CLAY COUNTY SCHOOL DISTRICT



Special Education

Procedures Manual

for

 Teachers and Other Personnel Serving Students with Disabilities

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**Table of Contents**

ACKNOWLEDGEMENTS……………………………………………………………………..iii

PREFACE……………………………………………………………………………………….iv

SECTION 1: CONFIDENTIALITY & PROFESSIONAL DUTIES AND RESPONSIBILITIES……………………………………………………………………….…..5

SECTION 2: STUDENT SUPPORT TEAM PROCEDURES……………………………..15

SECTION 3: CHILD FIND…………………………………………………………………….17

SECTION 4: EVALUATIONS AND REVALUATION/PROCEDURES…………………...21

SECTION 5: ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY………………………………………………………………….……………..…38

SECTION 6: PRIVATE SCHOOL……………………………………………………………………………………….66

SECTION 7: LEAST RESTRICTIVE ENVIRONMENT (LRE)…………………………………………………………………………………………....73

SECTION 8: DISCIPLINE…………………………………………………………………….75

SECTION 9: INDIVIDUALIZED EDUCATION PROGRAM (IEP)………………………..81

SECTION 10: PERSONNEL, FACILITIES, AND CASELOADS…………………………………………………………………………………..88

SECTION 11: GEORGIA NETWORK FOR EDUCATIONAL THERAPEUTIC SUPPORT……………………………………………………………………………………..91

SECTION 12: FREE APPROPRIATE PUBLIC EDUCATION (FAPE)………………….93

SECTION 13: PROCEDUREAL SAFEGUARDS AND PARENT RIGHTS…………….101

SECTION 14: SURROGATE PARENT……………………………………………………108

SECTION 15: DISPUTE RESOLUTION…………………………………………………..109

SECTION 16: STATE HOUSE BILL – BRIDGE LAW……………..……………………..122

SECTION 17: ADDITONAL INFORMATION……………………………………………...123

SECTION 18: GLOSSARY AND ACRONYMS…………………………………………...149

APPENDICES…………………………………………………………………………..……152

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# PREFACE

**Purpose and Mission Statement**

The purpose of this manual is to provide a resource of current information for special education teachers and other staff members working with disabled students in the Clay County School District.

In this handbook, general guidelines and specific procedures may be found to assist you with due process and IEP development for students with disabilities. This information will be sent to you via email and may be transferred and saved to a special folder located on the desktop of your computer or laptop.

Laws mandating special education and related services are some of the most highly litigated laws in the United States. For this reason, if you are ever in doubt about what steps you should take in a particular case, please contact the Clay County School District’s Special Education Director.

**Clay County Board of Education Mission Statement**

*The mission of the Clay County Board of Education is to act on its vision, offer the best education possible to students by using current technology and curricula materials, by hiring quality teachers, and by celebrating all accomplishments.*

**Special Education Mission Statement**

All students with disabilities in Clay County will participate in a challenging and rigorous educational environment designed to meet their unique needs that results in increased academic performance which leads to graduation and/or prepares them for employment and independent living.

# SECTION 1: CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION & JOB RESPONSIBILITIES

# Confidentiality – See State Rule: 160-4-7-.08

**Definition**

Education records are records that directly relate to a student and are maintained by an educational agency or institution.

Confidential Information

The Clay County Department of Special Education shall protect the confidentiality of personally identifiable information for all students at collection, storage, disclosure and destruction.

All special education records will be handled and maintained in such a manner as to insure confidentiality. Confidentiality information will be provided in the parent’s native language.

# Confidentiality – See State Rule: 160-4-7-.08

* **ALL** special education information is **confidential.**
* Unless in immediate use, files should be maintained in a locked filing cabinet.
* List of personnel (list specific titles, not names) with access to files should be displayed.
* For all personnel in the school system, breaching confidentiality is a violation of ethics and may result in a reprimand or dismissal.
* Georgia State Rules for Special Education: <http://www.doe.k12.ga.us/ci_exceptional.aspx?PageReq=CIEXCAdoptedRules>

## Job Responsibilities

## Special Education Team Leader

The School Team Leader is the lead teacher for special education within the school. In this role, the school team leader involves parents, general education teachers, and special education personnel in providing the most appropriate educational options for students with disabilities. The Team Leader:

1. Attends all Leadership Meetings and redelivers this information to SPED staff in a timely manner.
2. Supervises all SPED services at the school level under the leadership of the principal. This supervision includes:
	* Parents (act as liaison for administration)
	* Discipline
		+ Tracking number of OSS days
		+ Conducting Manifestation Determination Reviews
		+ Coordinating provision of FAPE when student’s OSS results in excess of 10 days
	* Instruction (scheduling/coordinating co-teaching)
	* Work with Instructional Coaches/Principals to ensure that the teachers are following one of the four co-teaching models
	* Models with Instructional Coach proper co-teaching strategies in a classroom
	* IEPs
		+ Supervises all aspects of writing legally defensible IEPs that comply with state and federal laws and regulations by reviewing IEPS for:
			- amendments
			- matching goals to needs in PLOP
			- measurable annual goals
			- progress monitoring goals
	* Ensures accurate and timely completion of all SPED paperwork of all special education teachers
		+ Annual reviews
		+ Initial referrals
		+ Reevaluations
	* Ensures confidentiality in all communication, oral and written
	* Works with school administrators in scheduling students for classes to reflect IEP requirements
	* Checks scheduling to ensure maximization of FTE earnings
	* Works with School Testing Coordinator to ensure that students with disabilities receive testing accommodations according to their IEPs
	* Mentors new special education teachers
	* Coordinates/monitors any change in placement due to Hospital/Homebound
3. Supervises all SPED services sat the school level under the leadership of the principal. This supervision includes:
4. Supervises SPED Paraprofessionals.
5. Supervises/coordinates all SPED clerical with SPED Paraprofessionals.
6. Supervises/coordinates all SPED paraprofessionals to ensure students with disabilities are receiving maximum benefit.
7. Works with system-wide personnel (i.e., SLP, OT, PT, VI, OI, & AT) to ensure students with disabilities receive appropriate services.
8. Coordinates Special Education transportation with the Special Education Director or designee.
9. Acts as a liaison between the Response to Intervention/Student Support Team and Special Education staff.
10. Ensures that all teachers are trained in using the Special Education Handbook. (Include paraprofessionals as appropriate, especially regarding confidentiality.)
11. Performs other duties as assigned by school administration or central office administration.

## Special Education Teacher/Case Manager

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

1. Developing and Maintaining IEPs
	* Follow procedures in Section 4 for writing IEPs
	* Review IEPs on an on-going basis
	* Report progress on annual goals at the end of each grading period
	* Maintain a current IEP for each child on teacher’s caseload
2. Maintaining Student Records/Reporting Student Data
	* Maintain student records in a uniform order and secure location.
	* Report student data as requested by the School Team Leader or Special Education Director.
	* Provide a Caseload Report as directed to the School Team Leader or Director of Special Education.
	* Provide an FTE Service Entry Form on all students listed on the teacher’s Caseload Report.
	* Complete portions of all Eligibilities (see Appendix).
3. Documenting Parent/Guardian/Surrogate Contacts
	* Contacts with parent(s)/guardian(s)/surrogate(s) for due process meetings should be documented in the IEP (document phone calls, home or work site visits, written notice, e-mail, etc.).
	* Other contacts with parent(s)/guardian(s)/surrogate(s) should be recorded in GO-IEP (note: see first bullet re: documentation in the IEP).
4. Evaluating Student Progress
	* Uses progress monitoring to report progress on the student’s IEP goals.
	* Reports progress on IEP goals when Report Cards are issued (i.e., typically every 9 weeks).
	* Reminder: **Progress Monitoring is a DUE PROCESS requirement.**
5. Completing Referrals for Reevaluation
	* Teachers are responsible for gathering the needed referral information for all students reported on their Caseload Reports.
	* Referral information should be reviewed by the School Team Leader and forwarded to the Central Office to Director of Special Education.
	* Sections 1 through 5 on the Eligibility Report must be completed prior to sending in the Referral for Reevaluation. After the evaluation has been completed, additional sections will need to be completed (see Appendix).
6. Attending Due Process Meetings
	* Attendance is required at all IEP Meetings for students on your caseload.
	* Work with the School Team Leader or Director of SPED to schedule IEP meetings. Annual Reviews are scheduled by the case manager.
	* Bring appropriate paperwork to include a draft copy of the IEP and a copy of the following as appropriate (Behavior Intervention Plan, Transition Plan, Functional Behavioral Analysis, etc.).
	* Notify general education teachers and administrators of meetings
7. Beginning of Every School Term
	* Inform general education teachers of the accommodations and modifications necessary for the students with disabilities in their classroom and secure signatures of receipt using Sign In Sheet and Agenda.
	* Inform other school personnel, such as bus drivers, counselor, and administrators of Modifications/Accommodations and/or Behavior Intervention Plan when necessary to meet the needs of the student.
	* In addition, general education teachers must be informed of their responsibilities related to the IEP and have access to the student’s IEP. Teachers are given a copy of the IEP upon request but confidentiality of them having this in their possession is of utmost importance. Document your explanation of that to them.
	* Provide information to new teachers when the student’s schedule changes.
8. Attending Special Education Meetings
	* All special education teachers are expected to attend building departmental meetings and system special education meetings.
	* These meetings are scheduled to explain rules, regulations, local procedures, etc.
	* Teachers will be notified in advance so that they can make plans to attend.
9. Improving Knowledge Base
	* Teachers are expected to attend and participate in assigned workshops and training.
	* Teachers are expected to apply information learned in training to the job.
	* Teachers are expected to demonstrate initiative in learning new tasks.
10. Additional Expectations
	* Maintain prompt and regular attendance.
	* Use appropriate communication skills, both written and oral.
	* Limit taking care of personal business during work hours.
	* Maintain a professional appearance in dress and grooming.
	* Assist in routine classroom housekeeping duties.
	* Exhibit time on task and hardworking attitude.
	* Exhibit flexibility and a cooperative attitude.

## Special Education Paraprofessional

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

1. Supporting Instruction
	* Supports whole group instruction
	* Monitors students and redirects off-task students
	* Provides individual assistance to students when needed
	* Assists with individualized instruction
	* Tutors individual and/or small groups of students
	* Prepares student-specific materials and adapt as necessary
	* Implements and reinforce teacher-developed instruction
	* Implements Assistive Technology (AT) interventions under direction of Special Education Teacher
	* Provides acceleration or remediation of instruction
	* Supports implementation of accommodations
2. Interacting with Students
	* Exhibits patience and kindness toward students.
	* Models appropriate communication skills for students.
	* Treats students with respect
	* Disciplines students with fairness and equity, according to the Special Education teacher’s guidelines
	* Assists students with toileting, feeding, and/or other physical care
3. Interacting with Adults
	* Participates in team meetings when requested
	* Responds respectfully and tactfully to others
	* Maintains a professional attitude & work cooperatively with others
	* Follows directions of supervisor
4. Improving Knowledge Base
	* Attends and participates in assigned workshops and training
	* Applies information learned in training to the job
	* Demonstrates initiative in learning new tasks
5. Monitoring students
	* Observes, records, and charts student’s behavioral responses in the classroom
	* Reports unusual changes in student behavior to supervisor
6. Ethics
	* Confidentiality is maintained at all times.
	* Complies with all local, state, and federal regulations and policies
7. Additional expectations:
	* Maintain prompt and regular attendance
	* Uses appropriate communication skills, both written and oral
	* Limit taking care of personal business during work hours
	* Maintain a professional appearance in dress and grooming
	* Assist in routine classroom housekeeping duties
	* Exhibit time on task and hardworking attitude
	* Exhibit flexibility and a cooperative attitude
8. For a variety of reasons, **Paraprofessionals should not perform the following tasks**:
	* Design or develop instruction
	* Develop lesson plans
	* Determine student grades
	* Conduct formal assessments

**ACCESS RIGHTS AND REQUIRED PROCEDURES**

1. Parents are permitted to inspect and review any education records that are collected, maintained, or used by the Clay County Department of Special Education. Clay County Special Education staff at each school shall refer all requests to the Clay County Department of Special Education Director. The Clay County Department of Special Education will comply with the request prior to an IEP meeting, due process hearing, or resolution session. At no time will the Clay County Department of Special Education respond beyond forty-five days of receiving a request to inspect or review a student’s educational records.
2. Parents will have the following rights pertaining to records:
	1. Right to inspect, review, and have copies of all education records;
	2. Right to have an explanation and interpretation of records;
	3. Right to have a representative of the parts inspect and review the records, unless the district has been advised that the parents do not have legal authorization, as identified through legal documents concerning guardianship, separation, or divorce; and
	4. Right to request an amendment of any records with which they disagree.
3. At the age of 18, the rights of parents regarding education records will transfer to the adult student.
4. Student records are stored in locking file cabinets. Selected system personnel have unlimited access to records, including:
	1. Building principals,
	2. Assistant principals,
	3. Clay County Department of Special Education personnel,
	4. School psychologists,
	5. Special education teachers, and
	6. School counselors.
5. When there is a legitimate purpose, school personnel may access records by:
	1. Signing the folder’s access form
	2. Listing the purpose for accessing the folder, and
	3. Entering the date of access.
6. For education records that contain information on more than one student, Clay County School District personnel may inform the parent of specific information, pertaining to his or her child. If a parent request to inspect or review the data which contains information on more than one student, Clay County School District personnel will redact the personally identifiable information on other students, before allowing the parent to inspect or review the record.
7. Following the placement committee meeting, confidential records shall be kept under lock and key:
	1. If placed into special education services, records will be filed in the special education fireproof cabinet located in the school vault with selected portions photocopied and given to the Special Education Teacher/Case Manager.
	2. If the student is not eligible for special education services, the documentation remains with the SST Lead at each school site. The SST Lead ensures that all documents are maintained under lock and key. All psychology evaluations are identified as confidential information and shall not be readily accessible to any stakeholder.
8. The special education services department will adhere to the system’s policies regarding the destruction of records. Special education records will be destroyed when no longer useful and only after an effort to notify the child’s parents. Selection portions of the records may be maintained without limitation.
9. The system may elect to charge a fee for photocopying special education records.

**AMENDMENTS OF RECORDS AT PARENT REQUEST**

1. If a parent believes that students’ rights have been violated or that information is inaccurate or misleading, the parent may request an amendment to educational records. Special education staff at each school shall refer all requests for an amendment to the Clay County Department of Special Education within forty-five (45) days; the district shall decide whether to amend the information, as identified by the parent’s request, or to refuse the amendment request.
2. For amendment refusals, the Clay County Department of Special Education personnel will inform the parent, in writing, of the district’s decision. Correspondence will also, include the parent’s right to a hearing.

**RESULTS OF HEARING**

1. If the results of a hearing indicate that the education record violated the student’s rights or contains inaccurate or misleading information, the Clay County Department of Special Education personnel will amend the information accordingly and will inform the parent in writing, of the necessary changes in the education record.
2. If, however, the district determines that the education record does not violate any student’s rights or does not contain any inaccurate or misleading information, the Clay County Department of Special Education personnel will notify the parent, in writing, of the district’s decision to maintain the document as recorded. In the written correspondence, the district will inform the parent of the right to place a statement in the education record, indicating the parent’s dispute with the record and justification for disagreeing with the district’s decision.
3. Any statements or explanations will remain in the student’s record, until tie of destruction, as stipulated by the Clay County School District Records Retention Policy. The statements or explanations must be included, as part of any record’s request.

**PARENT CONSENT**

The Clay County Department of Special Education personnel will receive parental consent, in writing, before disclosing personally identifiable information to any third party. Exceptions included:

1. Parents or eligible children;
2. School personnel, including teachers and cooperating or shared service agency representatives (The Clay County Department of Special Education personnel will maintain a list of staff members and service representatives, as well as job titles, of individuals who have access to personally identifiable information. The list will be updated annually.);
3. School officials from another school system or postsecondary education institution (When the district receives a request from a postsecondary education institution, the Clay County Department of Special Education personnel will notify the student’s parents of the transfer and will provide the parent with a copy of the transferring record. If the parent wishes to challenge the contents of the record, the district will conduct a hearing, allowing the parent to challenge the content of the record.);
4. Authorized Federal, State, or local representatives in connection with an audit or evaluation of supported education programs, as well as enforcement of compliance with legal requirements;
5. Financial aid representative for which a student has applied or has received funding, if the information is necessary to assist the student
6. Organizations conducting studies for educational agencies or institutions to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction;
7. Accrediting organizations;
8. Representatives of the judicial circuit, whereby the agent has issued a judicial order or subpoena (The Clay County Department of Special Education personnel will attempt to notify the parent of the request before releasing the records, unless the judicial order or subpoena strictly prohibits disclosure to the parent.);
9. Health or safety emergency personnel, if the records contain information that would protect the health or safety of the student or other individuals;
10. Data identified as “directory information” (Prior to releasing “directory information,” the Clay County Department of Special Education personnel will release a public notice to parents and eligible students of the types of personally identifiable information that the district deems as directory information. The public notice will inform parents and students of the right to refuse any or all types of information about the student t as directory information. If a parent or student refuses disclosure of directory information, the Clay County Department of Special Education must receive, in writing, within forty-five (45) days the request to disclose any or all types of information as directory information.);
11. The Office of Civil Rights; and
12. Officials within the Department of Human Resources, Department of Corrections, Department of Juvenile Justice, and Department of Labor for the purposes of making appropriate educational decision regarding the student’s placement.

**SAFEGUARDS**

1. The Clay County Department of Special Education personnel will maintain confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction states.
2. Unauthorized persons are not permitted to receive personally identifiable information without parent consent. The Clay County Department of Special Education personnel will ensure that parent consent is received before releasing personally identifiable information to any third party, unless the third party serves as an exclusionary member listed under the Consent Section 12 of this manual.
3. To ensure compliance with the collection or use of personally identifiable information, the district superintendent will assign a designee to provide annual training on the district’s policies and procedures.

**DESTRUCTION OF CONFIDENTIAL INFORMATION**

1. The Clay County Department of Special Education will maintain student records, pursuant to a records retention schedule utilized by the Clay County Board of Education.
2. If an outstanding request to inspect records has been issued by a parent or eligible student, the Clay County Department of Special Education will refrain from destroying an educational record.
3. Prior to the destruction of any student record, the Clay County Department of Special Education will notify parents that the records are no longer needed to provide education services to the student. In the notification process, the district will provide a definition of a student’s permanent record, which includes the student’s name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed. A student’s permanent record may be maintained indefinitely.

**SECTION 2: STUDENT SUPPORT TEAM (SST) PROCEDURES**

**Student Support Team – See State Rule: 160-4-2.32 – Student Support Team**

**DEFIFNITION**

Student Support Team (SST) is an interdisciplinary group that uses a systematic process to address learning and/or behavior problems and students, K – 12, in a school.

**REQUIREMENTS**

1. The Clay County School personnel shall follow the support team procedures, as outlined in the Clay County Response to Intervention/Student Support Team Manual.
2. Before submitting a referral for supplemental or support services, the Clay County School personnel shall ensure that an evaluation and/or assessment has been completed. Any prior evaluation and /or assessment, conducted for a state or federal program, shall be considered as having met the evaluation and/or assessment requirement.
3. The SST shall include at a minimum the referring teacher and at least two of the following participants, as appropriate to the needs of the student:
* Principal
* SST Chairperson
* Regular Education Teacher(s)
* Parent
* Lead Teacher/Grade-Level Chairperson
* Subject Area Specialist
* Special Education Teacher
* District Office SST Coordinator
* Other appropriate personnel:
	+ School Psychologist
	+ ESOL Teacher
	+ School Social Worker
	+ Section 504 Coordinator
	+ Counselor
1. Parent/guardians shall be invited to participate in all meetings of their child’s SST and in the development of interventions for their child.
2. Each school shall include the following steps in the SST process:
* Identification of learning and/or behavior problems.
* Assessment, if necessary
* Education plan
* Implementation
* Follow-up and support
* Continuous monitoring and evaluation
1. Documentation of SST activities shall include, at a minimum, the following:
* Student’s Name,
* Names of team members,
* Meeting dates,
* Initial referral to SST,
* Identification of student learning and/or behavior problems,
* Student Background Information
* Any records and results of assessments (in-school screenings), completed within a 12-month period,
* SST minutes,
* Education plan and implementation results (SST strategies and intervention for Tier I – III, depending on the student’s progression in the Response to Intervention process),
* SST final recommendation, and
* A Notice of Referral

**EXCEPTIONS TO THE USE OF THE SST PROCESS**

1. If school personnel and parents/guardians determine that a reasonable cause exists to bypass the SST process, the school personnel, in conjunction with the parents/guardians, shall issue a justification statement explaining the reasons for bypassing the SST process. The document must contain a statement which indicates the parents’/guardians’ agreement with decision to bypass SST, as well as signatures of all parties involved in the decision-making process. The student’s record must, also, identify interim strategies, interventions, and modifications that will be used to aid the student.
2. Students who transfer into the district with a current Individualized Education Program or Section 504 Protection or Accommodation Plan are not required to enter the Student Support Team process.

**Clay County Special Education Referral Process**

Prior to referral for evaluation, students in the Clay County School District go through various levels or tiers in the school’s Multi-Tier Support System. Tier I includes evidence-based instruction which is based on the Georgia Standards of Excellence. It includes effective school-wide behavior supports and differentiated instruction to promote higher levels of student engagement and achievement. Tier II interventions serve as standard intervention protocols for students in the school who require extended learning opportunities or students who are not making adequate progress in Tier II, they are referred to the school’s Student Support Team which comprises Tier III. **Prevention through intervention is stressed to all tiers.** Alternative strategies for increasing the student’s academic, social, and behavioral performance are identified, reviewed, and implemented.

School level data review teams meet regularly to review the progress of students who are referred for interventions. When a student does not make the progress required to meet age or grade level standards, the student’s RTI folder is sent to the SST Coordinator.

A System-Level RTI Review Team reviews the information in the student’s folder prior to referral for comprehensive evaluation. **Student referrals must be preceded by evidenced-based academic and/or behavioral intervention.**

Additional information about Clay County’s Pyramid of Interventions as well as the relationship between RTI and Child Find is located in the Appendix.

**EXCEPTIONS TO THE USE OF THE SST PROCESS**

If school personnel and parents/guardians determine that a reasonable cause exists to bypass the SST process, the school personnel, in conjunction with the parents/guardians, shall issue a justification statement explaining the reasons for bypassing the SST process. The document must contain a statement which indicates the parents’/guardians’ agreement with the decision to bypass SST, as well as signatures of all parties involved in the decision-making process. The student’s record must, also, identify interim strategies, interventions, and modifications that will be used to aid the student. Students who transfer into the district with a current Individualized Education Program or Section 504 Program or Accommodation Plan are not required to enter the Student Support Team process.

**SECTION 3: PROCEDURES (CHILD FIND)**

**Child Find – See State Rule: 160-4-7.03**

**DEFINITION**

Child Find is a component of Individual with Disabilities Education Act (IDEA) that requires states to identify, locate, and evaluate all children with disabilities, aged birth to 21, who are in need of early intervention or special education services.

Clay County Schools will implement procedures and practices to ensure that ALL students suspected of having a disability receive a special education evaluation and services, if appropriate.

**Child Find** is a process that Clay County Schools uses to identify, locate, and evaluate all children in the district, birth through 21, who are suspected of having disabilities, including those who are homeless, are wards of the State or are attending private schools, regardless of the severity of their disability, and who are in need for special education and related services. Georgia State Rule 160-4-7-.03 requires that districts have policies and procedures in place to ensure the identification, location, and evaluation of these children.

**Public Notice of Annual Child Find Activity**

Public notification must be given before any significant Child Find activities are implemented. The Special Education Director will provide annual public notification in the following print and electronic sources:

* Clay County Schools Website – year-round.
* Clay County Schools Student Handbook – updated yearly.
* Child-Find Flyers in local daycare facilities and doctor offices.

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

The following policies and procedures are followed to ensure the identification, screening and evaluation of children with suspected disabilities birth through age 21 includes:

* **Children birth through age three:**

When a child who is birth through age three suspected of having disabilities is identified through any Child Find activities (e.g. parent-teacher conference, community referral, migrant program), the Special Education Director should be notified so that an appropriate referral may be made to **Babies Can’t Wait** for screening and evaluation. Clay County Special Education Director will participate in Babies Can’t Wait Transition meetings to ensure a special education evaluation, eligibility, and IEP are in place by the child’s third birthday.

* **Preschool children, ages 3-5:**

The following activities shall be conducted to identify preschool children ages 3-5 suspected as having disabilities:

* + Clay County School Pre-Kindergarten Program (Bright from the Start) will participate in Response to Intervention as part of Clay County Schools.
	+ Clay County Schools Speech/Language Pathologists conduct Universal Screenings at Clay County School District Prekindergarten Program for all new students and ESP Head Start students.
	+ Written notices are provided in the community to include: Clay County Health Department and Doctor’s offices. Referral forms can be obtained by contacting the Special Education Office.
* **Children enrolled in Clay County Schools and public charter schools:**

Children currently enrolled in Clay County Schools will be identified through Response to Intervention and parent referral. Please refer to the RTI Manual. Clay County does not have a charter school.

* **Children who are detained or incarcerated in jails or correctional facilities:** Child-Find brochures/flyers will be given to the facility with appropriate contact information so that any child suspected of having a disability can be referred to the Special Education Director.
* **Parentally-placed private school children, including religious, elementary and secondary schools, or home school/study programs:**

Clay County does not have any schools outside of the public schools. We do have several home-schooled children. If we did, we would ensure screening and evaluations are provided for any child parentally-placed in a private school or receiving home school who is suspected as having a disability.

**PRESCHOOL SPECIAL EDUCATION**

**The Preschool Special Education program** began as a result of public law 99-457, which states that all children identified with a disability or development delay are entitled to a free and appropriate public education beginning on their third birthday.

A variety of services are available to children wo are 3 years old until beginning kindergarten who have special education needs or significant developmental delays. Our program also seeks to help parents in meeting their child’s needs.

Preschool Special Education provides services within the community; collaborative classes; school-based services; home-based services; and hospital/homebound services.

**INTERVENTIONS PRIOR TO REFERRAL**

1. Clay County School District personnel will utilize a variety on in-school screenings to identify instructional interventions or strategies to assist with the academic or behavioral concerns, exhibited by students. The in-school screenings will not be utilized to determine eligibility for special education and/or related services. District staff will utilize the Response to Intervention/Student Support Team Manual to initiate the appropriate procedures before referring a student for a psychological evaluation.
2. After completing the procedures for Tiers I – III of the Response to Intervention/Student Support Team Manual, the following documentation will be forwarded to the Clay County Department of Special Education:

 Student’s Name,

 Names of Team Members,

 Meeting Dates,

 Initial Referral to SST,

 Identification of Student Learning and/or Behavior Problems,

 Student Background Information,

 Any records and results of assessments (in-school screenings), completed within a 12-month period,

 SST Minutes,

 Education plan and implementation results (SST strategies and Interventions for Tiers I – III), along with documentation of scientific, research, or evidence based academic or behavioral interventions that demonstrate insufficient rate of progress,

 SST Final Recommendation, and

 A Notice of Referral.

**ADDITIONAL INFORMATION:**

Agencies or community members that would like to refer a child for possible services through Child Find should contact the Special Education Office via the contact information listed previously in this handbook to obtain a referral form.

**CHILD FIND NOTICE**

In accordance with IDEA regulations, the Clay County School District seeks to ensure that all disabled students (ages birth-21) who are in need of special education within its jurisdiction are identified, located, and evaluated, including those attending private school and home school. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by a Multidisciplinary Placement Team.

If the "child find" process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the Multidisciplinary Placement Team to determine the student's eligibility for special education services.

If you know a child with a disability that is not being served, please notify:

Terri D. Marcus

Associate Superintendent/Special Education Director

Clay County Board of Education

111 Commerce Street East

Fort Gaines, GA 39851

Phone: 229-768-2232 ext. 102

Or

Janice W. Gilbert

Preschool Disability Coordinator

Clay County Elementary School

200 Hobbs Lane

Fort Gaines, GA 39851

Phone: 229-768-2234

**SECTION 4: EVALUATIONS AND REEVALUATIONS**

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

**DEFINITION**

For purposes of the Clay County Department of Special Education Policies and Procedures, an evaluation is defined as a comprehensive set of diagnostic assessment tools, administered by a licensed psychologist or licensed speech pathologist, to assist in determining a student’s eligibility for receiving special education services.

A reevaluation is a comprehensive set of diagnostic assessment tools, which may be administered once every three years and not more than once a year, unless the parent and district personnel decide otherwise. A reevaluation must be administered by a licensed psychologist to determine changes in a student’s academic achievement and functional performance. A speech reevaluation must be administered by a licensed speech pathologist.

**Pre-Referral Interventions**

Clay County Schools utilizes a Response to Intervention/Multi-Tiered Systems of Support (RTI)/MTSS process for referral for a special education evaluation. This process includes universal screening to identify students needing academic or behavioral support, the provision of research-based and/or evidence-based interventions based on the student’s needs, and progress monitoring to inform student progress. School staff providing interventions should receive training and professional development. School personnel assigned by the system RTI Coordinator monitor the fidelity of implementation.

School level RTI Teams meet regularly to review student data and progress. If a student does not make adequate grade or age level progress, the student may be referred for a screening/comprehensive evaluation. The Student Support Team is an integral part of the RTI process at Tier III. The Special Education Director or designee should be invited to all Tier III/SST Meetings.

The RTI Coordinator is responsible for monitoring and supervising the Response to Intervention process in Clay County Schools.

**Referral Sources**

Referrals for initial evaluations can be made through a variety of sources including: Babies Can’t Wait, Student Support Team, Child Find activities, parents, and crisis situations (extreme circumstances). Parent requests for evaluation must be in writing to the Special Education Director. If any school system employee receives a request for evaluation from a parent, the employee should contact the Special Education Director immediately.

**INITIAL EVALUATIONS**

Prior to referral for evaluation, students in the Clay County School District are provided a wide range of intensive, research or evidence-based interventions. School level teams meet regularly to review the progress of students who are referred for interventions. When a student does not make the progress required to meet age or grade level standards, the student’s Student Support Team (SST) folder is sent to the Central Office. The student’s folder is reviewed at the Central Office prior to referral for comprehensive evaluation.

**Referral Process**

After a student has received interventions and progress monitoring indicates lack of adequate progress, Special Education referral may be initiated. The IEP Committee determines eligibility of a student for special education. If the student is eligible, an individual education plan of instruction and related services is developed.

**Timelines for Initial Evaluations**

* All initial referrals must be completed **within 60 calendar days** of receipt of Parent Consent for Evaluation.
* If the permission is received **less than 30 days** before the end of the school year, the days can be split between the current and next school year.
* After the student has been determined eligible for special education services, the IEP team has **30 calendar days** to develop the IEP.

**Hearing/Vision**

* Results of hearing and vision screening cannot be older than **one calendar year** when applied to an evaluation. An evaluation may not proceed until it is documented that the student has an acceptable level of vision and hearing. Therefore, it is best practice to have this completed prior to consent to evaluate being signed by parent.
* If a student does not pass the school district’s hearing and/or vision screening, the student must be assessed through an appropriate physician.
* Teachers should notify the Special Education Director of difficulties obtaining medical clearance.

**Preparation of Referral Packet**

* The Special Education Team Leader has access to all forms. He or she can be contacted for appropriate forms.
* The SST Chairperson sends the Student Support Team folder (including Recommendation of Team) to the Special Education Team Leader.
* **Please** double check to make sure there is a current (within one year) vision and hearing screening. If not, update the vision/hearing screening **before** Parental Consent for Evaluation and the Consent to Evaluate Attachment are sent home.
	+ If either vision or hearing screening is not passed by the student, the school nurse will contact the parent to follow up with a physician. A referral **CANNOT** be completed until a passed vision/hearing screening or medical documentation regarding vision/hearing is received.
* Parental Rights, Parental Consent for Evaluation, and Consent to Evaluate Attachment (i.e., Description of Types of Evaluations) are sent home.
* When the parent returns the Parental Consent for Evaluation to the school, this form is stamped with the date received at the school. The 60-day timeline starts with this date.
* After the Parental Consent for Evaluation is received and the parent has indicated that he/she is in agreement, send home the Parent Report and the Background Information forms.
* Include current report card, student achievement scores, copy of SLDS student profile sheet or of permanent record card (**both sides**) indicating grades and attendance, and any medical reports.
* Complete the Referral for Psychological Evaluation form and obtain necessary signatures.
* The following information is optional and may be requested prior to or after psychoeducational testing is completed:
	+ Anecdotal Record Form
	+ Observation Form
	+ Achievement testing
	+ Formal and Informal Measures of Adaptive Behavior
	+ Behavior Rating Scales

Complete the Due Process Cover Sheet and send all **originals** to the Special Education Director at Central Office and keep **copies** of all forms for your file. At this time, the student information is sent to Chattahoochee Flint RESA for processing via US Mail. A letter will be mailed from RESA to the Principal and the Special Education Director stating that the information is complete, and a timeline has been initiated. If more information is needed, the Special Education Director will receive a letter stating what information is needed to complete the file. Once the school psychologist has completed the comprehensive psychological evaluation and signed off, then two copies of the psychological report will be returned to the Special Education Director (**one copy for the parent and one for school**). The IEP team is in charge of completing the sections of the eligibility report.

If the student is not eligible for special education services, the original SST forms will be returned to the school SST/RTI Coordinator along with the Referral Back to SST form.

**PARENTAL CONSENT FOR EVALUATION**

Written parent consent must be obtained prior to an initial evaluation or reevaluation. **Parent consent is obtained through the Department of Special Education for initial evaluations.** Detailed documentation of attempts to obtain parent consent must be kept (e.g. records of telephone calls and results of those calls – two attempts, copies of correspondence and any responses received – two attempts, detailed records of visits made – two attempts).

If the parents refuse to give consent or fails to respond to a request to provide consent for an evaluation, the school district may pursue the initial evaluation by using mediation and impartial due process hearing procedures provided for in the procedural safeguards. For students who are home schooled or parentally-placed in private schools and whose parents refuse consent or fail to respond to consent requests, the Clay County Department of Special Education shall maintain documentation of contact attempts. Personnel will document the date and type of attempts and will indicate that no services will be provided.

When a student is a ward of the State and is not residing with his or her parents, parental consent is not required for an initial evaluation to determine if the child is eligible for special education or related services. The following stipulations shall apply: District personnel are unable to discover the whereabouts of the parents; The parents’ rights have been terminated in accordance with State law; or A judge has appointed a surrogate parent to make educational decisions for the child.

Staff members are not required to obtain parental consent during the following circumstances: The review of existing data on a student as a part of an evaluation or reevaluation; The administration of group tests or evaluations, unless parental consent is required for all students; The administration of screening tools to assist with determining intervention strategies (These screening devices are not to be considered as a form of evaluation to determine eligibility for special education or related services.)

**REEVALUATIONS**

1. Reevaluations should be conducted at least once every three years from the date of the student’s last eligibility determination, unless the parent and Clay County Schools agree that a reevaluation is unnecessary.
2. Exceptions to the triennial timeline include:
3. An agreement between the staff members and parents that a reevaluation is not necessary at the end of the three-year period;
4. A review of academic achievement and functional performance indicate that a reevaluation is necessary, prior to the end of the three-year period, to determine educational or related service needs; or
5. A request by a child’s parent or teacher, prior to the end of the three-year period.
6. Reevaluations may not occur more than once within a twelve-month period (1 year), unless the parents and district staff agree otherwise.
7. Before submitting a request for a reevaluation to the school psychologist, the Clay County Department of Special Education will issue a consent form to the parent/guardian, requesting permission to conduct a reevaluation. The division staff utilize communication methods, in the following order, for obtaining signed, parental consent forms:
8. US Mail or sent home with student (one attempt)
9. Telephone calls (one attempt), and
10. Home or Employment visitation (one attempt).
11. If the parent fails to respond to parental consent, the Clay County Department of Special Education staff will maintain contact logs, identifying the date and type of communication, as well as the results. The district will insert copies of the attempted contacts, as well as all other pertinent documents, in the reevaluation packet and will forward to the school psychologist or licensed school pathologist.

**EVALUATION PROCEDURES**

Before submitting a request for an evaluation to the school psychologist or licensed speech pathologist, the Clay County Department of Special Education will issue a consent form to the parent/guardian, requesting permission to conduct a comprehensive evaluation. The division staff will use communication methods, in the following order, for obtaining signed, parental consent forms: Detailed documentation of attempts to obtain parent consent must be kept (e.g. records of telephone calls and results of those calls – two attempts, copies of correspondence and any responses received – two attempts, detailed records of visits made – two attempts).

**Conduct of Evaluation**

After receiving a parental consent for evaluation, the Clay County Department of Special Education will forward all RTI/SST documentation and other pertinent information to the school psychologist or speech pathologist. The school psychologist, in turn, will conduct a full psychological evaluation which will:

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

**Other Evaluation Procedures**

The Clay County Department of Special Education shall ensure that:

1. Assessments and other evaluation materials used to assess a child under this section:
2. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
3. Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
4. Are used for the purposes in which the evaluations or measures are valid and reliable;
5. Are administered by trained and acknowledgeable personnel; and
6. Are administered in accordance with any instructions provided by the producer of the assessments.
7. The child is assessed in all aeras related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
8. Evaluation tools and strategies are used which provide relevant information that directly assists persons in determining the educational needs of the child.
9. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
10. Assessment selection and administration is such that, when administered to a child with impaired sensory, manual or speaking skills, the results accurately reflect the child’s aptitude or achievement level, or whatever other factors the assessment purports to measure, rather than reflecting the child’s impaired sensory, manual or speaking skills, except where those skills are the factors which the assessment purports to measure.
11. If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions, i.e., the qualifications of the person administering the test or the method of test administration must be included in the evaluation report.
12. In evaluating each child with a disability under this rule, the evaluation shall be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.
13. Evaluations of children with disabilities who transfer from the Clay County School District to another LEA in the same school year are coordinated with those children’s prior and subsequent schools, as necessary and expeditiously as possible, to ensure prompt completion of full evaluations.
14. The evaluation of children referred because of learning and/or behavior problems is the responsibility of a multidisciplinary evaluation team. For children who require a psychological and clinical evaluation, it must be conducted by a qualified psychological examiner.
15. If external evaluations are considered for special education eligibility, the initial evaluation must be conducted by the following:
16. A psychologist with a valid S-5 (or higher) certificate in school psychology,
17. A psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in school psychology or child clinical psychology,
18. A full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training, or
19. A Georgia Merit System employee who has a classification rating of psychologist, senior psychologist, or psychology program specialist.

**ADDITIONAL REQUIREMENTS**

**Review of Existing Evaluation Data**

1. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the parent and other qualified professionals, as appropriate, must review existing evaluation data on the child, including:
2. Evaluations and information provided by the parents of the child;
3. Current classroom-based, local, or State assessments and classroom-based observations; and
4. Observations by teachers and related services providers.
5. On the basis of the review and input from the child’s parents, identify what additional data, if any, are needed to determine:
6. Whether the child is s child with a disability and the educational needs of the child, or in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
7. The present levels of academic achievement and related developmental needs of the child;
8. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
9. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
10. The parent and other qualified professionals may conduct its review without a meeting.
11. Clay County School District staff in conjunction with Chattahoochee Flint RESA psychologists must administer such assessments and other evaluation measures as may be needed to produce the data identified.

**Requirements If Additional Data Are Not Needed**

1. If the IEP Team and other qualified professional, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child’s educational needs, the Clay County School District:
2. Must notify the child’s parents of that determination and the reasons for it and notify the parents of the right to request an evaluation to determine whether the child continues to be a child with a disability and to determine the child’s educational needs;
3. Is not required to conduct such an evaluation to determine whether the child continues to be a child with a disability unless requested by the child’s parents.

**Evaluations Before Change in Eligibility**

Before determining that a student no longer requires a special education services, Clay County School District must evaluate the student.

1. The evaluation is not required before termination of a child’s disability due to graduation from high school with a regular education diploma, or due to exceeding the age eligibility for FAPE. Clay County School District will provide the student with a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting post-secondary goals.

**Determination of Eligibility**

1. Upon completion of test administrations and other evaluation measures, the following procedures are conducted:
2. An Eligibility Team, consisting of qualified professionals and the child’s parents, reviews all pertinent data, including aptitude and achievement tests, parent input, and teacher recommendations, to determine whether the child is a child with a disability.
3. The Eligibility Team discusses the student’s physical condition, social or cultural background, and adaptive behavior to establish the educational needs of the child.
4. A copy of the evaluation report and eligibility determination report is provided at no cost to the parents.
5. A student may not be determined a child with a disability if the evaluation report indicates a lack of appropriate reading or math instruction, limited English proficiency, or failure to meet program eligibility requirements.
6. If the Eligibility Team decides that a student has a disability that affects educational performance (academic, functional and/or development), the student needs special education and related services. An eligibility report which documents the area of disability shall be completed and placed in each child’s special education folder. The eligibility report shall provide statements for each component of the eligibility and shall be comprehensive enough to serve as the evaluation report when necessary. The special education instructor on the Eligibility Team will complete eligibility report and will develop an IEP for the student.
7. For students who are determined not eligible for special education and related services by the Eligibility Team, the eligibility report shall clearly explain the determination. A copy of the eligibility report shall be presented to the parent at no cost.

Maintaining Confidentiality

1. Active files are kept for all students currently in any special education program at the elementary school in a fireproof file cabinet in the vault located in the reception area. Inactive files are kept in the same area but in a different file cabinet. Working files are maintained and kept by the Case Manager for each student in a locked cabinet or closet in the Case Manager’s designated area.
2. Each filing cabinet should have a list of the specific work titles of individuals who have access to the records. (Note: Individual names are not needed.) In addition, each folder should include a Record of Access form on the inside left cover of the folder.
3. All records should be kept in locked filing cabinets and should not be left out for easy access by unauthorized personnel. A log for signing out folders should be kept by Special Education Team Leader.
4. Certified staff members (i.e., Counselor and Chairpersons) may print records from GO-IEP. Non-certified staff (e.g., paraprofessional who serves as the special education clerk in a school) may print records at the request of a teacher.
5. Students who are 18 years old or older may have access to their records.
6. It is important to limit discussion about students with regular education teachers to instructional matters. Information from the psychological evaluation and /or IEP may be shared on a need-to-know basis. General education teachers (and others not on the Record of Access list for the school’s records) should sign the Record of Access form when information in the file is reviewed or discussed, unless the information is discussed in a documented meeting.
7. All special education personnel will receive training in confidentiality every year. This training may be included in Chairperson and School Department meetings and may include a review of the DOE State Rules regarding Confidentiality.
8. Paraprofessionals should also know about the importance of confidentiality. For example, if someone asks a paraprofessional about a student’s performance, the paraprofessional should refer the person to the student’s special education teacher.

**Parental Request for Evaluation**

* Discuss these requests with the Special Education Director.

**Extended School Year**

**First, consult the Special Education Director anytime a school staff member and/or the parent has expressed a possible need for ESY services. Data collected on the IEP goal(s) must support the need for ESY services.**

When the IEP Team determines that the student 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 indicated.
* The beginning and ending dates for ESY services are specified.
* Amendment to ESY information is completed.
* See Section 4 for more information on ESY.

***File Organization***

The permanent folders that are maintained on special education students should be organized in this manner:

* Record of Access form
* Current IEP with Meeting Attendance Sheet on top
* Most recent psychological and other evaluations (OT, PT, SL)
* Eligibility report
* Consent forms (placement, evaluation, etc.)
* Meeting Notices
* Arrange each section in chronological order with the most current information on top.
* Each student will have two folders. The partitioned folders are for current paperwork. All outdated paperwork will be removed each year and placed in the student’s manila folder.
* These folders are kept in the vault.
* **When it is determined that the records are going to be disposed of, these documents MUST be shredded. This can take place at the school or by sending them to the Central Office. DO NOT simply any special education records away.**

**Parent/Guardian/Surrogate Contact**

All conferences with parent(s)/guardian(s)/surrogate(s) should be documented in some manner. IF the contact is formal (IEP meeting), it will be documented in the IEP notes. However, conferences in school, informal contacts on or off campus, and phone conversations should also be documented. The contact log in GO-IEP should be used for this purpose.

**Distribution of Accommodations and/or Behavior Intervention Plans**

It is the case manager’s responsibility to make sure all teachers, paraprofessionals, bus drivers, and other appropriate school staff get the accommodations and /or behavior intervention plan for each student. Use your discretion about those that need access to this information.

* All teachers may sign the same form.
* Retain these forms at school.
* Forms may be placed in the student’s folder or in a separate notebook.
* Forms should be maintained for the same length as other forms related to special education services.

**NOTE: THERE ARE NO EXCEPTIONS MADE TO THIS RULE! FAILURE TO DO SO WILL RESULT IN WRITTEN REPRIMAND.**

**Revocation of Consent**

* Parents may revoke Consent for Placement in special education services.
* If parent notifies you or one of your teachers that he or she would like to remove his or her child from special education services, **contact the Special Education Director immediately so that appropriate paperwork can be completed.**

**Procedures for Students Who Move Within the School District**

**Transition to Upper Grade Levels**

When the IEP team anticipates that a student will be moving to a new school building (usually as a result of promotion), invite Team Leader from the receiving school to attend the last IEP meeting before the transition will occur. (If the last IEP meeting is in the fall, schedule a general transition meeting in the spring. This meeting may be informal so that several students may be discussed.) The Team Leader may designate another teacher to attend. Folders must be sent to the Central Office at the appropriate time.

**Transitioning from Babies Can’t Wait**

* BCW personnel send referral to Special Education Director or preschool special education staff.
* A meeting will be held to complete intake paperwork, including Social Background form and request for additional records.
* After vision & hearing records have been received, an evaluation can be initiated.
* A comprehensive evaluation will take place.
* IEP meeting will be held prior to the child’s 3rd birthday.

**Transition Conferences**

* The transition conference will be held as early as nine months but *no later than* 90 days prior to the child’s 3rd birthday.
* The parent/guardian, BCW coordinator, local school district representative, and other persons as appropriate attend the conference and serve as the transition team.
* The transition team reviews the IFSP and other documents that pertain to the child’s disability.
* The local school district representative obtains the parental/guardian written consent to conduct a comprehensive evaluation.
* The local school district conducts a comprehensive evaluation.
* The parent/guardian, BCW coordinator, regular early childhood provider (as appropriate), special education early childhood provider, and local school district representative participate in the eligibility determination and IEP development.
* The local school district implements the IEP on or before the child’s 3rd birthday.

**Transitioning to and from Programs/Settings**

**Woodall Program (GNETS) Referral**

* Consult the School Psychologist assigned to your school
* Contact the Special Education Director
* Contact GNETS Director

**Transitioning to Post-Secondary Settings**

The Clay County School District begins the Transition Plan in 8th grade. The plan is written before the student’s 14th birthday and is updated each year at the annual review meeting. Our students transfer to a high school out of the county. If possible, we will invite representative from the high school the student will be attending.

**Arranging for Special Transportation**

Complete the Special Transportation Request form. Make sure you have the signature of the principal and parent before the form is sent to the Special Education Director for approval. The Special Education Director will meet with the Transportation Director to present the transportation request. These steps need to be completed three days before the transportation is to begin.

An IEP does not guarantee students special transportation. Special Transportation must be linked to a student need related to the student’s disability. In most cases, students with disabilities are expected to ride a regular bus; however, in rare circumstances, these students have needs, which require Special Transportation.

Direct questions about transportation to the Special Education Team Leader in your school. If further clarification is needed, the SPED Team Leader will contact the Special Education Director. In all cases in which the parent requests special transportation, notify the Special Education Director.

**Procedures for Staffing Students Out of Special Education**

1. Refer for a reevaluation
2. Complete the eligibility form
3. Schedule an Eligibility Meeting and take Meeting Notes.
4. Parent receives a copy of the completed Eligibility Report, Meeting Notes, and any formal evaluations, which may have been completed.
5. Within 24 hours after the meeting (preferably the same day), send an email to the Special Education Director, informing her of the student’s change in status. This step is critical when an FTE count day is near.
6. Students MUST be reevaluated prior to dismissal.

**Procedures for In-State Transfer Students**

Once a special education student enrolls in the Clay County School District, the student’s special education records will be secured by the Special Education Office. **Under no circumstances should FAPE be withheld because of paperwork issues.** Once the paperwork is secure, the case manager assigned to the student will be given a copy of the IEP, Eligibility, and Psychological by the Special Education Director or designee and access to GO-EIP. A meeting will be held to review the paperwork and determine if it is appropriate and meets the requirements of Georgia. If the IEP and eligibility are appropriate and complete, the IEP team will accept the paperwork as written and implement. Consent for placement must be obtained by the parent. If the IEP is not sufficient, the IEP team will complete IEP amendments to reflect needed changes. If the eligibility is not sufficient, the IEP team will determine what is needed to complete it and will make the necessary changes once the information that is missing is obtained. **Unless instructed, it is not necessary to move any of the information from a current Georgia IEP or eligibility form to the ones hat are used by Clay County Schools (GO-IEP). Once the IEP that the student transfers win with is due for an annual review, begin a new on in GO-IEP.**

**Procedures for Out-of-State Transfer Students**

Once a special education student enrolls in the Clay County School District, the student’s special education records will be secured by the Special Education office. **Under no circumstances should FAPE be withheld because of paperwork issues.** Once the paperwork is secure, the case manager assigned to the student will be notified that the paperwork in GO-IEP and is available. A meeting will be held to review the paperwork and determine if it is appropriate and meets the requirements of Georgia. An IEP meeting will be held to review the IEP and transfer the information from the incoming, out of State IEP to a Georgia IEP (GO-IEP). Additionally, information from the incoming records along with current information from parents and teachers will be used to complete a Georgia eligibility form. If there is not sufficient information (test results, medical information, etc.) to complete the eligibility form more information will be gathered by referring the student to RESA for an evaluation to obtain the needed information to determine best education programming and continued special education eligibility category (if eligible). The eligibility form will be good for ***three years*** from the date that is completed the initial time. If more testing is required, a new eligibility will be completed once a new eligibility is completed and the three years will be up from that date. If there are questions about this, please contact the Special Education Director.

**DETERMINATION OF ELIGIBILITY**

Upon completion of test administrations and other evaluation measures, the following procedures are conducted:

1. An Eligibility Team, consisting of qualified professionals and the child’s parents, reviews all pertinent data, including aptitude and achievement tests, parent input, and teacher recommendations, to determine whether the child is a child with disability.
2. The Eligibility Team discusses the student’s physical condition, social or cultural background, and adaptive behavior to establish the educational needs of the child.
3. A copy of the evaluation report and eligibility determination report is provided at no cost to the parents.
4. A student may not be determined a child with a disability if the evaluation report indicates a lack of appropriate reading or math instruction, limited English proficiency, or failure to meet program eligibility requirements.
5. If the Eligibility Team decides that a student has a disability that affects educational performance (academic, functional, and/or development), the student needs special education and related services. An eligibility report which documents the area of disability shall be completed and placed in child’s special education folder. The eligibility report shall provide statements for each component of the eligibility and shall be comprehensive enough to serve as the evaluation report when necessary. The special education teacher or case manager of the Eligibility Team will complete eligibility report and will develop an IEP for the student.
6. For students who are determined not eligible for special and related services by the Eligibility Team, the eligibility report shall clearly explain the determination. A copy of the eligibility report shall be presented to the parent at no cost.
7. *NOTE: When students are deemed eligible for Special Education Services at age 3, please do not forget to make sure you include parental concerns or input in the appropriate areas in the Initial Eligibility Report. (Finding for FY20 Cross Functional Monitoring)*

**Procedures for Dismissing a Student from one Category of Eligibility**

1. Discuss the referral with the school psychologist assigned to the school and the specialist to serve the student.
2. The School Psychologist will review the information and determine if the most recent evaluation results remain applicable for the student.
3. The Specialist will review information in their respective fields to determine the need for updated evaluation results in those areas.

**Option 1: All of the most recent results are outdated & a comprehensive reevaluation is needed.**

1. A new Eligibility Date is established with completion of the Eligibility Report.

**Option 2: Most recent results for one category appear to remain valid for the student.**

1. Refer for a partial reevaluation. Vision and hearing screening MSUT be completed and included.
2. Area considered for dismissal must be evaluated. The school psychologist or other specialist for the area under consideration for dismissal will complete the evaluation.
3. Update sections 1 through 7 & other areas (e.g., Section 6 Work Samples & Classroom Observation) as applicable.
4. Previous testing information with current informal assessments and/or data available in the schools should be provided.
5. Schedule an Eligibility meeting.
6. An eligibility meeting is scheduled by the Special Education personnel.
7. Complete Re-Evaluation form to show Re-Evaluation of eligibility for any categories of special education services, which were not referred for comprehensive reevaluation.
8. Please Note: Clearly indicate in the Eligibility summary the rationale for dismissal form any categories previously established for eligibility.
9. Parent receives a copy of the complete Eligibility Report, and any formal evaluations, which may have been completed.
10. A new Eligibility Date is established with new date of the Eligibility report and the Re-Evaluation form.
11. Within 24 hours after the meeting (preferably the same day, send an email to the Special Education Director, information him or her of the student’s change in status. This step is critical when an FTE county day near.

***Note: If there are changes in the eligibility category, The IEP should reflect these changes within 30 days through a new IEP or an Amendment.***

**Procedures for Adding an Eligibility Category**

1. Discuss the referral with the psychologist assigned to the school and with specialists who serve the student.
2. The School Psychologist will review the information and determine if the most recent evaluation results remain applicable for the student.
3. Specialists will review information in their respective fields to determine needs for updated evaluation results in those areas.

**Option 1: All of the most recent results are outdated & a comprehensive reevaluation is needed.**

1. Complete Referral for Reevaluation steps.
2. A new Eligibility Date is established with completed on the Eligibility Report.

**Option 2: Additional information to determine for only one category is needed.**

1. Refer for the partial reevaluation. Vision and haring screening include.
2. A new Eligibility Date is established with completion of the Eligibility Report.
3. Use the previous eligibility form.
4. Update sections 1 through 5 & other areas (Section 6 Work Samples & Classroom Observation) as applicable. (Where new information is needed, write “insert date” and attach to previous eligibility.)
5. Bring previous testing information forward, backing up with current informal assessments and/or data available in the schools.
6. Add new information as attached, including a new signature page.
7. Schedule an Eligibility Meeting.
8. Complete Re-Evaluation form to show Re-Evaluation of eligibility for any categories of special education services, which were not referred for comprehensive reevaluation.
9. Please Note: Clearly indicate in the Eligibility summary the rationale for adding or not adding the category under consideration. Include a note indicating continued eligibility for other categories.
10. Parent receives a copy of the completed Eligibility Report, and any form evaluations, which may have been completed.
11. A new Eligibility Date is established with completion of the Re-Evaluation form and the attachments. Change date on old Eligibility Report by using a red pen to draw a line through the previous date and write the new date.
12. Within 24 hours after the meeting (preferably the same day, send an email to the Special Education Director, information him or her of the student’s change in status. This step is critical when an FTE county day near.

***Note: If there are changes in the eligibility category, The IEP should reflect these changes within 30 days through a new IEP or an Amendment.***

**SECTION 5: ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY**

**Eligibility Determination and Categories of Eligibility – See State Rule: 16-4-7-.05**

**DEFINITION**

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

**Eligibility for Special Education Services and Placement (GADOE Link Below…At A Glance)**

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

**Possible Exclusions**

1. Lack of appropriate instruction in reading, math or writing
2. Limited English Proficiency
3. Atypical educational history
4. Environmental or economic disadvantage
5. Cultural factors

**Related Services**

1. Physical and Occupational therapies are related services
2. They are not areas of eligibility
3. These services require a prescription from a physician
4. Assessment information needed for IEP development but not for eligibility determination
5. Adaptive P.E.
6. See Section 7: Services and Support Programs for more information

**Autism spectrum disorder (AUT).**

**Definition.**

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

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

**Evaluations and Assessments.**

The following evaluations and assessments shall be utilized to determine the presence of the

characteristics of autism spectrum disorder.

1. Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior. (Please refer to Section 4 of this manual and adhere to evaluation procedures.)
2. Educational evaluation to include an assessment of educational performance and current functioning levels. The Clay County Special Education teacher shall complete educational screenings which will assess educational performance and current functionating levels.
3. Communication evaluation to include assessment of verbal and non-verbal communication, prosody (linguistics including intonation, rhythm and focus in speech)), and pragmatic language utilizing both formal and informal measures. (Please refer to Section 4 of this manual and adhere to evaluation procedures.)
4. Behavioral evaluations to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder. (Please refer to Section 4 of this manual and adhere to evaluation procedures.)
5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with autism spectrum disorder after age three if the characteristics of autism spectrum disorder are met. The Clay County Department of Special Education will ensure that the district receives all pertinent records from Head Start/Pre-Kindergarten.

**Eligibility and Placement.**

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

1. **Developmental rates and sequences.** A child exhibits delays, arrests, and/or inconsistencies in the acquisition of motor, sensory, social, cognitive, or communication skills. Areas of precocious or advanced skill development may also be present, while other skills may develop at typical or extremely depressed rates. The order of skill acquisition frequently differs from typical developmental patterns.
2. **Social interaction and participation.** A child displays difficulties and/or idiosyncratic differences in interacting with people and participating in events. Often a child is unable to establish and maintain reciprocal relationships with people. A child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
3. **Communication (verbal and/or nonverbal).** A child displays a basic deficit in the capacity to use verbal language for social communication, both receptively and expressively. Characteristics may involve both deviance and delay. Verbal language may be absent or if present, may lack usual communicative form, or the child may have a nonverbal communication impairment. Some children with autism may have good verbal language but have significant problems in the effective social or pragmatic use of communication.
4. **Sensory processing.** A child may exhibit unusual, repetitive or unconventional responses to sensory stimuli of any kind. A child's responses may vary from low to high levels of sensitivity.
5. **Repertoire of activities and interests.** A child may engage in repetitive activities and/or may display marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The capacity to use objects in an appropriate or functional manner may be absent, arrested, or delayed. A child may have difficulties displaying a range of interests and/or imaginative play. A child may exhibit stereotypical body movements.

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

**Deafblind (DB).**

**Definition.**

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

**Eligibility and Placement.**

1. For a child to be determined eligible for placement in special programs for

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

1. Children who are deafblind may receive educational services in classes

with other disabled children; however, the class-size ratio for deafblind shall be maintained.

**Additional Requirements.**

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

Census.

**Deaf/hard of hearing (D/HH).**

**Definitions.**

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

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

**Eligibility and Placement.**

1. The eligibility report shall include audiological, otological and educational evaluation reports.
2. Audiological evaluations shall be provided with initial referral. Children who

are deaf or hard of hearing shall have an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation shall include, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), immittance testing, word recognition, hearing aid check and electro-acoustic analysis of the hearing aid (if amplified), an analysis of a frequency modulated (FM) system check (if utilized). A comprehensive written report shall be included in the audiological evaluation. This written report shall include, but is not limited to: the date of the audiological evaluation, description of the results of the audiological testing, an amplification evaluation including the child’s ability to understand spoken language with and without amplification, as well an interpretation of the results as they apply to the child in his or her classroom setting.

1. An otological evaluation report from appropriately licensed or certified

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

1. A comprehensive educational assessment shall be used in the

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

1. A psychological evaluation, using instruments appropriate for children who are deaf or hard of hearing, is recommended as part of the overall data when eligibility is being considered.
2. Children who exhibit a unilateral hearing loss may be considered for eligibility provided documentation exists that indicates academic or communicative deficits are the result of the hearing loss.

**Additional Requirements.**

1. An evaluation of the communication needs of a child who is deaf or hard of hearing shall be considered in the program and class placement decisions. An evaluation of a child’s communication needs shall include, but is not limited to: language and communication needs and abilities, opportunities for direct communication with peers and professional personnel in the child’s preferred language and communication mode, severity of loss, educational abilities, academic level and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.
2. Any classroom to be used for a child who is deaf or hard of hearing shall be sound- treated and present an appropriate acoustical environment for the child. All placements, including regular education placements and desk arrangements within classrooms shall be made so that environmental noise and interruptions are minimized.
3. Recommendation of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.
4. The Clay County Department of Special Education will follow the following procedures to ensure proper functioning of assistive amplification devices, used by children who are deaf or hard of hearing.
5. Annually, the SPED teacher and paraprofessional, if assigned, will receive training from CFRESA on the proper maintenance and techniques required to ensure proper functioning of assistive amplification devices.
6. The SPED teacher and/or paraprofessional, if assigned, will test the assistive amplification devices used by children who are deaf or hard of hearing each morning before class begins.
7. SPED staff will maintain a daily log, indicating the times and date of the test and the responsible person. Logs will remain the classroom, until the last working day of the month. On the last working day of the month the SPED teacher will forward a copy of the log to the Clay County Department of Special Education.
8. The SPED teacher will advise parents to submit, in writing, verification of device checks by audiologist and will include the documentation in the submission of the monthly logs to the Clay County Department of Special Education.
9. During the summer, the Clay County Department of Special Education will ensure that equipment purchased by the Clay County Board of Education receives annual testing by CFRESA or contracted company.

**Emotional and behavioral disorder (EBD).**

**Definition.**

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

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

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

**Eligibility and Placement.**

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:
2. Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data-based progress monitoring of the results of interventions;
3. Psychological and educational evaluations;
4. Report of behavioral observations over a significant period of time;
5. Appropriate social history to include information regarding the history of the child’s current problem(s), the professional services and interventions that have been considered or provided from outside the school; and
6. Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.
7. A child must not be determined to be a child with an Emotional and Behavioral Disorder if the primary factor for that determination is:
8. Lack of appropriate instruction in reading, including the essential components of reading instruction;
9. Lack of appropriate instruction in math;
10. Lack of appropriate instruction in writing;
11. Limited English Proficiency;
12. Visual, hearing or motor disability;
13. Intellectual disabilities;
14. Cultural factors;
15. Environmental or economic disadvantage; or
16. Atypical education history (multiple school attendance, lack of attendance, etc.).
17. The term does not include children with social maladjustment unless it is determined that they are also children with EBD. A child whose values and/or behavior are in conflict with the school, home or community or who has been adjudicated through the courts or other involvement with correctional agencies is neither automatically eligible for nor excluded from EBD placement. Classroom behavior problems and social problems, e.g., delinquency and drug abuse, or a diagnosis of conduct disorder, do not automatically fulfill the requirements for eligibility for placement.

**Intellectual disability (ID) (mild, moderate, severe, profound).**

**Definition.**

Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming.

1. Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence.
2. All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for a test may be found in the technical data section of the test manual.
3. Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should take into account factors that may affect test performance such as socioeconomic status, native language, and cultural background and associated disabilities in communication, sensory or motor areas.
4. Significantly subaverage intellectual functioning must be verified through a written summary of at least one structured observation that demonstrates the child’s inability to progress in a typical, age appropriate manner and with consideration for culturally relevant information, medical and education history.
5. Deficits in adaptive behavior are defined as significant limitations in a child’s effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and especially school performance that is expected of the individual's age-level and cultural group, as determined by clinical judgment.
6. The child demonstrates significantly subaverage adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive behavior shall be established through the use of standardized adaptive behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive behavior are operationally defined as performance that is at least two standard deviations below the mean of either (a) one of the following three types of adaptive behavior: conceptual, social, or practical, or (b) an overall (composite) score on a standardized measure of conceptual, social, and practical skills. Documentation must include information from at least two sources. The first source shall be someone from the local school who knows the child and the second source shall be someone who knows the child outside of the school environment such as a parent, guardian, or person acting as a parent.
7. Interpretation of results should consider the child’s cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures.
8. Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.
9. A child must not be determined to be a child with an Intellectual Disability if the determinant factor for that determination is:
* Lack of appropriate instruction in reading, including the essential components of reading instruction;
* Lack of appropriate instruction in math;
* Lack of appropriate instruction in written expression;
* Limited English proficiency;
* Visual, hearing or motor disability;
* Emotional disturbances;
* Cultural factors;
* Environmental or economic disadvantage; or
* Atypical educational history (multiple school attendance, lack of attendance, etc.).

**Eligibility and Placement.**

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

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

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

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

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

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

**Orthopedic impairment (OI).**

**Definition.**

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

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

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

**Eligibility and Placement.**

Evaluation for initial eligibility shall include the following.

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

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

**Other health impairment (OHI).**

**Definition.**

Other health impairment means having limited strength, vitality or alertness including a

heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that …

1. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficient hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome, and
2. Adversely affects a child’s educational performance.

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

**Eligibility.**

Evaluation for initial eligibility shall include the following:

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

**Placement and Service Delivery.**

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

**Significant developmental delay (SDD).**

**Definition**

The term significant developmental delay refers to a delay in a child’s development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided with special intervention, the delay may adversely affect a child’s educational performance in age-appropriate activities. The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age appropriate activities. The SDD eligibility may be used for children from ages three through nine (the end of the school year in which the child turns nine).

**Eligibility**

1. Initial eligibility must be established, and an IEP in place, on or before the child’s seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD.
2. For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to:
	* Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;
	* Lack of appropriate instruction in math or math readiness skills;
	* Limited English proficiency;
	* Visual, hearing or motor disability;
	* Emotional disturbances;
	* Cultural factors; or
	* Environmental or economic disadvantage.
3. The application of professional judgment is a critical element at every stage of eligibility determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized, teacher made or other tests.
4. All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations.
5. For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation must be obtained to determine if the child also meets eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments or orthopedic impairments. Students with sensory, physical or communication disabilities must receive services appropriate for their needs, whether or nor specific eligibility is determined.

**Placement and Service Delivery**

1. Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing special education services may receive those services in a variety of placement options, as determined by the child’s IEP Team and participation by other agencies, such as, but not limited to:
* Regular Early Childhood Setting;
* Head Start Programs Georgia Pre-K Classes Community Daycares Private Preschools
* Separate Early Childhood Special Education Setting;
* Day School;
* Residential Facility;
* Service Provider Location; or
* Home
1. School-aged children with SDD shall be served by any appropriately certified teacher in any education program designed to meet the needs of the child, as specified by the child’s IEP team.

 **Specific learning disability (sld).**

**Definition**

Specific learning disability is defined as a disorder in one or more of the basic

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

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

**Exclusionary Factors**

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

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

**Required Data Collection**

In order to determine the existence of Specific Learning Disability, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development. Ultimately, specific learning disability is determined through professional judgment using multiple supporting evidences that must include:

Data are collected that include:

1. At least two current (within twelve months) assessments such as the results of the state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
2. Information from the teacher related to routine classroom instruction and monitoring of the child’s performance. The report must document the child’s academic performance and behavior in the areas of difficulty.
3. Results from supplementary instruction that has been or is being provided:
4. that uses scientific, research or evidence-based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;
5. such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade- level standards within a reasonable time frame;
6. the interventions used and the data-based progress monitoring results are presented to the parents at regular intervals throughout the interventions.
7. Any educationally relevant medical findings that would impact achievement.
8. After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:
9. An observation by a required group member;
10. Documentation that the determination is not primarily due to any of the exclusionary factors;
11. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and
12. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include**:**
13. A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months and
14. Current Response to Intervention data-based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.
15. As appropriate, a language assessment as part of additional processing batteries may be included.

**Eligibility Determination**

1. The child who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.
2. Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence must be included documenting that the processing deficits are relevant to the child’s academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the child **is** not making the expected progress toward established benchmarks. This is indicated by comparing the child’s rate of progress toward attainment of grade level standards.
3. Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:
4. Oral expression- use of spoken language to communicate ideas;
5. Listening comprehension-ability to understand spoken language at a level commensurate with the child’s age and ability levels;
6. Written expression - ability to communicate ideas effectively in writing with appropriate language; Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;
7. Reading comprehension-ability to understand the meaning of written language based in child’s native language;
8. Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;
9. Mathematics calculation-ability to process numerical symbols to derive results, including, but not limited to, spatial awareness of symbol placement and choice of sequence algorithms for operations required; and
10. Mathematical problem solving ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation.
11. Progress monitoring includes the data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting child progress during instruction. When reviewing progress monitoring data, those students that exhibit a positive response to the research validated instruction being provided by general education cannot be considered as having a specific learning disability even though they may show deficits on achievement tests in the specified areas. In addition, children whose achievement in classroom academics indicates performance that is commensurate with pervasive weaknesses that are not indicative of a pattern of strengths and weaknesses may not be considered as having a specific learning disability.
12. One group member responsible for determining specific learning disability must conduct an observation of the child’s academic performance in the regular classroom after the child has been referred for an evaluation and parental consent for special education evaluation is obtained. The observation of the child is conducted in the learning environment, including the regular classroom setting, to document the child’s academic performance and behavior in the areas of difficulty. The observation must include information from the routine classroom instruction and monitoring of the child’s performance.

**The SLD Eligibility Group**

1. The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child’s parents and a team of qualified professionals that must include:
2. the child’s regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age;
3. A highly qualified certified special education teacher; and
4. A minimum of one other professional qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child’s individual needs.
5. Each group member must certify in writing whether the report reflects the member’s conclusions. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.

**Speech-language impairment (SI).**

 **Definitions.**

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

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

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

**Language Impairment** - impaired comprehension and/or use of spoken language which may also impair written and/or other symbol systems and is negatively impacting the child’s ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (phonology, morphology, and syntax), the content of language (semantics) and/or the use of language in communication (pragmatics) that is adversely affecting the child’s educational performance. The term language impairment does not include:

* + Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
	+ Children who have regional, dialectic, and/or cultural differences
	+ Children who have auditory processing disorders not accompanied by language impairment.
	+ Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented speech-language impairment that adversely affects the educational performance for these children to qualify for special education services.

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

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

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

**Evaluation, Eligibility and Placement**

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

**Evaluation:**

Documentation of the child’s response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.

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

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

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

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

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

**Eligibility:**

Determining eligibility for speech-language impaired special education services includes

three components:

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

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

A speech-language disorder does not exist if:

Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors

causing the impairment; or

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

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

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

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

**Placement:**

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

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

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

**Procedures for Supervision of Communication Paraprofessionals (if applicable)**

1. The SLP will provide specific training to the communication paraprofessional, during preplanning.
2. The communication paraprofessional will observe the SLP providing instructional/therapy sessions at the minimum of two (2) weeks before working with students individually.
3. The SLP observe the communication paraprofessional providing instruction or interventions to students receiving services, at a minimum of two (2) sessions per nine-week period.
4. The SLP will provide instruction/therapy to the student receiving speech and language services after receiving a minimum of one (1), initial hour of direct contact with the communication paraprofessional, after receiving training.
5. The SLP will consult directly with the communication paraprofessional at a minimum of one (1) hour per week. During the conference time, the SLP will review written logs and data maintained by the communication paraprofessional.
6. After the initial training and monitoring session, the SLP will conduct at least one (1) therapy/instructional session with the student receiving speech and language services in every five (5) consecutive sessions.
7. After ten (10) hours of intense, direct supervision, the amount of supervision may be adjusted depending on the competency of the communication paraprofessional, the needs of the student receiving services, and the nature of the assigned task. The SLP, however, will complete instructional/therapy sessions with the students receiving services at a minimum of one (1) per ten (10) consecutive sessions.
8. The SLP, communication paraprofessional, and the Federal Programs Director will collaborate on the development of a professional learning plan to assist the communication paraprofessional in obtaining the necessary skills to boost instructional effectiveness. The plan may include the review of audio or videotaped sessions, attendance at supervisory conferences, and participation in specific webinars, sponsored by the Georgia Department of Education or selected in the online professional development software purchased by the Clay County School District.
9. The communication paraprofessional will remain under the supervision of a speech and language pathologist, at all times. If a speech and language pathologist is not available to provide supervisory assistance, the communication paraprofessional will cease instructional/intervention session, until fully qualified speech and language pathologist is assigned.

**Traumatic brain injury (TBI).**

**Definition.**

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external

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

**Eligibility.**

Evaluation for eligibility shall include the following.

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

Verification of the TBI through the following:

A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or

Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.

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

Cognitive - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.

Social/Behavioral - this includes areas such as awareness of self and others, interaction with others, response to social rules, emotional responses to everyday situations and adaptive behavior.

 Physical/Motor - this includes areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility and physical endurance.

Deficits in one or more of the above areas that have resulted from the TBI and

adversely affect the child's educational performance shall be documented.

**Placement and Service Delivery.**

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

minutes.

**Visual impairment (VI).**

**Definitions.**

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

* Blind refers to a child whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some children who are legally blind have useful vision and may read print.
* Visually impaired refers to a child whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or who have a limitation in the field of vision that adversely impacts educational progress.

**Progressive visual disorders:** Children, whose current visual acuity is greater than 20/70, but who have a medically indicated expectation of visual deterioration may be considered for vision impaired eligibility based on documentation of the visual deterioration from the child’s optometrist or ophthalmologist.

**Eligibility and Placement.**

1. A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child.
2. A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment.
3. A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind;
4. If the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility.
5. The low vision evaluation should be completed by age 10 for children who do not have one during eligibility determination prior to age 8 unless other circumstances apply.
6. The low vision evaluation is often difficult to schedule within the 60-day timeline, therefore, if children meet all other eligibility requirements, the eligibility report shall document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision.
7. Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP.
8. The low vision evaluation must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment.
9. A comprehensive education evaluation shall be administered to determine present levels of functioning. The impact of the visual impairment on the child's educational performance shall be considered for eligibility.
10. Educational assessments may include cognitive levels, academic achievement, and reading ability
11. Educational assessments related to vision must be completed by a teacher certified in the area of visual impairments.
12. In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel
13. Braille instruction is always considered critical to appropriate education for a child who is blind. Children identified with visual impairments shall be evaluated to determine the need for braille skills. The evaluation will include the present and future needs for braille instruction or the use of braille. For children for whom braille instruction and use is indicated, the individualized education program (IEP) shall include the following:
14. Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;
15. How instruction in braille will be implemented as the primary mode for learning through integration with other classroom activities;
16. Date on which braille instruction will commence;
17. The length of the period of instruction and the frequency and duration of each instructional session; and
18. The level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used.
19. For those children for whom braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicate the absences of braille instruction will not impair the child’s ability to read and write effectively.

**SECTION 6: PRIVATE SCHOOLS**

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

**Definition**

A private school is a school or educational facility operated and supported by private individuals or a corporation rather than by a government or public agency. The following section on private schools includes students who are home-schooled.

**Requirements for Children with Disabilities in Private Schools Placed or Referred by the Clay County School District**

The Clay County Department of Special Education staff will ensure that special education and related services provided by the private school or facility is:

1. in compliance with the student's IEP,
2. at no cost to the parents,
3. provided an education that meets the standards provided by the Georgia Department of Education and the Clay County School District,
4. provided all of the rights for a child with a disability who is served in the Clay County School District.

**Requirements for Children with Disability Parentally-Placed in Private Schools When Free Appropriate Public Education (FAPE) Is at Issue**

When the school system places a student in a private school or facility, special education and related services must be provided based on the TEP and at no cost to the parent. Once the parent has provided notice to the school system that they plan on enrolling their child in a private school and they want the district to pay for private school placement the Director of Student Services will resolve the issue with the parent following the guidance found in the state rule 160-4-7-.13.

The Clay County School District is not responsible for the cost of educating a student in a private school or facility, if the district made FAPE available and the parents elected to enroll the student in the private school or facility. Parentally-placed private school students are afforded all of the rights for a child with a disability who is served in the Clay County School District.

Procedural safeguards/parental rights are provided to parents of a student with disabilities, if the parents disagree with the district about the provision of FAPE, regarding the availability of an appropriate program and the financial responsibility of the district (Please refer to Appendix of this manual and review Procedural Safeguards/Parental Rights).

**Reimbursement for Private School Placement**

If the parents of a child with a disability, who previously received special education and related services in the district, enroll the student in a private school or facility without a consent or referral by the district, a court or an administrative law judge (ALJ) may require the district to reimburse the parents for the cost of the enrollment, if the court finds that FAPE was not made available to the student in a timely manner, prior to the private school enrollment and placement in the private facility was appropriate. Parental placement in a private school or facility may be deemed appropriate by the court or ALJ, although the institution may not utilize state standards.

**Limitation on Reimbursement**

The reimbursement costs for private school enrollment may be reduced or denied if:

* the parents, at the last attended IEP meeting, failed to inform the IEP Team of the parents' rejection of the proposed placement by the district to provide FAPE and failed to verbalize the intent to enroll the child in a private facility;
* the parents failed to provide written notification to the district within ten (10) business days prior to the student's withdrawal of the rejection for the proposed placement to provide FAPE and failed to state the parents' concerns or intent to enroll the student in a private facility at public expense;
* the district informed the parents, through notification requirements, of the intent to evaluate the student, prior to the parents' withdrawal, and included the purpose and scope of the evaluation, and the parents failed to make the student available for testing; or
* judicial findings of unreasonableness were issued with respect to actions taken by the parents.

**Exception to Limitation on Reimbursement**

The cost of reimbursement will not be reduced or denied for a parent's failure to provide written notification of intent to withdraw the student or to voice proposed placement concerns, if:

* the school prevented the parents from issuing a written notice;
* the parents did not receive parental rights notification under IDEA and were not aware of the requirement for submitting a written notice;
* the provision of notice would likely result in physical or emotional harm to the student; or
* the parents are not literate or cannot write in English.

**Requirements for Parentally-Placed Private School Students with Disabilities**

1. The Clay County Department of Special Education will locate, identify, and evaluate all private school children with disabilities, including out-of-state students, enrolled in a private school or facility located in Clay County. (Please refer to Child Find Procedures, located on Section 4 of this manual.)
2. Clay County Department of Special Education staff will consult with private school representatives to complete Child Find activities, comparable to the activities performed by the district for students with disabilities enrolled in public schools.
3. Clay County Department of Special Education staff will ensure that each parentally-placed private school student with disabilities has a service plan which indicates the special education and related services provided by the Clay County School System.
4. Clay County Department of Special Education staff will maintain records of parentally placed private school students and will provide the following information to the Georgia Department of Education:
5. The number of children evaluated;
6. The number of children determined to be children with disabilities; and
7. The number of children served.

**Expenditure Guidelines for Private School Students with Disabilities**

For children ages three (3) to twenty-one (21), the Clay County School District must expend a proportionate share of Title VI, Part B-lDEA Flow-through funds for students with disabilities enrolled in a private school or facility in Clay County.

For children ages three (3) to five (5), the Clay County School District must expend a proportionate share of Title VI, Part B-lDEA Preschool funding for students with disabilities, ages three (3) to five (5), enrolled in a private school or facility in Clay County, including private facilities that operate a kindergarten program.

If equitable service funds are not expended by the end of the fiscal year, the Clay County School District must utilize the carryover funds for parentally-placed private school students, receiving special education and related services.

Child Find activities are the responsibility of the Clay County School District; therefore, Child Find activities shall not be included in equitable services expenditure tests.

Clay County Department of Special Education staff will consult with private school representatives to determine the number of private school children with disabilities in the annual count, conducted on December 1 of each year. The purpose of the annual child count on December 1 of each year is to determine the amount of funds Clay County School District must spend on equitable services to private school children with disabilities for the upcoming fiscal year.

Clay County Department of Special Education staff will ensure that resources and/or equipment requested by the private school for children receiving special education and related services supplement and do not supplant. District staff will ensure that materials and equipment are secular, neutral, and nonideological.

**Consultation with Private School Representatives**

Clay County Department of Special Education staff will consult with private school representatives for the following:

Child Find procedures and activities;

Determination and calculation of proportionate share;

Consultation process and schedule;

Provisions for special education and related services, including types of services,

apportionment of funds, and decision-making timeframes.

If service disagreements arise between the private school officials and the Clay County Department of Special Education staff, the district staff will provide a written explanation of the reasons the district elected not to provide services directly or through a contract.

After private school consultations, the Clay County Department of Special Education staff will obtain written, signed affirmation within ten (10) business days of the meeting. If the private school officials fail to submit a written, signed affirmation, the Clay County Department of Special Education staff will contact the Georgia Department of Education.

Failure to engage in consultation with private school officials may result in the submission of a complaint by the private school officials to the Georgia Department of Education.

The private school officials must submit the grievance through the Formal Complaint Process, as identified under Dispute Resolution this manual.

If the private school officials are dissatisfied with the Georgia Department of

Education's decision, the private school officials may issue a complaint to the United State Department of Education, whereby the Georgia Department of Education must forward all appropriate documentation.

**Equitable Services**

No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in the Clay County School District.

The Clay County School District must make the final decisions with respect to the services which will be provided to parentally-placed private school students with disabilities prior to the start of the school year.

In April of each year, Clay County Department of Special Education staff will present a draft agreement to the Clay County School District's board attorney, concerning special education and related services for private school students with disabilities.

After the attorney's review, the Clay County Department of Special Education staff member will consult with private school officials to discuss special education and related services for private school students with disabilities.

The private school officials and the Clay County School Superintendent will sign the agreement. Copies will remain, on file, at the, Clay County Department of Special Education the Clay County Board of Education, and the private school facility.

Clay County Special Education staff, in conjunction with private school representatives, will complete a services plan for each private school student with disabilities who will receive special education and related services provided by the Clay County School District. The services plan becomes effective at the beginning of the school year and shall be reviewed periodically, at a minimum of one time per school term. The Clay County Department of Special Education staff will initiate and conduct meetings to assist in the development, review, and/or revision of all services plans. The services plan will include a description of the special education and related services, as well as supplementary aids and services, which will be provided to the student with disabilities. Clay County Department of Special Education staff will send meeting notifications to the private school representatives. If the private school representative is unable to attend the meeting, the Clay County Department of Special Education communicates directly or via telephone with the private school member.

Clay County Department of Special Education staff will ensure that instructional staff meets the same standards as personnel providing service within the school district, except the personnel will not be required to meet highly qualified status.

Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities enrolled in the Clay County School District.

Special education and related services for private school students with disabilities may be provided by an employee of the Clay County School District or contracted through an individual, organization, association, agency, or other entity.

**Location of Services**

Services for private school students with disabilities will be provided at the Clay County School District sites.

Services may be provided at the private school, including a religious school, to the extent consistent with the law.

**Transportation of Private School Students with Disabilities**

To ensure that private school students with disabilities receive special education and related services, transportation by the Clay County School District will be provided. Transportation includes transferring the student from home or the private facility to the service location and returning the student to the private school or home after receiving special education and related services.

The Clay County School District will not provide transportation from the student's home to the private school or facility.

Transportation costs will be included in the proportionate funding calculations.

**Complaints**

Procedural Safeguards/Parents Rights will not apply to complaints that the Clay County School District has failed to provide services as indicated on the students' service plans, unless the complaint addresses Child Find activities or failure to meet equitable and timely consultation requirements. Complaints concerning Child Find activities must be forwarded to the Georgia Department of Education.

**Requirement That Funds Not Benefit a Private School**

Title VI-B IDEA Flow-through or Federal Preschool funds will not be used to finance the existing level of instruction in a private school or facility or to meet the general needs of students enrolled in the private school or facility.

Title VI-B IDEA Flow-through or Federal Preschool funds will not be used to benefit the private school or facility.

**Use of Personnel**

If special education or related services are not normally provided by the private school or facility, Title VI-B IDEA Flow-through or Federal Preschool funds may be used to provide personnel in a private school or facility in order to meet the needs of private school children with disabilities.

Personnel employed through Title VI-B IDEA Flow-through or Federal Preschool funds must complete services outside the regular hours of duty and must remain under the Clay County School District’s supervision and control.

**Separate Classes**

The Clay County School District will not use Title VI-B IDEA funds for class organized separately based on school enrollment or religion if the classes are located at the same site and the classes contain students enrolled in public and private schools.

**Property, Equipment, and Supplies**

Clay County Department of Special Education will supervise the expenditures of equipment and supply requests from private schools with enrolled students who receive special education and related services. The Clay County School District will control and administer special education and related service funding.

The Clay County Department of Special Education will maintain property inventories and requisition forms for all property, equipment, and supplies used to provide special education and related services to private school students.

The property, equipment, and supplies afforded to the private schools for special education and related services will remain at the facility for the period in which services are needed.

The Clay County Department of Special Education will issue to private school officials a memorandum of understanding which indicates that property, equipment, and supplies will be used for special education purposes.

The Clay County School District will not authorize purchases which result in private school renovations, since the district must ensure that all purchases are removable from the private school facility at the end of the service period.

The Clay County School District shall, also, remove property, equipment, and supplies from the private institution, if the materials are used for purposes other than providing special education or related services.

The Clay County School District will not approve funding requests, under Title VI-B IDEA Flow-through, for repairs, minor remodeling, or construction of private school facilities.

**SECTION 7: LEAST RESTRICTIVE ENVIRONMENT**

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

**Definition**

The Least Restrictive Environment (LRE) is a term used to ensure that all students have a right to an education under IDEA and are education, to the maximum extend appropriate, with nondisabled peers. Removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in a general education class with the use of supplementary aids and/or services cannot be satisfactorily attained.

**Requirements**

The Clay County Special Education staff will adhere to the following procedures to ensure that LRE is used to educate students with disabilities from the age of three (3) through twenty-one (21), to the maximum extent appropriate, with nondisabled peers, whether the student is enrolled in a public or private facility.

The IEP Teams will discuss the identified needs of individual students with disabilities as documented in respective IEPs and will consider appropriate placement of students only after the goals and objectives are determined.

The IEP Teams will consider a continuum of service placements to include instruction in general education classrooms, special classes, special schools, home instruction, and instruction in hospitals and institutions.

The IEP Team will contemplate the need for supplemental services (i.e. resource classrooms, itinerant teachers) and aids.

The IEP Team will determine placement of students with disabilities at least annually.

The IEP Team will discuss whether full-time placement of a student with a disability in the general education setting is appropriate, if, despite the provisions of supplemental aids and services, the student is so disruptive that participation in the general education classroom significantly impairs the education of other students.

Students with disabilities shall not be removed from age appropriate general education classrooms solely because modifications, supports, or services may be required in the general education classroom.

Students with disabilities shall not be removed from age appropriate general education classrooms for administrative convenience.

 

Unless the IEP of a student with a disability requires some other arrangement, the student shall be educated in the school in which the student would attend if nondisabled.

The Clay County School District will assure that no student with disabilities placed in a public or private institution is denied access to an education in the LRE, except for those students incarcerated in adult prisons.

The Clay County School District shall ensure that students with disabilities, enrolled in a separate facility, receive appropriate physical education services.

The Clay County School District will ensure that students with disabilities have an equal opportunity to participate in nonacademic, extracurricular services/activities (i.e. meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups, school or district sponsored clubs) with nondisabled peers. The IEP Team will identify supplementary aids and services appropriate and necessary to assist students with disabilities in the participation of nonacademic settings.

**Preschool Placement**

The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.

The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or co-teaching model.

The child is in the regular education early childhood program but special education and related services are provided outside a regular education early childhood program.

For children not attending a regular early childhood program, placements may include:

A separate special education program housed in the public school or in a community based setting,

A separate special education program housed in a separate school or residential facility,

A program at home as a natural environment,

A program provided through service providers in the providers' offices, or

Any combination of the aforementioned settings, based on the student's IEP.

For school-aged students, placements may include the following:

General education classroom with age-appropriate non-disabled peers, if required by the IEP and staff utilize supplementary aids and services. The provision of services may be from personnel such as paraprofessionals, interpreters, or others;

The student remains in the general education classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis;

Instruction outside the general education classroom for individuals or small groups;

Separate date school or program;

Short-term home-based instruction, as long as the district and parents agree at an IEP meeting with the following considerations:

FAPE is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;

Services must be reviewed every nine weeks by the IEP Team; and

A reintegration plan is developed to assist in transitioning to the school setting.

Residential placement in-state or out of state.

Hospital/Homebound (HHB) instruction is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that significantly interferes with the education and requires the student to be restricted to home or a hospital for a period of time.

NOTE: Special Education/Related Services - Question #45: Placement Options

Special Education/Related Services - Question #47: Students Participating With Their Peers – For Placement Options, always make sure you mark all the placement options considered on the IEP. Students Participating With Their Peers must be noted on the IEP as well. *(Finding during Cross Functional Monitoring)*

**Technical Assistance and Training Activities**

The Clay County School will annually train teachers and administrators about the district and schools’ responsibilities for implementing LRE.

**SECTION 8: DISCIPLINE**

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

**Definition**

Discipline is the practice of training people to obey rules or codes of behavior, using punishment to correct infractions.

**Requirements**

Student codes of conduct shall apply to all students unless a student's IEP specifically states otherwise.

When the Eligibility Team determines that a student is eligible for special education and related services, Clay County School staff will ensure that parents and students with disabilities receive notification about the rules and regulations applicable to students with disabilities with respect to child management, discipline, suspension/expulsion.

Clay County Special Education Instructors will ensure that student codes of conduct are addressed during annual IEP meetings.

Once a student violates the student code of conduct, the IEP Team will determine whether a change of placement should occur.

School administration has an option of removing a student with disabilities from the current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than ten (10) consecutive school days, when the student violates the code of conduct.

School administration may, also, issue additional removals of not more than ten (10) consecutive school days within the same school term for separate incidents of misconduct, as long as the removals do not constitute a change in placement.

If a student with disabilities has been removed from the current placement for ten (10) school days in the same school year, the Clay County School District shall provide special education and related services during any subsequent days of removal.

When disciplinary infractions result in removals that exceed ten (10) consecutive school days and the IEP Team, with the parent present, has determined that the violation of the students' conduct code is not a manifestation of the student's disability, school administration may issue disciplinary consequences in the same manner and for the same duration as the procedures utilized for nondisabled students.

The IEP Team will ensure that a student who is removed for more than ten (10) consecutive school days continue to receive educational services. Continued services will enable the student to participate in the general education curriculum and to progress toward meeting the goals set in the student's IEP. 

The Clay County Special Education staff will administer a functional behavioral assessment (FBA).

The IEP Team will review behavioral intervention services and modifications, as identified in the student's behavioral intervention plan (BIP) and IEP, to address the conduct violations to alleviate recurrences.



The IEP Team, including administrative staff, may consider providing services in an interim alternative educational setting.

The Clay County School District is not required to provide educational services to students with disabilities for removal often (10) school days or less, since the district does not provide educational services to nondisabled students.

**Manifestation Determination**

Within ten (10) school days of a student with disabilities change of placement, the IEP Team, with the parent present, will review the student's educational file and all other pertinent information to determine if the conduct in question was caused by or a direct and substantial relationship to the student's disability of if the conduct was the direct result of the district's failure to implement the student's IEP.

If the IEP Team, the parent present, determines that the conduct was the direct result of the district's failure to implement the student's IEP, the Clay County School Education Department will immediately rectify deficiencies.

If the IEP Team, with the parent present, determines that the code violation was a manifestation of the student's disability, the IEP team, with the parent present, must conduct an FBA and implement a BIP. When a BIP already exists, the IEP team, with the parent present, will review the plan and make the necessary modifications to address the behavior. After the BIP revisions, the student is returned to the placement setting in which the student was removed. The IEP Team, with the parent present, may agree to a change of placement as a part of the BIP revisions.

**Special Circumstances**

School administration may request an IEP Team meeting in order to remove a student to an interim alternative educational setting for forty-five (45) school days or less, without conducting a manifestation determination, if the student:

Carries or possesses a dangerous weapon on school premises or at school functions;

Possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance on school premises or at school functions (A controlled substance does not include legally possessed substances provided and/or supervised by a licensed health-care professional);

Inflicts serious bodily injury upon another person on school premises or at a school function;

The interim alternative education setting is an IEP Team decision.

**Notification**

When the IEP team agrees to a change of placement for conduct violations, the Clay County School Department of Special Education will notify the parents of the team's decision. The communication must include the parents' procedural safeguards notice.

**Appeal**

If a parent of a student with disabilities disagrees with the IEP decision regarding placement or manifestation determination, the parent may file a due process hearing request.

Clay County School District personnel may request a due process hearing, if staff members believe that maintaining the current placement of a student is substantially likely to result in injury to the student or others.

A judge or hearing officer submits a decision regarding the parents' or district's appeal. The administrative law judge or hearing officer may:

Return the student to the placement from which the student was removed, or

Order a change of placement for the student to an appropriate interim alternative educational setting for not more than forty-five (45) days.

Appeal procedures may be repeated, if Clay County School District personnel believe that returning the student to the original placement would substantially likely to result in injury to the student or others.

When parties request a due process hearing for a dispute resolution, the Georgia Department of Education is responsible for expeditiously arranging the due process hearing. The due process hearing must occur within twenty (20) days of the date the complaint was filed, and the administrative law judge or hearing officer must make a determination within ten (10) school days after the hearing.

All parties must adhere to the aforementioned timeframe, unless the parents and the Clay County School District agree, in writing, to waive the resolution meeting and agree to use the mediation process.

A resolution meeting must occur within seven (7) days of receiving notice of the due process hearing request/complaint.

The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of the receipt of the due process hearing request/complaint.

The decisions on expedited due process hearings are appealable.

While waiting on the due process hearing, the student must remain in the interim alternative education setting, pending the decision of the administrative law judge or hearing officer or until the forty-five (45) day enrollment period in the interim alternative education setting has expired, whichever occurs first; unless both parties agree otherwise.

If Clay County School District personnel suspects possible disability and has initiated the referral and evaluation process on a student, he student, then, must receive the same protections as a student with an identified disability.



Clay County School District personnel must have knowledge that a child is a child with a disability before the behavior that precipitated the disciplinary action.

The parent of the student has expressed concerns in writing to administrative personnel or a teacher that the student is in need of special education and related services.

The parent of the student has requested an evaluation of the student.

A teacher or other personnel has expressed specific concerns about a pattern of behavior demonstrated by the student to district and/or school administration.

Clay County School District personnel would not be deemed to have knowledge that a student is suspected of a disability, if the parent of the student has not consented to a psychological evaluation or has refused services.

If the district has received parental consent for a psychological evaluation and an evaluation has been administered but the student has not met eligibility requirements for special education and related services, the Clay County School District personnel would have no knowledge that the student is a student with disabilities.

When school administrators have no knowledge that a student is a student with disabilities prior to disciplinary actions, the student may be subjected to the same consequences of a nondisabled student who has engaged in similar misconduct.

If a psychological evaluation request has been submitted during the time in which the student is subjected to disciplinary consequences, the Clay County School Department of Special Education will communicate with CF-RESA to expedite the evaluation date(s). The student, however, will remain in the education placement determined by the school administration until the evaluation is completed. Suspension or expulsion without educational services may be consequence issued by the school administration. If the student is determined to be eligible for special education and related services, the Clay County School District will make provisions to ensure that the student receive special education and related services.

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

The Clay County School District personnel will report any crime committed by a student with disabilities to the Clay County School Police Department.

Reports made to the Clay County Police Department shall include special education and disciplinary records of the student, as long as the transmission of the records is not in violation of the Family Educational Rights and Privacy Act (FERPA).

**Change of Placement Because of Disciplinary Removals**

A change of placement occurs if:

the removal is for more than ten (10) consecutive school days, or

the student has been subjected to a series of removals that constitute a pattern:

The series of removals total more than ten (10) school days in a school year;

The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a series of removals; and

The length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another are additional factors that must be reviewed.

Clay County School administration, including Clay County Department of Special Education staff, will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement.

The decision is subject to review through due process hearings and judicial proceedings.

**Restraints & Seclusion**

* Seclusion may not be used for students under any circumstances.
* See Georgia's Restraint and Seclusion Law at: <http://www.thegao.org/Rule.pdf>

**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 in this rule if Clay County Schools had knowledge that the child was a child with a disability before that precipitated the disciplinary action occurred.

Clay County Schools 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 pursuant to Rule 1604-7.04 Eligibility Determinations and Criteria or

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 school system.

Clay County Schools 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 as described in Rule 160-4-7.04 Eligibility Determinations and Criteria.

If the school system does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

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.

**SECTION 9: Individualized Education Program (IEP)**

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

**Definition**

The IEP is a written plan/program developed by the district' s special education team with input from the parents and general education teachers that specifies the student's academic goals and methods to aid in attaining these goals. The plan will identify supports and services needed for the student with disabilities to succeed in the educational realm. The plan will, also, include transition arrangements, developed to assist the student in acquiring post-secondary goals and objectives.

**Requirements**

* 1. The IEP must contain the following:
		1. A statement of the student's present levels of academic achievement and functional performance, including:
			1. How the student' s disability affects the student's involvement and progress in the general education curriculum, or
			2. For preschool children, how the disability affects the student's participation in appropriate activities.
		2. A statement of measurable annual goals, including academic and functional goals designed to:
			1. Meet the student's needs to enable the student's involvement and progression in the general education curriculum;
			2. Meet the student's other educational needs that result from the student's disability.
		3. For students with disabilities who take alternate assessments alighted to alternate achievement standards, a description of benchmarks or short-term objectives.
		4. A description of:
			1. How the student's progress toward meeting the annual goals will be measured; and
			2. When periodic reports on the student' s progress toward meeting annual goals will be provided.
		5. A statement of the special education and related services, as well as supplementary aids and services, which will be provided and a statement of the modifications or supports which will be issued to school personnel to assist the student in attaining annual goals and participating and making progress in the general education curriculum and in extracurricular and other nonacademic activities.
		6. An explanation of the extent, if any, to which the student will participate with nondisabled peers in the general education classroom and in nonacademic and extracurricular activities.
		7. A statement of individual appropriate accommodations which are necessary to measure the student's academic achievement and functional performance on State and local assessments.
		8. If the IEP Team determines that the student must take an alternate assessment, a statement of why the student cannot participate in the regular State and local assessments and why the selected alternate assessment is appropriate for the student.
		9. When the IEP Team decides that an alternate assessment is needed for a student with disabilities, the parents of the student must be informed that the student will participate in an alternate assessment which modifies achievement standards and must be explained the consequences of the participation.
		10. The projected date for the beginning of the services and program modifications and the anticipated frequency, location, and duration of those services and program.
	2. Assessment accommodations selected by the IEP Team shall not invalidate the student's score, as stipulated by the Georgia Department of Education standards.

**Transition Services**

Beginning not later than entry into ninth grade or by age sixteen (16), whichever comes first, or younger if determined appropriate by the IEP Team and updated annually, the IEP must include:

* 1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, preferences and interests; and
	2. The transition services, including courses of study, needed to assist the student attaining postsecondary goals.

**Transfer of Rights at Age of Majority**

Beginning riot later than one (l) year before the student reaches age eighteen (18), the IEP must include a statement that the student has been informed of the student's rights, which will transfer to the student upon reaching age of eighteen (18).

**IEP Team**

1. The IEP Team is responsible for developing, reviewing, or revising an IEP.
2. The IEP Team shall include the following participants:
	1. The parents of the student;
	2. Not less than one regular education teacher of the student, if the student is, or may be, participating in the general education environment;
	3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
	4. An LEA representative who:
		1. Is qualified toprovide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
		2. Is knowledgeable about general education curriculum; and
		3. Is knowledgeable about the availability of resources within the school district.
	5. An individual who can interpret the instructional implications of the evaluation results.
	6. At the parents' or district's discretion, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.
	7. Whenever appropriate, the student with disabilities.
3. During the development of transition plans, the IEP Team shall invite the student with disabilities to attend.
	1. If the student does not attend the IEP Team meeting, the district will initiate other avenues to ensure that the student's preferences and interests are considered.
	2. The Clay County Special Education staff shall receive parental or adult student consent to invite a representative from a participating agency that is likely to provide or to compensate for transition services. Parents, too, may elect to invite agency representatives to the meeting. The Clay County School District personnel or parent will communicate the knowledge or expertise of the representing agent.

**LEA Representative**

The district may designate an LEA member of the IEP Team to serve as the LEA representative, if the person:

* 1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
	2. Is knowledgeable about general education curriculum; and
	3. Is knowledgeable about the availability of resource within the school district.

**IEP Team Attendance**

1. A member of the IEP Team is not required to attend an IEP meeting, in whole or in part, as long as the parent and the district agree, in writing, that the attendance of the member is not necessary, if the member's area of curriculum or related services is not being modified or discussed at the meeting.
2. A member of the IEP Team/Member may be excused from attending the meeting, in whole or in part, when modifications are involved or discussed, if:
	1. The parent, in writing, and the district consent to the excusal; and
	2. The member submits, in writing to the parent and the IEP Team, input into the IEP development prior to the meeting.

**Initial IEP Team Meeting for a Child under Part C, Babies Can't Wait (BCW)**

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

**Parent Participation**

1. The district shall take steps to ensure that one or both of the parents of a student with disabilities are present at each IEP Team meeting or any meeting whereby educational decisions will be made. The district will afford parents an opportunity to participate by notifying parents of meeting early enough to ensure that the parents will have an opportunity to attend, and scheduling meetings at a mutually agreed upon time and place.
2. The invitation to the meeting shall indicate the purpose, time, and location of the meeting, participants who will attend, and information to the parents of the right to invite other individuals who, in their opinion, have knowledge or special expertise regarding the student, including related services personnel. The invitation shall, also, inform the parents of a child previously served in BCW of the right to request that an invitation to the initial IEP Team meeting include the BCW service coordinator or other representative of BCW to assist with smooth transition of services.
3. For a student with a disability, beginning not later than entry into ninth grade or by age sixteen (16) whichever comes first, or younger if determined appropriate by the IEP Team, the invitation must also indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services of the student. The district will invite the student and identify any other agency representative that will be asked to attend.
4. If neither parent can attend an IEP Team meeting, the district must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents' attendance if district and school staff members are unable to convince the parents that the parents should attend. When parents are unable to attend, special education staff members shall maintain a record of the parental contact attempts. The contact log shall include detailed records of telephone calls made or attempted, results of the calls, copies of correspondence sent to the parents and any received response, and detailed records and results of visits made to the parents' home or work place and the results of those visits.
5. The Special Education Services Department will ensure that parents who require special communication resources are afforded an interpreter, if the parent is deaf or speaks a language other than English.
6. The Special Education Services Department will provide a copy of the IEP to the parents at no cost.

**IEP and Individualized Family Service Plan (IFSP) Implementation**

1. At the beginning of each school year, Clay County School District must have an IEP in effect, for each child with a disability within the district' s jurisdiction.
2. In the case of a child with a disability age three (3) through five (5), an IEP or Individualized Family Service Plan (IFSP) must be in place. An IFSP must be consistent with the rules for Georgia IEPs and agreed to by the Clay County School District and the child's parents.
3. The Clay County Department of Special Education personnel shall provide a detailed explanation of the differences between an IFSP and an IEP.
4. If parents choose an IFSP, the Clay County Department of Special Education personnel shall obtain a written, informed consent from the parents.

**Services**

Clay County School District Special Education will ensure that:

1. A meeting to develop an IEP for a student is conducted within 30 days of a determination that the student is eligible for special education and related services; current within year; accessed by all service providers
2. Special education and related services are made available to the student, in accordance with the IEP, as soon as possible following the development of the IEP;
3. The student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider responsible for its implementation;
4. Special education and related service providers are informed of the individual's responsibilities for implementing the student's IEP; and
5. Special education and related service providers are informed of the specific accommodations, modifications, and supports necessary for implementing the student's IEP.

**IEPs for Students Who Transfer LEAs within Georgia**

1. If a student with a disability transfers to the Clay County School District, the district, in consultation with the parents, must provide FAPE to the new enrollee.
2. The Clay County School District shall provide services comparable to those described in the student's IEP from the previous LEA.
3. Comparable services will continue until the district adopts the student's previous IEP or develops, adopts, and implements a new IEP.

**IEPs for Students Who Transfer from another State**

1. When a student with disabilities transfers to the Clay County School District from another state, the district, in conjunction with the parent, shall provide FAPE.
2. The district will provide comparable services, described in the student's existing IEP, until an evaluation is conducted, as deemed necessary by district staff; and a new IBP is developed, adopted, and implemented, if appropriate.

**Records Transmission**

1. The Clay County School District Student Information System Clerks will notify and fax a request for records to the previous LEA, on the day of enrollment. The records request will petition for documentation of special education and support services, including an IEP, to be submitted to the Clay County School District Department of Special Education.
2. Pursuant to Family Educational Rights and Privacy Act (FERPA), the previous district is not required to receive prior parental consent to disclose educational records to officials from another district in which the student seeks or intends to enroll.

**Development, Review, and Revision of IEP**

1. The IEP Team must consider:
	1. The strengths of the student;
	2. Parental concerns for enhancing the student's education;
	3. Results of initial or recent student evaluations;
	4. Results of the student' s Statewide or local assessments;
	5. Academic, developmental, and functional needs of the student;
	6. Special factors:
		1. When a student's behavior impedes the student's learning or the education of others, the IEP Team must consider the use of positive behavioral interventions, supports, and other strategies to address the behavior in the IEP or BIP;
		2. For students with limited English proficiency, the IEP Team must consider the language needs of the student as those needs relate to the student's IEP;
		3. The IEP Team must consider whether Braille instruction or the use of Braille in instructional settings is appropriate, after an evaluation of the student' s reading and writing skills.
		4. The IEP Team must consider the communication needs of the student. In the case of a student who is deaf or hard of hearing, the team must consider the student's language and communication needs, academic level, and opportunities for direct instruction in the student' s language and communication mode; and
		5. Assistive technology devices and services are, also considered.
	7. At the conclusion of the IEP development meeting, a draft IEP shall be provided to the parent and/or guardian.

**Extended School Year (ESY) Services**

1. To ensure that the district provides FAPE, the IEP Team must consider extended school year (ESY) services.
2. ESY services are not limited to a particular disability category or unilaterally limit the type, amount, or duration of ESY services.
3. The IEP Team must indicate which goals are being extended or modified to deliver FAPE during ESY services.
4. The IEP Team must identify the specific services needed, the amount of time for each service, the beginning and ending dates for the services, and the service provider and location.
5. For students who receive ESY services, transportation is the responsibility of the district and will occur at no cost to the parents,

**General Education Teacher Responsibilities**

1. As a member of the IEP Team, the general education teacher must participate in the development of a student's IEP.
2. The general education teacher must assist in determining appropriate positive behavioral interventions, supports, and other strategies.
3. The general education teacher must aid in deciding supplementary aids and services, accommodations, program modifications, and support for personnel.

**IEP Changes or Amendments**

1. IEP changes or amendments may be made by the entire IEP Team at an IEP Team meeting or by an agreement between the parents and the Clay County School District Special Education Department personnel.
2. If changes are made to the student' s IEP, the special education

members of the student' s IEP Team are informed of the changes.

1. Copies of IEP amendments must be provided to the parents of the student with disabilities.

**IEP Reviews and Revisions**

1. The IEP Team must meet periodically, not less once per school term, to

determine whether the student' s annual goals are being achieved.

2. IEP revisions must include the lack of expected progress toward attaining annual goals and in the general education curriculum, if appropriate; the results of any reevaluations; any additional information provided to, or by, the parents; anticipated needs of the student; and any other pertinent data or information.

3. When students receive special education and support services, the service providers are required to consolidate reevaluation meetings.

**Failure to Meet Transition Objectives**

1. When a participating agency, other than the Clay County School District, fails to provide transition services district personnel must reconvene the IEP Team to identify alternative strategies to assist in meeting transition objectives for the student, as identified in the IEP.
2. Nothing relieves the participating agency, including vocational rehabilitation services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities, who meet eligibility criteria of the participating agency.

**Students with Disabilities in Adult Prisons**

1. Students who are convicted as adults and are incarcerated in adult prisons (Georgia Department of Corrections) are not required to participate in State and local assessments.
2. Incarcerated students who turn twenty-two (22) before the incarceration period ends are not required to participate in transition planning or transition services.
3. The IEP Team of an incarcerated student with disabilities may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

**SECTION 10: Personnel, Facilities, and Caseloads**

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

**Definitions**

Personnel are staff members employed by the Clay County Board of Education. Facilities are designated locations for providing job-related services. Caseloads are the number of students assigned to a special education staff member who is responsible for the development, implementation, review, and revision of IEPs.

**Requirements**

1. Maintain current credentials for providing special education and related services are the sole responsibility of the Clay County Board of Education personnel.
2. Copies of current credentials shall be forwarded to the Clay County Board of Education for maintenance in an individual's personnel file.
3. The Clay County School District is responsible for recruiting, hiring, training, and retaining an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services, and leadership personnel, to meet the needs of students with disabilities.
4. Related service personnel who deliver services in a particular 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. Related service personnel shall not have certification or licensure requirements waived on an emergency, temporary, or provisional basis.
5. The required standard credential for all personnel providing educational interpreting for children who are deaf or hard of hearing in the Clay County School District, regardless of the job title, shall hold a current Georgia Quality Assurance Screening (G-QAS) rating of Level III or higher in both interpreting and transliterating, as approved and maintained by the Georgia Department of Labor Vocational Rehabilitation Program (DOL/VR), and/or documentation of advanced interpreting skills and qualifications through current national certification from the Registry of Interpreters for the Deaf (RID), and/or documentation of advanced interpreting skills and qualifications through current national certification from the National Association of the Deaf (NAD) Levels III, *N,* or V, and/or documentation of advance interpreting skills and qualifications through a current Educational Interpreter Performance Assessments (ElPA) rating of Level 3*.5* or higher. The EIPA rating cannot be more than five years old.
6. Maintenance of current credentials shall be the ongoing responsibility of any educational interpreter employed by an LEA for purposes of educational interpreting for children who are deaf or hard of hearing. The Clay County School District shall maintain current credentials of educational interpreters and shall remain on file in the interpreter's personnel file at the central office.

**Facilities**

1. The Clay County Board of Education 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 individual children to be served.
2. Thirty-eight (38) 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. For special circumstances, the Clay County School District shall identify the unique situation in the local facility plan. The local facility plan shall be reviewed and approved by the Facilities Department of the Georgia Department of Education.

**Caseloads**

1. 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**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Program Area | Self-Contained (SC)/Resource (R) | Maximum w/o Paraprofessional | Maximum with Paraprofessional | Caseload |
| **INTELLECTUAL DISABILITIES** |
| Mild | SCR | 1010 | 1313 | 1426 |
| Moderate | SC | NA | 11 | 11 |
| Severe | SC | NA | 7 | 7 |
| Profound | SC | NA | 6 | 6 |
| **EMOTIONAL AND BEHAVIOR DISORDER** |
| Emotional and Behavior Disorder | SCR | 87 | 1110 | 1226 |
| **SPECIFIC LEARNING DISABILITIES** |
| Specific Learning Disability | SCR | 128 | 1610 | 1626 |
| **VISUAL IMPAIRMENTS** |
| Visual Impaired | SCR | NA3 | 64 | 713 |
| **DEAF/HARD OF HEARING** |
| Deaf/Hard of Hearing  | SCR | 63 | 84 | 811 |
| **DEAF-BLIND** |
| Deaf-Blind | SC | NA | 6 | 7 |
| **SPEECH-LANGUAGE IMPAIRMENTS** |
| Speech-Language Impairments | SCR | 117 | 15NA | 1555 |
| **ORTHOPEDIC IMPAIRMENTS** |
| Orthopedic Impairments | SCR | NA4 | 115 | 1115 |

**Note1:** Each \*paraprofessional is equivalent to 1/3 teacher and affects individual class size, caseload, and system average proportionately. Three paraprofessionals are the maximum number that can be used to increase the maximum class size for any special education class.

**Note2:** If students from different programs or delivery models are within the same segment, the class size shall be determined by the program or delivery model with the smallest class size. The caseloads shall be determined by averaging the respective caseloads.

**Note3:** The placement of children 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.

**Note4:** A student, with an IEP designating the service location for the delivery of goals and objectives to be the general education environment, shall be reported in the special education program category if instruction is provided in a team/collaborative model or consultative model.

**SECTION 11: Georgia Network for Educational and Therapeutic Support *(*GNETS) GNETS- See State Rule: 160-4-7-.15**

**Definition**

GNETS are programs available to support the LEA's continuum of services by providing comprehensive special education and therapeutic support for students served.

**Purpose**

1. The purpose of the GNETS is to prevent students from requiring residential or other more restrictive placements by offering cost-effective comprehensive services in local areas. Families have the opportunity to be engaged in all aspects of service planning. Child specialists (educators, psychologists, social workers, psychiatrists, behavior support specialists, etc.) from a variety of professions collaborate on behalf of the students served.

**Services**

All programs may serve children ages three (3) through twenty-one (21) years by the program staff in classes, with direct therapeutic services, evaluation, assessment, or other services as appropriate.

**Eligibility and Placement, Continuum of Services**

1. An IEP Team may consider in-class services by a GNETS program for a student with an emotional and behavioral disorder based upon documentation of the severity of the duration, frequency, and intensity of one or more of the characteristics of the disability category of emotional and behavioral disorders (EBD). This documentation must include prior extension of less restrictive services and data which indicate such services have not enabled the child to benefit educationa1ly. The IEP team must determine that GNETS services are necessary for students to receive FAPE. Removal from the general education setting will occur only when the nature or severity of students' social, emotional and/or behavioral challenges are such that education in a general education setting with the use of supplementary services and intensive individualized interventions cannot be achieved. The IEP team will consider the various setting in which GNETS services may be delivered and determine whether the individual student is likely to receive FAPE in each environment, beginning with the least restrictive setting. The GNETS continuum of services by environment may be delivered as follows: a) services provided in the general education setting in the student's Zoned School or other public school; b) Services provided in the student's Zoned School or other public school setting by way of "pull out" from the general education setting for part of the school day; c) services provided in the student's Zoned School or other public school for part o-f the school day in a setting dedicated to GNETS; d) services provided in the student's Zoned School or other public school for the full school day, in a setting dedicate to GNETS; e) services provided in a facility dedicated to GNETS for part of the school day; f) services provided in a facility dedicated to GNETS for the full school day.
2. For students receiving in-class services, the Clay County Special Education staff shall be actively involved.
3. Exit criteria are developed upon entry into the GNETS program.

**Operational Regulations and Procedures**

1. Classes shall operate a minimum of 180 days each fiscal year and may operate up to 200 days. The recommended maximum class size for preschool, elementary and middle school classes is eight (8). The recommended maximum class size for high school classes is ten (10).
2. GNETS programs shall utilize evidence-based positive behavioral interventions, supports, and other strategies designed to increase student' s resilience and social-emotional competence.
3. The academic curriculum for all students shall be Georgia's general education curriculum.

**LEA Duties and Responsibilities**

1. Ensure that FAPE is delivered to students recommended for GNETS services in the least restrictive environment (LRE).
2. Convene IEP team meetings
3. Conduct FBA/BIPs for any student considered for GNETS services
4. Collaborate with GNETS to detem1ine opportunities for students to have access to general education activities
5. Provide transportation to and from a GNETS, including transportation to and from home/school for students receiving services for part of the school day and for students participating in extracurricular activities
6. Maintain and report student record data
7. Provide student outcome assessments and other relevant data to GNETS director or designee
8. Monitor student IEP goals annually to determine students' progress and access to services in a lesser restrictive environment
9. Provide ongoing professional learning opportunities and best practices for teachers to support students who exhibit social, emotional and/or behavioral challenges
10. Allocate supports and resources, which may include in-kind services to GNETS to facilitate flexible models of service delivery and best practices for equitable educational support as appropriate
11. To the maximum extent possible, collaborate with community service providers to deliver mental health services and/or family support in students' Zoned schools
12. Collaborate with GNETS to examine students records and discuss the coordination of service provisions for students being considered for GNETS
13. Provide GNETS staff access to longitudinal data for all students receiving GNETS services to ensure teachers can access records for students included on their rosters
14. Submit student schedules to the GaDOE with GNETS code
15. Monitor facilities for safety and accessibility for students served by GNETS and report identified concerns to all key stakeholders such as fiscal agents, GNETS directors and any other appropriate parties

**SECTION 12:** **Free Appropriate Public Education (FAPE)**

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

**Definition**

Free Appropriate Public Education (FAPE) is a term used to refer to the right of all students, regardless of disability, to have access to free and appropriate public education.

**Requirements**

1. FAPE must be available to all children, residing in the State of Georgia between the ages of three (3) and twenty-one (21), inclusive, including children with disabilities who have been suspended or expelled from school.
2. If a student is receiving services upon reaching age twenty-two (22), the Clay County School District shall have a written procedure that identifies a process for completing services to which the adult student has been previously entitled.
3. The Clay County School District shall state in writing that the goal is to secure the successful transition of students to desired post-school outcomes and will collaborate to complete that transition by age twenty-two (22). If a student is still attending school at age twenty-two (22), the district shall state whether services will cease on the student's 22nd birthday or will continue until the end of the semester or the end of the current school year. When an adult student remains after the 22nd birthday, the district shall notify the adult student and the parent(s) that although services will continue, no individual entitlement to FAPE or other rights under IDEA are afforded the adult student.
4. For children, beginning at age three (3), the Clay County School District shall ensure that the obligation to make FAPE available to each eligible child residing in the district begins no later than the child's third (3rd birthday; and an IEP or an IFSP is in effect child by that date.
5. If a child's third (3rd) birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

**Children Advancing from Grade to Grade**

1. Each LEA must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.
2. The determination for FAPE shall be made on an individual basis by the Eligibility Team.

**Limitations - Exceptions to FAPE for Certain Ages**

1. FAPE is not required for adult students aged eighteen (18) through twenty-one (21), who, in the last educational placement, prior to their incarceration in an adult correctional facility were not actually identified as a student with a disability; did not have an IEP in effect; and graduates from high school with a regular high school diploma. Written prior notice is required when a change in placement occurs.
2. The exception does not apply to adult students with disabilities, aged eighteen (18) through twenty-one (21), who was identified as a child with a disability and was receiving services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail; did not have an IEP in their last edu0ational setting, but who had actually been identified as a child with a disability; or graduated from high school but was not awarded a regular high school diploma.
3. A 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).
4. The Clay County School District Department shall assure that information provided is current and accurate.

**Methods and Payments**

1. When the determination of funding for special education and related services is pending, the Clay County School District shall continue the implementation of the student's services without delay.
2. The Clay County Scl1ool System shall use Medicaid or other public benefits or insurance programs in which a student participates to provide or pay for services required under IDEA, as permitted by the public benefits or insurance.
3. The Clay County Department of Special Education personnel must obtain parental consent each time that access to public benefits or insurance is sought and must notify parents that the parents' refusal to allow access to their benefits does not relieve the Clay County School District of its responsibility to ensure that all required services are provided at no cost to the parents.

**Exceptions to Public Benefits or Insurance Programs**

1. If services are required to provide FAPE, the Clay County School District may not require the parents to enroll in public benefits or insurance programs in order for the child to receive FAPE.
2. The Clay County School District will not require the parents to incur any out-of-pocket expenses such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided, but may pay the cost the parents would otherwise be required to pay.
3. The district may not use a student's benefits under a public benefits or insurance program if

A. That use would decrease available lifetime coverage or any other insured benefit;

B. Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and are required for the student outside of the time the student is in school;

C. Increase premiums or lead to the discontinuation of benefits or insurance;

D. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenses.

**Students with Disabilities Who Are Covered by Private Insurance**

1. With regard to services required to provide FAPE to an eligible student, the Clay County School District may access the parents' private insurance proceeds only if the parents provide consent.
2. Each time the LEA proposes to access the parents' private insurance proceeds, district staff must obtain parental consent and inform the parents that their refusal to permit the district to access private insurance companies does not relieve the LEA of its responsibility to ensure that all required services are provided at no cost to the parents.

**Residential Placement**

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

**Accessible Instructional Materials**

1. The Clay County School District shall provide print instructional materials in specialized, accessible formats (i.e. Braille, audio, digital, large-print) to children who are blind or other print disabled in a timely manner. The district will take all reasonable steps to ensure that students with print disabilities have access to accessible forms of instructional materials at the same time as students without print disabilities.

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

B. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by students who are blind or other persons with print disabilities.

C. Large print formats are also included when the materials are distributed exclusively for use by students who are blind or other persons with disabilities.

1. 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.
2. Children who are blind or print disabled include:

A. Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.

B. Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

C. Children certified by a competent authority as unable to read or unable to use standard printed material as a result of physical limitations.

D. Children certified by competent authorities as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent reading printed material in a normal manner.

 (i) The following groups of individuals are eligible to certify children who are blind or other print disabled for specialized format instructional materials:

1. 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).
2. In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

E. In order to ensure the timely provision of high quality, accessible instructional materials to children who are blind and other print disabled, the Clay County School District must adopt the National Instructional Materials Accessibility Standard (NIMAS).

 (i) 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.

 (ii) Children who are certified as blind or other print disabled are eligible to receive accessible instructional materials produced with NIMAS files.

F. The Clay County School District will coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production and delivery of accessible materials to children who are blind or other print disabled.

 (i) The NIMAC refers to the central repository which is responsible for processing, storing, and distributing NIMAS files of textbooks and core instructional materials.

 (ii) The district must provide written assurances to the Georgia department of Education regarding the intention to coordinate with the NIMAC.

 (iii) Th Clay County School District will require textbook publishers to deliver the contents of the print instructional materials to the NIMAC in a NIMAS form at file on or before delivery of the print instructional materials. The files will be used in the production of accessible instructional materials.

 (iv) Instructional materials may also be purchased from the textbook publishers that are produced in or may be rendered in a specialized format.

G. If the district chooses not to coordinate with the NIMAC, assurances must be made to the Georgia Department of Education that the district will provide accessible instructional materials to children who are blind or other print disabled in a timely manner. The district will take all reasonable steps to ensure that students with print disabilities have access to formatted instructional materials at the same time as students without print disabilities.

 (i) If the district elects not to coordinate with the NIMAC, the Clay County School System will be responsible for purchasing, producing or otherwise providing high-quality, accessible and specialized, formatted instructional materials in a timely manner for children who are blind or print disabled.

 (ii) The district will take all reasonable steps to ensure that students with print disabilities have access to accessible fo1matted instructional materials at the same time as students without print disabilities.

H. The Clay County School District 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. I. 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**

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

2. Each IEP Team will consider whether or not a child requires assistive technology devices and services in order to receive FAPE. Minimal compliance will be indicating the appropriate response in the Consideration of Special Factors section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille.

3. An assistive technology evaluation maybe required if appropriate assistive technology solutions are not known to the student's IEP Team through the consideration process. This evaluation shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The child and family should also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.

4. If the student's IEP Team determines that assistive technology devices or services are required for the student to receive FAPE, a statement to that effect must be included in the student's IEP.

A. If assistive technology is required for the student to participate in local or statewide testing; the need for technology should be documented in the appropriate section of the IBP and provided to the student.

B. If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative form at instructional materials, the assistive technology should be documented in the IEP and provided to the student.

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

**Extended School Year (ESY) Services**

1. The Clay County School District will ensure that ESY services are available as necessary to provide FAPE.

2. ESY services will be provided only if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the student.

3. In implementing the requirements for ESY services, the Clay County Schools may not

 A. Limit ESY services to particular categories of disability; or

 B. Unilaterally limit the type, amount, or duration of the services.

4. ESY services mean special education and related services that are provided to a student with a disability

 A. Beyond the normal school year for the district;

 B. In accordance with the student's IEP;

 C. At no cost to the student's parents; and

 D. Meet the standards of the State.

**Nonacademic services**

1. The Clay County School District will take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities equal opportunity for participation in those services and activities.

2. Nonacademic and extracurricular services and activities may include 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, including both employment by the district and assistance in making outside employment available.

**Physical Education**

1. Physical education services, specially designed if necessary, shall be made available to every child with a disability receiving FAPE, unless the district enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades.

2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled peers unless the student is enrolled full-time in a separate facility or the student's needs specially-designed physical education, as prescribed in the student's IEP.

3. If specially designed physical education is prescribed in the student's IEP, the district is responsible for the education of that student and must provide the services directly or make arrangements for those services to be provided through other public or private programs.

4. If the district is responsible for the education of a student with a disability, enrolled in a separate facility, the district must ensure that the student receives approp1iate physical education services.

**Full Educational Opportunity Goal**

The Clay County School District will have in effect policies and procedures to demonstrate that the district has established a goal of providing full educational opportunities to all children with disabilities, aged birth through twenty-one (21), and a detailed timetable for accomplishing that goal.

**Charter Schools**

1. Students with disabilities who attend public charter schools and their parents retain all rights to FAPE.
2. The Clay County School District must ensure that public charter schools of the district must
3. Serve students with disabilities attending those charter schools in the same manner as the district serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools; and
4. Provide funds to those charter schools at the same time and on the same basis as the district provides funds to the district's other public schools, including proportional distribution based on relative enrollment of children with disabilities.
5. If the public charter school is an LEA, the charter school is responsible for ensuring that all requirements are met.

**Program Options**

The Clay County School District shall take steps to ensure that students with disabilities have available a variety of educational programs and services as nondisabled peers, including art, music, and Career, Technical and Agricultural Education.

**Routine Checking of Hearing Aids/Other Components**

1. Hearing aids.
2. The Clay County School District shall ensure that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly.
3. External component of surgically implanted medical devices.
4. The Clay County School District shall ensure that the external components of surgically implanted medical devices are functioning properly. The district is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

**Prohibition on Mandatory Medication**

1. The Clay County School District shall prohibit personnel from requiring parents to obtain a prescription for substances identified under the Controlled Substance Act for a student as a condition of attending school, receiving an evaluation, or receiving services.
2. Nothing shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a child's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services as it relates to Child Find.

**SECTION 13: Procedural Safeguards/Parent Rights**

**Procedural Safeguards - See State Rule: 160-4-7-.09**

Definition

Procedural Safeguards/Parent Rights are procedures designed to protect the legal rights of students and parents.

Requirements

1. The term "Procedural Safeguards Notice" also refers to the document commonly identified as "Parent Rights" which, must be given to parents only one time per school year, except that a copy shall also be given to parents in the following circumstances:
2. Upon initial referral or parent request for evaluation;
3. Upon receipt of the first state complaint in a school year;
4. Upon receipt of the first request for a due process hearing in a school year;
5. Upon notification by the LEA to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct; and
6. Upon request by the parent.
7. The parent may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail, if the district makes the option available.
8. The State and the district may place a copy of the Procedural Safeguards/Parent Rights on its web site.
9. The content of the notice must include a full explanation of all the procedural safeguards available relating to:
10. Independent educational evaluations;
11. Prior written notice;
12. Parental consent;
13. Access to education records;
14. Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
15. The time period in which to file a complaint or due process hearing;
16. The opportunity for the agency to resolve the complaint; and
17. The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
18. The availability of mediation;
19. The child's placement during the pendency of any due process hearing;
20. Procedures for children who are subject to placement in an interim alternative educational setting;
21. Requirements for unilateral placement by parents of children in private school at public expense;
22. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
23. Appeals of due process hearings, including the time period in which to file those actions;
24. Attorneys' fees; and
25. Notice provided in a language understandable to the parents.
26. The district shall establish and maintain procedures to provide an opportunity for the parents of a child with a disability to:
27. Inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child.
28. Participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of FAPE to such child.
29. Obtain an independent educational evaluation of the child.
30. The Clay County School District shall establish and maintain procedures to provide to ensure that parents:
31. Receive notice before the school initiates or changes (or refuses to initiate or change) the identification, evaluation, educational placement of the child, or the provision of FAPE to the child.
32. Receive notice of places to contact for assistance in understanding the procedural safeguards/parents' rights.
33. Receive procedural safeguards notice and a full explanation of the procedural safeguards.

**Parental Opportunity to Examine Records**

The Clay County School District shall establish and maintain procedures which permit the parents of a child with a disability an opportunity to inspect and review any education records relating to their children that are collected, maintained or used in the identification, evaluation, educational placement and provision of FAPE. These rights include the right to a response from the LEA to reasonable requests for explanations and interpretations of the records, the right to request the LEA to provide copies of the records and the right to have a representative of the parent to inspect and review the records. All rights of parents to examine education records shall transfer to the child at age eighteen (18). The district may presume that the parent has these rights unless the district has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce.

**Parental Participation in Meetings**

1. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the student.
2. A meeting does not include informal or unscheduled conversations involving district personnel and does not include conversations on issues such as teaching methodology, lesson plans, or coordination of service provision.
3. A meeting also does not include preparatory activities that district personnel engage to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting.
4. The district shall ensure that a parent of each student with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
5. If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the district shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
6. A placement decision may be made by a group without the involvement of the parent(s) if the district is unable to obtain their participation in the decision. In this case, the district must have a record of its attempts to ensure their involvement.
7. The Clay County School District shall make reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.
8. The district shall provide notices to ensure that parents of children with disabilities have the opportunity to participate in meetings.

**Independent Educational Evaluation**

1. Parents have the right to an independent educational evaluation at public expense if the parents disagree with an evaluation conducted/obtained by the district.
2. If a parent requests an independent educational evaluation at public expense, the Clay County School District shall, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that independent educational evaluation is provided at public expense, unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
3. If the final decision is that the district's evaluation is appropriate, the parents still have the right to an independent educational evaluation but not at public expense.
4. If a parent requests an independent educational evaluation, the district may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the LEA's evaluation.
5. The district shall provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the LEA's criteria applicable for independent educational evaluations.
6. If the parent obtains an independent education al evaluation at public or private expense, the results of the evaluation:
7. Shall be considered by the district, if the evaluation results meet state and local criteria, in any decision made with respect to the provision of FAPE to the student; and
8. May be presented by either party as evidence at an impartial due process hearing.
9. If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.
10. Whenever the state or LEA pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the state or LEA uses when it initiates an evaluation. Except for the criteria described in the aforementioned, the district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.
11. A parent is entitled to only one independent education evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.

**Notice to Parents/Guardian/Surrogate**

1. The parents shall be provided notice written in language understandable to the general public a reasonable time before the district proposes to initiate or change the identification, evaluation or educational placement of a child or the provision of FAPE to the student. Written notice shall also be provided if the district refuses to take such action. After rights have been transferred to a child who has reached the age of majority, any written notice shall be provided to both the student and to the parent(s) of the student.
2. The Clay County School District shall provide a full explanation of all procedural safeguards/parent s ' rights available to the parent(s). The communication to the parent(s) shall include a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the dist1ict considered and the reasons why those options were rejected. Communication to the parent(s) shall include a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action. Also included shall be a description of any other factors which arc relevant to the LEA's proposal or refusal, a statement that the parent(s) of a student with a disability has protection under the procedural safeguards/parents ' rights, a statement of the means by which a copy of the procedural safe guards/parents' rights may be obtained, and information providing sources to contact for assistance in understanding the procedural safeguards/parents' rights.
3. In most cases, notice requirements can be addressed by providing the parent(s) with a copy ofdocuments such as the consent to evaluate, consent for placement, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request, but these items have not yet been generated for the child. In such a case, the district must respond to the request through an alternative manner, such as through a letter to the parent(s), which provides all of the required elements previously identified.
4. Graduation from high school with a regular education diploma constitutes a change in placement and requires written prior notice.

**Language Understandable to the General Public**

1. The Clay County School District shall ensure that notices shall be written in language understandable to the general public, provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
2. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
3. The district must ensure the parent understands the content of the notice; and
4. There is written evidence that the requirements have been met.
5. At a minimum, informed parental consent shall be obtained before:
6. Conducting an initial evaluation to determine if the child qualifies as a child with a disability;
7. Conducting any re-evaluation of a child with a disability;
8. Providing initial special education and related services to a student with a disability;
9. Consent to provide special education and related services applies to all services described in the IBP which will ensure FAPE.
10. Annual decisions about what services are to be provided are made through the IEP process and are not part of the consent requirement.
11. Clay County special education staff shall not disclose personally identifiable information.
12. Except for an initial evaluation, initial placement, and re-evaluation, consent is not required as a condition of any benefit to the parent(s) or child.
13. Consent for initial evaluation shall not be construed as consent for initial provision of special education and related services.
14. The district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.
15. For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the district is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:
16. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the child's parent;
17. The rights of the parents of the child have been terminated in accordance with state law;
18. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
19. If the parent of a child in public school or seeking to enroll in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the district may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings.
20. The district does not violate its obligations under Child Find if the district declines to pursue the evaluation.
21. The district must obtain informed consent from the parent of the child before the initial provision of special education and related services to the student.
22. If the parents of a child fail to respond or refuse to consent to services, the district may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided.
23. If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, the district will not be considered in violation of the requirement to make FAPE available to the child for which the LEA sought consent.
24. The LEA is not required to convene an IEP Team meeting or develop an IEP for the student with whom the district requests consent.
25. The district must obtain informed parental consent prior to conducting a reevaluation of a student with a disability.
26. If the parent refuses to consent to the reevaluation, the district may, but is not required to, pursue the re-evaluation by using the consent override procedures by accessing the mediation or due process hearing procedures.
27. The Clay County School District does not violate its obligation if it declines to pursue the evaluation.
28. The district does not have to obtain informed parental consent if the district can demonstrate that:
29. The LEA made reasonable efforts to obtain such consent;
30. The child's parents failed to respond.
31. Parental consent is not required before:
32. Reviewing existing data as a part of an evaluation or reevaluation; or
33. Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children.
34. The LEA may not use a parent's refusal to consent to one service or activity.
35. If the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the district may not use the consent override procedures.

 (i) The LEA is not required to consider the child as eligible for services.

 (ii) To meet the reasonable efforts requirement in the consent section of this rule, the district must document its attempts to obtain parental consent.

1. A parent may revoke consent for the receipt of special education and related services once the student is initially provided special education and related services.
2. Revocation of consent to provide special education and related services is for all special education and related services; not individual services.
3. The intent to withdraw the child from special education and related services must be made in writing by the parent to the school system.
4. The school system may not continue to provide special education and related services to the child;
5. but must, prior to removing the child from special education and related services, provide the parent prior written notice.
6. The school system may not use the procedures of mediation or due process hearings to override the withdrawal of consent.
7. The school system will not be in violation of the responsibility to provide a free and appropriate public education (FAPE) to a child with a disability because of the failure to provide further special education and related services.
8. The school system is not required to convene an IBP meeting for a student whose consent to receive special education and related services has been revoked.
9. Subsequent referrals for special education and related services shall be considered an initial evaluation and subject to the sixty-day evaluation time period.
10. The school system is not required to amend the records of the student to remove any references to the provision of special education and related services prior to the receipt of the revocation of consent.
11. Parents may be provided assistance:
12. To understand the special needs of their child and information about child development;
13. To acquire the necessary skills to support the implementation of the student's IEP if determined by the IEP Team as a related service.

**SECTION14: Surrogate Parent**

**Surrogate - See State Rule: 160-4-7-.11**

**Definition**

Someone who is appointed by the school district to act in the place of a child's parent, representing the child in all areas of educational matters, if the child's parent cannot be located.

**Appointment**

1. In order to provide every child eligible for a public education with the protection of procedural due process, a surrogate parent shall be appointed by the Clay County School District when:
2. No parent can be identified;
3. The district, after reasonable efforts, cannot locate the parents;
4. The student is a ward of the State under the laws of Georgia; or
5. The student is an unaccompanied homeless youth as defined under McKinney-Vento Homeless Assistance Act.

**LEA Duties**

1. The Clay County School District shall have procedures to determine that a child needs a surrogate parent and to assign an individual to act as a surrogate for the child.
2. The Clay County Special Education Services Division shall maintain a list of trained surrogate parents and make appointments as the need arises.
3. The registrar at each school, as well as the Director of the Head Start program, will notify the Clay County Special Services Division in cases where a surrogate parent may be required. Once a student is identified, the Special Education Department will assign a trained, surrogate to participate in the educational decision-making process for the student.
4. The Clay County Special Education Department will notify the school/teacher of the name, address, and contact information of the assigned surrogate.
5. All correspondence and other contacts initiated by the school in regards to the identification, evaluation, or placement shall be with the assigned surrogate.
6. At the conclusion of the evaluation, the surrogate will be granted access to all information and be afforded all rights usually granted to a child's parents.

**Wards of the State**

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

**Criteria for Selection of Surrogate Parents**

The Clay County School District must ensure that a person selected as a surrogate parent is not an employee of the Georgia Department of Education, the Clay County School District, or any other agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and has knowledge and skills that ensure adequate representation of the child.

**Non-employee Requirement - Compensation**

A person otherwise qualified to be a surrogate parent is not an employee of the district solely because the individual is paid by the district to serve as a surrogate parent.

**Unaccompanied and Homeless Youth**

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

**Surrogate Parent Responsibilities**

The surrogate parent may represent e child in all matters relating to the identification, evaluation, and educational placement of the student and the provision of FAPE to the child.

**Liability**

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

**SECTION 15: DISPUTE RESOLUTION**

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

**Definition**

Dispute resolution is the process of resolving disputes between the school system and the parents of students with disabilities.

**Complaint Process**

1. An organization or individual, including an organization or individual from another state, may file a signed, written complaint regarding allegations of substance. The complaint shall include a statement that the district has violated requirements of IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
2. The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.
3. The party filing the complaint must forward a copy of the complaint to the district at the same time the party files the complaint with the Georgia Department of Education.
4. The complaint shall be reviewed and investigated as necessary and appropriate action taken within sixty (60) calendar days of its receipt by the Georgia Department of Education.
5. If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the described time limits and procedures. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing.
6. If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be so inform1ed by the Georgia Department of Education. However, a complaint alleging the district's failure to implement an impartial due process hearing decision shall be resolved, following the assigned time limit and procedures.
7. Through activities of the Georgia Department of Education and the Clay County School District, the state compliant procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.
8. The complaint procedure is as follows:
9. Complaints from any organization or individual shall be signed and addressed in writing to:

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

1. The party filing the complaint must forward a copy of the complaint to the Clay County School District, at the same time the party files the complaint with the State. The complaint should be forwarded to the following:

Clay County School Superintendent

111 Commerce Street East Fort Gaines, Georgia 39851

1. The complaint shall include a statement that the Georgia Department of Education or Clay County School District has violated a requirement of Part B of IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
2. The Divisions for Special Education Services and Supports shall address the issue with the Clay County School District in writing and request a response within ten (10)

business days from the public agency directly involved.

1. The district shall respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
2. Copies of all correspondence shall be sent to the parties involved that include the complainant, the Georgia Department of Education, and the Clay County School District. In some cases, where the parent of the student is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
3. The parent who files the complaint and the Clay County School District shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.
4. Upon receipt of the first State complaint from a parent in a school year, the district shall provide the parent with a copy of procedural safeguards available to the parents of a student with a disability.
5. The Divisions for Special Education Supports and Services shall review the district's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Divisions for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an on-site visit, if necessary, to clarify the issue.
6. The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the IDEA. The on-site review may include examination of records, interviews, and classroom visits.
7. The Divisions for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.
8. The Divisions for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the district is violating a requirement of Part B of the IDEA.
9. The Divisions for Special Education Supports and Services shall issue a written decision to the district and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.
10. The Divisions for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.
11. If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the district is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities.
12. The Georgia Department of Education must not make any final determination that the district is not eligible for assistance under part B of the Act without first giving the LEA reasonable notice and an opportunity for a hearing.

**Withholding of Funds from Local Units of Administration**

An extension of the sixty (60) calendar-day time limit for resolution may be made by the Georgia Department of Education only when exceptional circumstances exist with respect to a particular complaint or if the parent or other complainant and the district involved agree to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution.

**Private School Complaints**

Complaints that the district has failed to meet the requirements re gar ding children who are parentally-placed in private schools must be filed under the aforementioned complaint procedures. Complaints regarding Child Find are to be filed with the district in which the private school is located, and a copy forwarded to the Georgia Department of Education.

**Mediation Process**

The Clay County School District shall ensure that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification, evaluation, educational placement, or the provision of FAPE to resolve such disputes through a mediation process.

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

**Impartial Due Process Hearings**

1. The impartial due process hearing is designed to provide a parent or school district an avenue for resolving differences with regard to the identification, evaluation, placement or provision of FAPE to a student with a disability.
2. The due process hearing request must allege a violation that occurred not more than two (2) years before the date the parent or the district knew or should have known about the alleged action that forms the basis of the due process hearing request.
3. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint, or the school district's withholding of information from the parent that was required to he provided to the parent.
4. Due process hearings are provided at no cost to either party; however, each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses unless a court awards the recovery of such costs to the prevailing party.
5. The district must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the district.
6. Due Process Request Procedures are as follows:

A. The party filing a due process hearing request must provide a copy to the other party and the State. When the party filing a due process hearing request is not the Clay County School District, the party must provide a copy to the Superintendent at the same time it provides it to the State.

1. Either party, or the attorney representing either party, may file the due process hearing request.
2. The State and the parties shall keep the content of the due process request confidential.
3. The content of the complaint must include:
4. The name of the child;
5. The address of the residence of the child;
6. The name of the school and the district the child is attending;
7. For a homeless child, the contact information for the child and the name of the school and district the child is attending;
8. A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement, or provision of FAPE including the facts relating to the problem;
9. A proposed resolution to the problem to the extent known and available to the party at the time.
10. A hearing may not occur until the party or the attorney representing the party files a request that meets the aforementioned requirements.
11. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within fifteen (15) days of receipt of the due process request that the receiving party does not believe the request meets the aforementioned requirements.
12. Within five (5) days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination.
13. A party may amend its due process request only if:
14. The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
15. The administrative law judge or hearing officer grants permission not later than five (5) days prior to the beginning of the hearing.
16. If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin anew.

**LEA Response to a Due Process Hearing Request**

1. If the district has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the district must within ten (10) days of receiving the due process hearing request, send to the parent a response that includes:
2. An explanation of why the district proposed or refused to take action;
3. A description of other options that the IEP team considered and the reasons why these options were rejected;
4. A description of each evaluation procedure, assessment, record, or report the district usedas the basis for the proposed or refused action;
5. A description of the other factors that are relevant to the district's proposed or refusedaction.
6. The district's response does not preclude the district from asserting that the parent's due process request is insufficient.
7. Unless responded to as above, any party receiving a due process hearing request must send tothe other party within ten (10) days a response that specifically addresses the issues raised in the due process hearing request.

**Resolution Process**

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

1. Includes a representative of the district who has decision-making authority on district's behalf; and
2. May not include an attorney for the district unless the parent is accompanied by an attorney
3. The parent and the district determine the relevant members of the IEP Team to attend the meeting.
4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the district has the opportunity to resolve the dispute that is the basis of the request for a due process hearing.
5. The resolution meeting need not be held if the parent and the district agree in writing to waive the meeting; or the parent and the LEA agree to use mediation to attempt to resolve the due process hearing request.
6. If the district has not resolved the due process hearing request to the satisfaction of the parent within thirty (30) days of the receipt of the due process complaint, the due process hearing may occur.
7. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation.
8. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may at the conclusion of the thirty (30) day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request.
9. If the district fails to hold the resolution meeting within fifteen (15) days of receiving notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline.
10. The timeline for issuing a decision in a due process hearing begins at the expiration of the thirty (30) day resolution period, unless an adjustment to the thirty (30) day resolution period is necessary.
11. The forty-five (45) day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
12. Both parties agree in writing to waive the resolution meeting;
13. After either the mediation or resolution meeting starts but before the end of the thirty (30) day period, the parties agree in writing that no agreement is possible;
14. If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or district withdraws from mediation.
15. If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the district who has the authority to bind the LEA.
16. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process.
17. If the parties execute an agreement, a party may void the agreement within three (3) business days of the agreement's execution.

**Impartial Administrative Law Judge or Hearing Officer**

1. At a minimum, an administrative law judge or hearing officer:
2. Must not be an employee of the Georgia Department of Education or the Clay County School District;
3. A person who otherwise qualifies to conduct a hearing is not an employee of the Georgia Department of Education or its representatives solely because he or she is paid by the Georgia Department of Education to serve as an administrative law judge or hearing officer;
4. Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
5. Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;
6. Must not be previously personally familiar with the specific program or services of the district at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge' s impartiality, but information or personal knowledge from other sources about the Clay County School District or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;
7. When any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties;
8. Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts;
9. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
10. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
11. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.

**Subject Matter of Due Process Hearings**

The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise.

**Timeline for Requesting a Hearing**

A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.

**Exception to the Timeline**

1. The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the district that it had resolved the problem forming the basis of the due process hearing request; or the district's withholding of information from the parent that was required to be provided to the parent.
2. Any party to a due process hearing has the right to:
3. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
4. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
5. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
6. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing;
7. Obtain written, or, at the option of the parents, electronic findings of fact and decisions;
8. Disclosure by each party to the other party at least five (5) business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing;
9. Bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party; and
10. Obtain a list of all potential witnesses at least five (five) business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend bis/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.
11. The parties may agree to settle the matters in dispute at any time whereupon the administrative law judge, upon written request, shall enter an order dismissing the matter.
12. A party may file a motion for voluntary dismissal at any time, up until five (5) days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time.
13. Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dis missal.
14. Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal.
15. If the administrative law judge determines that the motion has been made for good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations.
16. If the administrative law judge determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing, or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.
17. The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform with the requirements of law and justice in individual cases under unique or unusual circumstances as determined by the administrative law judge or hearing officer.
18. Parents involved in hearings must be given the right to:
19. Have the child who is the subject of the hearing present;
20. Open the hearing to the public; and
21. Have the record of the hearing and the findings of fact and decisions provided at no cost to parents.
22. An administrative law judge or hearing officer's determination of whether a child receive FAPE must be based on substantive grounds.
23. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a student did not receive a FAPE only if the procedural inadequacies:
24. Impeded the student's right to FAPE;
25. Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of FAPE to the parent's child; or
26. Caused a deprivation of educational benefit.
27. The Georgia Department of Education, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public.
28. A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision.
29. The Georgia Department of Education must ensure that not later than forty-five (45) days after the expiration of the thirty (30) day resolution period or the adjusted resolution time periods that:
30. A final decision is reached in the hearing; and
31. A copy of the decision is mailed to each of the parties.
32. An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided.
33. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved.

**Civil Action**

1. Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing.
2. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.
3. The party bringing the action shall have ninety (90) days from the date of the decision of the administrative law judge or hearing officer to file a civil action.
4. In any civil action, the court:
5. Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;
6. Hears additional evidence at the request of a party; and
7. Grants the relief that the court determines to be appropriate, basing its decision on the preponderance of the evidence.
8. The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.

**Rule of Construction**

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

**Attorneys' Fees**

1. In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or
2. To a prevailing party who is the Georgia Department of Education or Clay County School District against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
3. To a prevailing Georgia Department of Education or Clay County School District against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.
4. Funds under Part B of the IDEA may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA.
5. If a court awards reasonable attorneys' fees, the fees must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees.
6. Attorneys' fees may not be awarded, and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:
7. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten (10) days before the proceeding begins;
8. The offer is not accepted within ten (10) days; and
9. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.
10. An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.
11. Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation.
12. A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section.
13. The court may reduce the amount of the attorneys' fees awarded, if the court finds that:
14. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
15. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceedsthe hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
16. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
17. The attorney representing the parent did not provide to the district the appropriate information in the due process hearing request notice.
18. The provisions do not apply if the court finds that the State or district unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.

**Child's Status during Proceedings**

1. Except as noted in the Discipline section, during the pendency of any administrative or judicial preceding regarding a due process complaint notice requesting a due process hearing, unless the State or district and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.
2. If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until thecompletion of all the proceedings.
3. If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Babies Can't W it and is no longer eligible services because the child has turned three, the district is not required to provide the services that the child had been receiving. If the child is found eligible for special education and related services and the parent consents to the initial provision of special education and related services, the district must provide those special education and related services that are not in dispute between the parent and the LEA.
4. If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the district and the parents.

**SECTION 16: STATE HOUSE BILL 400 – BRIDGE LAW**

**Definition**

Building Resourceful Individuals to Develop Georgia’s Economy (Bridge) Act, House Bill 400, is as Bill, signed into law in May 2010, to create an atmosphere motivating middle and high school students to attain an education in order to attain dreams and future aspirations.

**Requirements**

1. The Clay County School District shall provide middle school students in grades sixth, seventh, and eighth grades, the following:
2. Counseling;
3. Regularly scheduled advisement;
4. Career awareness;
5. Career interest inventories; and
6. Information to assist students in evaluation academic skills and career interests.
7. The Clay County School District shall provide the following to high school students:
8. Career counseling
9. Career guidance;
10. Regularly scheduled career advisement; and
11. Information to enable students to successfully complete individual graduation plans, preparing the students for a seamless transition to postsecondary study, further training, or employment.
12. Clay County School personnel will assist all eighth-grade students in creating an Individual Graduation Plan (IGP).
13. The IGP identifies the rigorous academic core subjects and focused work in mathematics, science, or humanities, fine arts, world languages or sequenced career pathway coursework.
14. The IGP is based on the student’s selected academic and career area to prepare them for a chosen career.
15. The plan must be developed in consultation with parents/guardians, students, school counselor, or teacher as an advisor.
16. Additional parts of the IGP may include career-oriented and work-based learning experiences and postsecondary studies through Georgia’s multiple College Credit Now programs.
17. Students may change IGPs. Changes, however, must remain sufficiently structured to meet graduation requirements and to qualify for admission to postsecondary education.
18. The student’s advisor should advise the student to revise plans based on career data gathered from career interest inventories.
19. During IGP reviews, the team shall identify completed courses, schedules, career pathway, postsecondary plans, and related topics. After reviewing the IGP, the team, including the student, parents, and student advisor may elect to revise the existing IGP.

**SECTION 17: VARIOUS RELEVANT INFORMATION**

**Sample Eligibility Meeting Agenda**

1. Introduction of members of committee
2. Parental Rights given and explained (see Parental Rights at a Glance)
3. Statement of purpose of the meeting (i.e., determine eligibility for special education services)
4. Review rationale for referral
	* Case history
	* Summary of interventions
	* RTI data
	* Benchmark, Georgia Milestones, & other district- and state-wide test scores
5. Review other information required to determine eligibility (sequence determined by individual referral)
	* Information from the parent
	* Information from the classroom teacher
	* Information from a co-teacher (if the student has one)
	* Information, including formal reports, from staff members who may have provided intervention, observed, reviewed medical records, or evaluated the child (SLP, Autism specialist, Principal, School Psychologist, Counselor, Social Worker, etc.)
6. Review exclusionary factors
	* Attendance
	* Vision/hearing
	* Atypical educational history
	* Cultural differences or economic disadvantage
7. Summarize findings
	* Determine eligibility for services
	* Consider areas for possible placement
	* Provide explanation in summary for the reason the student is eligible for the placement chosen by the Eligibility Team
8. All members sign the form
	* For SLD, members must indicate agreement or non-agreement
	* For SLD, any member who disagrees with the decision of the team must provide an explanation in writing
9. Adjourn and dismiss, or team members may opt to move into IEP Meeting if student is eligible (IEP meeting must be held within 30 days).

**IEP Meetings and IEP Development**

**General Information**

Following an Eligibility Team Meeting and the determination that a student is a child with a disability and needs Special Education services, an Individualized Education Program (IEP) is developed for the student. The IEP details in writing the student’s current performance, the student’s needs that result from the disability, as well as the goals, accommodations, modifications, supports, and services that are required in order for the student to be involved in and make progress in the general education curriculum. The IEP is a result of a collaborative effort between parents, educational professionals, and, in most cases, the student.

**Members of the IEP Team**

1. The parent(s) of the child;
2. A special education teacher or service provider;
3. A general education teacher
4. An individual who is able to interpret the instructional implications of evaluations;
5. A representative of the local educational agency (LEA);
6. The child (if age appropriate);
7. And (at the discretion of the parent or school) other individuals that have knowledge or special expertise about the child.

In developing the IEP, the team must look at the student’s strengths, not just at his or her weaknesses, and design a challenging program that provides *involvement and progress in the general curriculum*. In Georgia, the Georgia Standards of Excellence is the curriculum for all students, even those with the most significant cognitive disabilities.

**Taping of IEP Meetings**

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

**Lack of IEP Team Consensus**

Anytime an IEP meeting reaches a point in which a consensus is unlikely, adjourn the meeting and notify the Special Education Director, if not present.

**Presence of Attorneys or other Advocates in IEP meetings**

* If a parent comes to a meeting with an advocate, the meeting may proceed as scheduled.
* If a parent comes to any IEP meeting with an attorney and without notifying the teacher or director in advance, adjourn the meeting notify the Director of Special Education immediately. The meeting will be rescheduled when the director and the attorney representing Clay County Schools can attend; however, give the parent the opportunity to continue the meeting without the attorney present.

**PARENT REQUEST TO WITHDRAW A STUDENT FROM SPECIAL EDUCATION SERVICES**

**Revocation of Consent for Placement**

1. When a parent asks for their child to no longer receive special education services, a meeting must be held to discuss all the pros and cons of removing services. If after discussion, the parent continues to pursue revocation, then follow these steps:
2. Have parents sign the Revocation of Consent for Special Education Services form.
3. Have the parents fill out and sign the Prior Written Notice Form.
4. Complete minutes of the meeting.

**To Revoke Consent for Evaluation**

There may be a time when a parent signs consent for evaluation or re-evaluation and then changes his/her mind. If the team is in agreement, the appropriate Pyramid or IEP team will meet and indicate in the minutes the decision to stop the evaluation. A new Consent to Evaluate must be completed, marked, “no,” signed by the parent, and include the justification for the action. If the team is not in agreement, please involve the assigned special education administrator.

**Extended School Year**

When considering ESY, the need is based on the emergence of critical skills or reduction in interfering behaviors. The skill(s) or behaviors to be analyzed for considerations of ESY should be foundational to future learning. Examples include:

* Emergence of basic communication in instances where communication did not exist as opposed to refinement of existing language skills.
* Development of a critical life skills such as emergence of a grasp response used for eating or grooming activities as opposed to the development of proficiency in math calculation.
* Development of critical academic foundational skills such as after a delay in learning, the student acquires sight vocabulary, word attack skills, basic number recognition, or rational counting skills as opposed to application of these or other foundational skills to more complex tasks.
* Initial progress on reducing aggressive or abusive behaviors as opposed to increase on in-seat behavior.

**Functional Behavioral Assessments (FBA) and Behavioral Intervention Plans (BIP)**

When a student engages in behavior, which interferes with the student’s learning or that of other students, the IEP team is required to conduct an FBA. The FBA is then used to develop a BIP. More information about this process is available later in this section. However, a BIP should be developed for a student in any categorical placement, if the student’s behavior is negatively impacting the student’s educational progress or the educational progress of other students. At a minimum, the BIP should be updated annually, along with the rest of the IEP. In addition, the BIP may be modified at any time circumstances warrant a change in the plan. When the BIP no longer meets the student’s needs, even after modifications, referral for a new FBA may be warranted. At this time, referral for a partial reevaluation should be initiated. (See page 9 in this manual for procedures for reevaluation.)

Note: Harben, Hartley, & Hawkins Law Firm recommends attaching a BIP to all IEPs developed for students who are placed in the EBD category. If one is not developed, there should be sufficient documentation to indicate the reason(s) that the IEP team does not feel that a BIP is necessary.

**SPECIAL CIRCUMSTANCES**

**English Language Learners**

* Check with the ESOL Teacher at the school to determine which students are also SWD.
* If a student is in both subgroups, then the ESOL teacher should be a part of the IEP team since he/she has knowledge of the student's performance and is involved in the student's education.
* The ESOL Teacher should be present and should participate in the development of the IEP, as would the student's other teachers.
* Additionally, if a student is EL and SPED, you must include in the IEP the ACCESS Test as one of the assessments he/she will participate in during the span of that IEP. List the test along with all other grade appropriate assessments for that student. Discuss questions about the ACCESS Test with the school’s ESOL Teacher.

**Home-Based Instruction**

Consideration for Home-based instruction must be discussed with the Director of Special Education. It may be used as a short-term placement option on occasion when the parent and LEA agree at an IEP meeting along with the following considerations:

* A free and appropriate public (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
* Home-based services must be reviewed no less than quarterly by the IEP team; and
* All IEPs that require home-based placements will include a reintegration plan for return to the school setting.

**Hospital/Homebound Instruction**

The Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or hospital for a period of time. Use of this form of instruction must be discussed with the Special Education Director prior to implementation. HHB instruction for non-disabled students must be discussed with the School Counselor.

Remember, all services, **including Speech Impairment and related services**, on the student’s IEP must be provided. Services do not have to match the frequency of service provided in the school setting, but they must be given to the student and documented.

**SAMPLE IEP AGENDA**

**For Initial, Reevaluation, and/or Annual Review Meeting**

1. Introduction of members of committee
2. IEP Team Members sign Meeting Attendance form and ONLY those in attendance are listed on the front page of the IEP as being in attendance.
3. If needed, review and sign Excusal forms
4. Parental Rights given and explained (see Parental Rights at a Glance)
5. Statement of purpose of the meeting
6. Discussion of PLOP
	* Reports from the regular/current teacher(s) of student’s strengths and needs
	* Parent comments - parent may be asked about concerns first at some meetings
	* Review current/recent data-Special Education Teacher
* Progress monitoring (prefer graphed presentation or scores reported in a way that parents and team members can understand such as score of 25 with a target score of 30)
* GAA Scores
* Assessment Scores
* Any other recent assessment information available
1. Address Consideration of Special Factors (complete appropriate forms & obtain signatures)
	* Behavior Intervention Plan
	* Assistive Technology\*
2. Additional items (may be optional depending upon the meeting & determined by individual needs)
	* Discuss Transition Services and Write Transition Goals
		1. 8th Grade- in Clay County begin this process in 8th grade
		2. By age 16- Completed Transition Plan must be in place
	* Transfer of rights to the student\*\*\*
	* Adaptive PE
	* Special transportation
	* Re-Evaluation
3. Discussion of Annual Goals & Short-term Objectives
4. Supplementary Aids & Services
5. Discuss Options for Services and Final Recommendations
	* Complete form: Considerations for Educationally Relevant Therapy (if appropriate) \*\*\*\*
6. Address Accommodations
	* Classroom
	* Testing\*\*
7. Complete Services Page
8. Parent signs Consent for Placement. This form should be completed at the initial placement meeting or if placement changes. Re-check signatures to make sure all committee members signed the appropriate forms.
9. Copies of Eligibility, IEP meeting notes, and IEP given to parents. If not provided at the meeting, let the parent(s) know when to expect this information and how it will be delivered (e.g., mailed or sent home with student).

**IEP Segments**

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

As children transition from preschool to elementary school, from elementary school to middle school, and then from middle school to high school, the number of segments frequently changes.

In Clay County, a transition meeting is held at the child’s home school near the end of the school year (spring), and staff members from the receiving school are invited. At this time, anticipated segments for the upcoming year are indicated on the IEP. If additional changes need to be made when school resumes, another meeting may be scheduled, or an addendum may be used to modify the segments. The meeting may be informal and may cover the needs for several students.

**Components of a Functional Behavior Assessment (FBA)**

* FBA team members work collaboratively through the process and document the results.
* Team members use the antecedent-behavior-consequence model as the basis for behavior.
* The team develops a description/operational definition of the target/problem behavior that clearly describes what the student is doing and is stated in observable, objective, and measurable terms.
* Team members select FBA direct measurement data systems that are appropriate for the target behaviors (e.g., frequency, duration, latency, interval recording, time sampling, and permanent product recording).
* Team based decision making should include manageable strategies for sampling behavior during relevant times and contexts.
* Direct data collection team planning should include how the raw data will be converted into a standardized format (e.g., rate, percent).
* In addition to direct observation of behavior, FBA information sources can include multi-element assessments, documentation of student, teacher, and parent interviews (including student preferences), indirect data collection (checklists, questionnaires), previous interventions tried, educational impact of the behavior, and record review.
* The team’s analysis of the comprehensive FBA assessments should identify patterns and result in summative information that should include:
* time of day and settings where the behavior typically occurs
* subject/activity when the behavior most often occurs
* frequency/duration/intensity of the behavior
* people present during the behavior
* antecedents/events or conditions that immediately precede/trigger the behavior
* consequences that maintain the problem behavior
* Through the collaborative team-based decision-making process, the team agrees on a hypothesis/summary statement as to the function/purpose of the target behavior.

**Components for a Behavioral Intervention Plan (BIP)**

* Target/problem behavior, the hypothesized function of the behavior, and a summary of data collected that led to the hypothesis are included in the plan
* Behavior intervention plans are driven by the hypotheses and the FBA data collected. They are individualized for the student and include:
	+ positive (preventive) strategies to avoid the target behavior (e.g., antecedent modifications) that can include instructional modifications, behavioral precursors as signals, modification of routines, opportunities for choice/control, clear expectations, pre-correction, errorless learning, etc.
	+ select new skills that replace problem behaviors that can be as or more effective than the problem behavior (replacement behaviors may include communication skills, social skills, self-management/monitoring skills, choice making, etc.)
	+ instructional methods to teach replacement behaviors that can include pre-instruction, modeling, rehearsal, social stories, incidental teaching, peer buddy, meeting sensory needs, direct instruction, verbal, physical, and/or visual prompting, etc.
	+ consequences that promote the learning of the replacement behavior that are based on student preferences
	+ consequences that address the occurrence of the target behavior
	+ the desired outcomes of the behavioral intervention plan for the student
* Action plan for the implementation of the BIP should include:
	+ activities, dates, and documentation describing who is responsible for completing each task
	+ materials, training, and support for the implementers of the plan
	+ how data will be collected and analyzed
	+ timelines for team meetings, data analysis, and monitoring the success of the BIP
* If necessary, a crisis intervention plan is developed when the safety of the student or of others is a concern.

**Checking Content**

**General Information**

* + Reason for Meeting
		- Initial, Reevaluation, Progress Report, Amendment
	+ Current Meeting Date
* Make sure the current/correct meeting date is entered.
	+ Implementation Date/End Date
		- If the parent doesn’t attend the meeting:
		- Forward the implementation date 7 to 10 days.
		- Send a copy of the draft IEP to the parent within 3 days of the meeting date to provide Prior Written Notice of all decisions/services discussed in the meeting. Parents must have time to request changes in the IEP before the implementation date.
	+ Current Eligibility Date
		- Enter the current eligibility date (the date that the most recent eligibility or Re-Evaluation of eligibility was established). This can be found on the eligibility report or updated eligibility form.
		- Do not use the projected 3-year reevaluation date.
	+ Progress Reports
* State when or how often Progress Reports will be sent home. It is best not to use “numbers” here such as “every 9 weeks” just in case, for some reason, the school decide to change the grading period. It is best to use “following each grading period”.
	+ Comments
* Add additional notes regarding decisions made in the IEP meeting
* Examples:
	+ - Reevaluation/Re-Evaluation
		- The reason no FBA & BIP are needed for an EBD student
		- Special Transportation
		- Details about ESY services.

**Present Level of Performance**

* + Results of evaluations and assessments must be within one year.
	+ Include information from most recent Psychological or Eligibility Report. Strengths & weaknesses should be stated verbatim from the psychological evaluation.
	+ Include results from State assessments, GKIDS and include the score needed to pass.
	+ Add scores and baselines from progress monitoring (DIBELS, HRH Reading Inventory, CBMs, IReady, etc.).
	+ Explain what each test measures and a brief explanation of the score and what it means for the student.
	+ Include the Related Services (PT and OT) assessments/summary.
* Describe Strengths
	+ Include statements reflect skills/knowledge the student currently possesses, which will allow him to work on grade-level standards.
	+ Include the following:
		- Academic areas (e.g., math problem solving)
		- Developmental areas (e.g., language, motor, cognitive, social/emotional)
		- Functional areas (e.g., self-care, social skills, daily living, communication)
* Describe Needs
	+ Every identified “need” must have a corresponding goal.
	+ “Needs” unrelated to the student’s disabilities are not addressed in the IEP.
	+ “Needs” are barriers to the student’s success in meeting grade-level standards in the general education classroom without support. In other words in order to identify needs, think of skills that would enable the student to be successful in the classroom without support. Deficits in these skills result in “needs.”
	+ When student is Specific Learning Disabled, the area(s) must be listed.
* Parent Concerns
* Request input from the parent prior to the IEP meeting.
* Address concerns regarding the child’s academics, behavior, performance on goals, and/or future plans.
* Communication with the parent may be through verbal or through written contacts and should be ongoing throughout the school year.
* Impact of Disability
* Information stating how disability affects the classroom performance, involvement, and progress on grade-level standards.
* This statement is unique for each student.
* Present Levels are not addressed here.
* Some specific characteristics include:
	+ - short-term memory problems,
		- poor organization skills,
		- auditory processing problems,
		- visual processing problems,
		- fine and gross motor deficits,
		- slow rate of information processing,
		- difficulty generalizing.

**7 - Special Factors**

* All areas should be addressed. If a child has a need in any of these special factors, place a checkmark in the “yes” box. Do not leave any are marked NA.
* Describe the supports and services to address each need identified as follows:
* If a student is EBD and doesn’t need an FBA & BIP, the reason for lack of the FBA/BIP should be documented.
* If a student exhibits behaviors that interfere with his or her learning and/or that of others to a substantial degree, an FBA/BIP should be considered and developed, if needed, regardless of the student’s categorical placement.
* If the need for assistive technology (AT) is marked “No,” include a statement indicating how needs will be met in deficit areas without AT.
	+ - Review/complete AT Checklist

**Transition Plan**

* Should be completed for students as needed according to age.
* Goals in the transition plan should address student needs after graduation.

**Goals – Goals are expectations for one school year and should be updated at each annual review.**

* Should be measurable and specific to the student’s “needs” and should come directly from the “needs” in the PLOP.
	+ Outcome must be something that
		- May be seen or heard.
		- Reflects what student is expected to be able to do and/or produce as a result of instruction.
	+ Criteria clearly stating how well, how much or at what level the behavior is to be performed.
	+ The given or condition, if necessary.
	+ Method of evaluation should monitor on-going progress.
		- Evidence of progress should be tangible.
		- Observation alone without some type of data collection is not a method of evaluation.

**Student Supports**

* Instructional Accommodations – Directly related to deficits described in the present levels. Must be stated in specific observable terms. Also state who is to develop or provide the accommodations/modifications and when the accommodations/modifications will be provided.
* Classroom Testing – Accommodations should be consistent with instructional accommodations. However, some needed instructional accommodations may not be appropriate for statewide tests.
* Supplementary Aids and Services – Provided in the general education classroom or any other education-related setting to enable student with disability to be educated with non-disabled peers.
* Supports for School Personnel – Any training for teachers or staff to be able to meet the unique needs of the student.

**Specific Testing and Accommodations**

* Choose specific name of each test from “test bank”; then add accommodations.
* Make sure the testing is marked “standard, non-standard or conditional.”
* Accommodations specified should be available in the general education classroom on a regular basis.
* See Appendix to aid decision-making for test accommodations

**General Education Services**

* List all special education services individually that are received in the general education classroom.
* Start date and end date for services should match the IEP dates on the front page of the IEP.
* Subjects should be added for specific service time.

**Special Education Services**

* Individually list all special education services that are provided in the Special Education classroom.
* Match starting and ending dates for services with the IEP date on the front of the IEP.
* Specific subject area(s) should be added for each service
* Make sure that all options considered are checked and not just the services thar are decided upon.

**Related Services**

* List services individually.
* Match starting and ending dates for services with the IEP date on the front of the IEP.

**Extended School Year**

* Yes or No. Add date if you need to meet again before the end of the IEP to address the need for ESY.

**Parent Participation**

Include all notices/contacts with parent for notification regarding the current IEP meeting.

Place a checkmark in appropriate box to show information provided to the parent.

Using a checkmark, show how the information was sent to the parent.

**Final IEP Check**

|  |  |  |
| --- | --- | --- |
| **Yes**  | **No** |  |
|  |  | None of the IEP pages are missing. |
|  |  | All participants at the meeting signed the attendance sheet. |
|  |  | LEA is specified. |
|  |  | Sign-in sheet has been attached to final copy. |
|  |  | All required members listed on the Notice of Meeting signed the IEP. |
|  |  | For any required member who is not present, Excusal Form(s) is/are attached. |
|  |  | Excusal forms, if used, are signed by the parent. |
|  |  | If the student has “yes” marked to indicate a BIP was developed or updated. |
|  |  | Parent is sent a final copy of the IEP after corrections have been made.  |
|  |  | For annual reviews and reevaluations, old original IEP, including Transition Plan if applicable, was reviewed correctly. (For example, if a goal was not met, the criteria the student currently performs on the goal should be indicated to show how much progress is still needed for the student to meet the goal.) |
|  |  | AT Checklist is completed (included in GO-IEP). |

**Additional Information**

1. Writing Standards-Based IEPS by Tina Anderson, Ph.D.
2. Writing Measurable IEP Goals and Objectives by Barbara D. Bateman and Cynthia M. Herr
3. Teachers with limited experience in writing IEPs should consult with the Special Education Chairperson and/or their assigned Mentor as needed.

**Interventions, Progress Monitoring and Writing Goals**

**Interventions**

The State of Georgia provides free access to Peach Star (United Streaming). This unique service provides full videos and video clips aligned with the Georgia’s Standards of Excellence. Check with the school’s Media Specialist for more information to set up an account at: <http://streaming.discoveryeducation.com/indext.cfm>.

**Data Collections**

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

* Determine if any intervention needs to continue, be modified, or be completely changed.
* Provide information for the annual review of the IEP.
* Provide information for the development of new goals on the IEP.

The type of data collected and the format for collection is dependent upon the criteria set forth in the goal. Obtain information on data collection from the Special Education Director or Team Leader. Best practices suggest that data should be available in chart or graph form.

**Progress Monitoring-Writing Goals**

**General Information**

Annual goals are developed to meet the unique needs of the child identified in the present levels. The Present Levels provide the baseline information for the development of measurable annual goals. Annual goals in academic content areas may be drawn from the Georgia Standards Excellence but must be written in measurable form. Most often goals address supplementary instruction that is needed to build skills and thus provide access to the general curriculum. Measurable annual goals are statements that describe what a student can reasonably be expected to accomplish within a one-year period in the student’s special education program. To accomplish this goal, the child’s performance is measured against the district’s standards or benchmarks for basic skill areas. If the district does not have published benchmarks, then teachers may use those that are in the research literature.

* Four critical components of the annual measurable goal are:

Conditions: Specify the context in which progress toward the goal is measured. Conditions are dependent on the behavior begin measured and involve the application of skills or knowledge. Examples:

* “When presented with a second-grade reading passage…”
* “When given a mixed fourth-grade level math calculation probe…”
* “Given a story prompt and three minutes to write…”

Behavior: Clearly identifies the performance being monitored, usually reflects an action or can be directly observed and is measurable. Examples:

* “Sarah will read…”
* “John will correctly solve…”
* “Sue will write…”

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

* “…107 words per minute with 5 or few errors.”
* “…85% or more of the problems presented.”
* “…37 words per minute.”

Elementary School Example:

* Present Level: Robert is a first-grade student who had difficulty decoding basic sight words. According to DIBELS administered in May of his first-grade year, he has an oral reading fluency of 25 words per minute.
* Goal: When given second grade reading probe, Robert will increase his oral reading fluency to 89 words per minute.

Middle School Example:

* Present Level: When a given a mixed 7th grade level math calculation problem, in two minutes Jeff is able to complete the problems with 38 digits correct. He does not monitor his work for accuracy and tends to run through assignments in his general education math class.
* Goal: When given mixed 7th grade math calculation problem, in two minutes Jeff will complete the problems with 68 digits correct.

High School Example:

* Present Level: joe has difficulty organizing his written work so that it makes sense to the reader and conveys the information that he intends.
* When Jeff’s written work is graded, for punctuation and spelling, he averages 50% accuracy.
* Goal: When given grade level writing assignments, Jeff will plan his papers using a prewriting strategy and compose and edit his paper to 90% accuracy for punctuation and spelling.

Timeframe: Specify number of weeks or certain date for completion. Maximum time is one year. Examples:

* In 36 instructional weeks…
* By November 19, 20xx…
* By the end of the 20xx-20xx school year…

Key Points

* Baseline data for measurable goals are included in the Present Levels of Academic Achievement and Functional Performance.
* Write an IEP goals so that a teacher who does not know the child can develop appropriate instructional plans and assess the student’s progress.
* Curriculum Based Measurement is frequently used to assess progress on the goals that are reported to parents.
* IEPs should contain at least one goal, the number of goals will depend on the student’s identified and prioritized needs.

**Reporting Caseloads & FTE**

Currently, the Special Education Director is responsible for gathering the information needed to complete caseload and FTE reports. Teachers may be asked for information in order to complete this information.

**FTE: General Information**

Local school systems report student enrollment to the Georgia State DOE using FTE (Full Time Equivalent) data. This data is based on the number of students who meet the requirements to be counted. One important requirement is that the student must be present for at least one of the 10 days prior to the FTE Count. The FTE count is the method the DOE uses to determine funding for particular services and programs. A primary use of funding includes teacher salaries. Therefore, accurate FTE counts are extremely important. Georgia conducts FTE counts at the following times:

* 1st Tuesday in October
* 1st Thursday in March
* Student Records in June

Prior to these times, the Clay County School District FTE/Student Record Coordinator distributes information to each school secretary. The school secretary re-distributes the information to the appropriate personnel in the school for review.

Special Education codes are reviewed by the Special Education Director for each student. The information must be reviewed for accuracy of each segment for every student served in special education. The data is uploaded to the State on the day of the count, and then the data is used to determine the amount of funding our school system will receive from the state department. The actual process is much more complicated than this description. For more information, please refer to Georgia Department of Education Data Collections website.

**NOTE: FTE Counts are very important! Please make sure that the information reported is accurate.**

## FTE: Program Codes

General Information

* Used for reporting services to the GA DOE for funding purposes
* Used in GO-IEP for IEPs

Specific Information

* Program codes are used to determine the weight that will be assigned to the number of FTEs earned in funding an instructional program area.
* To claim FTE funding segments, the student must be regularly scheduled for service or program instruction on the day of the count.
* Students who are not regularly scheduled for service or program instruction on the day of the count must be reported according to the program weight that indicates the actual services they receive on the FTE count day.
* School systems may not alter a student’s schedule to capture a specific weight for the FTE count day.

|  |  |  |
| --- | --- | --- |
| FTE Code:Reporting Services | Exceptionality | FTE Code:IEPs in IC |
| P | Mild Intellectual Disability | P |
| Q | Moderate Intellectual Disability | Q |
| R | Severe Intellectual Disability | R |
| S | Profound Intellectual Disability | S |
| T | Emotional and Behavioral Disorder | T |
| T | Severe Emotional Disorder | T |
| U | Specific Learning Disability | U |
| V | Orthopedic Impairment | V |
| W | Hearing Impairment | W |
| X | Deaf | X |
| Y | Other Health Impairment | Y |
| Z | Visual Impairment | Z |
| 1 | Blind | 1 |
| 2 | Deaf and Blind | 2 |
| 3 | Speech-Language Impairment | 3 |
| T | Autism | 6 |
| U | Traumatic Brain Injury | 7 |
| U | Significantly Developmentally Delayed\* | 8 |

\*In some cases, SDD may be reported using another FTE Code as follows depending upon the functioning of the student, for example:

* P- MID
* Q-MOID

These codes must be entered manually for SDD to over-ride the “U” designation. Therefore, instead of simply checking the print-out provided by the secretary, the special education staff member reviewing the entries should correct the “U” designation when it does not reflect the student’s functioning. FTE Service Entry Forms should reflect the corrected codes. This form will be returned to the FTE Coordinator and the FTE Coordinator will correct this information in the system data prior to uploading it to the State DOE.

## FTE: Levels of Funding

* The number of segments a student is served in an area of special education and the type of disability the student has determine the level of funding for special education.
	+ For example, a student receiving one to three segments of Specific Learning Disability (SLD) services will earn level III funding. If that student receives four to six segments of SLD (self-contained), the funding level changes to Level I.
	+ This means that the amount of funding received is reduced, even though the student is receiving more special education services.
	+ Special Education Levels I through V
	+ There are five levels of special education funding.
	+ Each level represents a different funding weight.
	+ These weights affect the amount of funds the State DOE provides to the local school system.
	+ Therefore, **reporting this information correctly is important**.
	+ Incorrect reporting may result in an error and sometimes, in loss of funds for the school system.

**Special Education Funding Level Chart**

|  |  |  |
| --- | --- | --- |
| Program Code | Category/Program | ***Number of Segments*** |
| LevelI | LevelII | LevelIII | LevelIV |
| P |  | Mild Intellectual Disability |  | 1 - 6 |  |  |
| Q | Moderate Intellectual Disability |  |  | 1 - 6 |  |
| R | Severe Intellectual Disability |  |  | 1 - 6 |  |
| S | Profound Intellectual Disability |  |  |  | 1 - 6 |
| T | Emotional & Behavioral Disorder |  |  | 1 - 6 |  |
| U | Specific Learning Disability | 4 - 6 |  | 1 - 3 |  |
| V | Orthopedic Impairment |  |  | 4 - 6 | 1 - 3 |
| W | Hearing Impairment |  |  | 4 - 6 | 1 - 3 |
| X | Deaf |  |  | 4 - 6 | 1 - 3 |
| Y | Other Health Impairment |  |  | 4 - 6 | 1 - 3 |
| Z | Visual Impairment |  |  |  | 1 - 6 |
| 1 | Blind |  |  |  | 1 - 6 |
| 2 | Deaf and Blind |  |  |  | 1 - 6 |
| 3 | Speech-Language Impairment | 4 - 6 |  | 1 - 3 |  |

* + Level V funding
	+ earned when the special education student is placed in a general education classroom
	+ and receives additional services through one of the following:
		- Paraprofessional (inclusion code = 4),
		- Co-teaching/Collaborative (inclusion code = 9).
* Inclusion Codes
	+ Codes used are ‘4’ and ‘9’
	+ This type of Special Education Service must occur in the General Education setting.
	+ Therefore, the corresponding Program Code segment must reflect a General Education Program.
* GNETS Learning Center
	+ No FTE weight is assigned to the Georgia Networks for Educational and Therapeutic Support (GNETS) Program. (This program was formerly identified as the Psycho-educational Program.)
	+ GNETS Programs are funded through a separate grant and are considered to be a special education program code.
	+ Students attending a GNETS facility should be reported with the GNETS program code (PROGRAM CODE = ‘4’) for each segment of service received in the GNETS program.
		- For example, if a student received 3 segments of emotional and behavioral disorder instruction (program code ‘T’) on the FTE count day and attended a GNETS facility for the other 3 segments, only the 3 segments at the GNETS facility would be coded as program code ‘4’. The other 3 segments would be coded as ‘T’.

|  |  |  |
| --- | --- | --- |
| **Delivery Option** | **Description** | **FTE Count\*** |
| **General Education Class** | Student with a disability is served in the general class with no personnel support. Student may receive needed accommodations and modifications as specified in the IEP | Count student as general education student only for this segment. |
| **Consultation** | Student with a disability receives at least 1 segment per month of direct services from the special education teacher. | The special education teacher must provide service for the entire segment of the day of the count.  |
| **Supportive Instruction** | A student with a disability receives service from personnel other than a certified teacher in the general education classroom (i.e., paraprofessional, interpreter, job coach).  | Student is counted as a general education student for this segment and counted as receiving special education services. |
| **Collaboration** | A special education teacher provides service to identified students within the general education classroom with the general education teacher for 50% of the instructional time. | Count the student as receiving special education this segment. Between 2 collaboration units in 1 segment, cannot go over maximum # (5-7). |
| **Co-Teaching** | The special education teacher provides service in the general education class by sharing responsibility with the general education teacher for the full segment every day. | Maximum Class size 5-7(8) |
| **Resource** | Student served in special education classroom in place of general instruction. | Maximum Class size 5-7(8) |
| **Supplementary Instruction** | Student served in special education in addition to general education. | Flexible. May resemble collaboration in students come for 50% of segment for intensive research-based instructionMaximum Class size 5-7(8) |
| **Separate Class** | With a special education teacher most of the day (self-contained) | 11 |
| **Separate School** | Student served with a classroom in a separate, special school. | 11 |

# SERVICES AND SUPPORT PROGRAMS

**Adaptive P.E.**

* Designed for children with significant cognitive delays or gross motor impairment
* Students must be unable to participate in a regular P.E. class
* Must be indicated on the IEP for child to receive services
* Goals & objectives must be developed
* Setting determined by individual needs

**Assistive Technology**

* A.T. devices & services sometimes required by a child with a disability to increase, maintain, or improve his or her functional capabilities
* Complete form in GO-IEP to determine child’s need for A.T.
* Must be indicated on IEP for child to receive services
* School system is exempt from provision of surgically implanted devices, such as cochlear implants

**Autism Services**

* See Section 3: Eligibility for requirements for placement
* Refer to Section 2: Procedures if student needs to be referred

**Deaf/Hard of Hearing (formerly Hearing Impaired)**

* See Section 3: Eligibilities for requirements for placement
* Refer to Section 2: Procedures if student needs to be referred
* Always seek input from SLP in addition to D/HH Teacher

**Extended School Year**

* Services typically offered beyond the 180-day school calendar (i.e., during lengthy breaks, such as summer or winter holidays)
* Must be considered annually and must be documented in the IEP
* Provided at no cost to parents
* Need for ESY determined by IEP team
	+ Must be related to a current goal/objective on the IEP
	+ The following must be indicated on the IEP
		- Amount of time and location for services
		- Title of service provider
		- Beginning and ending dates
* IEP team may consider
	+ Progress on the IEP
	+ Emerging or critical skills
	+ Degree of impairment
	+ Interfering behavior
* Special Education Director must be consulted prior to meetings where ESY is likely to be recommended

**Occupational Therapy**

* Clay County contracts with South Georgia Regional Medical Center for all Occupational Therapist services
* O.T. provides intervention & support for:
	+ Functional life skills, such as dressing, grooming, eating, toileting, etc.
	+ Sensory processing disorders
	+ Handwriting
* Impairment must be related to an educational need (i.e., negatively impact the child’s functional abilities at school)

**Parent Mentoring Program**

* Clay County Schools does not currently have a Parent Mentor
* Acts a liaison between parents and the school system, providing support and information

**Physical Therapy**

* Clay County contracts with South Georgia Regional Medical Center for all Physical Therapist services
* P.T. provides intervention & support for:
	+ Restoring function, improving mobility, and relieving pain
	+ Improving balance, range of motion, coordination, and strength
* P.T. typically provides direct services to students with
	+ Cerebral palsy, head injury, and/or fractures
	+ Assists with developing safety plans for students
* Impairment must be related to an educational need (i.e., negatively impact the child’s functional abilities at school)

**Preschool Services**

* Ages 3 through 5
* Offered to all disabled children throughout the county
* Home-based, facility-based, and consultative services provided

**Psychological Services**

* Clay County Schools contracts with Chattahoochee Flint RESA for School Psychologists
* Administer and interpret formal and informal psychological tests with individual students
* Participate in the eligibility determination of students for special education services
* Consult with school staff to assist with academic & behavioral interventions
* Support implementation of the system’s RtI process and procedures
* Assist with special education administrative tasks as needed

**Related Services**

* Term used to describe several services, such as
	+ Occupational, physical, and speech therapy services
	+ Special transportation
	+ Audiology
	+ Orientation and mobility training
	+ Interpreter services
	+ Adaptive P.E.

**Special Services for Students with Significant Emotional Disorders**

* Provided at the (GNETS)
* Provision of services range from full- to part-time, depending upon need
* Parent may provide transportation (if parent requests to transport); otherwise, Special Transportation services are required.

**Special Transportation**

* Request must be reviewed by Director of Special Education
* Need for Special Transportation is determined by a variety of factors, including but not limited to:
	+ The safety of the student
	+ The safety of other passengers on the bus.
	+ The parent’s ability to provide transportation.
	+ The location of services a student may need (i.e., special transportation is sometimes needed when a student’s IEP team recommends that he/she receive specialized services, usually self-contained, at a school outside of the student’s district.

**Speech/Language Services**

* Clay County has at least one contracted Speech Therapist assigned to the district, including preschool.
* Provides services to students with communication disorders, including articulation disorder, language impairment, fluency, or voice disorders.
* May provide services to students with dysphagia (difficulty swallowing)
	+ See Section 2: Procedures for referral process
* See eligibility section for requirements for placement

**Transition Services**

* Babies Can’t Wait
	+ Begins prior to age 3
	+ Services may be provided in a facility or at home
* High School Students
	+ Must begin process prior to entering high school
	+ Complete Summary of Performance form

# DISCIPLINE – Code of Conduct – Behavioral Procedures

**Introduction**

The Clay County School District has a Code of Conduct, and all students are expected to follow these rules. This Code is included in the Handbook that each student is given when he or she enrolls in school. All students are expected to know and follow these rules. Parents and students return a signed form to school acknowledging that they have read and discussed these rules. Students with disabilities are expected to follow the rules, just like all of the students in the school. Disciplinary information contained in this Section pertains to all students with disabilities in any category of eligibility who violate the code of student conduct. In most cases, disciplining students who have IEPs is no different than disciplining other students. However, IEPs afford these students some protection. One protection includes the right to continuation of services indicated by the IEP if the student is removed (i.e., expelled) from school for more than 10 cumulative days within a school year. This protection is extended due to the requirement for FAPE and evolved from a court case involving the Office of Civil Rights (see Appendix regarding FAPE).

In addition to the right to continue special education services, students with IEPs may receive a consequence different from that of other students if the IEP team decides that the student’s misbehavior was *substantially related to* or caused by the student’s disability. This team also examines the student’s IEP and BIP, and it reviews details of the misconduct. In this same meeting, the IEP team decides if the school system implemented the student’s IEP/BIP correctly. This type of meeting is called a Manifestation Determination and by Georgia State Rules, must occur by the 11th day of suspension. In addition, this type of meeting must be held anytime a student with an IEP is under consideration for a “change in placement” due to his/her misconduct.

If the IEP Team decides that the student’s misbehavior was not substantially related to the student’s disability and that the IEP and BIP were properly implemented, then the student is treated the same as a student without an IEP would be treated. In other words, the student may be suspended beyond the 10 days; hence, the student would receive the same consequences any other student would be given. The only difference would be the continuation of special education services to provide FAPE as guaranteed by federal law.

General Information

* Defining “Change in Placement”
	+ OSS for more than 10 days
	+ A series of removals that constitute a pattern
* In-School Suspension (ISS)
	+ ISS will not count as “removal” if the student continues to receive the services provided in his/her IEP.
	+ Students “must continue to have access to the general curriculum and to progress toward the goals in the IEP in order for ISS not to be considered a removal and not to be counted toward the 10 days of suspension” (GaDOE Implementation Manual).
* School Special Education Chairpersons should make sure that administrators are aware of all disabled students and that they have a copy of the BIP.
* The administrator responsible for discipline should monitor the days of removal for students with disabilities.
* The teacher responsible for the student’s IEP (case manager) should monitor the discipline of students on their caseloads.

The main thing to remember is this: **MONITORING OSS for special education students is IMPORTANT and is a shared responsibility.**

Defining “Removal from School”

* Bus Suspension
	+ will count as a removal from school if one of the following is met:
		- transportation is a related service in the IEP
		- if the student has no alternate way to get to school.
* In-School Suspension (ISS)
	+ ISS counts as “removal” if the student does not receive the special education services indicated in the IEP
* Out-of-School Suspension (OSS)
	+ OSS counts as “removal” from school
	+ When a student has accumulated 5 days of removal, school personnel should consult with the Special Education Director assigned to the school to develop a strategy for dealing with further disciplinary action.
	+ In Clay County, have a Manifestation Determination meeting by the 11th day of removal.
		- Make tentative plans to serve the student past the 10th day, in case services are needed.
		- If a Functional Behavior Assessment (FBA) has not been done prior to the misconduct resulting in suspension, or if the FBA is inappropriate, the IEP team completes an FBA (located in GO-IEP).
		- If a Behavior Intervention Plan (BIP) has not been done prior to the misconduct resulting in suspension, or if the BIP is inappropriate, the IEP team completes a BIP (located in GO-IEP).

Defining “Change of Placement”

* Removal for More than TEN Days
	+ When a student is removed from school for more than 10 days, this is considered to be a “change of placement.”
	+ Notify parents and provide Parental Rights.
	+ The school system is responsible for the student’s educational progress, so IEP services must be continued.
	+ Sign a Change of Placement form anytime this type of circumstance occurs.
* Serving Students who have been removed for more than 10 days
	+ Principals and Special Education Team Leader will work with Central Office personnel in determining appropriate response to students who may be removed for more than 10 cumulative days within the school year.
* Serious Violations (bringing drugs or weapons to school or inflicting serious bodily injury on another person).
* Serious behavior problems can result in removal to an Alternative Educational Setting for up to 45 school days.
	+ This can happen even if the conduct is determined to be a manifestation of the student’s disability.
	+ Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing.
	+ In these cases, system officials must:
		- notify the parent immediately of this decision & provide Parental Rights.
* Violation may result in legal charges filed by the school system.

**Additional Considerations**

* System personnel may take into account all the circumstances when deciding if a change in placement is the right action to take for a student with a disability.
* System personnel may consider various forms of information such as the following:
	+ - * student’s disciplinary history,
			* ability to understand the consequences,
			* expression of remorse, and
			* the supports that were provided to the student prior to the behavioral violation.

### Monitoring OSS

* At the beginning of each school year, and as often as necessary, the Special Education Director reminds Principals to check for the special education and to maintain ongoing communication with the Special Education Team Leader about the discipline of students with disabilities.
* Special Education Team Leader or Case Managers reviews BIP with Administrator responsible for discipline and ensures that the most current BIP is provided to the Administrator.
* Special Education Team Leader monitors the number of days a student has received OSS.
* The Case Manager monitors the number of days each student on his/her caseload is assigned OSS and contacts the Special Education Director if the days exceed 5.
* Students who are prone to Code of Conduct violations should be monitored frequently. Each school should develop a procedure of checks-and-balances to ensure that students are not overlooked.

### Restraints & Seclusion

* **Seclusion may not be used for students under any circumstances**.
* See Georgia’s Restraint and Seclusion Law at: <http://www.thegao.org/Rule.pdf>

## SAMPLE Manifestation Determination Meeting Agenda

1. Introduction of members of committee & sign form
2. Parental Rights given and explained (see Parental Rights at a Glance)
3. Statement of purpose of the meeting (i.e., manifestation determination)
	* Explain that team members plan to review the information from various sources
	* The team members have two purposes
		+ Determine if the student’s misbehavior was substantially related to the student’s disability for which he or she is being served in special education
		+ Determine if the school properly implemented the IEP and BIP
4. Review information about the misconduct
	* Information from the student
	* Information from the parent
	* Information from administrators and other staff members who have knowledge about the event
5. Review the student’s special education categorical placement
	* Team members determine whether or not the misconduct engaged in by the student is or is not substantially related to the child’s disability.
6. Review IEP and BIP
	* Team members determine whether or not the personnel in the school system implemented the IEP and BIP appropriately
	* Depending upon the student’s behavior, a new FBA and BIP may be recommended by the team
7. If the student’s behavior is not substantially related to the disability, and if the school system implemented the IEP/BIP appropriately, one of following may occur:
	* The IEP team may return the student to his/her previous placement.
8. If the student’s behavior is related to the disability, OR if the school system failed to implement the IEP or the BIP, the student remains in his/her current placement and is not subject to the usual disciplinary ladder.
9. Review the findings, seek clarification if it is needed, and adjourn the meeting.
10. Manifestation Determination meetings may be highly charged emotionally for the parent, student, and sometimes the staff. Practice use of deflation techniques for be sure to have someone on the team who is able to defuse emotions in case anyone in the meeting becomes overly aroused.

# SECTION 18: GLOSSARY & ACRONYMS

## Accommodations

* Reduce or eliminate the effects of the child’s disability
* Do not lower standards or expectations
* Do not invalidate assessment results on state-mandated tests
* Designed to provide equity, not advantage
* Include assistive technology, alterations to presentation response, scheduling or settings
* Compare to Modifications defined later in this section

## Assistive Technology Devices

* Used to improve, increase, or maintain the functional capabilities of children with disabilities
* May be any item, piece of equipment, software, or hardware purchased commercially or modified and/or customized
* Does not include a surgically implanted medical device, or the replacement of this type of device

## Assistive Technology Services

* Services that assist with the selection, acquisition, and use of an A.T. device
	+ Includes evaluation, purchasing, selecting, designing, customizing, repairing, etc.
	+ Includes coordination with other therapies and interventions
	+ Includes training for the child and/or the adults involved with the major life functions of the child

## B.I.P. (BIP)

* Behavior Intervention Plan
* A plan to reduce behaviors that interfere with the student with disabilities’ learning or with the learning of others
* Is part of the IEP, which should have goals addressing the behavioral concerns, if a BIP is attached

## C.B.M. (CBM)

* Curriculum-based measurement
* A method teacher uses to find out how students are progressing in basic academic areas such as math, reading, writing, and spelling.

## Child Find

* Process used to identify, locate, and evaluate children who are suspected of having disabilities
* Screening to determine appropriate strategies for a child is not considered to be an evaluation for determining eligibility
* Prior interventions
	+ Research-based interventions to reduce academic, social, or behavioral problems must be documented prior to referral for an evaluation to determine eligibility
	+ Exceptions to interventions should be made where a significant disability precludes access to instruction

## Disproportionality

* Occurs when students from a racial/ethnic group are identified for services or for a specific category of services either at a greater rate (overrepresentation) or lesser rate (under-representation) than other students
* Must be monitored in states and in districts per IDEA-04
* Disproportionality may occur with identification, placement, or discipline of students with disabilities

## EL

* English Language Learners (students who score below a specified cut-off on the ACCESS Test)
* Served by the ESOL program

## E.S.O.L. (ESOL)

* English to Speakers of Other Languages
* Non-special education instructional program available to eligible English Language Learners in grades K through 12
* Emphasizes social and academic language proficiency

## E.S.Y. (ESY)

* Extended School Year
* the extension of special education and related services beyond the normal 180-day school year
* determined by the IEP team

## FAPE

* Free Appropriate Public Education
* Guaranteed right of students with disabilities per IDEA

## F.B.A. (FBA)

* Functional Behavioral Assessment
* An assessment based on information from numerous sources, both formal and informal, that attempts to determine the reason a child is engaging in maladaptive behavior(s)
* Provides the basis for a BIP
* Developed by a team of individuals

## Georgia Instructional Materials Center

* Program under GaDOE, Division for Special Education Supports
* Provides or assists in the acquisition of textbooks and core instructional materials in accessible formats for students who are blind or have a physical or specified print related disability
* [www.gimc.org](http://www.gimc.org)

## Georgia PINES

* Georgia Parent Infant Network for Educational Services
* Statewide early intervention program for families of children 0 to 5 with a diagnosed hearing and/or visual impairment
* [www.gapines.info](http://www.gapines.info)

## GLRS

* Georgia Learning Resources Center
* See <http://www.glrs.org/> for more information
* South West Georgia GLRS serves Clay County Schools and is located in Ellaville, GA

## G.N.E.T.S. (GNETS)

* Georgia Network for Educational and Therapeutic Support
* Provide comprehensive services to students who have one or more of the characteristics of EBD and who need more support than is typically available in Georgia’s public schools
* Woodall (GNETS) Learning Center is located in Columbus, GA/

## G.P.A.T. (GPAT)

* Georgia Project for Assistive Technology
* For more information, go to <http://www.gpat.org>.

## I.F.S.P. (IFSP)

* Individualized Family Services Plan
* A plan similar to an IEP used by Babies Can’t Wait to guide services for children with disabilities under the age of 3

## L.R.E. (LRE)

* Least Restrictive Environment
* A student with a disability should have the opportunity to be educated with non-disabled peers to the maximum extent appropriate. Extra-curricular activities are included.
* Required by IDEA

## Manifestation Determination

* An IEP meeting in which the team members determine if student misbehavior was caused by the student’s disability
* The team also reviews the IEP and the BIP to make sure they were implemented appropriately.

## Modifications

* Alterations that change, lower, or reduce learning expectations
* May result in a gap in achievement between students with and those without disabilities
* May invalidate results on Statewide assessments
* Compare to Accommodations defined earlier in this section

## PBIS

* Positive Behavioral Interventions and Supports
* Based on a problem-solving model.
* Aims to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors.
* Fits into Georgia’s RTI model with a school-wide focus.

## Procedural Rights

* Parental rights in special education
* Always offer to them to parents when a meeting is scheduled or held

## Special Needs Scholarship Program

* Senate Bill 10
* Under certain conditions, allows for special education students to transfer to another public school, school district, state school, or private school
* Parents provide transportation

## TransACT

* Provides special education forms and other notices in many languages
* GaDOE pays for this service
* Must use school system email address to access forms & service
* For more information, please visit [www.transact.com](http://www.transact.com)

## Transition

* Typically used to refer to students entering special education services at age 3 from BCW or exiting special education services upon high school graduation or through age 21 (Georgia allows students to stay in schools through the semester in which they turn 22.)

APPENDICES