

# Miller County School System

## Special Education Department



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## **Purpose of this manual:**

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

It is also not intended to supplant existing laws or rights but readers are encouraged to view the state laws and implementation manual that can be accessed with this link. <https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Special-Education-Rules.aspx>

This manual is not intended to cover every situation. Individuals needing further information or assistance may also contact the Director of Special Education.

This manual is designed for use by teachers, administrators, parents, service providers, professionals, and others involved in the identification, evaluation, and education of students with disabilities in the Miller County School District. The manual is intended to guide users in complying with federal and state legal requirements as applied to the Miller County School System interaction with students with disabilities and parents/guardians.

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

Miller County Schools will implement policies and procedures to ensure that students with disabilities receive a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) to access the general curriculum. This includes children who are eligible for special education ages of three (3) through 21.

School principals with the direction of the Director of Special Education will be responsible for ensuring all procedures and guidelines for assuring FAPE and compliance are implemented within proper timelines.

### FAPE for students aged 3-21

The Miller County School System offers special education and related services to students with disabilities ages 3-21 years of age. Students are allowed to stay in school until the end of the semester in which they turn 22. The Miller County School system will notify the parents and student that although services will continue, no individual entitlement to FAPE or other rights under IDEA are afforded the adult student.

The Miller County School system ensures that eligible children residing in Miller County will have FAPE available to them no later than the student's 3rd birthday. An IEP or IFSP will be in effect for the child by that date. If a child's 3rd birthday will occur during the summer the child's IEP team will determine the date when services under the IEP or IFSP will begin.

**Definition:** The regulations implementing IDEA define free appropriate public education to mean special education and related services that:

- (1) Are provided at public expense, under public supervision and direction, and without charge;
- (2) Meet the standards of the Georgia Department of Education, including the requirements of the IDEA;
- (3) Include preschool, elementary school, or secondary school education for students ages 3-21 in the State of Georgia; and

(4) Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements described in this manual.

**Free:** For the purposes of FAPE, the term free means that required services are provided without cost to the student's parents. There may be other governmental agencies, insurers, or other third parties (e.g., Medicaid) that have an obligation to provide or pay for services required under IDEA, Section 504 of the Rehabilitation Act of 1973 (Section 504); or the Americans with Disabilities Act (ADA). That said, the IDEA regulations specify that the District may access a parent's private insurance proceeds only if the parent provides informed consent. Informed parental consent must be obtained each time the parent's private insurance is accessed, and the parent must be informed that his or her refusal to consent does not relieve the District of its responsibility to ensure that all required IDEA services are provided at no cost to the parents. The IDEA regulations also provide that the District may not:

(1) Require parents of a student with a disability to sign up for or enroll in public insurance programs in order for their child to receive FAPE under IDEA;

(2) Require parents to incur an out-of-pocket expense such as payment of a deductible or co-pay amount incurred in filing a claim for services provided under IDEA;

(3) Use a student's benefits under a public insurance program if that use would decrease available lifetime coverage or any other insured benefit; result in the family paying for service that would otherwise be covered by the public insurance program and that are required for the student outside of the time the student is in school; increase premiums or lead to the discontinuation of insurance; or risk loss of eligibility for home and community based waivers, based on aggregate health-related expenditures.

For assistance in locating potential sources of services or funding for services to meet the FAPE requirements, District personnel should contact their Area Director or the Office of Compliance and Monitoring. The requirement that services be provided without cost to the student's parents applies only to the costs of special education and related services. The district may charge the parents of students with disabilities any incidental fees that are normally charged to students without disabilities or their parents as part of the general education program. For example, fees may be charged for classroom supplies, art supplies, etc., if parents of students without disabilities are charged for the same supplies and the supplies are not part of the student's special education and related services.

**Appropriate:** The meaning of the term appropriate will depend on the unique needs of the individual student. Under IDEA, an appropriate education to a student with a disability is provided when: district personnel comply with applicable federal law, and procedural requirements are met; and the individualized education program developed for the student is reasonably calculated to enable the student to receive educational benefit. The federal regulations implementing IDEA define an appropriate education as the provision of general or special education and related aids and services that:

(1) are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met; and

(2) are based on adherence to procedures that satisfy the requirements for evaluation, placement and educational setting, and procedural safeguards.

The district is not required to provide the best possible education for a student with a disability. However, the district must provide a program that is designed to provide some educational benefit to the student. These educational benefits must be more than minimal, meaning that the program must be designed to result in some tangible gain in the student's abilities. The district is responsible to provide FAPE to any student with an IEP in a timely manner.

A regular high school diploma is the document awarded to students certifying that they have satisfied attendance requirements, unit requirements, and the state assessment requirements. Students with an IEP are entitled to receive a regular high school diploma provided that all requirements are met. The term regular high school diploma does not include an alternative degree that is not aligned with the state's academic standards such as a special education diploma, certificate of attendance or a general educational development credential. (GED).

A component of FAPE is extended school year, and it must be considered as a possible service for all students with disabilities. This decision must be made annually and will be addressed in each student's IEP.

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

**Public:** The term public education means the standards established by the Georgia Department of Education, including standards that relate to compliance with IDEA. This requirement does not mean that a student cannot be placed in a private school or facility if the multidisciplinary Team determines that such a placement is needed to provide FAPE.

The district is required to ensure that FAPE is available to all students with disabilities, age 3 through 21, residing within the district, including students with disabilities who have been suspended or expelled from school. FAPE includes the requirement that the district engage in appropriate child find activities for certain children who are not enrolled in the district, such as students in private schools and homeless students.

The FAPE requirements specifically apply to students who have been suspended or expelled.

The district's obligation to provide FAPE to a student ends when:

- (1) the student is found not eligible through a reevaluation;
- (2) the student graduates with a diploma;
- (3) the student ages out at their 22nd birthday years old;
- (4) the parent provides the district with a written revocation of consent and the district issues a prior notice of revocation of services; or
- (5) a hearing officer orders the termination.

### **Students in Private Schools**

The district has made FAPE available to a student in a timely manner, and the student's parent(s) nevertheless unilaterally places the student in a private school or facility, the district is not obligated to pay the costs of the private school placement.

### **Students in Prison**

Under IDEA regulations and Georgia Department of Education requirements, a student aged 18 through 21 may not be eligible to receive FAPE if: he or she is incarcerated in an adult correctional facility; was not identified as a student with a disability before the incarceration; and did not have an IEP.

### **Accessible Instructional Materials**

Miller County School will provide print instructional materials in specialized, accessible format to children who are blind or other print disabled in a timely manner. Steps will be taken to ensure students with print disabilities will have access to their accessible format instructional materials at the same time as students without print disabilities.

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

Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities. (Note: Specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials)

Children who are blind or print disabled include:

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses or whose widest diameter of visual field subtends and angular distance no greater than 20 degrees.
- Children whose visual disability, with correction and regardless of optical measurement is certified by competent authority as preventing the reading of standard print material.
- Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

In cases of blindness, visual disability, or physical limitations “competent authority” is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g. social workers, case workers, counselors, rehabilitation teachers and superintendents)

In the case of a reading disability from organic dysfunction, competent authority is defined as a Doctor of Medicine who may consult with colleagues in associated disciplines.

In order to ensure the timely provision of high quality, accessible instructional materials to children who are blind and other print disabled, the district will adopt the National Instructional Materials Standard (NIMAS). The NIMAS refers to a standard for source files created by textbook publishers for the purpose of producing accessible instructional materials. NIMAS files are not child ready files and will be used by authorized users and entities to produce accessible materials for children who are blind and visually impaired.

Children who are certified as blind or other print disabled are eligible to receive accessible instructional materials produced with NIMAS files. Miller County Schools will coordinate with the National Instructional Materials Access Center to facilitate the production and delivery of accessible materials to children who are blind or other print disabled.

The Miller County School system is also responsible for providing accessible materials to children who require instructional materials in accessible formats, but who do not qualify for the materials under the definition of blind and other print disabled or who need materials that cannot be produced from NIMAS. Some children who require accessible instructional materials will need assistive technology to access the materials. (e.g. text reader to read digital file, screen magnification program to read digital files)

## **Assistive Technology Device**

Assistive technology devices are identified in the IDEA 2004 as: Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or



customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

The term does not include a medical device that is surgically implanted, or the replacement of such a device. (Authority 20 U.S.C. 1401(1))

## **Assistive Technology Service**

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:

- a. The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- c. Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
- d. Coordinating and use other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- e. Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- f. Training or technical assistance for professionals (including individuals 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))

It is the responsibility of the Special Education Teacher to ensure that any assistive technology that is provided for students is functioning appropriately. Technology should be checked on a regular basis. Any problems should be reported to the Director of Special Education. Repairs will be scheduled accordingly.

If the IEP team determines that the child with a disability requires school purchased assistive technology at home or in other settings to receive FAPE, the assistive technology device is provided to the student at no cost to the parent. Parents will be trained by the school district on how to use and maintain the device. The need for assistive technology in the non-school setting is documented in the child's IEP.

## 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 he/she 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.

**Occupational Therapy (OT)** – 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. **OT 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)** – services provided by a qualified physical therapist to develop and enhance the physical functioning of students with disabilities so the student can receive FAPE. **PT 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.

## **When do I refer?**

Students with severe disabilities who have difficulty accessing the educational environment due to severe deficits in fine or gross motor function may need to be referred for an OT and/or PT evaluation.

Handwriting deficits need to be addressed through classroom instruction. ONLY in cases where instruction has been unsuccessful and educational access is being limited should a referral for an OT evaluation be made.

## **Referral Procedure:**

A doctor's prescription is needed for an OT or PT referral. If a doctor sends Rx for either, the OT or PT will conduct an evaluation and a IEP team will meet to determine the amount and type of services that are educationally relevant.

## **FAPE and Extended School Year**

Extended school year service means special education and related services that are provided to a child with a disability that are beyond the normal school district. The decision to provide extended school year services is made by the IEP team and is provided at no cost to the parent and meets state standards. The district will ensure that extended school year services are necessary to provide FAPE. ESY services are provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.

Extended school year services are determined during the student's annual review meeting. However, after the IEP meeting is held if the data indicates that ESY services are needed for a student the following procedures should be followed:

- An IEP meeting must be scheduled by the student's case manager to discuss ESY services when a need for ESY services are determined.
- All members of the IEP team must be invited to the meeting.
- The complete ESY consideration form in GO-IEP will be used. Thorough discussion should be held and supporting data should be considered.
- The severity of the disability
- The age of the child
- Any transitional needs
- The rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives
- The relative importance of the IEP goals at issue
- Whether the child is at a critical point of instruction, such as emerging skills
- Whether any delays or interruptions in services occurred during the school year
- Data collected on the IEP goal must support the need for ESY services.
- If the IEP team determines that the students needs ESY services, the specific goals and services to be extended from the current IEP are specified and documented in the IEP.
- The amount of time and location for ESY services are specified
- The title of the service provider is specified.
- The beginning and ending dates for ESY services are specified.
- Amendment to the ESU information is completed if necessary
- Inform the SPED Director of the IEP team's decision regarding ESY services so they are made available.

## **Medicaid Reporting**

State policy allows school systems to be reimbursed for some of the cost of educationally relevant therapeutic services provided by the schools. Services include speech-language therapy, physical therapy, occupational therapy, audiological services and nursing. Medicaid may be billed provided that these services are not paid for with federal funds. Reimbursement is through the Medicaid Systems. In order to seek reimbursement for these services, the school system must have a signed consent form from the parent on file. Special Education Teachers in conjunction with the therapists should complete this paperwork at the IEP placement meeting. A copy of the student's Medicaid card should be obtained at the same time.

Therapists are required to maintain documentation of services on all Medicaid students. Daily services logs are to be sent to the Special Education Office at the end of each month.

At the beginning of each year, the Special Education Director will schedule a meeting with all the therapists to review any changes in the Medicaid billing process.

### **Nonacademic Services**

Miller County School System will provide supplementary aids and services deemed appropriate and necessary by the student's IEP to afford the student equal opportunity to participation in nonacademic and extracurricular activities including:

Counseling services, athletics, transportation health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities and employment of students.

The Miller County School system will provide a variety of educational programs and services available to nondisabled students in the areas of art, music and Career, Technical, and Agricultural Education to students with disabilities as well.

### **Services to Public Charter Schools (LEA and Non LEA)**

The Miller County School System will ensure that charter schools that are part of the Miller County School District will serve children attending the charter school in the same manner as the Miller County School system serves children with disabilities in its other schools. This includes supplementary and related services. The Miller County School system will provide funds to the charter schools at the same time and on the same basis as it provides funds to the other schools in the district, including proportional distribution based on relative enrollment of children with disabilities.

Children with disabilities that attend charter schools that are an LEA and their parents retain all rights to FAPE as students enrolled in traditional public schools. The Miller County school system is not responsible for providing services to these students.

### **Routine Checking of Hearing Aids and Other Components**

The SLP will serve as the system designee that will provide routine checks to ensure that hearing aids or other devices used for hearing impaired students are properly functioning.

### **Physical Education and Access to Specially Designed Physical Education**

The Miller County School System will afford every student with a disability the opportunity to participate in the regular physical education program available to nondisabled students unless the child needs specially designed physical education as determined by the IEP committee. In this exception the LEA will provide specially designed physical education to the student.

### **Prohibition of Mandatory Medication**

Miller County School system prohibits personnel from requiring parents to obtain a prescription for substances or medications as a condition of attending school. However, there is no prohibition against teachers and other school personnel consulting or sharing classroom based observation with parents or guardians regarding a child's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services as it relates to child find.

### **Child Find Procedures: State Rule: 160-4-7-.03**

In accordance with IDEA regulations, the Miller County School System seeks to ensure that all disabled students (ages birth-21) who are in need of special education services within its jurisdiction are identified, located and evaluated, including those attending private school, home school, children enrolled in the Local Education Agency (LEA) public school, pre-school children ages 3-5, children who are suspected of being children with a disability even though they are progressing from grade to grade, highly mobile children, homeless children, children enrolled in the LEA schools including public charter schools, children that are wards of the state, children that are incarcerated in city or county jails. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and determination by a placement team. Student referrals must be accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate a lack of progress

## **Child Find**

The Miller County School System will conduct annual child find meetings. These meetings will be advertised via social media and text apps. These are the platforms used for all mass communication in the district. The meeting notice will request the attendance of anyone having knowledge of a child that may be suspected of having a disability contact the Director of Special Education. The LEA will communicate with local daycare centers, health departments, local pediatricians, DFACS to properly identify children with suspected disabilities.

Miller County School System provides for screening and evaluation of all children suspected of a disability ages birth through-21. For children 0 through 3 years old, this is accomplished through referral to Babies Can't Wait (BCW). As well as through direct referral of students being suspected of a disability. Screening to determine appropriate educational strategies is not to be considered an evaluation.

## **School Aged Students' Referral for Evaluation**

Child Find is a critical part of the special education process for all children suspected of having a disability. The Miller County School system follows the State Child Find Rule, regarding the implementation of a multi-tiered system of supports required before referring a child for an initial evaluation for special education.

Student referrals for evaluation should be accompanied by documentation of the provision of evidence based academic and or behavioral interventions that demonstrate insufficient student progress. The use of interventions prior to the evaluation of students has been shown to have a positive impact on the disproportionate representation of certain sub-groups in special education and related subgroups. If a teacher or a parent requests an evaluation and interventions have not been provided, the evaluation may proceed, but interventions should be provided. The LEA will complete the evaluation and initial eligibility meeting within 60 days of the request for the evaluation. Some exceptions may occur for students with significant disabilities.

SLDS will also be a tool for the identification of any homeschool students identified as a student with a disability.

## **Supervision/Monitoring**

The Special Education Director and RTI/SST Coordinator will implement and monitor the child find procedures in the district.

**Technical Assistance/Professional Development** will be provided each year by the Special Education Director, RTI/SST Coordinator, and School Psychologist for teachers and staff and other appropriate personnel (BCW, Pre-school, and Head Start) of the Child Find procedures.

## **Preschool/ BCW Identification Procedures:**

IDEA mandates that special education services and supports be provided through the public schools for young children with disabilities beginning at age 3.

When a child turns 30 months of age, Babies Can't Wait (BCW) will forward to the Special Education Department (with written permission, current hearing and vision evaluation, a birth certificate and if available a SSN), the entire data package for that child. The data package will include: The individual Family Service Plan, social history, medical history evaluations, and a copy of the releases. BCW will coordinate with the family to obtain written releases of providers the child is currently seeing such as Physicians, Physical Therapist, Occupational Therapist, or Speech Pathologist etc.

Before 33 months, BCW service coordinator will contact the Special Education Director to schedule a Transition Meeting. The parent and Head Start (as appropriate) will also convey to BCW any other information required regarding the child (ex. Vision & Hearing, residency, etc.).

BCW Service Coordinator will facilitate with the parent the completion of eye, ear, and dental screening at the County Health Department or a private physician. Screenings



must be documented on Form 3300 of the Georgia Department of Human Resources of Ear, Eye and Dental Examinations. The completion of this process facilitates placement of preschool special education students into facility based school programs.

If a child has his/her third birthday during summer months when school is not in session, BCW service coordinator can continue services until the beginning of school.

The Miller County School System requires proof of residency for all students. Please secure one of the items listed below from parents or guardians:

- (1) Recent (no more than 30 days old) electric bill or printout from the power company must include name and E911 address.
- (2) Three letters from neighbors stating residency (with all household members listed) at given address (must include neighbor's name, address and phone number)
- (3) Printout from Department of Family and Children Services (DFCS) showing address where benefits are received.
- (4) Copy of child support stub showing your name and E911 address.

Miller County School System will require the students to be enrolled in the school information system (SIS). To facilitate enrollment a birth certificate, information sheet and SSN will be required. If parents/guardians do not have a SSN for students, or do not want to share the SSN with the school, a mock SSN can be provided.

## **Head Start**

Head start staff will make referrals to their office in Moultrie Ga. Once processed, referrals will be mailed to the Miller County Special Education Office. Once received, the school psychologist will meet with parents, review and provide a copy of Parental Rights and complete screenings. The school psychologist will obtain permission to evaluate and turn referral packages into the Special Education Secretary to place in GOIEP as an initial referral and the psychologist will be the initial case manager and proceed with evaluation.

## **Screening and Evaluation of All Children with Suspected Disability Ages 3-21**

The following procedures are followed in Miller County Schools to ensure the identification, screening and evaluation of children with suspected disabilities birth through age 21:

The Miller County School System provides for identification, location, and evaluation of children with suspected disability ages 3-21 including:

- Children birth through age three are served through BCW that is operated by the Department of Community Health
- Preschool children, ages 3-5 years of age who may not be enrolled in a GA funded pre-kindergarten and kindergarten, including children who are parentally placed in private preschools or daycare centers outside the district.
- Children who are enrolled in the LEA including public charter schools.
- Children suspected of having disabilities when those children may be progressing from grade to grade
- Highly mobile children, including migrant, homeless, and children who are wards of the state
- Children who are detained or incarcerated in facilities operated by the local sheriff's office or other municipalities such as jails and other correctional facilities.
- Children enrolled in homeschool /home study programs
- Children who are parentally placed in private including religious, elementary, and secondary school within the LEA's jurisdiction
- Children served in community programs such as rehabilitation centers, daycare centers etc.

Parents, childcare providers, early regular childhood providers, or other individuals may refer a child not currently receiving special education/related services for screening if they suspect the child may have a disability. The procedures for referral vary depending on the age of the student. These students will be screened through structured observations, interviews, and checklists by the district to determine the need for a comprehensive evaluation. For School age students a referral for an evaluation should be accompanied by documentation of scientific, research, or evidence based academic and/or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect of lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or State approved grade-level standards within a reasonable time frame.

With the implementation of the MTSS and the focus on progress monitoring and the 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. There is no requirement under IDEA for any child suspected of having a

disability in and being in need of special education services to have instructional interventions before being referred for an initial evaluation for special education. LEA personnel can work with referring individuals to document prior interventions. The results of the interventions may be used during the eligibility determination to make final eligibility decisions.

### **Professional Learning, Supervision and Monitoring**

The Miller County department of Special Education will conduct professional learning activities and ongoing training for staff, organizations, agencies and individuals to ensure that child find, referral and screening activities are carried out in a manner consistent with timelines and requirements established by IDEA and the Ga Department of Education.

The Director of Special Education monitors child find activities in a variety of ways. MTSS implementation is supervised at all schools within the LEA. The LEA also distributes letters to area private schools, homeschool parents, to conduct child find activities. For children transitioning from BCW, transition meetings are held within a time frame that allows for the evaluation and eligibility to be held prior to the child's 3rd birthday.

### **Young Children, Ages 3-5**

The Individuals with Disabilities Education Improvement Act mandates that special education services and supports be provided through the public schools for young children with disabilities beginning at age 3. IDEA requires that the local school district locate, identify, and provide services and supports to young children with suspected disabilities or developmental delays. These delays may occur in the areas of self-help/adaptive behavior, cognitive development, communication, physical development, and/or social-emotional development.

### **Data Collection/Referral Process**

In Georgia, children ages 3-5 (including 2 year olds that will turn 3 during the school year, must receive a comprehensive evaluation to determine eligibility for services via the preschool program. The comprehensive evaluation includes assessment in the following areas of development:

- Adaptive development ( dressing, eating, toileting)
- Cognitive development (thinking and learning)
- Communication (hearing, speaking, language skills)
- Motor development (physical development, large and small muscle development)
- Social Emotional development (relating with adults and other children)

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

After the comprehensive evaluation is completed, the eligibility or Individualized Education Program team meets to review all of the information about the child in order to determine eligibility.

Preschool-aged students may be determined to be eligible in various disability categories, however, the most common is significantly developmentally delayed (SDD). A young child is eligible for special education and/or related services when team members agree that the evaluation information indicates the child meets eligibility criteria in one or more areas of development. The team must also agree that special education and/or related services are required for the child to learn and be part of an appropriate educational setting. The SDD eligibility may be used for children ages 3-9. The eligibility can continue until the end of the school year in which the student will turn 9. The IEP team must consider continued eligibility every 3 years for these students.

The referral process is comprised of the following steps:

- The team reviews information regarding the child's education and development
- The team reviews the Early Childhood MTSS interventions and supports provided prior to the referral (for children 5 years of age and in kindergarten)
- The team may identify and implement additional early interventions and strategies
- The SPED Director will obtain the written consent from the parent to conduct an evaluation

- The LEA will conduct a comprehensive evaluation within 60 days of receipt of the parental consent of the evaluation
- The parent/guardian, BCW representative, regular early childhood teacher/provider, a special education teacher, and the LEA representative will meet to participate in eligibility determination and to write an IEP.
- The local school district will implement the IEP prior to the student's 3rd birthday.

### **Least Restrictive Environment for Young Children**

Special Education services and supports for young children should be provided in the least restrictive environment, which means to the maximum extent appropriate young students should receive special education services in the regular education setting with other children of the same age who do not have special needs. The child's IEP team will discuss the child's needs and determine the type of services, supports, and settings that are appropriate to address those needs.

Service delivery models that are available to young children: regular early childhood setting, SPED early childhood setting, home, service provider location, separate school, and/or residential setting

Regular early childhood settings for young children are as follows: Georgia pre-k, Headstart or Early Headstart, Childcare facilities, Private or church preschools

Service delivery models for young children ages 3-5 years are typically provided on either a full time or part time basis.

- Full-time is based on the typical amount of full day preschool and/or daycare (6.5 hours)
- Part time is based on the typical amount of half day preschool and/or daycare (Less than 4 hours)

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

## **Initial Evaluation Referral Process**

A child may be referred for an evaluation by the Student Support Team or parent if the team or parent believes that the student, because of a disability, may be in need of special education and supportive services. The Individuals with Disabilities Act (IDEA) requires that before a child can receive special education services, the district must determine whether the child requires specialized instruction and meets eligibility requirements for special education. The LEA must conduct (or arrange for) a comprehensive evaluation that:

- Provides sufficient data to determine whether the child is a child with a disability
- Documents how the disability affects the child's academic, developmental, social/emotional, and/or behavioral performance in school; and
- Provides appropriate information for the development of an Individualized Education Program (IEP), if eligible

## **School-Based Referral Process for Initial Evaluations**

Prior to referral for evaluation for special education services, students in the Miller County School system are provided a strong core instruction based on research/evidence based strategies and/or programs. Students that are unsuccessful with Tier 1 instruction are provided interventions through the MTSS process. MTSS is a process of providing academic/and or behavioral interventions to students who are not demonstrating expected progress from the core instruction provided. In the MTSS process student progress is measured frequently and instruction is adjusted based on the progress or lack thereof of the student. While MTSS is considered a key component of school, the lack of this process can not be used as a reason to delay a special education evaluation.

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

If a parent requests for their child to be evaluated, the request should be made in writing. The written request should be immediately given to the Director of Special Education. The parent will then be required to complete background information.

The School SST team will be notified of the parental request for an evaluation, so that interventions may be started if the student is not already receiving interventions.

If an outside Psychological evaluation is provided by the parent to the school, the report should be immediately forwarded to the Director of Special Education. The Director of Special Education will notify school level personnel of the report and will schedule a meeting to discuss the report. School MTSS team, teachers, parents, SPED teacher, and LEA will attend the meeting. A decision will be made as to what next steps will be taken. The team may choose one of the following options:

- Refer to Special Education for a comprehensive evaluation. Interventions should begin immediately if they are not already in place.
- No referral for an evaluation, but begin appropriate interventions
- Refer to a 504 team, for a 504 eligibility decision
- Recommend no action, due to no educational impact

### **School Referral from SST/MTSS**

When a school level MTSS/SST team determines that a student is need of a comprehensive evaluation, the team will make a referral for evaluation and the school level MTSS coordinator will complete the referral packet.

The student support team coordinator will review the initial referral packet and determine its completeness and ensure that the child has a current vision and hearing screening.

The comprehensive evaluation will be conducted by a licensed school psychologist.

Evaluation data will include information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations as well as the information about the child's physical condition, social or cultural background, and adaptive behavior. This information will be documented in the evaluation report, eligibility report, and IEP (if the student is found eligible).

The Vision and Hearing Screening is the responsibility of the school's Student Support Team as part of the initial referral to SST. The Miller County School designee will conduct vision and hearing screenings. The school may also attach documentation of vision and hearing screening administered outside the school environment (i.e., health

department, doctor's office, etc.). Evaluation cannot be completed until vision and hearing is either passed or resolved by appropriate medical personnel. Students may be re-screened within several days after failure, unless failure is due to circumstances that require a longer wait (colds, earaches, etc.). **\*Vision/hearing results must be current within six months.**

When an initial referral is received by the special education office, the Director of Special Education and School Psychologist will check the package for completeness. The School Psychologist will review parental rights and obtain permission to evaluate as part of the referral package process. Once permission is received the referral package is stamped with date received by school personnel. The special education administrative assistant will place the student in GOIEP as an initial referral and attach in the document section, parent consent form and assign the school psychologist or SLP as case manager, the referral is given to the school psychologist or SLP for evaluation. Each student referred for special education evaluation receives a comprehensive evaluation using a variety of valid, reliable and non-discriminatory tools by trained and knowledgeable staff who are either licensed and/or certified in the state of GA. Also included in the evaluation is information provided by the parents and/or teachers that is relevant to the identification of a suspected disability.

### **Comprehensive Evaluation:**

Evaluations will be comprehensive and will look at the needs of the whole child, regardless of the reason for the referral for the evaluation. The following will be done to ensure a comprehensive evaluation:

- Review of existing data
- Identify if additional data is needed
- Formal and informal assessment of all areas related to any suspected disability, including if appropriate, vision and hearing, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities
- Use of a variety of appropriate evaluation tools and strategies to gather academic, functional, and developmental information about the child, including information provided by the parents
- The evaluation will not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child
- Use assessment techniques that may assess developmental, physical, intellectual, academic, communication, and social/emotional skills



- Use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the student
- Use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient score
- The selection of assessment methods that are appropriate for students with impaired sensory, manual or communication skills (including English Learner barriers) in order to ensure that the results are an accurate representation of the child's aptitude or achievement level and are not culturally biased.

Evaluations will be administered by trained and knowledgeable staff. Sources of information may include, but are not limited to: individually administered tests and tools, academic achievement, cognitive ability, Social/Emotional, Behavioral, adaptive behavior, parent information and input, teacher input (verbal or written descriptions/analyzed work samples) schoolwide standardized testing results, medical information (as appropriate) classroom observations, prior testing done in private settings, prior testing done in other school settings such as formative assessments from classroom progress monitoring.

Steps in the Evaluation Process:

1. The referral for evaluation is reviewed by the Director of Special Education and the School psychologist to determine the appropriateness of the referral. Once the district staff receives the signed consent for evaluation the 60 day timeline will begin.
2. Before any evaluations are conducted a full review of student data will be conducted by the school psychologist. Sources for the data review may include: permanent record, current classroom assessments, progress monitoring results of any provided interventions, previous results of statewide assessments, attendance data, and discipline records.
3. Classroom observation in a setting in which the concern has been noted will be conducted to determine current educational performance and to look for specific causes or reasons why the child is not learning or behaving at the expected levels. The observations will be conducted by individuals with professional expertise which include (The Director of Special Education, School Psychologist, Speech Language Pathologist or Special education teacher)
4. Teacher interviews will be conducted. This will include current teachers and may include previous teachers. The focus of the interviews will be to determine whether the concerns cited as the reason for the evaluation are new issues or

recurring issues. In addition, the interviews will provide information on any interventions or strategies that may have been tried previously.

5. The parents are interviewed as part of the evaluation process. If the parents have any independent evaluations or medical information they have not previously provided the district, they would be asked to do so at this time. Information the parents have about learning at home, such as how long it takes the child to complete his or her homework, and how much the help requires, would assist in the evaluation. The parents may also be asked to complete behavior rating scales and/or checklist regarding adaptive behavior, self-help skills, and or emotional/behavioral observations. The consideration of this type of information assists in a comprehensive evaluation
6. All previous information and data on the child is reviewed (e.g. previous evaluations, medical reports, psychological evaluations, and independent evaluations). This helps the team determine which evaluations to administer for the current evaluation.
7. As the evaluation occurs the school psychologist will give the evaluations they deem appropriate for the student. The school psychologist will request additional information from other stakeholders as needed to develop the most comprehensive informative evaluation possible. A variety of assessments will be used and will address the areas of learning, listening, speaking, behavior, sensory, motor, and/or academics.
8. At the conclusion of testing, the evaluator will write an evaluation report. The results of the evaluation will be used to write the eligibility report. Both of these documents will be completed by the evaluator. These reports will be completed within the required 60 day timeline.
9. An eligibility meeting will be held, in which the evaluator will share the results of the evaluation with an eligibility team. The evaluator will interpret the results of the evaluation and review eligibility requirements. The team will determine eligibility or non eligibility. The participants in this process should include: a parent, a general ed. Teacher of the student, a special education teacher, the school psychologist (or a person qualified to interpret the results of an evaluation), and the LEA.

The school psychologist and/or speech language pathologist has 60 calendar days to complete an initial referral evaluation and conduct an eligibility meeting from the time parental consent to evaluate is received by the school system. School holidays lasting 5

days (Thanksgiving, Christmas etc.) or more and days the school system is out for summer break are not included in the 60 day count.

The Director of Special Education will conduct a check at day 30 of the 60 day timeline to ensure that the referral process is being implemented and that all eligibility requirements will be met by the 60 day timeline.

### **Reevaluation Consideration**

The Miller County School System ensures that a reevaluation of each child with a disability is conducted at least once every 3 years, unless the parent and the district agree that a reevaluation is unnecessary.

A reevaluation does not occur more than once a year, unless the parent and the district agree otherwise; and occurs at least once every 3 years, unless the parent and district agree that a reevaluation is not necessary. The reevaluation is conducted at any time that the Miller County School System feels the needs of the child should be reevaluated or the child's teacher or parent requests a reevaluation.

The district will obtain informed parental consent prior to conducting a reevaluation of child with a disability, except that such informed parental consent is not obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the child's parents failed to respond.

Reevaluations are consistent with initial evaluations in terms of "what" you should be able to do with them when they are complete. Specifically, the purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine, among other things, whether the child continues to have a disability and is in need of special education and related services and the educational needs of the child. Reevaluations are considered just as important as the initial evaluation for special education. Throughout the child's educational career their educational needs may change constantly and the reevaluation assesses the child's evolving needs.

A student being served in the category of Significantly Developmentally Delayed is required to have a re-evaluation and a new category of eligibility before the end of the school year that they are turning 9 years of age.

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility of the child that is currently available. This review may include evaluations and information provided by the parent, current classroom based local or state assessments, classroom based observation, and observation by teacher and related service providers. This review may be conducted without a meeting if the parent and the district agree not to convene a meeting for this purpose. The team, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identifies additional data needed, if any to determine the following:

- The present levels of academic achievement and related developmental needs of the child
- Whether the child continues to need special education and related services.
- Whether the child continues to need special education and related services
- Whether the child need any additions or modification to the special education and related services to meet the measurable annual goals set in the IEP
- Whether the child needs any additions or modification to special education and related services to enable participation, as appropriate, in the general education curriculum.

During a reevaluation consideration meeting the IEP team considers 3 options:

1. Additional assessment is necessary to determine if a student continues to be eligible for special education and related services or additional areas of need due to a disability.
2. Adequate data is available and has been reviewed to determine continued eligibility. Reevaluation process is completed, and the date of this determination is the child's reevaluation date. In no more than 3 years from that date, reevaluation must be considered again.
3. Additional assessment is needed for IEP development and not to determine eligibility.

The Miller County School system provides written notice to the parent and receives written informed parental consent before conducting any additional assessments as part of a reevaluation of a child with a disability. If multiple attempts are made to receive informed consent from a parent, and the parent does not respond, the school will keep documentation of the attempts and will move forward with the re-evaluation.

If a parent refuses to provide consent for reevaluation the district is allowed to either pursue reevaluation using mediation or due process hearing or discontinue the provision of special education services and supports if the district data indicates the child no longer has a disability or the child no longer needs special education and related services. A prior written notice would be provided to the parent before the discontinuation of services including information regarding the right of the parent to use the mediation procedures or the due process procedures if the parent disagrees with the district's decision to discontinue the provision of FAPE to the child.

Each case manager is responsible for scheduling reevaluation meetings within required time frames. A reevaluation data review should be scheduled by each case manager at the beginning of each semester before the semester in which the reevaluation due date falls. (e.g. if a reevaluation is due in February during spring semester, then the reevaluation meeting should be held in the September during fall semester)

If a decision that a full comprehensive reevaluation is needed the case manager will notify the Director of Special Education. The SPED Director will secure the necessary consent for reevaluation, and will notify the evaluator to begin the reevaluation process.

The evaluator will ensure that the same process for initial evaluations is followed for a reevaluation to ensure that the evaluation is comprehensive, based on multiple evaluation tools, and look at all areas that may have an impact on student learning.

Reevaluation process (at a glance)

The following is a brief description of the process if a comprehensive evaluation is requested:

1. Obtain consent to evaluate from parent
2. Screen hearing and vision
3. Evaluator will begin to obtain all necessary data/information from teachers
4. Review and analysis of work samples, classroom observation
5. Parent interview
6. Comprehensive evaluation conducted by a qualified person.
7. Examiner completes evaluation report and prepares eligibility report
8. Meeting is held with the IEP team, and the evaluator interprets the results of the evaluation. Re-eligibility status is determined.
9. If the student continues to be eligible for special education and or related services the IEP is updated/amended with any new information

10. If the student is found to no longer be eligible he/she will no longer receive special education services.

When eligibility is not being considered but evaluation is completed for additional data an IEP meeting should be scheduled to review results, and to develop a new IEP or amend an existing one.

### **Prior Written Notice**

A prior written notice will be completed and a copy provided to the parents upon the completion of each re-evaluation data review. The purpose of the prior written notice is to provide written notification and explanation of any changes that the LEA wants to make or refuses to make in a child's eligibility. This document serves as a vehicle of communication between the LEA and parents. The PWN is part of the GO IEP system and a copy can be found in the students GO IEP file.

### **Supervision and Monitoring**

The initial evaluation and the reevaluation process will be monitored by the Director of Special Education. GO IEP dashboard and reports will be used to monitor adherence to timeline requirements. Technical assistance will be provided to staff as needed.

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

The Individuals with Disabilities Education Act (IDEA) governs eligibility decisions with requirements regarding multi-factored assessments and the consideration of a variety of domains in placement decision making. In the federal and state rules and regulations regarding evaluation, it states “the child is assessed in all areas related to the suspected disability.” It is the responsibility of the district’s eligibility team to determine which children actually exhibit the required characteristics to be considered a child with a disability. The need for support is not always parallel to the data indicating an educational impact. Therefore, collaboration among general, remedial, and special education will ensure that children who require specially designed instruction will be those who are determined to be children with disabilities. The district implements the framework of a multi-tiered system of supports and ensures all children have access to high quality instruction and needed intense interventions.

The School Psychologist and/or SLP are responsible for conducting the evaluation, completing the eligibility forms and conducting the eligibility meetings. The Special Education Administrative Assistant will schedule the eligibility meetings and send notices in coordination with the evaluator and Special Education Director. The Special Education Administrative Assistant will notify all required team members of the meeting. The meeting information will be posted to google calendar.

The eligibility team shall consist of LEA representative, special education teacher, psychologist/or an individual that can interpret evaluation results, parents, student, general education teacher, therapist and other related services staff as needed.

The evaluator will conduct a comprehensive evaluation and review existing MTSS data and ask for any additional data needed in making a determination. Or in the case of reevaluation if the child continues to meet eligibility for special education services.

The evaluator will notify the School Psychologist, Speech Pathologist, Occupational Therapist, Physical Therapist, etc. if there are areas of concern that should be evaluated by the respective personnel.

The eligibility team should make all decisions as to eligibility and appropriate placement decisions for the student. Eligibility decisions made by the team will be based on comprehensive evaluations. The need for special education and/or the dismissal from special education will be made by the eligibility team. Consideration of all exclusionary factors should be considered. A child may not be considered eligible if it is determined that any of the following exclusionary factors are evident: Lack of reading instruction;

Lack of math instruction; Lack of writing instruction; limited English proficiency; Visual, hearing or motor impairment that impacts assessment results; emotional disturbances; cultural factors; environmental or economic disadvantage, atypical educational history. There may be other exclusionary factors that may affect the determination of specific eligibility categories such as intellectual disabilities or Learning Disabilities. Evaluation data must include information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations as well as the information about the child's physical condition, social or cultural background, and adaptive behavior. This information will be documented in the evaluation report, eligibility report, and IEP (if a student is found eligible). The team will consider removal from special education if the results of the comprehensive evaluation support such a decision.

Eligibility Reports and IEPs will be completed in GOIEP. An eligibility report will be completed regardless of a child's eligibility for special education services. Once the eligibility report is completed, a meeting is held and all drafts finalized in GOIEP. The eligibility report and related documents will be filed in the student special education permanent file.

Copies of the eligibility report, psychological report, IEP and any other documents will be provided to parents at no charge.

The categories of disability are as listed below and a full description of each category may be found on the Georgia Department of Education Web-site and the Miller County School System web-site.

Autism Spectrum Disorder

Deaf-Blind

Deaf/Hard of Hearing

Emotional and Behavior Disorder

Intellectual Disorder (Mild, Moderate, Severe, Profound)

Orthopedic Impairment

Other Health Impairment

Significantly Developmental Delay

Specific Learning Disability



Speech-Language Impairment

Visual Impairment

Traumatic Brain Disorder

### **Documentation of Evaluation Results and Determination of Eligibility/Ineligibility**

In interpreting data for the purpose of determining if a child is a child with a disability and the educational needs of the child, the Eligibility Team must:

- Use information from a variety of sources such as but not limited to: achievement test, aptitude/cognitive functioning , parent input, teacher recommendations, physical conditions, social/cultural background, adaptive behavior, communication language, observations by teachers and related service providers, work samples
- Ensure that the information obtained from all of these sources is well documented and carefully considered and that the evaluation results are documented in the evaluation reports as well as communication, observations, and work sample analysis
- In making a determination the eligibility team must not determine a child to be a student with a disability by considering the following exclusionary factors: lack of appropriate instruction in reading/and or math, limited english proficiency, and if the child does not otherwise meet the program area eligibility criteria for a child with a disability.

Eligibility for special education services is determined through review of formal and informal sources of information. The presence of a disability and the need for services must be established; the presence of a disability alone is insufficient for placement. The eligibility team must clearly show that the child has an identifiable disability that adversely impacts educational performance.

If a determination is made that a child has a disability, that this disability adversely affects educational performance and that the child therefore needs special education and related services, an IEP must be developed for the child. It is the policy of the district that an IEP will be developed within 30 days following the eligibility determination. If a student is determined to be eligible to receive special education

services, the student must meet the requirements of one or more of the following categories:

**Autism:** A developmental disability generally evident before the age of 3 that adversely affects a child's educational performance and significantly affects the developmental rates and sequences, verbal and nonverbal communication and social interaction and participation.

**Deaf/Blind:** Hearing and/or visual impairment that causes severe communication and educational needs that cannot be accommodated in programs solely for children with deafness or blindness.

**Emotional Behavior Disorder:** An emotional disorder characterized by excesses, deficits, or disturbances of behavior. The difficulty is emotionally-based and cannot be adequately explained by intellectual, cultural, sensory, general health, or other exclusionary factors. Characteristics must be of sufficient duration, frequency, and intensity that interferes significantly with educational performance to the degree special education is necessary. Does not include social maladjustment unless it is determined that they are also children with EBD. Classroom behavior problems and social problems (e.g. delinquency, drug abuse, diagnosis of conduct disorder, etc) do not indicate automatic placement for EBD.

### **Intellectual Disability**

Significantly subaverage general intellectual function which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. (Classifications are: MID, MOID, SID, PID)

### **Orthopedic Impairment**

A child whose severe orthopedic impairment adversely affects their educational performance to the degree that they require special education.

### **Other Health Impairment**

Chronic or acute health problems that limits in strength, vitality, or alertness (i.e. ADHD, asthma, diabetes, epilepsy, heart condition, sickle cell anemia, Tourette Syndrome, etc.) and adversely affect a child's educational performance.

## **Significant Developmental Delay**

Significant 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.

## **Specific Learning Disability**

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. A child with SLD has one or more serious academic deficiencies that are directly related to a pervasive processing deficit. The techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This child's need for academic support alone is not sufficient for eligibility.

## **Speech Language Impairment**

A communication disorder, such as stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance. May be congenital or acquired. May be primary or secondary to other disabilities.

## **Traumatic Brain Injury**

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability psychosocial impairment, or both that adversely affects the child's educational performance.

## **Visual Impairment and Blindness**

A child whose vision, even with correction adversely impacts educational performance. Impairments may result from congenital defects, eye diseases or injuries to the eye.

## **Related Services**

Physical and Occupational therapies are related services and are not categories of eligibility. These services require a prescription from a physician. Assessment information is needed for IEP development but not for eligibility determination.

### **Evaluation before termination of eligibility (no longer eligible for services)**

The LEA must comprehensively reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services additionally the eligibility report needs to be completed.

An evaluation is not required before termination as a result of graduation or due to exceeding the age requirement of FAPE. However, the district is required to provide the student with a summary of performance that includes recommendations for meeting postsecondary goals when the child is graduating with a regular diploma or aging out of school. It is the policy of the Miller County School system that the student can continue to attend school until the end of semester or school year in which the student turns 22 years of age.

### **Independent Educational Evaluation**

If a parent disagrees with the results of an evaluation completed by the school district, the parent may request that the district pay for an outside independent educational evaluation. The district is required to pay for the IEE or begin the due process hearing procedures to show that the district's evaluation is adequate. If the result of the hearing is that the district's evaluation is sufficient, then the district is not required to pay for the IEE. The district is only responsible to pay for one IEE per evaluation that they complete. Parents can obtain an evaluation at their own expense. As long as the evaluation was conducted by a qualified person, then the Miller County school system will consider the results of the IEE.

### **Parent Rights**

If an evaluation is to be conducted, as well as whenever a parent requests an evaluation the parents will be provided by the district with a copy of Parent's Rights and provide an explanation to ensure that the parent understands these rights. For parents whose students are currently receiving special education services, they will receive a copy of parental rights at least one time per school year. If a parent's primary language is not English, a translated copy of parental rights in his or her language is given to the parent whenever feasible. The school system will use resources from the GA DOE to secure parental rights in the translation needed by the parent.

Parents will be provided with a copy of the psychological report, and the eligibility report. Even if the parents are not in attendance at the meeting, the district will provide them with a copy of both reports.

### **Components of the Eligibility Report**

The Miller County School System uses GO IEP to develop eligibility reports. The GO IEP system is used as a tool to ensure that all required components are included in eligibility reports. All eligibility reports will include: Student information, case history, summary of interventions and data prior to referral, summary of progress monitoring, results of relevant district, state and benchmark assessments, individual student data, exclusionary factors, exclusionary factors, decision making on educational impact, summary of considerations, eligibility determination, eligibility team information.

### **Eligibility Dates**

When determining eligibility, the date of the eligibility is: the date the decision was made to not conduct a re-evaluation or the date the re-eligibility meeting was held. The need for reevaluation must be considered again no more than three years from that date. If a reevaluation was requested that date can not be used as a re-evaluation date. All re-evaluation consideration meetings must be held within the first month of the semester prior to the semester in which the re-evaluation date will fall.

### **Prior Written Notice**

A prior written notice will be completed and a copy provided to the parents upon the completion of each eligibility report. The purpose of the prior written notice is to provide written notification and explanation of any changes that the LEA wants to make or refuses to make in a child's eligibility. This document serves as a vehicle of communication between the LEA and parents. The PWN is part of the GO IEP system and a copy can be found in the students GO IEP file.

### **Supervision/Monitoring**

The Special Education Director, School Psychologist and Speech Language Therapist are responsible for supervising/ monitoring the evaluation, re-evaluation and eligibility process. Spreadsheets are to be maintained on initial and reevaluations as to maintain compliance with timelines. Additionally, GOIEP provides a countdown clock to re-evaluation dates. GOIEP has built in internal audits that monitor the eligibility process.

Weekly staff meetings are held to discuss with the special education administrative team (Special Education Director, School Psychologist, Speech Language Pathologist, SST Coordinator and administrative secretary) the timelines and referral process.

**Technical Assistance/Professional Development** will be provided each year by the Special Education Director and/or School Psychologist for addressing evaluation procedures. Technical assistance will be offered as needed to help faculty/staff understand the evaluation and eligibility process.

## **Individualized Education Program State Rule 160-4-7-.06**

### **Overview**

An Individualized Education Plan (IEP) will be developed for each student identified with a disability receiving, or who will receive special education services. The IEP will be developed and implemented within 30 days of the eligibility decision.

Each Individualized Education Plan will ensure that special education students are provided appropriate educational services based on his or her identified area(s) of exceptionality, and individual needs. The IEP is not a binding contract, for which the school system is responsible if a student does not achieve the projected growth toward academic and/or functional goals and objectives. However, it ensures the school system will provide the special education and related services as specified in the IEP. When necessary changes in special education and/or related services for a student are determined by the IEP Team, the changes will be clearly documented by amending the IEP.

The Miller County School system uses the GO IEP system to develop and implement students' IEPs. The purpose of this system is to help teachers write IEPs that meet federal requirements, and to help the district in reporting IEP information.

### **General Information/Supervision and Monitoring/Technical Assistance**

Individualized Education Programs (IEP'S) will be written using the Georgia Online Individualized Education Program (GO-IEP).

**Teacher professional development on IEP development and GOIEP (Georgia Online Individualized Education Program) will be held at a minimum one time a year at the beginning of each school and as needs arise or as guidance changes**

**during the school year. This professional development will be conducted by the Special Education Director and/or Special Education Teacher at each school.**

**New or beginning teachers in special education will be assigned a mentor special education teacher to help guide teachers through the processes required.**

**GOIEP has a HELP section available to teachers and many audits to help correct mistakes and maintain compliant practices before finalizing an IEP in the system.**

**Teachers, School Psychologists and Therapists are to report any problems encountered with GOIEP to the Special Education Director and/or Special Education Administrative Assistant immediately.**

**A system of reviewing IEPs and Eligibilities and other special education processes is established and conducted first by Audits in GOIEP, secondly, a peer review when needed and finally reviewed by the Special Education Director.**

**Any faculty or staff that encounters problems following established procedures will be offered training and technical assistance in the area of concern. This is conducted and monitored by the special education director, and school psychologist. Technical assistance may be provided from sources outside of school personnel as well.**

**After technical assistance has been offered and non-compliant practices still persist, then documentation will be made in TKES system and a formal professional development plan will be implemented and monitored by the special education director and building principal.**

**At the beginning of each school year, the Special Education Director will review caseloads with teachers.**

**GOIEP provides to the teachers a system for tracking due dates of IEP and re-determinations. It is the responsibility of the case manager to use this system to monitor any due dates of students with IEP and/or redeterminations.**

**IEPs with August due dates should be met before the end of the current school year.**

**An IEP must be in effect at the beginning of each school year.**

## **IEP Meeting Required Participants:**

Members of an IEP Team, and the required participants of an IEP Meeting include; the parents of the child, a guardian, or surrogate parent if the child is a ward of the state, at least one general education teacher of the child (if the child is, or may be participating in the general education environment), at least one special education teacher or other service provider of the child, a representative of the school system, an LEA Representative, a Speech Therapist if needed, an Occupational Therapist and Physical Therapist if needed, the student when appropriate (if the child is in the eighth grade, if transition is being discussed, or the student is sixteen years old or older), and other appropriate personnel.

## **A Successful IEP Meeting:**

In a successful IEP Meeting, all Team Members are active participants, open and honest, and respectful of others.

When beginning an IEP meeting, the LEA or Case Manager will review the purpose of the meeting (Initial placement, redetermination, annual review, etc.), introduce all team members, review the agenda for the meeting if developed, review Parental Rights with the parent(s)/guardian, discuss applicable ground rules, and reasons for referral as appropriate.

Information regarding the Facilitated IEP Meeting guidelines can be found on the Miller County School system website. This information will also be provided to parents and teachers at the beginning of each school year.

At the conclusion of a successful IEP meeting all decisions will be well documented. IEP Team members will own a clear understanding of responsibilities and designated tasks.

The Director of Special Education will review all IEP services planned by the IEP team. The director will monitor student and teacher schedules to ensure that all IEPs are fully implemented as required by IDEA. The Director of Special Education will conduct a review of teacher and student schedules at the time of the annual review and at the beginning of each school year. This process will ensure that all IEPs are being implemented as written.

## **Case Managers and Team Members**



At the beginning of each school year, or upon the date of initial referral, a case manager will be assigned to each student and IEP Team Members established. All staff that will work with, or assess the child will be added by the case manager as team members in GOIEP, including parents and the student (if over 14). In GOIEP the student is automatically included (Do not delete student name from meeting notices).

### **Eligibility and Areas of Exceptionality (Student Demographics)**

Most student demographic information will load into Georgia Online-IEP from PowerSchool (SIS). The most current dates of eligibility and student areas of exceptionality will automatically load from the Eligibility Report into the students IEP. Assigned case managers will review student/guardian demographics and identifying information with parents annually, update information, and report all discrepancies to the school data clerk and special education office as necessary.

Prior to initial eligibility or re-eligibility meetings the school psychologist, speech therapist, and special education director will review evaluation results.

### **Notification of Scheduled Meetings**

A Notice of Meeting Letter is generated in the meetings tab in the Georgia Online IEP Program. A notice of meeting letter will be generated and sent to the parents or guardian of a student. A parent response to the meeting notice must be documented in the meetings tab within Georgia Online-IEP before an IEP can be finalized.

### **Parent/Guardian Notification of Meetings**

Parents/Guardians will be notified of the proposed IEP Meeting date, including the time and the location of the meeting 10 calendar days prior to the scheduled meeting. This will allow sufficient time for parents and guardians to arrange to attend meetings, or contact the school to reschedule. Notice of Meeting Letters will include; the purpose of the meeting (including transition, if appropriate) , the proposed date of the meeting, the time and location of the meeting, and the names (when possible) and positions of those the system will invite, or have invited to attend. Parents may request to reschedule an IEP meeting, or to participate by telephone if unable to attend.

## **IEP Meetings - Parent Participation**

The public agency will take steps to ensure one parent or both parents, or a guardian of a student with a disability is present at each IEP Team meeting, and they are afforded an opportunity to participate. This includes notifying parents/guardians of scheduled meetings reasonably early enough, and scheduling meetings at a mutually agreed upon time and place. School personnel will attempt a minimum of three documented parent/guardian contacts prior to an IEP meeting. After three attempts have been made, the meeting may proceed without parental attendance.

### **Excusal:**

There are two circumstances when a required IEP Team Member may be excused:

When an IEP Team member's area of curriculum or related services will NOT be changed or discussed at the meeting, the parent and system may agree to excuse the team member from all or part of the meeting, if the parent consents in writing to the required participant's excusal.

When the IEP team member's area of curriculum or related services is being discussed at the meeting, the parent and system may excuse an IEP team member from all or part of a meeting if the parent consents in writing to the required participant's excusal, and the team member submits relevant written input prior to the IEP Meeting.

### **Present Levels of Academic Achievement and Functional Performance**

Each IEP will include; a statement of the student's present levels of academic achievement and functional performance which includes the language of the disability, how the disability affects the student's involvement and academic progress in the general education curriculum.

For preschool children as appropriate, this will also include how the disability affects the child's participation in appropriate activities, as well as a statement of clear and measurable annual academic and functional goals.

For students participating in alternate assessments (GAA), short-term instructional objectives will be included.

### **Results of state and district assessments and initial or most recent evaluation**

This will include the results of most recent state and district assessments, as well as the results of the initial, or most recent evaluation. A summary of assessment findings including dates of administration will be given and how the results affect the student's academic and/or functional performance. If an area assessed impacts a student's academic and/or functional performance, how it will be addressed will be noted.

### **A description of the student's academic, developmental, and/or functional strengths**

The present levels of performance must include statements identifying the student's academic, developmental, and/or functional strengths and will be documented including supporting information. The dates of administration of assessments will be noted if assessment data is documented to support areas of strength.

### **Parent Concerns**

The Present Levels of Performance will include a statement of parental concerns even when a parent is unable to attend an IEP meeting. Parental input may be obtained from previous discussions with parents during the current school year, parent surveys, questionnaires, or phone calls. Additional parental input may be documented in the minute's section of the IEP.

### **Impact Statement/Other Discussion (will include)**

A statement of the student's academic achievement and/or functional performance including the language of the disability, and how the disability affects the student's involvement and academic progress in the general education curriculum.

For preschool children as appropriate, this includes how the disability affects the child's participation in appropriate activities, and clear, measurable, academic and functional goals.

For students participating in alternate assessments (GAA), short-term instructional objectives will be included.

**Sample impact statements:**

“Due to Michael’s deficits in decoding he cannot comprehend grade level materials when reading independently.”

“Maria frequently cries, yells, and refuses to work when she doesn’t understand a new concept or assignment. Once upset, Maria is unable to calm down resulting in a lack of acquisition of academic progress. Due to processing deficits it takes Maria longer to complete assignments and tests with accuracy.”

“Austin’s moderate articulation disorder negatively impacts his academic progress in phonetics, reading, writing and spelling. These deficits negatively impact progress in all academic subjects.”

**Consideration of Special Factors:**

When considering special factors in Go-IEP, the Communication, Assistive Technology, and Alternative are required sections and must be considered.

In the case of a child whose behavior impedes his or her learning, or the learning of others, consider positive behavioral interventions and supports, and other strategies, to address inappropriate behaviors. If noted within the IEP that a child has behaviors that impede his or her learning, or the learning of others, it must be noted in the consideration of special factors section of the IEP, and behavior goals written or a behavior intervention plan developed.

In the case of a child with limited English proficiency, the language needs of the child as related to the child’s IEP will be considered.

In the case of a child who is blind or visually impaired, instruction in Braille and the use of Braille will be provided unless the IEP team determines, after an assessment of the child’s reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or use of Braille is not appropriate for the child.

Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level of performance, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.

Consider whether the child requires assistive technology devices and services. If assistive technology and/or services it will be noted, and a statement of where the AT will be documented within the IEP. The Assistive Technology to be used will be clearly defined within the IEP in section noted.

### **Transition Planning:**

**Transition Planning for each student with a disability will begin at end of 8th grade, or by age 16 (or younger, if determined appropriate by the IEP team),** and updated annually, appropriate measurable postsecondary goals and a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advance-placement courses or a career technical pathway).

Preferences, Strengths, Interests, and Course of Study based on Present Levels of Performance and Age Appropriate Transition Assessments: An assessment of student skills and interests related to education, employment, training, and independent living skills (as appropriate) will 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 is conducted.

Transition planning will be ongoing and fluid. Assessment tools clearly describing student's strengths and weaknesses, and enable teachers to document a student's interests and perceptions about their skills will be utilized.

Surveys and interviews work well for this type of assessment. There are six characteristics to consider when conducting a transition assessment; assessment will be child centered, continuous, occur in diverse settings, involve a variety of people, and result in clear comprehensible data and sensitive to cultural diversity.

**\*Transition plans should coordinate with the student's individual graduation plan.**

**Desired Measurable Post-Secondary Outcome/Completion Goals:** These will be measurable post-secondary outcome/completion goals of what the student wants to achieve after graduation. They will be "major life accomplishments" or "completion goals." These will be in the areas of Education/Training, Employment and Independent Living (as appropriate). These goals will be written in easy to understand language. These outcome/completion goals may change and become more refined as the student gains experience and gets closer to graduation. They should be expected to occur after the student graduates from school.

**Transfer of Rights:** This will be discussed and documented if the student is 17 and older. Once the student turns 18, it must be documented and dated that the student has been informed of the transfer of rights.

**Measurable Transition IEP Goals:** These will be based on age appropriate transition assessment, include transition activities, and services appropriate to attain the Post - Secondary Outcome/Completion Goals. This section will include measurable transition IEP goals directly related to how, when, where, and what is needed to complete each post secondary outcome/completion goal. They will be relevant to "how to get to" the desired post-secondary outcomes. They must be meaningful. This section is divided into Education/Training, Development of Employment, Community Participation, Adult Living Skills and Post School Options, Related Services and Daily Living Skills (as appropriate). There will be at least one measurable transition IEP goal for Education/Training and Employment. Measurable transition goals for Independent Living will be addressed as appropriate.

**Transition Activities and Services:** This section will address the transition activities and services necessary to attain these measurable goals. Transition Activities and Services will be planned in relation to needs for achieving goals. Many activities and services will be planned and implemented for each goal.

**Persons and Agency Involved:** This section will include who will provide instruction to the student in order to achieve stated goals. There will be documentation of invitation to the Transition IEP meeting. Notification of parents and students (if over 18) will be documented.

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

### **Measurable Annual Goals and Short Term Objectives**

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.

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. All other IEPs for students who participate in the CRCT and EOCT will be written with measurable annual goals only.

Goals and objectives should be measurable and a criteria for mastery must be stated.

**\*Goals should be measurable and corresponding objectives written in measurable terms. When writing only goals, goals must be written with the following in mind:**

Must promote skill building - The skills the students need to develop in order to access, participate and make progress in the general curriculum and school activities?

Must contain a target behavior, condition and criteria - Clear and measurable present levels make writing clear and measurable goals easier.

Must include a data collection strategy which supports the measurability of the goal

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

There may be times when a parent requests short term objectives for a particular area of the IEP even though it may not be required. It is fine to do this if the IEP team agrees that this is important and that it would be helpful to complete the IEP. The system and the parent should work together to reach an agreement about short term objectives as appropriate, especially during the transition from IEPs that include objectives to writing IEPs without objectives.

### **Progress Notes**

Student progress toward completion of goals will be reported depending on the frequency that the IEP team decides. Progress will be reported and documented in GOIEP and shared with parents and IEP team members.

Teachers will maintain a copy of progress reports for the current school year. These should be made available to the special education director upon request.

**NOTE** - GOIEP will not let case managers open a new IEP until the progress notes are completed. If students transfer or exit from special education for any reason, then GOIEP will not allow for the transfer or exit until the progress notes are complete.

### **Accommodations/Modifications**

Specific testing accommodations will be considered for every state mandated test and sub-test individually and documented. Accommodations used for assessment will be consistent with those used during classroom instruction, and classroom testing, and clearly specified within the IEP. Some accommodations used for instruction may not be permissible for state-required testing. Refer to the GADOE Student Assessment Handbook for allowable accommodations. Conditional accommodations are allowable only for students who meet the eligibility criteria.

### **Student Supports – Accommodations, Supplemental Aids and Services and Supports**



All general education teachers of a student will be provided a copy of their IEP or access to the student's IEP through SLDS and GOIEP **(All general education teachers and administrators have access to student IEPs. Special Education teachers will inform general education teachers of access to IEPs through SLDS.)**

## **Special Education Services**

The specific special education and related services provided will be documented in the Instruction/Related Services Outside of the General Education Classroom section of GO-IEP.

One of the most significant requirements of IDEA is that students with disabilities be educated in the least restrictive environment to the maximum extent possible when appropriate.

An IEP team should review student progress, review current functioning levels, develop goals/objectives, and when appropriate a transition plan, and consider what supports and services the student will need in order to meet the goals and objectives, and in the setting that the services will be provided.

An IEP team should always first consider how a student can achieve their goals/objectives in the general education setting. Only when the team determines that general education is not appropriate should they consider services outside of the general education setting. The IEP team will determine the least restrictive environment for each eligible student with a disability. The team will make the decision in accordance with the Georgia Department of Education Special Education Rules. The IEP team may not make placement decisions based only on a category of eligibility, the severity of the disability, the placement options currently available, the availability of educational or related services, space available, or administrative convenience. A full continuum of services when the school should be explored before considering a more restrictive placement outside of the home school setting.

If a student is removed from the general education environment for Special Education or Related Services a statement will be written explaining why and the extent to which the student will be able to participate in general educational setting and in programs; and an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and general education setting will be stated.

The dates of the initiation of special education and/or related services, and the anticipated duration of services will be clearly documented; including the anticipated frequency, location, and duration of services. This will be documented in the Instruction/Related Services Outside of the General Education Classroom section of GO-IEP.

### **State Testing**

Only allowable accommodations/modifications for state testing may be written into the IEP.

The state testing accommodations must be used throughout the year in order to be used during state testing.

Allowable accommodations for assessment may be found in the annually updated Georgia Assessment Manual.

Decision-making guides for selection of appropriate assessment accommodations can be found in the Georgia Accommodation Manual and in GOIEP.

State Rules must be followed carefully when choosing a conditional accommodation for a student and used rarely.

Only students with significant cognitive disabilities may be allowed to participate in GAA, and this decision will be documented in the IEP. **(GOIEP has the GAA decision guide built in as part of the program to assist in making this decision).**

### **Services provided in General Education, Special Education, and Related Services**

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

Services in Special Education settings include resource and self-contained (both considered small group instruction).

**Related Services** include Occupational Therapy (OT), Physical Therapy (PT), Special Transportation, Adapted PE, Interpreter, and Orientation and Mobility.

**Occupational and Physical Therapy** will be considered for a (SWD) child provided that a current doctor's prescription for such services is provided and not older than 30 days. And a comprehensive evaluation by the school contracted therapist is conducted and it is determined that the child is eligible for school based services.

**Supportive Instruction** is the use of Para-professional in the regular education setting and under the direction of the special education teacher. The special education teacher does not serve the student directly but is the case manager for the student. The Paraprofessional serves the child in an inclusive setting with a regular education teacher.

### **Services Considered**

All options considered should be discussed and documented in the IEP. Once the options are decided upon, a WHY statement should be included which describes the extent to which the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities. Examples of explanation of extent statements are listed below:

"Billy will receive supplemental instruction in reading one period per day outside the general education setting to address his deficits in reading fluency and comprehension."

"Sally will receive one period daily outside of the gen end setting for instruction in language arts. Her skills in written expression are far below grade level, and she will receive individualized instruction to address deficits in grammar, spelling and sentence structure."

"Joe will receive five periods of instruction daily outside of the gen end setting to provide specialized instruction in academics utilizing adaptive and assistive technology and daily living skills requiring one on one instruction and repeated practice to increase independence."

### **Extended School Year Services (ESY)**

#### **GUIDELINES WHEN CONSIDERING THE NEED FOR EXTENDED SCHOOL YEAR SERVICES**

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

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

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

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

Based on data collected, the 180-day school year is adequate to meet Johnny's IEP goals and objectives.

Johnny requires extended school year services due to data indicating that his tantrum behaviors increase over breaks.

ESY services may include a variety of program delivery models: work packets sent home, strategies to support the maintenance of appropriate behavior – i.e. behavior management plan that may be used in the home setting or summer services by certified personnel.

Prior to scheduling any IEP team meeting regarding ESY, you must have your data reviewed by your building administrator and Director of Special Education. The purpose of the committee review is to review available data to help support the decision that will be made in the IEP meeting.

**Consider the following factors when reviewing whether a student is eligible for extended school year services:**

Nature of child's disability;

The severity of the disability;

The age of the student;

The areas of learning crucial to the child's attainment of self- sufficiency and independence;

The contents of any applicable transition plan;

Areas of student's curriculum which need continuous attention;

Progress on skills as identified in the IEP goals and objectives which address, as appropriate, the student's needs in the areas of academics, communication, social, behavior, motor, vocational, and mobility;

The rate of progress for the student or the rate of regression which may limit the student's ability to achieve IEP goals and objectives;

The relative importance of the IEP goals at issue;

Whether related services are needed to enable the student to progress toward IEP goals;

Whether there were any delays or interruptions in services during the school year;

Other pertinent information such as emerging skills:

**Recommended sources of information when considering whether a student with disability requires extended school year services:**

Assessment information maintained on the student, including pretest and post-test data;

Current IEP and pertinent curricula information;

Progress reports maintained by teachers, therapists and others having direct contact with the student before and after breaks in educational programming.

Educational, medical or psychological records of the student from public and private sources;

Prognosis or opinions of educators, medical personnel, parents, and others who work with the student;

Achievement of goals on successive IEPs;

Reports by parents of negative changes in adaptive behaviors over extended break periods;

Progress reports of teachers contrasting present and previous levels of achievement;

Medical and other agency reports indicating degenerative type difficulties that become exacerbated during breaks in educational programming.

**Procedures to follow if a student needs to be recommended for extended school year services by a teacher or therapist:**

Contact the Director of Special Education to review supporting documentation data collection, work samples, referenced IEP goal(s) and objectives.

**Documentation of ESY services:**

If a student is determined eligible for extended school year services by the IEP team, the team must:

Indicate which goals and objectives from the current school year are being extended or modified. Such extension is needed to develop a free, appropriate public education (FAPE).

The specific services needed

The amount of time for each service

The beginning and ending dates for the services

The service provider and location

The local school system shall provide ESY services when recommended in the student's IEP, and all necessary transportation is offered at no cost to the parent. Special Education and Related Services necessary to meet an individual student's needs shall be provided by qualified personnel.

**Annual Reviews**

The IEP must be reviewed annually. Procedures for initiating the annual review are the same as the process for creating the original IEP. The case manager will send a notice of IEP meeting to the parents 10 days prior to the projected review date. The case manager will also initiate person to person or phone contact to communicate with parents about an acceptable meeting date. A copy of the notification is automatically

saved in the GO-IEP program along with the parent's response to the meeting request. All required attendees are invited along with any other stakeholders invited by the parent or the school. The parents will be provided in writing the names of all members invited to the annual review. At the annual review meeting, the current IEP including mastery/progress towards goals and objectives is reviewed by the committee and a new IEP is developed based on the student's present level of performance. Within 3 days of the annual review parents will be provided with a final copy of the IEP.

### **IEP Amendments**

After the annual IEP meeting, there may be a need to change, or amend the IEP. This can be done by reconvening the IEP team to amend it, or by mutual agreement between the parent and the system to make changes to the written document without a meeting. The parent always maintains 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 with a copy of the changes in a timely manner and an explanation of those changes.

Following the communication between the school and parents, if an agreement is made that a formal meeting is not necessary to amend the IEP, the amendment can be made. The amendment is developed using GO IEP procedures. These procedures will initiate a parent notification of meeting, followed by changes made directly on-line to the current IEP. The "old" IEP and the "new amended" IEP are kept on-line.

### **FERPA and Transmittal of Records**

The Miller County School system works diligently to obtain student records including IEP, evaluation/eligibility reports, supporting documentation, and any other records related to the provision of special education or related services from the previous school system in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act. It is expected that the previous school system will take reasonable steps to respond promptly to records requests. Graduating special education students will have a summary of high school performance developed by their case manager. This summary will be placed in the student's permanent special education record. The SOP is provided for in GOIEP and will open only for those eligible students.

### **Case Manager Responsibilities**

It is the responsibility of each student's case manager to become familiar with each of his/her students' IEPs. The case manager:

1. *Ensures* that a student's IEP is reviewed at least annually, but may have been or needed to be amended during the school year several times. The case manager will keep track of student progress to ensure the current placement and IEP are appropriate. The case manager will ensure that progress reports are complete.
2. Ensures that classroom accommodations are carried out.
3. Ensures that all testing accommodations are carried out.
4. Make sure that IEPs are fully and accurately implemented. This validation includes ensuring that hours of service stated in the IEP match the student's actual schedule.
5. Ensures that all of the student's teachers have access to the IEP.
6. Monitors the academic and behavior progress of the students. This information should be shared regularly with parents, either with phone contact or progress reports.
7. Contacts parents at the beginning of each school year and maintains open communication with parents during the school year.
8. Participates in initial eligibility meetings as assigned and completed necessary documents.
9. Prepares paperwork in a timely, efficient, and accurate manner.

### **Prior Written Notice**

A prior written notice will be completed and a copy provided to the parents upon the completion of each IEP or amendment to an IEP. The purpose of the prior written notice is to provide written notification and explanation of any changes that the LEA wants to make or refuses to make in a child's eligibility. This document serves as a vehicle of communication between the LEA and parents. The PWN is part of the GO IEP system and a copy can be found in the students GO IEP file.



## **Placement of Transfer Students**

Every transferring student from another Georgia school system will be checked in SLDS to determine if he/she receives special education. If so records will be requested from the previous school. Records will also be requested from students transferring from a school in a different state. Once records are received they will be scanned into GO IEP. A case manager will be assigned. The documents will be reviewed to determine if a new IEP needs to be developed, or if the current IEP should be accepted as is, or amended. **During this process the student will be provided services.**

The Director of Special Education will work with the registrar at the school to obtain school records in a timely manner so that there is little to no lapse in SPED services.

Upon the receipts of records the Director of Special Education will review all records and will enter student information in GO IEP and will assign a case manager.

## **Supervision and Monitoring**

The Director of Special Education will supervise and monitor the annual review process for all students with disabilities. The SPED Director will use the Go IEP dashboard to monitor annual review dates. TA will be provided to case managers as needed to adhere to all IEP timeline dates.

## **Least Restrictive Environment: State Rule 160-4-7-.07**

Least restrictive environment (LRE) means a child is provided special education and related services with peers without disabilities, to the maximum extent appropriate. Placement decisions for all children with disabilities, including preschool children with disabilities, will be determined annually and be based on the child's IEP.

## **Annual IEP placement determination**

The IEP team will determine the least restrictive environment, including the services and supports needed for each eligible student with a disability. Student placement will be

based on the IEP and be reconsidered at least annually by the IEP team. The IEP and the LRE may be amended at any time to meet specific needs of the student.

In selecting the LRE, consideration will be given to any potential harmful effects for the student, the quality of services necessary. Each will include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, and a justification for removal from regular education. A student with a disability will not be removed from instruction in age-appropriate regular classrooms solely because of necessary modifications or accommodations in general education settings.

The following questions will be considered in determining how to apply the LRE mandate of the IDEA:

1. What modifications or accommodations must take place in the general classroom in order to educate a particular child with disabilities?
2. What supplementary aids and services for a disabled child must be provided in order to accommodate a particular child with disabilities in a general education setting?
3. Are the modifications, accommodations and the supplemental aids in a general classroom reasonable under all circumstances?
4. Will the effort to educate a disabled student in the general classroom require a substantial and disproportionate amount of time for the classroom teacher?
5. Will the modifications or accommodations in curriculum in the general classroom produce more than a few benefits for a particular disabled student?
6. Is the curriculum in the general education setting, even when modified substantially, appropriate for the particular needs of a child with disabilities in terms of how the student learns and the skills the student needs to acquire?
7. Will the student be able to participate in most class activities?
8. Will mainstreaming offer the student only an opportunity to associate with non-disabled peers?
9. Will the opportunity for interaction with non-disabled students alone be sufficient grounds for mainstreaming when balanced with the benefits of special education in a separate program?

## **Full Continuum of alternative placements**

The continuum of alternative placements is available for students meeting eligibility for services. This continuum includes general classes, special classes/resource rooms, special schools, instruction in hospitals and institutions, and home instruction.

Provisions for supplementary aids, services, and supports such as resource rooms or specialized instruction in small group are also available.

## **Location of Services**

- General Education classrooms
- Separate Class
- Special School (GNETS, etc.)
- Institutions
- Home Instruction

## **Preschool placement and services**

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

- Participation in General Preschool Programs. Head-start, Bright from the start Pre-K, public or private child care/day care, and preschool programs.
- Placement in a separate special education program housed in the public school or in a community-based setting;
- Placement in separate school or residential facility, if necessary;
- Services in the home as the natural environment for a young child;

- Services at the office of a service provider; or
- A combination of the above based on the child's IEP.

### **School Age placement and services**

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

General Education

Direct special education services

- Consultative services – Students receive at least one segment per month of direct service from the special education teacher.
- Collaborative services – A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom for less than one full segment daily.
- Co-teaching service – The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher at least one full segment daily.
- Supportive services – Students receive services from personnel other than a certified teacher in the general education classroom (i.e. paraprofessional, interpreter, job coach, etc).
- Related service – Occupational Therapist, Physical Therapist, Adaptive P.E., Auditory/Verbal Therapist.

### **Other Placement options, including:**

- Special education resource classes

- Separate Class/ Self-Contained
- Special Schools
- Private Schools
- Hospital/Homebound
- Residential services
- Home instruction

### **Non-academic and extracurricular settings**

Students with disabilities have a right to equal opportunity for participating in nonacademic and extracurricular services and activities. Miller County will provide these activities allowing students with disabilities an opportunity to participate in general school activities such as lunch, counseling services, athletics, transportation, health services, recreation activities, clubs or field trips. Miller County will ensure appropriate and necessary supplementary aides and services determined by the IEP team are provided to allow the SWDs the opportunity to participate in non-academic and extracurricular settings.

**Professional Development** will be provided for teachers and staff on LRE annually and is part of the IEP development training each year. The training is conducted by the Special Education Director and/or Special Education Lead teacher.

### **State Rule 160-4.7.03-Confidentiality of Personally Identifiable Information**

### **Confidential Information**

Education records means the type of records covered under the definition of “education records” in ( the regulations implementing the Family Educational Rights and Privacy Act of 1974).

Miller County School system will provide a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the Miller County School System intends to use in gathering the information, and the uses to be made of the information.

Confidentiality information will be given in native languages appropriate to population groups served by the Miller County School System.

Miller County Schools will provide notice that is adequate to fully inform all parents concerning the policies and procedures which the district follows regarding storage, disclosure to third parties, and retention and destruction of personally identifiable information.

Miller County Schools will provide a description of all of the rights of parents and children regarding this information including the rights under FERPA and implementing regulations.

### **Access Rights and Required procedures**

Miller County School system permits parents to inspect and review any education records relating to their children that are collected, maintained, or used by the district. Miller county schools will comply with a request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

The rights of parents regarding educational records are transferred to the adult student at age 18.

The right to inspect and review all education records includes:

- The right to a response from the district to reasonable requests for explanation and interpretations of the records
- The right to request that Miller County School System provide copies of the records containing the information if failure to provide those copies would effectively prevent from exercising the right to inspect and review the records; and
- Parents have the authority to inspect and review all records relating to their child unless the district has been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, Separation, and divorce.

## **Record of Parties Obtaining Access**

The Miller County School System keeps a record of parties obtaining access to education records collected or maintained (except access by the parents, and authorized Miller County School system) including the name of the party, the date access was given, and the purpose for which the party is authorized to review or use the records.

The GO IEP system has a student log function that documents each person that accesses student files in GO IEP. Only school personnel with direct need will be given access to GO IEP.

## **Records on More than One Child**

If any education record includes information on more than one student, the parents of those students have the right to inspect and review only the data relating to their child or be informed of that specific information.

## **List of Types and Locations of Information**

Upon request, the district provides the parents a list of types and locations of education records collected, maintained, or used by the district.

## **Fees**

The Miller County School system may charge a fee for copies of records, if the fee will not prevent the parent from exercising their right to inspect and review those records. The Miller County School System will not charge a fee to search for and retrieve information.

## **Amendment of Records at Parent's Request**

The parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student may request that Miller County Schools amend the information.

The Miller County School System will decide whether to amend the information in accordance with the request.

If the district decides to refuse to amend the information in accordance with the request, the parent will be informed of the refusal and be advised of their right to a hearing.

Miller County Schools will, on request, provide an opportunity for a hearing to challenge the information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing will be conducted according to the procedures under FERPA and its regulations.

### **Results of Hearing**

If as a result of the hearing, the Miller County School system decides the information is accurate and misleading or otherwise in violation of the privacy or other rights of the student, the Miller County School System will amend the information accordingly and so inform the parents in writing.

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

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

### **Consent**

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



- Parents of eligible children
- Other school officials (teachers with legitimate educational interests)
- Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record
- Authorized Federal, State or local supported education programs for the enforcement of or compliance with Federal legal requirements which relate to those programs.
- In connection with a child's application for a receipt of financial aid for which the child has applied or which the student has received, in the information is necessary
- State and local official or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; or administer predictive tests; administer student aid programs; or improve instruction
- Accrediting organizations to carry out their accrediting functions
- In compliance with a judicial order or a lawfully issued subpoena. The district will make a reasonable attempt to notify the child's parents of the judicial or subpoena before releasing the records, unless the disclosure is in competition with a Federal grand jury subpoena or subpoena issued for law enforcement purposes and the court of other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
- Disclosure in connection with a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the child or other individuals.
- The Office of Civil Rights
- Official with the Department of Human Resources, Department of Corrections, Department of Juvenile Justice, and Department of Labor for the purpose of making appropriate educational decisions regarding placements

### **Safeguards**

The Miller County School System protects the confidentiality of personally identifiable information during the collection, storage, disclosure, and

destruction of all student records/information. Access of unauthorized persons to personally identifiable information without parent's consent is forbidden.

The Miller County School System maintains for public inspection a current listing of the names and positions of employees within the district who may have access to personally identifiable information.

### **Destruction of Information**

Destruction means the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

The district has a procedure for destruction of information and informs parents that personally identifiable information collected, maintained, or used in the provision of FAPE is no longer needed to provide educational services to the child. These procedures will be in accordance with FERPA and its regulations and the Georgia Open Records Act.

The information will be destroyed at the request of the parent when the information is no longer needed to provide educational services to the child. However, a permanent record of a child's name, address, and telephone number, grades, attendance record, classes attended, grade level completed and year completed will be maintained without time limitation.

The Confidentiality of Personally Identifiable Information procedures will be monitored and supervised by building and district administrators.

## **Procedural Safeguards and Parent Rights: State Rule 160-4-**

### **7-.09**

## **Parent Rights Document**

### **Parent Rights Document**

The Parent Rights in Special Education (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to FAPE. The Parent Rights notice provides parents with the opportunity to understand their rights, the rights of their child and the procedures for resolving differences. This document will also help to facilitate communication between parents and system personnel. The Parent Rights should be given to parents at a minimum of once a year. It should be given to parents when they are asked to sign Consent for Evaluation form, Consent for Placement form, and at the initial IEP meeting and each IEP annual review meeting. Parents will also be provided a copy of parent rights upon requests. Parental rights will be provided in the language of the parents and in a format accessible by the parents. One of the responsibilities of the Director of Special Education and the case manager is to help parents understand their parent rights with regards to special education and to help parents understand the special education process and services that may be available to them. Parents should be provided prior written notice (PWN) of actions being proposed or refused regarding their child by giving written notice before the district proposes or refuses to initiate or change the following: Identification, Evaluation, Educational Placement, or FAPE. . Parent rights must be provided to parents prior to any change of placement. Ten days is considered sufficient prior notice. Parents will receive rights in a language understandable to the parents.

### **Parental Consent**

Parental consent will be obtained prior to conducting an initial evaluation to determine if a student is eligible for special education services or the re-evaluation of a student already receiving special education services. Consent is also required before provision of any special education or related service. The LEA must also receive parental consent prior to disclosing personally identifiable information or accessing a student's or parent's public benefits or insurance for the first time.

Parental consent is not required in order for the LEA to review any existing data as part of an evaluation/re-evaluation or for the administration of a test or other evaluation that is administered to all children, unless the consent is required of all children.

If a parent questions any proposed action or changes to the IEP, it is recommended that he or she will discuss the concern with the teacher or administrator. Consent for the initial evaluation does not provide consent for initial 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 Director of Special Education so that all steps of Prior Written Notice are followed. The IEP Team, including the Director of Special Education, 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 notice is 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 developed for this student and his/her eligibility/redetermination report has deemed him/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.*

*The revocation of Parental Consent for Placement means that Miller County Schools is not deemed to have "knowledge of disability" under IDEA and that all rules and timelines for student discipline (including suspension, expulsion, and manifestation) that apply to general education students would apply to this student.*

The parent is not allowed to revoke "**partial**" consent for only some of the services provided by the IEP.

## **Access to Educational Records**

Parents are given access to educational records of students. Parents are informed of the following rights as it related to the viewing of educational records

- To keep the educational records private
- School employees or contractors for school services involved with students are entitled to access to the educational records
- Parents have the right to have a child's records read to them in their native language and/or explained to them
- Student records will be made available for review within 45 days of a request
- Parents have the right to request to have something changed in the educational record . The school system has the right to refuse to change the record. If the school system does not agree to change the record, they must provide a hearing to decide whether the change will be made.
- Parents have the right to ask for a complete story of your child's records. The school system may charge a fee for copies. The district may not charge a fee for searching for and providing the records. The school system must provide the records free of charge if a parent is unable to pay any fee that may be charged.
- Parents have the right to have a person acting on their behalf inspect and review the records with their permission

## **Complaint procedures**

A parent or any citizen may file a formal complaint with the GA Dept. of Education if he or she believes that the school system may have violated the IDEA.

- The school system and the GaDOE provide forms to help parents file formal complaints.
- A formal complaint must be signed and must state how the district violated the requirements of the IDEA and the facts that support that belief. A complaint must be based on a violation that happened less than one year before the date the complaint is filed. The parent and the school system may agree to resolve the complaints through mediation.
- The GaDoe will begin an investigation when a complaint is filed.
- The school system must provide a response to the complaint to GaDoe and the person filing the complaint in writing
- GaDoe will reach a decision in 60 days unless the person filing the complaint agrees to provide more time to resolve the concern.
- The GaDoe's decision is final and cannot be appealed.

## **Mediation**

Parents have the right to ask for mediation if they disagree with the special education for their child. The GA Dept.of Education. The GaDoe will randomly select one of its mediators to guide the mediation. The mediator will be neutral and will be qualified and trained in mediation. The parent and the school system must both agree to try mediation before mediation will be scheduled. Mediation is free to both the parent and the school system. If a party chooses to bring a lawyer or other advisor to the mediation, that party must pay the cost of the advisor.

## **Student placement during pending due process**

Once a parent files a due process hearing request, parents have the right to have their child stay in his or her current educational placement. A child may stay in that placement until the end of all hearings and appeals. This is commonly known as “stay-put.” If the parent and the school system agree to place the child in a different placement, the parent may do so as the due process hearing continues.

Interim placement commonly known as “stay-pu” does not apply when a parent is appealing a decision to place the child in an interim alternative setting because of discipline. If the due process hearing request is about admission into public school, parents have the right to have their child placed in a public school program until the end of the due process hearing.

## **Private School Placement by Parent**

Private school placement may occur in 3 circumstances.

- Public school determines that it cannot provide FAPE. This is at no cost to the parent.
- A parent may remove the child from public school and at any time enroll them in a private school. Under some circumstances the district may provide reimbursement.
- The parent may choose to use a private school instead of public school at the parents' expense, in which case FAPE is not an issue.

## **Due Process Hearing**

A due process complaint is filed to ask for a hearing in order to get a ruling to resolve a disagreement between the parent and the school system. Either a parent or school system may ask for a due process hearing. The hearing can be about any issue related to a student's identification, evaluation, educational placement or receiving a free appropriate education. You may also ask for mediation to take place before you reach a hearing. The school system must give parents a list of any free or low cost legal services when the parent asks for the list or when the parent or agency starts a due process complaint. The due process hearing request must state a violation of the IDEA problem with special education. These must have taken place less than 2 years before the date the parent knew about the problem in the complaint. The two year time limit does not apply if the school system said it had resolved the problem in the complaint, but didn't, or the school did not give information about the problem that the parent had a right to have.

The school system and GADoe have the forms to help parents file due process hearing requests. To file a due process hearing request, a parent or school must provide notice of the request to the school system and the GaDoe. To request a due process hearing the following is needed: the name and home address of the child, the name of the school the child attends, if homeless, the name of a contact person for the child, a description of the problem or violation, and a possible solution of the problem or violation.

The school system does have the right to find that the request does not meet the requirements under IDEA, and must notify the hearing officer of this within 15 days. The hearing officer has 5 days to render a final decision on the appropriateness of the complaint.

When the school system receives a due process hearing request, it must first decide whether it provided prior written notice about the issue in the due process complaint. Prior written notice must contain the following.

- An explanation of why the agency proposed or refused to take the action in the due process complaint
- An explanation of the option that the IEP team considered and the reasons why those options were rejected
- An explanation of each evaluation procedure, assessment, record or report the school system used to make the decision, and
- An explanation of the relevant factors in the school's decision

### **Attorney Fees**

In a civil action, a federal court can order a school system or parent to pay the attorney's fees of the other party. The federal court can only award attorney's fees to a party that prevailed in a due process hearing or civil action. Attorney's fee may only be awarded to a school system under certain guidelines.

### **Provided in Language Understandable to Parents**

Parents must be informed of all of their procedural/safeguards/parental rights in their native language or other manner of communication (such as sign language, Braille, translator services, read to and explained or other forms of communication)

### **Parent Opportunity to Review Records**

Districts must maintain the confidentiality of information in children's educational records. The district can assume that both parents of a child have authority to inspect and review the child's records unless the district is notified in writing that a parent's rights to see the records have been terminated by court order. Parents of a child with a disability must allow an opportunity to inspect and review all education records with respect to identification, evaluation, placement, FAPE.

### **Parent participation in meetings**

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to identification, evaluation, educational placement, and the provision of FAPE to the child. If a parent is unable to attend a meeting in person the district will use other methods such as phone conferences or video conferencing in order to facilitate parental involvement. The district will maintain a record of all attempts to communicate with parents about meeting participation. The Miller County School system values parental involvement in the educational process that includes planning, and reviewing IEPs. The district will let parents know of their rights and will provide a copy of parental rights at least once each school year.

### **Parent Request for Independent Educational Evaluation (IEE)**

When a parent of a student with a disability disagrees with an evaluation conducted by Miller County Schools, the parent has the right to request that Miller County Schools fund an independent educational evaluation (IEE). An approved list of IEE providers within a 50 mile radius of the school will be provided to parents. Cost must be reasonable and customary. An IEE is an evaluation conducted by a qualified examiner who is not an employee of the School System. Any results obtained through an IEE must be considered by the School System in any eligibility or placement decision.

### **Parental Consent**

Parental consent is required for the following:



- Initial Evaluation
- Re-evaluation
- Provision of Services

A parent may revoke consent of the receipt of special education and related services once the child is initially provided special education and related services. This revocation of consent must be in writing and is for all special education services.

Parental consent is not required for review or existing date, the administration of a test that is administered to all children, consent is required for all students.

### **Parent Training**

The district may provide parental assistance: to understand the special needs of their child and information about child development and to acquire necessary skills to support the implementation of their child's IEP if determined by the IEP team as a related service.

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

### **Relationship of general code of conduct to IEP**

IDEA mandates that all students with disabilities having certain defined disabling conditions including intellectual disabilities, hearing and vision impairments, learning disabilities, severe emotional disturbances, or any of several other conditions and who require special education and related services are entitled to services until the day before their 22<sup>nd</sup> birthday. The Act does not contain defining language authorizing schools systems to exclude otherwise eligible students from special education services based upon severity of his/her disabling condition or the student's propensity for violent or aggressive acts.

### **Code of Conduct or School Rules:**

Students and parents should be given a copy of the student code of conduct and school rules at the time of enrollment or when the student enters school. (The code of student conduct shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise. The LEA shall ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children

with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.)

In-school suspension is considered as a removal, although it is not counted toward the 10 days of allotted out of school suspensions. However, ISS does equate to student absences and does not provide access to the full general curriculum and instruction. School administration will notify the special education director and case manager when a student with a disability is placed in ISS.

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

The Individuals with Disabilities Education Act requires local education agencies to follow specific procedures when removing a student with a disability from their educational placement for disciplinary reasons in such cases when the removal constitutes a "change of placement".

Additionally, in accordance with IDEA an IEP team must, in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior as part of the IEP process.

With regard to disciplinary removals, a "change of placement" occurs in one of two situations: The removal is for more than 10 consecutive days or the student has been subjected to a series of "removals that constitute a pattern".

The term "removal" refers to the removal of a student with a disability from instruction for disciplinary reason, without the opportunity to continue to progress in the general education curriculum, continue to receive services specified on the student's IEP, or continue to participate with nondisabled students to the extent they would have in their current placement.

A student has been subjected to a "pattern of removals" when all three of the following criteria have been met: A series of removals that total more than 10 days in a year; A recurrence of substantially similar behavior in a series of removals subject to discipline; Such additional factors as length of each removal, total time removed, or proximity of removals to each other.

The following Actions of 10 School Days or Less: recommended procedures are based upon the requirements of the IDEA.

### **Disciplinary Actions of 10 School Days or Less:**

Students with a disability can be removed to out-of-school suspension (OSS), another setting, or an appropriate interim alternative educational setting the same as other non-disabled students. Students may be suspended for a total of 10 school days for violation of the code of conduct or school rules. The 10 school days can be consecutive or cumulative and occur during one school year.

When a student with a disability is suspended for 3 days the case manager should hold a meeting with the school administration, special education director, and parent to determine the need to develop a Behavior Intervention Plan for those students who do not already have one in their IEP. The case manager will notify the special education director when the plan has been developed. For those students that already have a BIP in place the plan must be revised. If a student is suspended for up to 5 days; the case manager must notify the special education director to conduct a review of that student's discipline record. The special education director will meet with the school's administration for monitoring.

### **Disciplinary Action beyond 10 Days/Continuation of Services:**

When frequent disciplinary actions add up to more than 10 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. Continuation of services must be provided when frequent disciplinary actions add up to more than 10 days in a school year the IEP Team must determine appropriate service that allows the student to continue to participate in the general curriculum. Continuation of services provided must be documented on the Continuation of Services and attendance form. PowerSchool, student information system, will also be used for tracking the suspensions of students with disabilities by school administrators and special education director.

After a student has been removed for 10 school days in the same year, and a subsequent removal is for more than 10 consecutive days and is a change in placement, then the system personnel and at least one of the student's teachers determine the extent of services needed so that the student can continue to participate in the general education curriculum, although in another setting and progress toward meeting the goals outlined in the student's IEP. The case manager assigned to the

suspended student must keep attendance records and submit to the special education director.

### **Tracking Number of Days of Suspension:**

Administrators at each school in the district will upon receiving discipline referrals will check in PowerSchool to determine if a student is a student with a disability.

The building administrator will notify the appropriate special education staff of the suspension of the student with a disability.

The special education director will track discipline reports in PowerSchool and consult with building level administrators on student suspensions on a regular basis.

### **Notification of a Change in Placement as a Result of a Disciplinary Removal**

Written notification must be sent to the student's parents by the administrator on the date that the decision is made to make a removal that constitutes a "change in placement" because of a violation of the code of conduct. The special education director will be notified on the same day. The notice must inform parents that a change in placement has occurred or is recommended and that a manifestation meeting will be scheduled. Notice must include a copy of special education procedural safeguards.

### **Interim alternative settings and 10 day rule**

School personnel may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 total days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 total schools days within the same school year for separate incidents of misconduct and when removals do not constitute a change of

placement. A total of 10 days in any given school year as a result of a pattern of behavior is considered a change in placement.

When a student with a disability has been removed from his or her current placement for 10 school days within the same school year, during subsequent days of removal from the general education setting the public agency must provide compensatory services to the extent required by law.

When disciplinary changes in placement exceed 10 consecutive school days, and the behavior is determined not to be a manifestation of the student's disability, school personnel will apply relevant disciplinary procedures to students with disabilities in the same manner and duration as procedures would be applied to students without disabilities.

A student with a disability who is removed from his/her current placement will:

- Continue to receive educational services enabling the students to continue to participate in the general education curriculum, and to progress toward meeting IEP goals.
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, accommodations designed to address behavior violations preventing recurrence.
- A public agency is required to provide services during periods of removal for a student with disabilities having been removed from his or her current placement for 10 consecutive school days or less within that school year, only if it provides services to students without disabilities who are similarly removed.
- When a student with a disability has been removed from his or her current placement for 10 school days in the same school year, and current removal is for not more than 10 consecutive school days and not a change of placement, school personnel, in consultation with one of the child's teachers, will determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, setting, and progress toward meeting IEP goals.
- When a student is assigned to an interim alternative educational setting, (Alternative School) the student's case manager will continue to be responsible for the student's IEP, which must be current and maintained during the student's assigned placement. Therefore the student's case manager will schedule and convene an IEP meeting within 10 days to reflect the changes in placement and services as appropriate reflecting the disciplinary actions and the student's needs. A Functional Behavioral Assessment as it

relates to conduct will be compiled by teachers familiar with the student to guide in creating an appropriate behavior plan to address the student's behavioral plan and goals to be included in the updated IEP. Those needed to participate and attend this IEP meeting include: parent; an administrator from both the setting where the behavior occurred as well as the administrator of the AES; a regular education and special education teacher from both the prior setting and the AES; school personnel familiar with that disability for which the child is served and those familiar with appropriate necessary services. Criteria required for re-entry to the home or prior school setting will also be determined and documented by the IEP team.

### **Manifestation Determination**

Students protected by IDEA may be disciplined for violations of the code of conduct in the same manner as students without disabilities, when the discipline does not constitute a "change in placement" from the student's current educational placement. It is critical that educators who participate in the decision-making process for students with disabilities understand what constitutes a "change in placement". A change in placement occurs when:

- The removal of the student is for more than 10 consecutive school days or
- The student is subjected to a series of removals adding up to more than 10 school days in a year and constitutes a pattern based on consideration of factors including length of each removal, total amount of time the student is removed, and proximity of removal from one setting.

When school personnel determine a proposed disciplinary action constitutes a change in placement for students with disabilities and makes the decision to take action, parents must be notified immediately. IDEA requires that parents be notified of such decisions and provide a copy of parental rights no later than the date on which the decision to take action is made. An administrator notifies the special education director. The special education director notifies the case manager who schedules and notifies the parents through GOIEP. Relevant members of the IEP team (determined by the parent and LEA) must convene as soon as possible, and no later than 10 days after the decision to a change placement is made, to determine "the relationship between the child's disability and the misconduct" – this meeting is a "Manifestation Determination" meeting. Notice and meeting notes and outcome of meeting is documented in GOIEP and permanent special record.

Members of an IEP review team may determine behavior of a student is not a manifestation of the student's disability only after considering all relevant information available. Relevant appropriate information for consideration of a manifestation determination and any new information not in a student's file may be kept from consideration. First, the review team will consider the student's IEP, including Behavior Intervention Plan (BIP) including appropriate positive behavior supports, if one exists. The review team will pay particular attention to information provided and whether a Functional Behavioral Assessment (FBA) exists, and conclusions concerning behavior which may be reached as a result. Second, the review team will consider any teacher observations in determining whether the student has demonstrated an ability to follow classroom or school rules and the student's willingness. Finally, the review team will consider relevant information provided by parents. Relevant information provided by parents may include their observations or consideration of specified misconduct.

The team will examine whether or not a student's IEP has been implemented. The team will consider whether instruction was delivered by properly certified teachers and whether teachers had received behavior management techniques specified in the IEP or BIP, and appropriate. The team will review related services such as counseling, psychological services, or supplementary aids, such as assistive technology devices, have been delivered as written in the IEP. If the IEP was not implemented, the team will determine if failure to implement correctly resulted in misconduct. It is not required to determine if the student's IEP or placement are appropriate, and not enough to say the IEP was not implemented. The law requires the misconduct be a direct result of failed implementation of the IEP – a causal relationship must be shown. If a causal relationship is shown then misconduct must be deemed a manifestation of the student's disability.

The team will ask whether the student's disability caused the misconduct. Again, a direct causal relationship must be demonstrated indicating a student's disability had a direct and substantial relationship to the misconduct. Teams will not focus on whether the student knows right from wrong, but carefully consider the student's unique circumstances based on relevant information. This determination can be often confusing when a student's disability manifests in a variety of ways.

It is not unusual for parents to be sole dissenters where a decision indicates conduct is not a manifestation of disability. The team will try to reach a consensus which requires a majority of team members to reach an agreement. If parents do not agree with the manifestation decision, their objection will be noted in the meeting minutes and they may decide whether to pursue the option to seek a due process hearing to contest the decision.

## **Special Circumstances**

The interim alternative educational setting may be determined by the IEP Team.

School personnel may also remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child: 1 . Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA; 2 Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA ; or 3.Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.

## **Notification**

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

## **Appeal**

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request pursuant to dispute resolution procedures.

In the event of such a disagreement and filing of a due process hearing; an administrative law judge or hearing officer under Dispute Resolution Rules hears the facts and makes a determination regarding an appeal under the disagreement.

In making a determination under this Rule, the administrative law judge or hearing officer may : Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of this rule or that the child's behavior was a manifestation of the child's disability; or Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the administrative law judge or hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.



These appeal procedures may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a hearing is requested this Rule, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with Dispute Resolution procedures, when:

The State is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing or

Unless the parents and LEA agree in writing to waive the resolution meeting or agree to use the mediation process: A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint; and The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint. The decisions on expedited due process hearings are also appealable.

### **Placement during Appeals**

When an appeal under this Rule has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period provided whichever comes first, unless the parent and the LEA agree otherwise.

### **Protections for Children Not Yet Eligible For Special Education and Related Services**

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this Rule if the LEA had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. An LEA must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child that the child is in need of special education and related services.
- The parent of the child requested an evaluation of the child (Eligibility Determinations and Criteria).
- The teacher of the child or other personnel of the LEA expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the LEA or to other supervisory personnel of the LEA.

Once a parent request is received by staff/faculty, the request is to be forwarded to the Director of Special Education. A meeting will be scheduled by the Director of Special Education, School Psychologist and the parents to discuss the evaluation process.

An LEA would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability under Eligibility Determinations and Criteria.

If an LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and the information provided by the parents, the agency must provide special education and related services.

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

Nothing in this Rule prohibits a LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. A LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. An LEA reporting a crime under this

Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

### **Technical Assistance provided to schools for discipline**

Based on data collected by administration such as discipline counts in schools, walk through observations (TKES) or requests of administration and/or faculty for technical assistance, technical assistance will be offered to teachers and/or administrators on strategies to improve student behavior in school.

### **Surrogate Parents: State Rule 160-4-7-.11**

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

Children who are in the custody of DFCS and DJJ are considered "wards of the state" or in Georgia the term most often used is "in state custody".

### **Children in the custody of DJJ or DFCS that are residing in**

**Group homes, residential facilities, or emergency shelters may all qualify as wards of the state that need a surrogate parent. Children in the custody of DFCS who reside with a foster parent are also wards of the state; however, the foster parent can fit the definition of parent under the 2004 IDEA. Therefore, a foster parent can sign without getting a surrogate parent or requiring that the foster parent attend training prior to signing.**

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

### **Special Education Dispute resolution**

**1. Overview:** Any student, parent, or guardian may request an impartial hearing due to the school system's actions or inactions regarding your child's identification, evaluation, or educational placement under the provisions in IDEA. Requests for an impartial hearing must be in writing to the school system's Special Education Director; however, a grievant's failure to request a hearing in writing does not alleviate the school system's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system's Special Education Director. The school system's Special Education Director will assist the grievant in completing the written Request for Hearing.

**2. Hearing Request:** The Request for the Hearing must include the following:

- a. Student name
- b. Address of student
- c. School student is attending.
- d. Reason for request of the hearing
- e. Decision objecting to
- f. Remedy suggested
- g. Your name and contact information

Within 10 business days from receiving the Request for Hearing, the Special Education Director will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request from the parent, guardian, or student is incomplete the Special Education Director will tell the grievant what specific information is needed to complete the request. All timelines and processes will stop until the Request for Hearing contains all the above noted information.

**3. Mediation:** The school system may offer mediation to resolve the issues. Mediation is voluntary and may be terminated at any time. If mediation is terminated without an agreement, procedures for conducting an impartial hearing will be followed without an additional Request for Hearing.

## Hearing Procedures

- The Special Education Director will obtain an impartial review official and hearing within 45 calendar days unless a continuance is granted by the impartial review official.
  
- A continuance request in writing to all parties may be granted by the hearing officer with good cause.
  - The grievant will have an opportunity to examine the child's educational records prior to the hearing.
  
  - The grievant may be represented by legal counsel at their own expense. They may participate, speak, examine witnesses, and present information at the hearing. If represented by legal counsel at the hearing, they must notify the Special Education Director in writing at least 10 calendar days before the hearing. Failure to do so will constitute good cause for continuance of the hearing.
  
  - The burden of proof will be on the grievant. When warranted by circumstances or law, the impartial hearing officer may require the school or Special Education Director to defend its position/decision regarding the claims (i.e. A school or Special Education Director shall place a disabled student in the

regular educational environment operated by the system unless it is demonstrated by the school or Special Education Director that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R.§104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.

- The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
- The impartial review official shall determine the weight to be given any evidence.
- The hearing shall be closed to the public.
- The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
- Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
- Testimony shall be recorded by court reporting or audio recording at the expense of the system. All documentation related to the hearing shall be retained by the system.
- Unless otherwise required by law, the impartial review official shall uphold the action
- of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
- Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

**4. Decision:** The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

**5. Review:** If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or Existing state or federal rules or regulations.

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

The Miller County School System ensures that a student with a disability who is placed or referred to a private school or facility as a means of providing special education and related services:

- Is provided special education and related services in conformance with an IEP/Individualized Education Program
- At no cost to parents
- Has all of the rights of a child with a disability who is served by the district
- Monitor compliance of these children through procedures such as written reports, on-site visits and parent surveys
- Disseminate copies of state standards to each private school and facility to which a Miller County School system has referred or placed a child with a disability.

#### **Placement of Children by Parents and LEA offer of FAPE**

If the district makes a free appropriate public education available to the child and the parents elect to place the child in a private school or facility, the district is not required to pay for the cost of the education, including special education and related services, for the child at the school or facility.

Disagreements about FAPE may occur regarding the availability of a program appropriate for the child and the question of the financial responsibility are subject to the procedural safeguards provided in the Procedural Safeguards/Parents Rights Rule.

#### **Reimbursement for Private School Placement**

If the parents of a child with a disability, who previously received special education and related services in Miller County School System, enroll the child in a private preschool, elementary school, or secondary school without the consent or referral by the Miller County School System, a court, or administrative law judge. The school system may be required to reimburse the parents for the cost if a court or administrative law judge find that the school district did not make FAPE available to the child in a timely manner prior to that enrollment and that the private school placement is appropriate.

### **Limitation of Reimbursement**

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

- At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the district, the parents did not inform the IEP team that they were rejecting the placement proposed by the district to provide a FAPE and that they are placing the student in a private school. If prior to the parent's removal of the child from the district, the district informs the parents through the notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation; or upon a judicial finding of unreasonableness with respect to actions taken by the parents.

### **Provision of written notice by parent to place in private school:**

At least 10 business days prior to the removal of the child from the district, the parents must provide written notice to the district that they were rejecting the placement proposed by the Miller County School system to provide a FAPE and that they are placing the student in private school.

If prior to the parents removal of the child from the district, the district informs the parents through the notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation; or upon a judicial finding of unreasonableness with respect to the actions taken by the parent.

### **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 district:

- The school prevented the parents from providing the notice
- The school prevented the parents from providing the notice
- The parents had not been provided a copy of the Parents Rights under IDEA and, therefore, had not been notified of the requirement to provide notice.
- 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 of the Miller County School System.



- The parents are literate or cannot write in English
- The provision of the notice would likely result in serious emotional harm to the child.

### **Children with Disabilities Enrolled by their parents in private schools**

As used in this part, the term “parentally-placed private school children with disabilities” means children with disabilities enrolled by their parents in private schools, including religious schools or facilities when the provision of a FAPE is not at issue. The term does not include private school children with disabilities placed by the district as a means of providing special education and related services.

### **Homeschool Students**

Children who are in a home study program within the jurisdiction of the district are also considered parentally-placed private school students.

### **Child Find Process and children in private schools:**

The Miller County School System will locate, identify, and evaluate all private school children with disabilities enrolled by their parents in private, including religious, elementary and secondary schools located within the Miller County school district in accordance with the Child Find Rule. The Child Find activities utilized to comply with this requirement must be comparable to activities undertaken for children with disabilities enrolled in the Miller County School System.

The Child Find process is designed to ensure the equitable participation of parentally placed private school children to provide an accurate count of children with disabilities.

The Miller County School system will consult with appropriate representatives of private school children with disabilities to carry out child find activities; the activities are similar to those undertaken for the public school children and are completed in a time period comparable to that for children attending public schools.

### **Part B and related services for private school students**

To the extent consistent with their number and location in the state, provisions are made for the participation of private school children with disabilities in programs provided under part B of the IDEA by providing children with special education and related services in accordance with this section.

### **Provision of IEPs and Services Plans to Privately placed students**

A service plan will be developed for each private school child with a disability who has been designated to receive special education and related services by the district in

which the private school is located. The services plan is offered to students in lieu of an IEP since parents want the students to continue with private school placement.

The Miller County School System maintains its records and reports through annual reports the following related to parentally placed private school children:

- The number of children evaluated
- The number of children determined to have a disability
- The number of children served

To meet the requirements for provision of services the following guidelines are adhered regarding expenditures: For children ages 3-12 the district expends an amount that is the same proportion of the district's total child Find of IDEA flow through funding as the number of private school children with disabilities, ages 3-21, residing in its jurisdiction is to the total number of children with disabilities, ages 3-21 in its jurisdiction; and

For children ages 3-5 the district expends an amount that is the same proportion of the district's IDEA preschool funding as the number of private school children with disabilities, ages 3-5, residing in its jurisdiction is to the total number of children with disabilities, ages 3-5 in its jurisdiction.

Children ages 3-5 are considered to be parentally placed private school children when they are enrolled by their parents in a private school that meets the definition of elementary school to include having a kindergarten program.

If the Miller County School system has not expended for equitable services all of the funds required in this section by the end of the fiscal year, the district will obligate the remaining funds for special education and related services to parentally placed private school children with disabilities during a carry over period of one additional year. Expenditures for Child Find activities of private school children in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.

The Miller County School System will consult with representatives of private school children in deciding how to conduct annual count of the number of private school children with disabilities who reside in its jurisdiction. The Miller County School System Will ensure that the child count is used to determine the amount the district spends on providing special education and related services to private school children with disabilities in the following year.

State and local funds are used to supplement and in no way supplant the proportionate amount of federal funds to be expended for parentally placed private school children with disabilities.

### **Consultation with Private Schools for child count:**

To ensure timely and meaningful consultation, the district consults with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- The Child Find process, including how parentally placed private school children suspected of having a disability can participate equitably and how the parents and teachers, and private school officials will be informed of the process;
- The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities, including the determination of how the proportionate share of those funds will be calculated.
- If the district disagrees with the views of the private school officials on the provision of services or types of services, the district will provide to the private school official a written explanation of the reasons why the district chose not to provide services directly or through a contract.

The district will seek written affirmation from representatives of participating private schools to document timely and meaningful consultation.

### **Private School Representatives at IEPs**

A services plan is completed for each private school student with a disability who will receive special education and related services provided by the district. The district will initiate and conduct meetings to develop, review, and revise a services plan for the child; and ensure that a representative of the private school attends each meeting, if the representative cannot attend, the Miller County School system will use other measures to ensure participation including individual or conference telephone class.

### **Equitable Services determination and limitation of service:**

Services provided to private school children with disabilities are provided by personnel who meet the same standards as personnel providing services in the public schools except the personnel is not required to meet the highly qualified definition.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

Each parentally placed private school child with disabilities who has been designated to receive special education and related services has a service plan that describes the specific education and related services that will be provided, the plan will be in effect at the beginning of the school year, and will be reviewed annually.

### **Materials provision: secular, neutral and non-ideological**

Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment is secular, neutral, and non-ideological.

### **Location of Services and Transportation**

Services provided to private school children with disabilities will be provided on site of the child's private school, including a religious school, to the extent consistent with the law.

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 will be provided with transportation according to the following: From the child's home to a site other than the private school, and from the services site to the private school or the child's home, depending on the the timing of the services.

The Miller County school system is not required to provide transportation from the child's home to the private school.

### **Provision of property, equipment, and supplies to private schools:**

The district controls and administers the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds.

The district ensures that the equipment and supplies placed in a private school are used only for special education purposes and can be removed from the private school without remodeling the private school.

The district may 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.

No funds under IDEA Part B are used for repairs, minor remodeling, or construction of private facilities.

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

**Unless otherwise specified under program areas, the following shall apply:**

Maintenance of current credentials shall be the ongoing responsibility of any professional employed by or under contract with LEA. Maintenance of records of current credentials shall be the ongoing responsibility of the LEA.

The LEA shall recruit, hire, train and retain an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services and leadership personnel, to meet the needs of children with disabilities. [34 C.F.R. § 300.156(d)]

Related service personnel who deliver services in their discipline or profession must maintain current State approved or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are

Providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis. [34 C.F.R. § 300.156(b)(2)]

The Lea shall provide a classroom of suitable size. In a distraction free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies, and equipment to meet the needs of the class or the individual children to be served. GADOE has established this policy as a safeguard to prevent

placing children with disabilities in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction.

Thirty-eight square feet shall be provided for each child in the class with a variance of 10 percent depending upon the total number of personnel in the class at any time, the type of children and class , the kind and amount of furniture and equipment required and the necessity for storage capabilities. Special circumstances shall be reviewed by the Facilities Department of the GADOE and shall be addressed in the approved local facility plan.

Information about caseloads for children with disabilities is contained in the chart below.

### **Preschool Class Size**

The following are maximum class sizes and caseloads for personnel providing services for children, ages 3 through 5, in Community (C), Full Day, and Part Day classes. All numbers shown for Maximum Class Size are with a Paraprofessional.

	Maximum Class Size	Caseload
Full day	8	16
Part day	12	32
Community	---	32

### **Class Sizes and Caseloads**

<b>Program Area</b>	<b>Delivery Self-Contained (SC) Resource (R)</b>	<b>Maximum W/O Para</b>	<b>Class Size With Para *</b>	<b>Caseload</b>
<b>Intellectual Disabilities</b>				
Mild	SC	10	13	14
	R	10	13	26
Moderate	SC	NA	11	11
Severe	SC	NA	7	7
Profound	SC	NA	6	6
Emotional	SC	8	11	12
and Behavioral	R	7	10	26

Disorders				
Specific	SC	12	16	16
Learning Disabilities	R	8	10	26
Visual Impairments	SC	NA	6	7
	R	3	4	13
Deaf/Hard of Hearing	SC	6	8	8
	R	3	4	11
Deaf-Blind	SC	NA	6	7
Speech-Language Impairments	SC	11	15	15
	R	7	NA	55



Orthopedic	SC	NA	11	11
Impairments	R	4	5	15

See Rule 160-5-1-08 (Class Size) for specifics.

Note: Each \*paraprofessional (para) is equivalent to 1/3 teacher and affects individual class size, caseload, and system average proportionately.

Three Para's are the maximum number that can be used to increase the maximum class size for any special education class.

Note: If students from different programs/delivery models are within the same segment, the class size shall be determined by the program delivery model with the smallest class size. The caseloads shall be determined by averaging the respective caseloads.

Note: The placement of students with autism, traumatic brain injury, or other health impairments, and significant developmental delays (grades K and above in the above program areas will not change class sizes.

Note: Students, with an IEP designating the service location for the delivery of goals and objective to be the regular classroom environment, shall be reported in their special education program category if instruction is provided in a: Team/Collaborative Model; or Consultative Model.

Note: Class size varies based on the approval by the State Department of Education provided for in the form of a waiver requested by the local board of education.

# **OAK TREE GNETS**

**1520 Cordell Ave.**

**Albany, GA 31705**

## **GEORGIA NETWORK FOR EDUCATIONAL AND THERAPEUTIC SUPPORT (GNETS)**

### **Network Description and Purpose**

The Georgia Network for Educational and Therapeutic Support (GNETS) programs provide comprehensive educational and therapeutic support services to students who might otherwise require residential or other more restrictive placements due to the severity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD).

GNETS programs provide an array of therapeutic and behavioral supports as well as specialized instruction for students. These supports are designed to assist the student to progress in the general curriculum and graduate ready for work or post-secondary studies. In addition, the GNETS program provides support to families and works collaboratively with other agencies serving students.

Students are referred by their local school districts through the Individualized Education Program (IEP) process. An IEP team may consider services by a GNETS program for a child based upon documentation of the severity of the duration, frequency, and intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation must include prior extension of less restrictive

services and data that indicate such services have not enabled the child to benefit educationally. For children receiving services through GNETS, the local schools are actively involved and exit criteria must be developed upon, or prior to, entry into the GNETS program.

## **When is GNETS Services an Appropriate Consideration? A Guiding Questions Checklist**

### **1. Is the student currently served in special education?**

Is the student currently being served in special education? (GNETS Programs “support the local school district’s continuum of services for students with disabilities”)

Yes	No
-----	----

If the answer to this question is “no” then the GNETS Program is not an appropriate consideration at this time. Staff may want to consider convening with the RTI team to address the next steps for this student.

### **2. Does the student have a Behavior Intervention Plan (BIP) based upon an appropriate Functional Behavioral Assessment (FBA) in place?**

Has an FBA been completed on this student?

Yes	No
-----	----

Was information from the FBA used to write the BIP?

Yes	No
-----	----

Does the BIP appropriately address the current target behaviors of concern?

Yes	No
-----	----

Is the current BIP being implemented with fidelity across all settings in the school?

Yes	No
-----	----

Is there data to support BIP implementation as well as its impact on the target behavior?

Yes	No
-----	----

If the answer to any of these questions is “no” or “uncertain”, then the BIP should be revised (or implemented appropriately). An FBA or a new FBA may also need to be considered and completed (if deemed necessary). Once the BIP is revised or the team determines that it needs to be implemented as written, data on effectiveness and implementation fidelity should be kept and a meeting date should be rescheduled to review outcomes.

**3. Have any Evidence-Based Interventions (EBI) been implemented with this student?**

Have Evidence-Based Interventions (EBI) been implemented with fidelity with this student?

Yes	No
-----	----

Has data been kept on the EBI's impact with this student?

Yes	No
-----	----

Does the data clearly show that the EBI is NOT positively impacting the student's behavior?

Yes	No
-----	----

Have interventions been implemented for a significant length of time to demonstrate their effectiveness or lack thereof?

Yes	No
-----	----

If the answer to any of these questions is “no” or “uncertain”, then the team should determine an appropriate EBI to implement with this student. They should review the steps involved in the intervention and work to ensure that all members of the student’s team involved in implementing the intervention know how to implement with fidelity. A data collection procedure and method for ongoing fidelity checks should be put in place. A schedule regarding the length of time for the EBI to be implemented should be set and the team should meet to review data related to the effectiveness of the intervention at the end of that time.

**4. What is/are the student’s current placement and/or circumstances?**

Have all the options on the special education continuum been considered and/or tried for this student? (If the answer to this question is “no” then the special education committee may want to convene to consider other placement options, segment changes, delivery models, etc.)

Yes	No
-----	----

Is the most current psychological evaluation still relevant?

Yes	No
-----	----

Does a new psychological evaluation need to be completed?

Yes	No
-----	----

**5. Some additional factors that might need to be discussed/explored:**

Has the student explicitly been taught the expectations or skill steps? (We should not assume that a student has the knowledge or the skills to implement appropriate behaviors – we have to teach them first.)

Yes	No
-----	----

Has staff tried other preventative measures such as moving the student's desk in the classroom (nearer or away from the teacher or others, the doors, etc.), adjusting his/her schedule, or making contact with the parent, etc.?

Yes	No
-----	----

Are there medication issues for this child? Is he/she supposed to be taking medication but is not, are there concerns with consistency of it being given, are there concerns about dosages, etc.? (If there are concerns in this area, school staff may want to consider getting the school nurse involved to complete a behavior checklist, contact the parent, or contact the doctor's office.)

Yes	No
-----	----

Are there skill deficits in academics that might lead to avoidance behaviors?

Yes	No
-----	----

If there are known skill deficits, has remediation been provided in this area for the student?

Yes	No
-----	----

Does the student receive a higher ratio of positive versus negative feedback from his/her teachers on a consistent basis?

Yes	No
-----	----

Are there changes or concerns in the home setting or has the student experienced any recent losses or trauma in their life?

Yes	No
-----	----

Once all of these questions have been answered, the team needs to determine whether or not there are some areas that need to be addressed prior to moving forward with a GNETS consultation/observation. An action plan needs to be developed in regard to the other considerations that might need to be addressed or other placement options within the school may need to be attempted.



**6. Can the team clearly document the frequency, duration and intensity of the problem behavior(s) so that it clearly indicates that all of the above have been attempted and documented as unsuccessful and so that the team feels the support and services in the most restrictive environment of GNETS should be considered as the best option in order for this student to make progress?**

Yes	No
-----	----

**Please attach the following when submitting this packet:**

1. Most recent IEP
2. Most recent Psychological Evaluation
3. Most recent Eligibility
4. Current behavior reports
5. Any outside agency information considered beneficial
6. Any medical records and/or current hospitalization records

Name	Position

Report submitted to Miller County Special Education Director

Date: \_\_\_\_\_

Request for Oak-tree Observation  Yes  No

Date: \_\_\_\_\_

# **OAK TREE GNETS**

## **PROCEDURAL GUIDELINES**

1. School based IEP team consults with Miller County SPED Director.
2. Miller Co. SPED Director contacts Oak Tree Administrators (Albany Director, Blakely Coordinator).
3. Miller Co. SPED Director will send all necessary information (IEP, Psychological, Evaluation, etc.).
4. Oak Tree Administrators will consult with the Oak Tree Intake Coordinator to log the request.
5. Oak Tree Administrators will consult with the Oak Tree Psychologist to arrange a time for Psychologist to visit the student's school and consult with the teachers and administrators.
6. Oak Tree Psychologist will report back to Oak Tree Administrators and complete a written report of her observation and impressions.
7. Following the home school visit the Oak Tree team will consult and decide the next step.....

- a. consult with a Miller County School psychologist during their testing
- b. schedule student for an evaluation
- c. consider placement based on current paperwork that is up to date and appropriate
- d. "hold for now" and Oak Tree Psychologist will consult with the school, make recommendations and follow up with visits

# Oak Tree GNETS

## Request for Oak Tree Student Observation

Date of Request \_\_\_\_\_

Request made by \_\_\_\_\_

Position \_\_\_\_\_

Student's Name \_\_\_\_\_ DOB \_\_\_\_\_

Age \_\_\_\_\_

School \_\_\_\_\_

Grade \_\_\_\_\_



