Department of Juvenile Justice DJJ Custody:

In accordance with State Board Rule 160-4-8-.17 (Case Management Consultation for Agency Placed Transfer Students) the Department of Juvenile Justice caseworker(s) have been informed to contact Student Services to coordinate a transition meeting for a student returning/entering from YDC or RYDC. For special education students, Student Services will notify the Director of Special Education when the student is enrolled and notify the special education department when the transition meeting has been completed. The transition meeting will occur within five days of the student enrolling in the school system.

If a special education student has previously been enrolled in Du Bois Integrity Academy Charter

School System within the last year, the student will return to their last placement pending the determination of services from the transition meeting. The IEP committee will convene after transition services are determined if a change in placement is to be considered.

If the student has been away from Du Bois Integrity Academy Charter School System for a year or longer, the student must first go to the administrative office. An IEP meeting will be scheduled prior to enrollment. Records should be requested and received from prior placement before meeting. In addition to the required documentation for special education purposes, documentation of the Case Management Consultation (CMC) will be obtained from the School Social Worker. The IEP team may convene if CMC documentation indicates that additional services or a change of placement is needed.

If the IEP committee recommends placement at the Alternative School, he/she is not considered enrolled until intake has occurred. At this time, the Data Management Technology Specialist will add the student in Power School.

Contact the Director of Special Education for more detailed information.

Serious Violations:

(Bringing drugs or weapons to school, or inflicting serious bodily injury on another person)

- Serious behavior problems as outlined above can result in removal to an Interim Alternative Educational Setting (IAES) for up to 45 days.
- This can happen even if the conduct is determined to be a manifestation of the students' disability.
- Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal meeting.
- In these cases, system officials must notify the parent immediately of this decision and provide Parental Rights.

Additional Considerations:

System personnel may take into account all circumstances when deciding if a change of placement is the right action to take for a student with disability. System personnel may consider various forms of information such as the following:

- Student's disciplinary history
- Ability to understand the consequences
- Expression of remorse, and
- The supports that were provided to the student prior to the behavioral violation

Protection for Children Not Yet Eligible:

If a child has not been identified as a student with disabilities and the district has no knowledge of a child's disability, he/she is not given consideration as a child with a disability. However, if the child who has violated the code of conduct has a parent, teacher or administrator who have expressed concerns about the child's behavior, or a parent has requested an evaluation for services the child must be given consideration as a child with a disability. Also, if the school knows a child has a disability

before the behavior that caused the disciplinary action occurred then the student would have provisions as a student with disabilities. If the parent had not allowed an evaluation or refused services, then the student does not have provisions as a student with an IEP. If a request for an evaluation is made during the time a student is subjected to disciplinary measures, school authorities determine placement until the evaluation is completed.

Procedures and Guidelines:

1. At the beginning of each school year, and as often as necessary, the Director of Special Education reminds school administrators to check for the special education flag in Power School when suspending students and to maintain ongoing communication with the special education case manager and special education office about the discipline of students with disabilities.
2. School administrators will review Georgia Rule Number 160-4-7.10 regarding appropriate and legally based disciplinary procedures for special education students at the beginning of each school year and periodically as needed throughout the year.
3. Special education case managers will ensure that school administrators, general education teachers, and other staff members are aware of all disabled students with which they interact, and are provided with a copy of the BIP (where appropriate). School administrators may also access the BIPs from PowerSchool Special Education.
4. The administrator responsible for discipline should monitor the days of removal for students with disabilities.
5. Students who are prone to Code of Conduct Violations should be monitored frequently. Each school should develop a procedure of checks- and balances to ensure that students are not overlooked. Middle and high school special education students will also be monitored by the caseload manager.
6. Students who accumulate 7 days, or fewer if deemed appropriate, of removal (bus, ISS, OSS) will be placed on Tier II of the behavior intervention scale.
7. Use ISS before OSS, if at all possible, so that we can at least have the special education students in some sort of educational environment. Academic work must continue while in ISS. However, it is **not appropriate**: to have a student in ISS for an extended time without an IEP meeting to determine if this is an appropriate alternative setting.
8. The case manager should monitor the discipline of students on their caseloads and should notify the special education office if a student is given ISS or OSS chronically.
9. If a student is given ISS or OSS chronically (more than 7 days or fewer if deemed appropriate), a meeting will need to be held to determine whether or not the behaviors are a manifestation of the student's disability.

10. If a student is sent to ISS, the school administrator must arrange for the student's IEP services to be given by appropriate personnel each day that s/he is in ISS. Each teacher who delivers the ISS services should sign in to document the date services were given and to whom.
11. A student **is NOT** to be given more than 10 days of OSS (compiled or all at once) without a behavior manifestation meeting **AND** without access to services **beginning the 11th day** that he is out of school. **The plan for services will be developed by the IEP team after the 7th day of removal.**
12. The administrator will contact the Director of Special Education if they are considering suspending a student from school for more than 10 consecutive school days, or recommends placement at the alternative school for weapon or drug possession or for infliction of serious bodily injury on another person.
13. Discipline data will be reviewed at school leadership team meetings. School discipline data will also be reviewed at monthly administrators' meetings. Data will be used to plan professional development activities and to make appropriate recommendations for revision of policies and procedures.
14. A report showing the disciplinary actions each school and system has taken with students with disabilities are among the requirements the State Department of Education has for each school district. Reports from the student information system on disciplinary actions administered to students with disabilities are compiled and sent to the DOE at the end of the school year.
15. One of GA's performance goals for students with disabilities is to "decrease the percentage of students with disabilities who are removed from school for disciplinary reasons." For this reason, if at all possible, the student should be maintained in his school environment. If he does not have a behavior intervention plan (BIP) and he is exhibiting behaviors that are causing him to be sent to the office on a regular basis, a BIP should be considered by the IEP team. It may not be appropriate to suspend a student for the same behavior more than once without a BIP, as this would seem to be interfering with the student's educational performance (keeping the student out of class by having him/her in ISS).
16. GaDOE personnel look at ISS data as well as OSS data to determine if we are disproportionately disciplining students with disabilities.

Alternative School Referral and Placement Procedures:

Special education students are referred to the Alternative School through the Individualized Educational Program (IEP) process. Students generally are considered for the program if they have been referred to a system level tribunal for a major offense or for cumulative offenses that were a chronic disruption to the learning environment. Students may also be considered for Alternative School placement if they are transferring from an alternative placement in another school system or returning from YDC, DJJ placement or residential setting.

School personnel should contact the Director of Special Education immediately on all special education students who are referred to tribunal or entering the system from an alternative setting for discipline issues.

Before recommending a special education student for placement at Alternative School, the IEP committee should consider several factors such as the student's chronological age and grade placement, credits earned, nature of the disability, motivation and/or attitude of the student, nature of the offense (whether it occurred at school, home or in the community), and safety of students within the traditional school setting. The IEP committee is charged with deciding the most appropriate setting to meet the student's individual needs.

Seclusion and Restraint for All Children:

Enhancing School Safety: Appropriate Use of Restraint Procedures

Both our state and federal legislatures have proposed bills to regulate the use of restraint and seclusion in public schools. Du Bois Integrity Academy Charter School System has established policy and procedure documents to make sure our staff is in full compliance of the law. (HR 4247 and S 2860)

The use of seclusion (the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving), prone restraint (intentionally placing face-down on the floor or another surface, and physically applying pressure to the student's body to keep the student in the prone position) and mechanical or chemical restraints (use of devices or medication to limit a student's freedom of movement) is explicitly ***prohibited*** in Georgia schools. [Code 160-5-1-.35]

Physical restraint may be used in extreme circumstances as an emergency procedure to prevent risk of injury to self or others but certain conditions must be met by the district:

- ┆ All staff is trained in prevention of behavior problems, including de-escalation techniques, use of system-wide positive behavior supports to teach and reinforce appropriate behavior and familiarity of social skills curriculum.
- ┆ Some school staff are trained in physical intervention (restraint) and only trained personnel will employ these procedures. *Physical restraint is prohibited as a form of discipline or punishment, or when the restraint would result in harm to the student because of psychiatric, medical or physical conditions as described in the student's educational records.*
- ┆ All physical restraint will be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.
- ┆ All physical restraints will be observed and monitored by appropriate school staff.
- ┆ Written parental notification will be given within one school day when physical restraint is used with their student
- ┆ The school will maintain documentation of each incident of restraint (incident report form)
- ┆ Debriefing with school administration will be required following each restraint incident to discuss necessity of restraint and alternative techniques that might be employed in the future.

The keys to success for Du Bois Integrity Academy Charter School System attempting to reduce and

eliminate instances of restraint and seclusion are as follows:

- ┆ A comprehensive and clear policy and procedure
- ┆ Restraint must be the intervention of last resort
- ┆ Staff must be trained in de-escalation techniques
- ┆ Adequate and well-prepared staff
- ┆ Consumer (student) involvement
- ┆ A system of data collection and analysis
- ┆ Strategies for organizational change
- ┆ Performance measurement systems
- ┆ Emphasis on staff and consumer (student) strengths
- ┆ Cultural competence
- ┆ Effective consumer (student) and staff debriefing
- ┆ An environment that prioritizes consumer (student) dignity

SECTION IX: GENERAL INFORMATION

Professional Learning:

Du Bois Integrity Academy Charter School System provides high quality, sustained professional learning activities on the written procedures for appropriate district and school personnel to assist with the implementation of the SST Rule (160-4-2.32), the Child Find Rule (160-4-7-.03), the Evaluation and Reevaluation Rule (160-4-7.04), and the Eligibility Determination Rule (160-4-7-.05). Sustained supervision is provided to monitor the implementation of compliant practices, and the supervision and monitoring data is used to identify schools and/or personnel that require technical assistance to support compliant practices in the areas of SST, child find, evaluation and reevaluation and eligibility determination.

Du Bois Integrity Academy Charter School System offers on-going, sustained, high quality professional learning activities to all special education staff members (administration, teachers/paraprofessionals, school psychologist, counselors, social worker), general education staff, and parents at least two times per year. The job-embedded professional learning opportunities include training and updates regarding federal and state legal requirements, special education paperwork and documentation, state and local policies and procedures as well as any other identified need. The professional learning coordinator and special education director collaborate in an effort to identify professional learning needs. Professional learning and follow-up support is provided from sources such as RESA, GLRS, contracted consultants, school administrators and other in-field experts.

Georgia Network of Educational and Therapeutic Supports (GNETS) Program:

The GNETS program provides special education services to students whose primary disability is Severe Emotional Behavioral Disorder. The program provides a highly restricted educational setting for students with emotional disturbances who are not making progress in the typical school setting.

Eligibility for the psycho-educational program does not include social maladjusted students unless it is determined that they are dually diagnosed with severe emotional disturbance. Students whose values

(and/or behavior) are in conflict with the school, home, or community rules as well as students who have been adjudicated through the court system are not automatically eligible for services. Ordinary classroom behavior problems and social problems (delinquency and substance abuse) do not automatically qualify a student for services.

The services provided by GNETS program include an individualized educational program which incorporates both an academic and affective curriculum. Parent services, psychological reevaluation, psychiatric evaluation (when necessary), community networking, and referral to other agencies are all important components to the program.

A principal or the student's special education teacher should contact the Special Education Director to discuss the appropriateness of referring student to the psycho-educational program. Information that is critical to the psychologist includes the following:

- ┆ Updated academic achievement assessment
- ┆ Updated behavioral ratings by teachers
- ┆ Documentation of interventions and strategies provided for the student

Once a student's IEP recommends placement in the GNETS program, the student's base school will continue to maintain the student in their database. The GNETS program will report attendance and send final grade reports to the home school. The school is expected to participate in the discussions of the student's progress by attending IEP meetings. The individuals who will be invited to IEP meetings for Du Bois Integrity Academy Charter School System students placed at GNETS are the principal/assistant principal, special education teacher, and appropriate regular education teacher for the student's grade level.

Du Bois Integrity Academy Charter School System and GNETS program will provide all transportation for students placed by their IEP.

Hospital Homebound (HHB):

Hospital Homebound Services (HHB) is a program used for students who have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or hospital for a period of time. For a special education student this constitutes a change in services. An IEP/placement committee meeting must be held in order for special education services to be received in this setting. Hospital Homebound Services for any student must be approved by the School Social Worker, TBA, and arrangements made through each individual school. Special education students receiving Hospital Homebound services must be served by a teacher certified in special education or dually certified in both special education and general education. All services, including speech and related services, on the student's IEP must be provided. Services do not have to match the frequency of service provided in the school setting, but they must be given to the student and documented. Any questions regarding this procedure this procedure should be directed to the Special Education Director.

Requests for Records:

Under *FERPA*, school officials may disclose any and all education records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of the *Individuals with Disabilities Education Act*, to another school or postsecondary institution at which the student seeks or intends to enroll. While parental consent is not required for transferring education records, the school's annual *FERPA* notification should indicate that such disclosures are made. In the absence of information about disclosures in the annual *FERPA* notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing. See 34 CFR § 99.31(a)(2) and § 99.34(a).

PARENTAL TRAINING AND AWARENESS

(a) 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.

Parent Rights:

YOUR RIGHTS AS PARENTS - REGARDING SPECIAL EDUCATION

The Individuals with Disabilities Education Act, 34 C.F.R. § 300 *et seq.* (IDEA), the federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations.

Terms used in this document

The terms “Local Educational Agency (LEA),” “public agency,” “agency,” “local system,” or “system” refer to school systems as designated by the state of Georgia to provide special education and related services to eligible children, including public nonprofit charter schools.

The term “parent” refers to the same broad definition of parent as found in the IDEA, including the biological or adoptive parent, a foster parent, a guardian authorized to make educational decisions for the child, a person acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, an individual who is legally responsible for the child’s welfare, or a surrogate that has been appointed. (34 C.F.R. § 300.30)

A copy of this notice must be given to parents only one time a school year, except that a copy must also be given to the parents: (1) upon initial referral or parent request for evaluation to determine if the student is a student with a disability; (2) upon receipt of the first written formal complaint involving the student’s school system; (3) upon receipt of the first due process complaint involving the student’s school system in a school year; (4) when a decision is made to take a disciplinary action that constitutes a change of placement; (5) prior to accessing a student’s or parent’s public benefits or insurance for the first time; and (6) upon parent request. [34 C.F.R. § 300.504(a)]

As a parent of a child who has been referred for special education services or a child who is already receiving special education and related services, you and your child have certain rights which are protected by state and/or federal law. These rights are outlined in the next few pages. Please be sure to ask your school or school system for an explanation if there is anything in them that you do not understand, if you need them in a different language, or if you want them explained to you.

CONFIDENTIALITY OF INFORMATION:

The information about your child being a child with a disability eligible under the IDEA, his or her special education and related services, and other personally identifiable information is confidential and is not released to others within the system unless they have a legitimate need to know nor is it released to other agencies or groups except under limited circumstances.

Regarding when confidential information is released, you have the right to:

1. Restrict third party access to your child’s records by withholding consent to disclose records except (a) in certain limited circumstances described in the federal regulations implementing the Family Educational Rights and Privacy Act of 1974, 34 C.F.R. Part 99 (FERPA), and (b) when the records are released to officials of participating agencies for purposes of meeting a requirement under the IDEA;
2. Restrict the release of your child’s personally identifiable information to officials of participating agencies that provide or pay for transition services to your child;
3. Restrict the release of your child’s personally identifiable information to a private school that is not located in the LEA of your residence;
4. Be notified and receive copies before information in your child’s record is destroyed;

5. Be told to whom information has been disclosed; and
6. Review and receive copies of all information sent to another agency where your child seeks or is eligible to enroll.

RECORDS:

“Education records” means the type of records covered under the definition of “education records” in the FERPA.

<p>Education records mean those records that are:</p> <ol style="list-style-type: none"> (1) Directly related to the student; and (2) Maintained by an educational agency or institution or by a party acting for the agency or institution. <p>The term does not include:</p> <ol style="list-style-type: none"> (1) Records that are kept in the sole possession of the maker, are used only as a person memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. (2) Records of the law enforcement unit of an educational agency subject to the provisions of § 99.8. (3) Records relating to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business; related exclusively to the individual in that individual’s capacity as an employee; and are not available for use for any other purpose. However, records relating to an individual in attendance at an educational agency or institution who is employed as a result of his or her status as a student are education records. (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; made, maintained, or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment. For the purposes of this definition, “treatment” does not include remedial educational activities or activities that are a part of the program of instruction at the agency or institution. (5) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student. (6) Grades on peer-graded papers before they are collected and recorded by a teacher.

Those regulations define “education records” as follows:

Regarding education records, you have the right to:

1. Inspect and review all education records relating to your child without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP), or due process hearing, or resolution session, and in no more than 45 days after your request has been made;.
2. Have your representative review the records;
3. Request that the public agency provide copies of the records if failure to provide those copies would effectively prevent you from exercising the right to inspect and review the records;
4. Have the public agency presume that you have authority to inspect and review records of your child unless the agency has been notified that you do not have authority under state law;
5. Inspect and review only the information relating to your child if any educational record includes information on more than one child;
6. Have the public agency keep a record of parties obtaining access to your child’s personally identifiable information included in education records collected, maintained, or used under the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records;
7. Have the public agency search for or retrieve educational records without charge;

8. Only be charged a fee for copies of records if the fee does not effectively prevent you from exercising your right to inspect and review those records;
9. Be informed of all types and locations of records being collected, maintained or used by the agency;
10. Ask for an explanation and interpretation of any item in the records;
11. Ask for an amendment of any record if the record is inaccurate, misleading, or violates the privacy or other rights of your child;
12. Have the agency decide whether to amend the information within a reasonable time after being asked to do so;
13. Be informed of a refusal to amend the record and your right to a hearing if the agency refuses to make the requested amendment;
14. Be informed, in writing, if the agency decides in a hearing that the information is inaccurate, misleading, or violative of the child's rights, and to have the record amended;
15. Be informed of the your right to place a statement in the record commenting on information or setting forth your reasons for disagreeing with the agency decision if it is decided in a hearing that information need not be amended; and
16. Have your explanation maintained in the record as long as the contested record is maintained, and disclosed if the contested record is disclosed.

INDEPENDENT EDUCATIONAL EVALUATION:

“Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child. “Public expense” means that the school system either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of the IDEA, which allow each state to use whatever state, local, federal and private sources of support that are available in the state to meet the requirements. [34 C.F.R. § 300.502(a) (3) (i - ii)]

You are entitled to only one independent educational evaluation of your child at public expense each time your school system conducts an evaluation of your child with which you disagree.

If you request an independent educational evaluation of your child at public expense, your school system must, without unnecessary delay, either: (a) file a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) provide an independent educational evaluation at public expense, unless the school system demonstrates in a due process hearing that the evaluation of your child that you obtained did not meet the school system's criteria.

If your school system requests a hearing and the final decision of the administrative law judge (ALJ)/hearing officer is that your school system's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.

If you request an independent educational evaluation of your child, the school system may ask why you object to the evaluation of your child obtained by your school system. However, your school system may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school system's evaluation of your child.

Regarding independent educational evaluations, you have the right to:

1. Obtain an independent educational evaluation by a qualified examiner;

2. Have the independent educational evaluation, which was obtained at either public or private expense and meets the school system's criteria, (a) considered in meetings where placement or program decisions are made regarding a free appropriate public education (FAPE) for your child, and (b) used as evidence in a due process hearing;
3. Be told by your child's school system where an independent educational evaluation may be obtained at no expense or low expense, and the school system's applicable criteria for such evaluation;
4. An independent educational evaluation at public expense under the same criteria as those used by the public agency under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, if you disagree with the agency's evaluation, except that the public agency has the right to initiate a hearing regarding a FAPE to show that its evaluation is appropriate; and
5. Right to an independent educational evaluation at public expense when the evaluation is requested by an ALJ/hearing officer during a hearing.

NOTICE:

"Notice" means written information provided to the parent about proposed evaluations, meetings, and/or changes in program or eligibility or any other information related to the identification, evaluation, and services provided to a child with a disability under the IDEA. Written notice is provided to give you information and the opportunity to respond prior to the changes being made.

Regarding notice, you have the right to:

1. Be notified and present at all meetings before the school system initiates or changes (or refuses to initiate or change) the identification, evaluation, placement, or provision of a FAPE for your child;
2. Have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public;
3. Have the notice translated orally or by other means in your native language or other mode of communication, if your 's native language or other mode of communication is not a written language;;
4. Have the notice describe the proposed action, explain why it is proposed, describe the options considered by the school system, and explain why those other options were rejected;
5. Be notified of each evaluation procedure, test, assessment, record, or report the school system has used as a basis for any system-proposed action or basis for refusal;
6. A description of any other factors which are relevant to the agency's proposed action or basis for refusal;
7. A notice that includes a full explanation of all the procedural safeguards available to you;
8. Be notified of sources to contact to obtain assistance in understanding provisions of the IDEA;
9. Notice before a school system accesses your child's or your public benefits or insurance for the first time, and prior to obtaining the one-time parental consent and annually thereafter;
10. Prior written notice that contains all information in items 2 through 8 above before the agency initiates or changes or refuses to initiate or change the identification, evaluation, placement, or provision of a FAPE for your child;

11. To be present at all IEP Team meetings, including the right to (a) have the meeting at a mutually agreeable time and location, (b) be notified of whom will be in attendance, and (c) bring anyone with you that has knowledge or expertise about your child with a disability; and
12. Choose to receive all notices by email, if available in your school system. These include prior written notice, the procedural safeguards (parents' rights) notice, and notices related to due process complaints.

CONSENT:

“Consent” means:

- a) You have been fully informed in your native language or other mode of communication (such as sign language, braille, or oral communication) of all relevant information about the action for which you are giving consent;
- b) You understand and agree in writing to that described action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
- c) You understand that the consent is voluntary on your part and you may withdraw your consent at any time. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

Regarding consent, you have the right to:

1. Give consent before an *initial* evaluation of your child to determine whether your child is eligible under the IDEA to receive special education and related services. You must also receive prior written notice of the proposed action from the school system.
 - a. If you refuse to provide consent or fail to respond to a request for consent, the school system may, but is not required to, pursue the initial evaluation by using mediation or due process hearing procedures to obtain that evaluation.
 - b. Consent to an initial evaluation is NOT consent to provide services under the IDEA.
 - c. The public agency does not violate its child find obligations if it does not pursue the evaluation if you do not provide consent.
2. Give consent before a reevaluation is conducted. This is true unless your school system can demonstrate that: (1) it took reasonable steps to obtain your consent for your child's reevaluation, **and** (2) you did not respond.
 - a. If you refuse to consent to your child's reevaluation, the school system may, but is not required to, pursue your child's reevaluation by using mediation or due process hearing procedures to seek to override your refusal to consent to your child's reevaluation.
 - b. As with initial evaluations, your school system does not violate its obligations under the IDEA if it declines to pursue the reevaluation in this manner.
3. NOT be subject to the procedures of mediation or a due process hearing to obtain consent if you are the parent of a child who is in home school or placed in private school at parental expense and you do not provide consent for the initial evaluation or reevaluation of your child, or you fail to respond to the request to provide such consent.
 - a. The public agency is not required to consider the child eligible for services.

4. Give consent before initial placement can be made in special education. The school system must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.
 - a. If the parent fails to respond or refuses to provide consent for the initial provision of special education and related services, the school system may NOT use mediation or due process hearing procedures to obtain that consent.
 - b. The school system will not be in violation of its child find responsibilities nor its obligation to make a FAPE available to your child if you do not consent.
 - c. The school system is not required to convene an IEP Team meeting or to develop an IEP for a child for which consent for special education and related services has not been provided.
5. One-time written consent before the school system accesses your child's or your public benefits or insurance for the first time. You also have the right to written notification before the school system assesses your child's or your public benefits or insurance for the first time, and each year thereafter.
6. Revoke consent at any time. If at any time subsequent to the consent for initial provision of services, you revoke consent in writing for the continued provision of special education and related services to your child, the school system:
 - a. May decide not to continue to provide special education and related services to your child, but must, prior to ceasing the provision of services, provide prior written notice;
 - b. May not use mediation or due process hearing procedures to obtain consent;
 - c. Will not be in violation of the provision of a FAPE if you withdraw consent;
 - d. Is not required to convene an IEP Team meeting or develop an IEP for further provision of services; and
 - e. Is not required to amend your child's education records to remove any references to your child's receipt of special education and related services.

NOTE: Consent is not required prior to reviewing existing data as part of an evaluation or reevaluation or prior to administering a test that is administered to all children unless consent is required for all children.

DISPUTE RESOLUTION:

IDEA regulations set forth separate procedures for State complaints and for due process complaints and hearings. While a detailed explanation and description of all dispute resolution is contained in State Board Rule 160-4-7-.12 Dispute Resolution, both complaint procedures are explained below:

State Complaint Process

Any individual or organization may file a formal written state complaint (state complaint) alleging a violation of any IDEA requirement by a school system, the State Educational Agency (SEA), or any other public agency. A state complaint must be resolved by the SEA within a 60-calendar-day timeline, unless the timeline is properly extended.

State Complaint: The complaint must be a signed, written complaint that sets forth an alleged violation of the IDEA. The complaint shall include a statement that the local system has violated the requirements of IDEA and the facts on which the statement is based. The complaint must allege a violation that occurred not more than **one (1)** year prior to the date the complaint is received.

1. Whenever a state complaint is filed, there is a right to mediation, if both parties agree.

2. State complaints are investigated by the Georgia Department of Education (GaDOE) or its contractors. Both the complaining party and the public agency involved have the opportunity to provide information to the GaDOE during the investigation.
3. Decisions of state complaints are issued by the GaDOE within 60 calendar days, unless extended for extenuating circumstances.
4. The decisions of state complaints cannot be appealed.

Due Process Complaint Process

Only a parent, a child with a disability who has reached the age of majority, or a school system may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a child with a disability, or the provision of a FAPE to the child. For a due process complaint, an impartial due process hearing officer must hear the complaint (if it is not resolved through a resolution meeting or mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document in the section entitled “Resolution Process,” unless the hearing officer grants a specific extension of the timeline at request of either you or the school system.

Due Process Complaint: The complaint must set forth an alleged violation that occurred not more than **two (2)** years before the date the complaining party knew or should have known about the alleged action that forms the basis for the complaint. A due process complaint is a request for a hearing to occur to resolve the matter. The two-year time limitation does not apply if the complaining party could not file a due process complaint within the timeline because: (1) the school system specifically misrepresented that it had resolved the issues identified in the complaint; or (2) the school system withheld information from the complaining party that it was required to provide to the complaining party under Part B of the IDEA.

1. **Responsibility to file due process complaint notice.** A parent or school alleging a due process violation under IDEA, or his or her attorney, is required to provide a due process complaint notice to the other party (or their attorney) and the GaDOE. The notice must include the name and home address of the child; the name of the school the child attends; in the case of a homeless child or youth, the child’s contact information and the name of the child’s school; a description of the nature of the problem; and a proposed resolution. The party presenting the due process complaint must file this notice before a due process hearing can occur.
2. **Responsibility to provide sufficient notice of the nature of the problem for which you are filing a due process complaint.** If the school system feels that the parent’s due process complaint notice is insufficient, the system must notify the hearing officer in writing within 15 days of receiving the complaint.
 - a. ALJs/hearing officers then have up to 5 days to determine if the notice meets the requirements of the IDEA. Upon making a determination, the ALJ/hearing officer must immediately notify all parties in writing of the decision. If the ALJ/hearing officer determines that the complaint is sufficient, the school must respond to the due process complaint. If the ALJ/hearing officer determines that the complaint is not sufficient, the parent has the opportunity to resubmit a new complaint and the timelines start over.
3. **Prior written notice regarding the subject matter of the due process complaint.** When the school system receives a due process complaint notice, it must first determine whether it provided prior written notice regarding the subject matter of the due process complaint. If it had not done so, the school system must provide a response to the parents within 10 days of receiving the due process complaint notice. Prior written notice must contain the following:
 - a. An explanation of why the agency proposed or refused to take the action raised in the due process complaint;

- b. A description of other options that the IEP Team considered and the reasons those options were rejected;
 - c. A description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and
 - d. A description of the relevant factors in the school system's proposal or refusal.
4. **Resolution Session.** Within 15 days of when a complaint is filed, the system must convene a resolution session between the parents and relevant members of the IEP Team. A resolution session provides an opportunity for parents and school systems to resolve any issues in the due process complaint so that the parents and systems can avoid a due process hearing and provide immediate benefit to the child. The resolution session must occur before a due process hearing may proceed unless both parties agree to use the mediation process or they both agree in writing to waive the resolution session and mediation.
- a. The session must include a representative of the school system who has decision-making authority on behalf of the school system.
 - b. The session may not include an attorney for the system unless the parent is also accompanied by an attorney.
 - c. The session provides an opportunity for the party who filed the due process complaint to discuss the complaint and the facts forming the basis of it and an opportunity for the responding party to resolve the complaint.
 - d. If the parties reach an agreement, they must execute a legally binding agreement that is signed by the parents and the school system representative.
 - e. The agreement is enforceable in any state court of competent jurisdiction or in a U.S. district court. Either party may void the agreement up to three (3) days after its execution.
 - f. If the due process complaint is not resolved to the satisfaction of the parent within 30 days of the receipt of the complaint through this resolution session, the parties may proceed to a due process hearing.
5. **Impartial Due Process Hearing.** Whenever a due process complaint is filed, the parties have the right to an impartial due process hearing conducted by GaDOE or a contracted impartial agent of the GaDOE. The hearing shall be at no cost to either party. However, each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses, unless a court awards the recovery of such costs to the prevailing party.

Regarding due process hearings, you have the right to:

- 1. Have the hearing chaired by an ALJ/hearing officer who is not employed by a public agency involved in the education of your child or otherwise personally or professionally interested in the hearing (the ALJ/hearing officer is not an employee of the agency solely because he or she is paid by the agency to serve as an ALJ/hearing officer).
- 2. A list of the persons who serve as ALJs/hearing officers, including a statement of the qualifications of each of those persons.
- 3. Be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities at a hearing.

4. Be told by the local system of any free or low-cost legal and other relevant services available (e.g., an expert on disability conditions that may be a witness at the hearing) when you request information or you or the system initiate a due process complaint.
5. An expedited due process hearing whenever you file a due process complaint regarding the manifestation of a disability
6. Have your child present at the hearing.
7. Have the hearing open to the public.
8. Present evidence and confront, cross-examine, and compel the attendance of witnesses at the hearing.
9. Have the hearing or an appeal set at a time and place reasonably convenient to you and your child.
10. Have, at least five (5) business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.
11. Ask an ALJ/hearing officer to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five (5) business days before the hearing.
12. Have a written or, at your option, electronic, verbatim record of the hearing.
13. Obtain written or, at your option, electronic findings of fact and decisions within 45 days after the resolution session period, except that the ALJ/hearing officer may grant a specific extension of time at the request of either party.
14. The implementation of a final decision made by the ALJ/hearing officer, unless a party brings a civil action in a state court of competent jurisdiction or a U.S. district court. If a party chooses to bring a civil action, your child will remain in his or her present educational placement until the completion of all appeals unless both parties agree otherwise. Any corrective or compensatory actions required in the decision will not occur until completion of all appeals.
15. Appeal the decision of the ALJ/hearing officer by bringing a civil action in state or federal court within 90 days from the date of the decision of the ALJ/hearing officer.
16. Have your child remain in his or her present educational placement until completion of all hearing and appeal proceedings, unless you and the agency agree otherwise. This right does NOT apply to appeals regarding placement under discipline procedures, manifestation determinations, or when a school system believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others. During those appeals, the child must remain in the interim alternative educational setting pending the decision of the ALJ/hearing officer or until the expiration of the time period specified in the disciplinary code or federal law, whichever occurs first, unless the parent and the State or school system agree otherwise.
17. Have your child placed in the public school program until the completion of all the proceedings if the due process complaint involves an application for initial admission to the public school.

NOTE: You may file a state complaint or a due process complaint if you disagree with a determination by the school system that your child's behavior was not a manifestation your child's disability.

Attorneys' Fees

U.S. District Courts can award reasonable attorneys' fees to prevailing parties, whether they are a parent, SEA, or local system as part of any settlement of a due process complaint or civil action. Attorneys' fees awarded to SEAs or local systems may only be granted under certain guidelines.

- a. The attorney of a parent may be forced to pay the public agency's attorneys' fees when that attorney files a complaint or civil action that is frivolous, unreasonable, or without foundation, or if the attorney continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation.
- b. The parents or their attorney may be forced to pay the public agency's attorneys' fees if the parents' due process complaint or subsequent civil action was presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- c. Not all legal and administrative proceedings and services are eligible for reimbursement. A court may not award attorneys' fees for any services performed subsequent to the time of a written offer of settlement that is made to the parents if:
 - a. The offer is made in accordance with Rule 68 of the Federal Rules of Civil Procedure, or in the case of an administrative hearing, at any time more than 10 days prior to the hearing;
 - b. The offer is not accepted within 10 days; and
 - c. The court or administrative hearing officer find that the relief finally obtained by the parents is not more favorable than the offer of settlement. However, attorneys' fees may be awarded to parents who were substantially justified in rejecting the settlement offer.
- d. In addition, IEP Team meetings are not eligible for reimbursement unless the meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the state, for a mediation session.
- e. Attorneys' fees for Resolution Sessions are also ineligible for reimbursement

Mediation

Mediation may be requested by the parent, school system or any party to disagreements related to the IDEA.

1. Mediation shall be at no cost to either party, except that either party shall be responsible for the cost of an attorney or other representative or advisor.
2. Mediation is voluntary.
3. Mediation shall not be used to deny or delay a right to a hearing.
4. Mediations shall be scheduled in a timely manner and held in a location convenient to the parties in the dispute.
5. Mediations shall be conducted by a qualified and trained mediator who is impartial and randomly selected by the state.
6. Discussions during mediation are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.
7. If the dispute is resolved in mediation, the parties must enter into and sign a legally binding agreement that sets forth the resolution.

NOTE: Resolution session agreements, mediation agreements, and due process decisions are legally binding and may be enforced through state court of competent jurisdiction or U.S. district court.

NOTE: Any party may also file a state complaint alleging that a resolution agreement, a mediation agreement, or a due process decision has not been carried out by the parties. The GaDOE will conduct an investigation under the state complaint procedures and issue a written decision.

EVALUATIONS:

Evaluations may occur when a child is suspected of being a child with a disability who needs special education and related services. Evaluations (usually termed “reevaluations”) may also occur to determine the current educational needs for a child who is eligible and is receiving special education and related services. A school system may refuse to evaluate your child, but the school system must provide you with prior written notice that explains its refusal and explains that you are entitled to a due process hearing to determine if your child should be evaluated.

In reference to evaluations, you have a right to:

1. Have a full and individual evaluation of your child’s educational needs;
2. Have the evaluation conducted by a multidisciplinary team, including at least one specialist with knowledge in the area of the suspected disability;
3. Have your child assessed in all areas related to any suspected disability;
4. Have appropriate tests administered by qualified examiners;
5. Have a variety of assessment tools and other factors used to gather relevant functional, developmental, and academic information in determining the eligibility of your child for special education and related services and the appropriate educational program for your child;
6. Have more than one assessment or piece of data used to determine eligibility and the appropriate educational program;
7. Provide information on other privately obtained assessments (conducted by qualified examiners) and have that information considered in the process of determining whether your child is a child with a disability and the educational needs of your child;
8. Have the evaluation administered in your child’s native language or mode of communication;
9. Have a reevaluation at least once every three years;
10. Have a reevaluation in less than three years if you or your child’s teacher requests it. However, reevaluations shall not occur more frequently than one time per year unless you and the school system agree otherwise;
11. Have initial evaluations completed and an eligibility decision made within 60 calendar days of receiving parental consent, unless the referral occurs less than 30 days prior to the end of the school year or in the summer;
 - a. Any summer vacation period in which the majority of a school system’s teachers are not under contract shall not be included in the 60-day timeline for evaluation. However, a school system is not prohibited from conducting evaluations over a summer vacation period.
 - b. Holiday periods and other circumstances when children are not in attendance for five consecutive school days shall not be counted toward the 60-day timeline, including the weekend days before and after such holiday periods.

- c. 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.
12. Have the eligibility decision for initial determination based on: (a) the presence of a disability as defined in the IDEA; and (b) the documentation of the impact of the disability on the education of your child;
 13. Have a copy of the evaluation report and documentation of eligibility provided to you at no cost.

NOTE: In the case of a previous revocation of consent to provide special education and related services, a new referral shall be treated as an initial evaluation.

LEAST RESTRICTIVE ENVIRONMENT:

“Least restrictive environment” is the term used to describe the right for a child with a disability to remain with his or her peers without disabilities to the maximum extent appropriate for his or her education. Each child is different and the IEP Team determines the setting for special education services to be delivered. A child should remain in the regular classroom with special education and related services provided in the regular classroom unless there is evidence that this environment is not successful even with supports and services.

Regarding the least restrictive environment, you have the right to:

1. Have your child educated with non-disabled children to the maximum extent appropriate as determined by the IEP Team;
2. Have your child remain in a regular education environment, unless a special class or separate school is needed. Removing a child from a regular class environment should be done only when the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily;
3. Have available a continuum of alternative placements so that removal from the regular educational program can be the least restrictive situation;
4. Have supplementary services, such as resource room or itinerant instruction, to make it possible for your child to remain in a regular class placement for the majority of the school day;
5. Have your child placed in the school he or she would attend if non-disabled, unless your child’s IEP requires some other arrangement;
6. Have your child participate in non-academic and extracurricular services and activities, such as meals, recess, counseling, athletics, and special interest groups, to the maximum extent appropriate to the needs of your child. The school system must ensure that each child with a disability has the supplementary aids and services determined by the child’s IEP Team to be appropriate and necessary for your child to participate in nonacademic settings.

SURROGATE PARENTS:

A “surrogate parent” is a person appointed for a student for whom no parent can be identified or who is a ward of the state or whose parent’s whereabouts cannot be discovered, after reasonable efforts by the school system.

1. When a child is a ward of the State, the surrogate may alternatively be appointed by the judge overseeing the child’s case provided that the surrogate meets the requirements of the IDEA.
2. When a child is an unaccompanied youth, as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(6)), the local system shall appoint a surrogate in accordance with those requirements.

3. The school system shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the system that the child needs a surrogate.
4. The school system must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a FAPE to the child. A surrogate parent must:

1. Have no personal or professional interest that conflicts with the interests of the student represented;
2. Have knowledge and skills that ensure adequate representation of the student; and
3. Not be an employee of the GaDOE, the local system, or any other agency that is involved in the education or care of the child.

PRIVATE SCHOOL PLACEMENT AT PUBLIC EXPENSE:

The IDEA does not require a school system to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the school system made a FAPE available to the child and the parent chose to place the child in a private school or facility. However, for students enrolled in private schools, the school system where the private school is located must include the child in the population of those whose needs are addressed under the IDEA provisions regarding children who have been placed by their parents in a private school.

1. When a child is placed by the parent in a nonprofit private elementary or secondary school, the system where the private school is located must consider the student an eligible child in any provision or consideration of proportionate share of federal funds. There is no individual entitlement to special education and related services when a child is parentally enrolled in a private elementary or secondary school in the circumstances described above.
2. If a child with a disability who has previously received special education and related services from the school system has been enrolled by his parents in a private elementary or secondary school without the consent of, or referral by, the school system due to a disagreement about the provision of a FAPE, a court or ALJ/hearing officer may require the school system to reimburse the parents for the cost of that enrollment if the court or ALJ/hearing officer finds that the school system had not made a FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate.
3. The cost of any reimbursement described in paragraph (2) above may be reduced or denied if:
 - a. At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, the parents failed to inform the IEP Team that they were rejecting the placement proposed by the school system to provide a FAPE to the child, including stating their concerns and their intent to enroll their child in private school at public expense; or
 - b. The parents failed, at least 10 business days (including any holidays that occur on a business day) prior to removal of the child from the public school, to give the school system written notice that they were rejecting the placement proposed by the school system to provide a FAPE to the child, including stating their concerns and their intent to enroll their child in private school at public expense; or
 - c. Prior to the parents' removal of the child from the public school, the school system provided to the parents written notification of its intent to evaluate the child, along with a statement of an appropriate and reasonable purpose of such evaluation but the parents did not make the child available for the evaluation; or

- d. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.
4. Reimbursement must not be reduced or denied for failure of the parent to provide notice referred to in paragraph (3) above if:
 - a. The school prevented the parent from providing the notice;
 - b. The parent had not received his or her notice of rights; or
 - c. Compliance with the notice requirements would likely result in physical harm to the child.
 5. Reimbursement may, in the discretion of the court or ALJ/hearing officer, not be reduced or denied for failure of the parent to provide notice referred to in paragraph (3) above if:
 - a. The parent is illiterate or cannot write in English; or
 - b. Compliance with the notice requirements would likely result in serious emotional harm to the child.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES:

School personnel may, for not more than ten (10) school days in a row, remove a child with a disability who violates the code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension without consulting the student's IEP Team. School personnel may also impose additional removals of not more than ten (10) days for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

Once a child has been removed from his or her current placement for a total of ten (10), consecutive or non-consecutive, school days in the same school year, the school system must, during any subsequent days of removal in that school year, provide services that enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set forth in the child's IEP.

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is less than ten school days and is not a change in placement), the school system, the parent, and relevant members of the IEP Team (as determined by the parent and the school system) must review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parent to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school system's failure to implement the child's IEP.

If the school system, parents, and relevant members of the IEP Team determine that either of these conditions was met, the conduct must be determined to be a manifestation of the child's disability. If the conduct was the result of the school system's failure to implement the IEP, the school system must take immediate action to remedy those deficiencies.

When the conduct is determined to be a manifestation of the student's disability, the IEP Team must conduct (or review if already in place) the functional behavioral assessment (FBA) and develop and implement (or review and modify) a behavioral intervention plan (BIP) for the student to address the behavior so as to prevent it from occurring in the future. The child shall be returned to the placement from which he or she was removed, unless the parent and the school system agree to a change of placement as part of the modification of the BIP.

If the determination is that the behavior of your child was not a manifestation of his or her disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except that the child must:

- a. Continue to receive educational services so as to enable your child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in your child's IEP; and
 - b. Receive, as appropriate, a FBA, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
1. If your child carries a weapon to school or to a school function, knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function, inflicts serious bodily injury on another person while at school, on school premises, or at a school sponsored function, school system personnel may order a change in the placement of your child to:
 - a. An appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities), or
 - b. An appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days without regard to whether or not the behavior was a manifestation of disability.

The alternative educational setting shall be determined by the IEP Team.

2. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate.
3. An ALJ/hearing officer may order a change in the placement of your child to the IEP-determined appropriate interim alternative educational setting for not more than 45 days if the ALJ/hearing officer determines that maintaining the current placement of your child is substantially likely to result in injury to your child or to others and determines that the interim alternative educational setting meets the requirements of paragraph (4).
4. Any interim alternative educational setting in which your child is placed pursuant to paragraph (1) or paragraph (4) in this section shall be selected so as to enable your child to continue to:
 - a. Receive educational services in order to participate in the general curriculum, although in another setting, and to continue to progress toward the goals set out in the IEP; and
 - b. Receive, as appropriate, the services and modifications of a FBA and BIP designed to address the behavior so that it does not recur.
5. If you request an expedited due process hearing regarding a disciplinary action described in paragraph (1)(b) or paragraph (3) to challenge the interim alternative educational setting or the manifestation determination, your child shall remain in the interim alternative educational setting pending the decision of the ALJ/hearing officer or until the expiration of the time period provided for in paragraph (1)(b) or paragraph (3), whichever occurs first, unless you and the State or the school system agree otherwise. Such expedited due process hearing must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing. A resolution session meeting must occur within seven (7) days of the date the hearing is requested, and the hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the hearing request. The decision of an expedited due process hearing may be appealed.
6. If a child has not been determined eligible for special education and related services and violated a code of student conduct, but the school system had knowledge before the behavior occurred that the child was a child with a disability, then the child may assert the protections described in this notice.

- a. A school system has knowledge that the child may be a child with a disability if:
 - i. The parent of the child has expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel or the teacher of the child;
 - ii. The parent requested an evaluation related to eligibility for special education and related services under the IDEA; or
 - iii. The child's teacher or other school system personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school system's director of special education or to other supervisory personnel of the school system.

- b. A school system does not have knowledge if:
 - i. The child's parent has not allowed an evaluation of the child, has refused special education and related services, or has revoked consent for the delivery of special education and related services; or
 - ii. The child has been evaluated and determined not to be a child with a disability eligible for services under the IDEA.

If you would like a further explanation of any of these rights, you may contact the following persons or organizations for assistance:

1. The special education director for your local school system;
2. The Division for Special Education Supports and Services at the Georgia Department of Education, located at Suite 1870, Twin Towers East, Atlanta, Georgia 30334-5010. The telephone number is (404) 656-3963; and
3. Regional Georgia Learning Resource System (GLRS) Centers. Their contact information is located at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Georgia-Learning-Resources-System.aspx>.

The rules for special education are posted on the Georgia Department of Education's website at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Special-Education-Rules.aspx>.