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



Southwest Georgia STEM
Charter School

2022-2023

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PREFACE

This manual has been created to provide guidance to service providers in the Southwest STEM Charter School related to the implementation and compliance of special education programs as required by the Individuals with Disability Education Improvement Act 2004 (IDEA) and its regulations. In this manual, general guidelines and specific procedures may be found to assist you with the evaluation process, IEP development for students with disabilities, and the provision of a Free and Appropriate Education (FAPE). It is also designed to guide staff working with students with special needs through the appropriate procedures for the identification and evaluation of students with disabilities.

This manual is a school supplement to the Georgia's Department of Education's Special Education Rules and Implementation Manuals and is meant to serve as a practical guide for implementing the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and its regulations. It is not intended to state new law or supplant any federal or state laws, regulations, or requirements. No part of this manual should be seen as having the force of law. This manual should not be cited as law or as imposing any additional requirements or obligations outside the requirements of existing law.

All staff members have access to the State Special Education Rules and Implementation Manual which should be consulted first when questions arise regarding laws and policies.

While compliance is imperative and non-negotiable, Southwest STEM Charter School is focused on providing excellence in the educational experience which focuses on providing high-quality instruction that is engaging and challenging, a physically and emotionally safe learning environment, and data driven decision making. The mission of Southwest STEM Charter School is to prepare young people to become lifelong learners, based on high academic standards for all, individual appreciation for each student and teacher, a culture of trust, respect for the diverse traditions of Georgia, and involvement of family and community. The School expects that all Special Education Staff will review the contents of this manual, participate in opportunities for training and review and effectively implement the procedures outlined. Other personnel are expected to review, participate in trainings and implement the procedures for the sections appropriate for their professional duties and responsibilities.

Laws mandating special education and related services are some of the mostly highly litigated laws in the United States. For this reason, if you are ever in doubt about your child's education, please contact the Southwest STEM Charter School's Special Education Director.

Purpose Statement

Personnel at Southwest STEM Charter School have the responsibility to ensure that all children attending Southwest STEM Charter School are provided a free appropriate public education (FAPE). Pursuant to the Individuals with Disabilities Education Act (IDEA), students aged 3 through 21 are entitled to special education and related services, where appropriate.

SECTION 1: **STUDENT RECORDS AND CONFIDENTIALITY**

Southwest STEM Charter School ensures that confidentiality rights are afforded to parents as explained in the Parent Rights Document (procedural safeguards) and Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

All district personnel (including contracted employees) will participate in training and sign that they are governed by confidentiality requirements and receive annual school based training and information regarding the law.

SUPERVISION AND MONITORING:

- All staff working with students with disabilities will sign that they have completed the annual confidential requirement in the annual school based training and that they understand the confidentiality requirements.
- The Special Education Director will monitor the school to ensure completion and submission and the Principal will receive notification of any staff not completing.
- Staff not having completed tasks within 10 days of training will be reported to the Principal and will be required to participate in one to one in person training.

Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless authorized to do so under FERPA: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)

- 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=CIEXCAadoptedRules

Personally identifiable information \ may include the following:

- The name of the student, the student's parent, or other family member
- The student's address
- Any personal identifier such as the student's social security number or student number
- Any personal characteristics or other information that would make it possible to identify the student

Description of the children on whom personally identifiable information is maintained:

The Southwest STEM Charter School uses special education records to help with planning

and implementing instruction, guidance and monitoring the educational progress of students with disabilities in order to provide information to parents and staff as we comply with federal and state regulatory requirements. Southwest STEM Charter School complies with federal laws and regulations pertaining to the privacy and confidentiality of special education records.

Information that is collected, stored or disclosed, or destroyed will be protected in the following manner.

- The district maintains electronic information on an internal secure server.
- All personal computers are assigned to appropriate staff and are password protected.
- When not in use, all hard copy documents are stored in locked areas or filing cabinets accessible to only those individuals who need access to the confidential information.
- Any confidential information (at school) of students that are no longer active is destroyed in a secure manner. Records of inactive students are kept at the district office for a set number of years before being destroyed in a secure manner, in accordance with the State retention schedule.

Access Rights and Required Procedures

Southwest STEM Charter School permits parents or guardians to inspect and review any education records relating to their children that are collected, maintained, or used by the district. The district complies in a timely manner with any request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session. Absent a guardianship, the rights of parents regarding education records are transferred to the adult student at age 18.

District wide Special Education Student records will be organized in the following manner:

- Active files are kept for all students currently in any special education program in the office of the Special Education Director. Inactive files (i.e. files representing students whose services were terminated or who did not meet eligibility requirements) are also maintained in the office of the Special Education Director.
- Working Special Education files will be kept at the school with case managers in secure locations.
- Special Education paperwork within that folder should be kept together in a folder and clearly marked as confidential information.
- An Access sheet will be completed when information is reviewed or provided to anyone outside of the employment of Southwest STEM Charter School or who does not have a current educational interest in the student. 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.
- Students who are 18 years old or older may have access to their records.

The right to inspect/review FERPA for Students:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>

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- A right to a response from Southwest STEM Charter School to reasonable requests for explanations and interpretations of the records.
 - A right to request that Southwest STEM Charter School provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records.
 - A right to have a representative of the parent(s) inspect and review the records . Southwest STEM Charter School will presume that the parents have the authority to inspect and review all records relating to their child unless Southwest STEM Charter School has been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation and divorce. Southwest STEM Charter requests a copy of appropriate court documentation if a parent or guardian desires to restrict another parent's access to records.
 - Record of parties obtaining access; Southwest STEM Charter School will keep a record of parties obtaining access to educational records collected or maintained (except access by parents and authorized employees of the LEA), including the name of the party, the date access was given, and the purpose for which the party is authorized to review or use the records.

More information about FERPA can be found at:

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

SUPERVISION AND MONITORING:

- If a records request is made by anyone other than parent, student, or others as identified as not needing parental consent pursuant to FERPA or other legal authority, signed consent must be obtained before proceeding through the process.
- Special Education Records can be requested directly from the SPED Director or the parent can request from the case manager. The case manager will then contact the SPED Director.
- Confidential Special Education files kept by the SPED Director will be reviewed and copied by the Special Education Director.

SECTION 2:

PARENT INFORMATION AND RIGHTS

The state of Georgia has adopted the federal definition of parent which includes explanations for "parent," "person acting as a parent," "surrogate parent," and "guardian." (See 34 C.F.R. § 300.30; Georgia Rule 160-4-7-.21(31)). Throughout the rest of this document, the IDEA definition of parent is being used wherever "parent" is referenced.

- "Parent" means a biological parent, an adoptive parent, a person acting as a parent, a legal guardian, a surrogate parent, or a foster parent.
- "Person acting in the place of a parent" means a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of a child.
- "Surrogate Parent" means an individual appointed by the LEA to make educational decisions regarding a FAPE of a child with a disability.
- "Guardian" means a person authorized to act as the child's parent and/or to make educational decisions, but it does not mean the State if the child is a ward of the State

School personnel must determine the appropriate person(s) to make educational decisions on behalf of the child. In most instances, this person is the child's parent. The parent receives notice, gives consent, requests mediation, files formal complaints, requests due process hearings, gives or refuses to give permission for release of records, and fulfills all other requirements.

Southwest STEM Charter School's Program for Exceptional Students recognizes and values parent(s) and/or guardian(s) of a student with a disability as they are necessary participants in the development of the IEP. Meaningful partnerships recognize the family as the most important and enduring resource in a child's life. It is important that the parents provide information about their views of the student's progress or lack of progress, as well as express concerns about the overall educational development of the child. Parents provide important knowledge about how the student behaves and performs outside the school setting. Southwest STEM Charter School will make every effort to ensure parent(s) and/or guardian(s) are:

- involved in every aspect of the development of an initial IEP
- involved in every aspect of the development of the annual IEP
- involved in amendments if placement and/or services will be discussed
- given the opportunity to participate by telephone conference call if unable to physically attend

Parent and Student Rights

Parents and children have many rights under the special education law, Individuals with Disabilities Education Act (IDEA). It is important that parents and children understand their rights to a free appropriate public education (FAPE). The term "appropriate" is based on the educational needs of the individual child that are outlined in the Individualized Education Program (IEP). The IEP is deemed a working document created by a team of educators and the family that establishes individual goals for a child to achieve and succeed. It is the responsibility

of the local educational agency (LEA) to provide parents with notice of their parental rights (also called procedural safeguards) in an understandable language. Parents are encouraged to participate in meetings about their child to discuss with the school staff the child's evaluation and instructional needs, as well as the progress on goals and objectives within the IEP and in the general education curriculum. It is important that the National PTA Standards for Family-School Partnerships Engagement be embedded in this process.

Surrogate Parents (Georgia Rule 160-4-7-.11) All children with disabilities are entitled to a FAPE under state rules and federal special education laws and regulations. Included in these laws is a mandate that the parents of children with disabilities have the opportunity to participate actively in the educational decision-making process. However, some children with disabilities do not have parents (as defined in the previous section) who can fulfill this very important role. The IDEA and Georgia Rules require that, in certain cases, an individual must be appointed by the LEA or a judge as a surrogate parent to make decisions regarding the FAPE of a child with a disability.

A surrogate parent is needed when:

- no parent (as defined by the IDEA) can be identified;
- the LEA, after reasonable efforts, cannot locate a parent,
- the child is a ward of the state or
- the child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (6)).

For a child who is a ward of the State, a judge overseeing the child's case may appoint a surrogate parent. The surrogate parent has no financial responsibility or other responsibility for the day-to-day care of the child. The surrogate parent must:

- protect the child's rights in the educational and decision-making processes, including the identification, evaluation, and placement of the child and the provision of a FAPE to the child;
- follow confidentiality requirements of Georgia Rules and federal law; participate in developing, reviewing, and revising the child's IEP;
- exercise other rights as needed given to parents under the IDEA and Georgia Rules;
- not be an employee of the GaDOE, the LEA, or any other agency* that is involved in the education or care of the child;
- have no personal or professional interest that conflicts with the child he or she represents; and have the knowledge and skills that ensure adequate representation of the child.

SUPERVISION AND MONITORING:

Parent Participation (See Georgia Rules: 160-4-7-.04, 160-4-7-.05, 160-4-7-.06) Parents are to be included as members of any decision-making team for their child. Parent participation includes decisions about eligibility, initial evaluation, reevaluation, development, review, and revision of the IEP, the provision of a FAPE, and educational placement. This requirement does not include informal or unscheduled meetings involving LEA personnel or meetings on issues

such as teaching methods, lesson plans, or coordination of service provision, as long as those issues are not addressed in the child's IEP. Nor does it include meetings involving the preparation of a proposal or response to a parent proposal that will be discussed at a later meeting.

Parent participation and parent signature requirements will be reviewed by the Special Education Director when the IEP is submitted.

- The Case Manager will be contacted for all submitted IEP's that are not marked as providing parental rights, documenting parental notice attempts, including parent participation or parental review with staff or documentation that parents agreed for district to continue in their absence.
- Parents will be contacted by the Special Education Director and the information will be appropriately updated.

Procedural Safeguards/Parent Rights Document (Georgia Rule 160-4-7-.09)

The Parent Rights in Special Education (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to a FAPE. The Parent Rights notice, also called procedural safeguards notice, provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. A copy of this notice is attached to this handbook as Exhibit A. This document should also help facilitate communication between parents and LEA personnel. The Parent Rights notice outlines the rights and safeguards available to parents of children with disabilities and students who have reached the age of majority (age 18) and are decision makers. A copy of the Parent Rights notice must be given to the parents (and students 18 or older) at least once in a school year. Additionally, a copy of the Parent Rights notification must also be given upon:

- initial referral or parental request for evaluation;
- receipt of the first state complaint in a school year;
- receipt of the first due process hearing request in a school year;
- notification by the LEA to the parent of a disciplinary removal of a child from school that would constitute a change of placement;
- prior to accessing a child's or parent's public benefits or insurance for the first time and parental request.

). If parents would like a more detailed explanation of these rights, they can contact a teacher or administrator, the local special education director, and/or the Georgia Department of Education, Division for Special Education Services and Supports at 404-657-9968 or spedhelpdesk@doe.k12.ga.us.

More information may also be obtained through Georgia Parent Mentor Partnership, <http://www.parentmentors.org/>.

Confidentiality (Georgia Rule 160-4-7-.08) (see also 34 C.F.R. §§ 300.610-300.627)

Confidentiality is one of the rights afforded to parents. Confidentiality of educational records is a basic right shared by all students in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities. All LEA personnel (including contracted employees) are governed by confidentiality requirements and should receive training and information regarding the law. Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA).

Personally identifiable information includes the following:

- the name of the student, the student's parent, or other family member;
- the student's address;
- any personal identifier such as the student's social security number or student number; and
- any personal characteristics or other information that would make it possible to identify the student.
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FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools. IDEA also specifies that each LEA must permit parents to inspect and review any education records that are collected, maintained, or used by the LEA under Part B of the IDEA. The LEA must comply with a request to inspect records without unnecessary delay and before any meeting regarding an IEP, a disciplinary

Access/Opportunity to Examine Records (See 34 C.F.R. § 300.501)

LEAs must maintain the confidentiality of information in children's educational records. The LEA can assume that both parents of a child have authority to inspect and review the child's records unless the LEA has been advised that a parent's rights to see the records have been terminated by a court order. Parents of a child with a disability must be allowed an opportunity to inspect and review all education records with respect to:

- Identification - Process to determine eligibility
- Evaluation - Nature and scope of assessment procedures
- Placement - Educational placement of the child
- FAPE - Provision of a free appropriate public education.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) (34 C.F.R. §§ 300.101-300.113; GEORGIA RULE 160-4-7-.02)

Definition of FAPE: All children with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). This includes children who are eligible for special education from the ages of three (3) through twenty-one (21). The special education and related services that make up a FAPE are provided to children identified with disabilities and who have an IEP, and the services are provided at no cost to the parent.

Special education and related services, including special education at the preschool, elementary, and secondary levels, are services that are provided so eligible children can make progress toward and/or meet the Georgia Standards of Excellence (GSE). All eligible children will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual child and his or her disability.

While the education provided to the child with an IEP must be appropriate and must address what the individual child needs in order to make educational progress, this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a child is receiving FAPE. Each child is an individual and his or her appropriate education is determined on a case-by-case basis. In addition, the term “appropriate” is not the same as “best.” “Appropriate” is a standard that assures the child has the opportunity to make educational progress. In the recent U.S. Supreme Court case, it was determined that “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” and the local educational agency (LEA)¹ should be able to provide “a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of [the child’s] circumstances.” See *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. ___, 137 S. Ct. 988 (2017).

Children Are Entitled to FAPE

Local educational agencies include public boards of education or other public authorities legally constituted. All students with an IEP are entitled to a free appropriate public education. This includes children that are eligible for special education from the ages of three (3) through twenty-one (21). Entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first.

The education provided to the student with an IEP must be appropriate and must address what the individual student needs in order to make educational progress, but this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a student is receiving FAPE. Each student is an individual and his or her appropriate education is determined on a case-by-case basis. In addition, the term “appropriate” is not the same as “best”; appropriate is a minimal standard that assures the student has the opportunity to make educational progress.

FAPE can also include nonacademic and extracurricular services. Supplementary aids and services necessary to provide students with disabilities the equal opportunity to participate in nonacademic and extracurricular activities must be considered in the IEP. Educational opportunity entitles all children to have access to the same education and services that all other children have within the district. For information on possible services and supports for participation in nonacademic and extracurricular activities, please contact your SPED Director in a timely manner to ensure supports can be scheduled.

When a student with an IEP graduates with a regular high school diploma or ages out of school (i.e., turns 22 years of age), he or she must be provided with a summary of his or her academic and functional needs. The Summary of Performance (SOP) also includes strategies to assist the student in achieving his or her desired postsecondary goals. Although not required for students who receive a special education diploma or other exit document, such as a high school certificate of attendance, best practice is to provide the SOP to ALL students with IEPs who are exiting public school. Those students who do not earn a regular high school diploma or transition to a specific job are those who will most likely need all the assistance available to develop positive post school outcomes.

Accessible Instructional Materials and Assistive Technology

LEAs must provide instructional materials in an accessible format to children who are blind or other print disabled in a timely manner as part of the provision of a FAPE. Accessible formats include braille, audio, digital text, or large print, but do not include the altering or modifying of the content. Additional information on the provision of a FAPE for children who are blind or print disabled can be located in Georgia Rule 160-4-7-.02. Information on accessible instructional materials can be found at the Georgia Instructional Materials Center website.

LEAs must also consider each child's need for assistive technology devices and services in the development, review, and revision of the child's IEPs. This includes the purchase of technology and training for staff, the parent and child. Additional information on assistive technology is located on the Georgia Project for Assistive Technology website.

Routine Checking of Hearing Aids/Other Components

LEAs must have procedures and practices in place that ensure the proper functioning of hearing aids for children with hearing impairments, including deafness. Regular inspection of hearing aids should be documented. This also applies to external components of surgically implanted medical devices such as cochlear implants. However, LEAs are not responsible for programming such devices or for providing post-surgery maintenance.

Extended School Year

Each LEA must provide extended school year (ESY) services to children who need such

services to receive FAPE. ESY services are those services a child requires beyond the normal school year of the LEA, are not limited to only the summer months or other breaks and are provided at no cost to the parent. The IEP Team makes the determination regarding whether a child needs ESY and, if so, what services will be provided. This includes determining the details of ESY, such as what services will be provided, when and where the services will take place, the frequency and the duration of the services, and the selected goals. Any services provided as ESY must meet the requirements of FAPE. A LEA must not state that ESY is only for certain groups of students.

Charter Schools

Children who attend public charter schools and their parents retain all the rights given to them under the IDEA, including FAPE. In general, two types of charter schools are present in the state: (1) locally approved charter schools that operate according to the terms of a charter or contract that has been approved by a local board of education; and (2) LEA charter schools that operate according to the terms of a charter or contract that has been approved by the State Charter Schools Commission. The ultimate responsibility to provide FAPE to children attending Southwest STEM Charter School resides within the school as the LEA and the school has the responsibility to provide FAPE to children attending this charter school.

SUPERVISION AND MONITORING:

- Each IEP will be monitored for provision of FAPE, accuracy and completion of database processes by the SPED Director.
- The SPED Director will monitor samples of IEPs from each case manager on a rotating basis for accuracy.
- The Case Managers will monitor any IEPs that are requesting a change in placement or have parental concerns.
- The SPED Director will review random IEPs identified with concerns or complaints and assist Case managers with IEP reviews.

Medication

- Southwest STEM Charter School may not require medication as a condition of attending school, receiving an evaluation, or receiving services.
- Parents make the decisions regarding their children and any medication they administer or do not administer.
- Southwest STEM Charter School staff should not make medical recommendations that require medication. Nothing prohibits Southwest STEM Charter School; however, from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of the student's behavior and academic performance when taking or not taking medication. If a LEA believes a child is not receiving medication that is essential for his or her health or

education, it may refer the family to the Georgia Division of Family and Children Services for assistance.

- Please contact the SPED Director to discuss extreme situations regarding medication.

SUPERVISION AND MONITORING:

- Medication training will be provided to all staff at each school at the beginning of the year and as appropriate when new students or staff enter during the school year.

PRIVATE SCHOOLS (GEORGIA RULE 160-4-7-.13)

Children with Disabilities Placed in Private Schools by the LEA

When the Individualized Education Program (IEP) Team decides that the most appropriate placement for a child is in a private school, the local educational agency (LEA) that places the child in the private school continues to be responsible for making sure that the child receives the special education and related services included in the child's IEP and that those services are provided at no cost to the parent.

The LEA should make sure that the education provided at the private school meets the standards that apply to other children with disabilities and that the child and parent continue to have all the same rights that other children with disabilities and their parents have. LEAs should monitor compliance with the Individuals with Disabilities Education Act (IDEA) for these children through procedures such as written reports, on-site visits, and parent surveys. Ultimately, the LEA remains responsible for ensuring a free appropriate public education (FAPE) is provided when a child is placed in a private school by the LEA.

LEAs may apply for reimbursement grants if specific criteria are met. LEAs may apply for the state Residential and Reintegration Grant if the child is placed in a private residential facility that is approved by the Georgia Department of Education (GaDOE) or if the child is reintegrating from a private residential facility. If the private residential facility is out of the state, the facility must be on the approved list of the state where the facility is located. LEAs may also apply for the High Cost Grant to receive federal funds for exceptionally costly students. If the LEA does not receive grant funding, the LEA still has the obligation to provide the necessary education in a private setting at no cost to the parent.

Children with Disabilities Placed in Private Schools by the Parent

Parents have the right to enroll their child in a private school of their choice; however, they are not guaranteed the same rights as when eligible children are enrolled in public school or when placed in private school by the LEA. Children who are home-schooled within the boundaries of the traditional LEA are considered parentally-placed private school children for the purposes of special education.

Child Find The traditional LEA, meaning a student's home school district, is required to carry out child find activities to locate, identify, and evaluate children attending the private schools within the jurisdiction of the traditional LEA. The traditional LEA must consult with representatives of the private school to complete child find activities. These Child Find activities must be similar to activities undertaken for the children in the traditional LEA and must be completed in a time period comparable to that for other children enrolled in the traditional LEA. Child find activities include any parentally-placed private school children who attend a private school within the jurisdiction of the traditional LEA, even if the child resides in a different LEA or in a state other than Georgia. See 34 C.F.R.

§ 300.131

Consultation Process

Traditional LEAs are required to consult with the representatives of private schools, parents of private school children, and parents of home-schooled children regarding the design and development of special education and related services for parentally-placed private school and home-schooled children. This consultation process must be timely and meaningful. More than one timely and meaningful consultation may be needed to fully meet the requirement. Consultation requirements must include a description of the following:

- how parentally-placed private school children suspected of having a disability can participate equitably in the Child Find process;
- how the parents, teachers, and private school officials will be informed of the Child Find process;
- how the determination of the proportionate share of federal funds available to serve the children with disabilities was calculated;
- how the process will operate throughout the school year;
- how, where, and by whom the special education and related services will be provided;
- how funds will be apportioned if funds are insufficient;
- how and when those decisions will be made; and
- how the traditional LEA will provide to the private school officials a written explanation of the reason why it chose not to provide services directly or through a contract.

The traditional LEA must obtain a written Private/Home School Participation and Private School Affirmation signed by the representatives of the participating private schools as documentation of the consultation process and must be prepared to submit this documentation to the GaDOE upon request. See 34 C.F.R. § 300.135. If the private school officials believe that the traditional LEA did not engage in the consultation in a meaningful or timely manner or did not consider the views of the private school officials, it may submit a complaint through the Formal Complaint Process to the GaDOE. If the private school is not satisfied with the decision of the GaDOE, they may submit the complaint to the United States Department of Education.

Determination of Equitable Services

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the LEA. See 34 C.F.R. § 300.137(a). However, the traditional LEA has an obligation to provide parentally-

placed private school children an opportunity for equitable participation to receive services funded with Federal IDEA Part B dollars that the traditional LEA has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. The traditional LEA will make the final decisions regarding services to be provided prior to the start of the school year.

Services Plans

A services plan will be developed and implemented for each private school child with disabilities who will receive special education and related services from the traditional LEA. The services plan must:

- (1) contain a statement of the special education and related services, and supplementary aids and services, to be provided to the child;
- (2) be in effect at the beginning of each school year; and
- (3) be developed, reviewed, and revised periodically, but not less than annually, in accordance with IEP requirements in IDEA and Georgia Rules

. The traditional LEA will initiate and conduct the meetings to develop, review, and revise a services plan and ensure that a representative of the private school attends each meeting. As with IEPs, in-person participation in the meeting is encouraged, but participation may be through conference call or other means. Services provided to private school children must be provided by personnel who meet the same standards as personnel providing the services in the traditional LEA, except private school teachers do not have to meet the special education teacher qualifications in 34 C.F.R. § 300.156(c). See 34 C.F.R. § 300.138(a)

Services may be provided at the private school, or children may be transported to the public school or community setting to receive services. If necessary for the child to benefit from or participate in services, transportation must be provided by the traditional LEA, but the traditional LEA is not required to transport the child from their home to the private school. Transportation costs will be included in calculating whether the traditional LEA has met the requirements of proportionate funding.

The traditional LEA may provide materials, equipment, and property purchased to implement the services to children with disabilities in the private school. These must be used only for those purposes and must be returned when no longer needed. It is also permissible to use funds for indirect services such as consultation and private school staff training. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The LEA may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school, or the general needs of the children in the private school.

Placement of Children by Parent When FAPE is at Issue

Sometimes an LEA will make a FAPE available to a child but the child's parent decides to place the child in a private school or facility. The LEA is not required to pay for the cost of the education for this child at the private school. When the LEA and the parent disagree regarding the availability of an appropriate program for the child in the LEA, due process hearing procedures may be initiated by the parent. Through a due process hearing, an administrative law

judge (ALJ) may find that the LEA had not made a FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost of the private school placement. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or the LEA.

When a FAPE is at issue between the parent and the LEA, and the parent determines that he or she is going to place the child in a private school at public expense, the parent must notify the LEA in writing at least 10 business days prior to the removal of the child or at an IEP Team

meeting prior to the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced or denied by the ALJ. The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the LEA prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English, or the notice requirement would result in serious emotional or physical harm to the child. See 34 C.F.R. § 300.148.

Parent Consent:

Written consent is required for the following actions:

1. To conduct an initial evaluation.
2. To conduct a reevaluation.
3. For the initial provision of special education and related services on the IEP.
4. To make a substantial change in special education and related services; and before disclosure of personally identifiable information that is subject to confidentiality.
5. To conduct a Functional Behavior Analysis and/or Behavioral Intervention Plan.
6. Southwest STEM Charter School will ensure written Consent to Place for students entering from other systems with an IEP
7. Whenever guardianship changes.
8. Before disclosure of personally identifiable information that is subject to confidentiality.

Revocation of Consent Procedures:

IDEA gives parents the right to Determine their child's education.

IDEA states parents should participate in all components of their child's education and be the primary protector of the rights of the child.

Parents have the right to revoke consent for special education and related services.

Revocation of Consent:

1. A parent must provide written intent to withdraw consent.
2. If a parent cannot provide the request in writing, the system should assist the parent to put the request in writing.
3. Once the Revocation of Consent is received by the school, the school will provide prior written notice (PWN) to the parent about the revocation of consent.
4. The system may not challenge the revocation through mediation or a due process hearing.
5. The system may not delay the revocation of services, even for the purpose of holding an IEP meeting.
6. Other consideration regarding services that may discontinue may also include the need for schedule changes and transportation changes.
7. When a parent/student revokes consent for special education and related services, the student should be reported with the withdrawal code in Infinite Campus. The date of Event Code indicates the date at which the student no longer received special education services.

Revocation of consent and prior written notice for written notice to discontinue special education services

- Revocation of Consent revokes all services. Consent for services is consent for special education. If the parent revokes consent, all services are discontinued.
- Once the system receives the written Revocation of Consent from the parent, the school must provide Prior Written Notice before services can be discontinued and this must occur in a timely manner.
- A student who has reached the age of majority may not hold the LEA responsible for lack of provision of FAPE if the parent has previously revoked consent.
- A student who has reached the age of majority (age 18 years) may revoke consent for placement. In this case, PWN should be provided both to the child and to the parent.

Independent Educational Evaluations (IEE)

If a parent disagrees with the results of a completed evaluation done by the school, the parent may request an outside independent educational evaluation (IEE) paid for by the district. The school must agree to pay for the independent evaluation or begin due process procedures to show that the school 'sevaluation is adequate. If there is a due process hearing and the district's evaluation is judged to be sufficient, then it will not have to pay for and IEE.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. (Public expense means that the district either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent.)

The qualifications of the independent evaluator must be the same as those required of the school evaluators and the school may set a reasonable limit on the cost of the independent evaluation.

Parents are not entitled to an independent educational evaluation at public expense before they allow the school to conduct its own evaluation. Once the school evaluation occurs, and the parents disagree with the results of the evaluation, they can request one at public expense. If granted by the district, the district will provide the parents with a list of qualified examiners from which to choose for the independent educational evaluation.

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

PROCEDURE: IEE REQUEST

- If a parent requests an IEE, the request should be submitted in writing with an explanation of why he/she is requesting to the SPED Director.
- The parent will receive a letter to include IEE requirements and a school example list of qualified applicants to provide the IEE.

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- Consent to test Vision and Hearing is obtained, if needed. Vision and Hearing assessments must be completed and cleared before the evaluation may begin.
 - If the parent requests someone who is not on the school approved list, the school will review the request and determines if it is appropriate or if the district refuses the request. If the school refuses the request, the school must initiate a due process proceeding to defend its evaluation.
 - The parent signs consent to release and discuss records with the selected evaluator.
 - Once an examiner is agreed upon, the school sends the requirements and request to the examiner.
 - A contract is set up through the Director to facilitate payment and service expectations.
 - A parent signs the consent to evaluate.
 - The examination is scheduled and completed.
 - The examiner shared all records with the district.
 - Once the documentation is received, a meeting is scheduled with the parent and team members to review the information and update the present levels of performance and other necessary IEP components as appropriate.

SUPERVISION AND MONITORING

- The IEE request will be submitted to the SPED Director.
- The SPED Director will document the following: ○
- Name
- School
- Date of Request
- Date Director responded

Response in agreement or moving to Due process
Outcome and date completed

The SPED Director will monitor the IEE request to ensure timely completion.

The SPED Director will set up Due Process Request or IEE request to include:

Contract with provider to Create a financial plan

Work with parents to schedule appointment

Receive/review final report submission

Schedule of meeting to review.

SECTION 3:

DISPUTE RESOLUTION

A resolution in a dispute with a local educational agency (LEA)¹ over the rights and services afforded to children with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration. The special education director can often assist a family in working out the differences with minimal time and conflict. Parents or LEA personnel may also initiate a Facilitated IEP (FIEP) Team meeting with the Georgia Department of Education (GaDOE).

IEP TEAM MEETING FACILITATION

Individualized Education Program (IEP) Team meeting facilitation is all about the student and helping the IEP Team overcome the pressure and anxiety often associated with a contentious meeting. IEP Team Meeting Facilitation is an optional process, not required by the IDEA, that state educational agencies (SEA) or LEAs may provide to parents and schools. A facilitated IEP (FIEP) Team meeting is the same as any other IEP Team meeting, except that a facilitator joins the meeting. The IEP facilitator makes sure that the focus of the Team remains on the best interests of the child. The facilitator is a skilled individual who has received specialized training in the area of conflict prevention and resolution through the IEP Team Meeting Facilitation process. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. This is achieved by encouraging and directing communication specific to the IEP and assuring that the members of the IEP Team are empowered in their participation and invested in the IEP. The facilitator is not a member of the IEP Team and cannot provide legal advice to any Team member. Rather, the facilitator will help the IEP Team create an agenda, ground rules, and desired outcomes, and address issues during the IEP Team meeting that produce tension within the Team so that the Team is able to find their own solutions. The facilitator will also guide the discussions during the IEP Team meeting by asking student focused questions. The parent or LEA may initiate the Facilitated IEP process by completing the request form on the GaDOE's website. <http://www.gadoe.org/CurriculumInstruction-and-Assessment/Special-Education-Services/Page/s/IEP-Facilitation.aspx>. The request should be submitted 7-10 days prior to the scheduled meeting.

If you believe that a parent is upset or concerned about a situation, a proactive response is recommended.

- Offer the parent a copy of their parent rights.
- Have the parents write down their concerns and offer to schedule a meeting.
- Contact the case manager to discuss the situation and assist with scheduling a meeting and determine who should be in attendance.
- Ensure that the Principal is aware of any parental issues that require a response beyond the scope of your authority to commit resources.
- Have your Principal or SPED Director work with you to address the parent concerns or questions.
- Ensure that the parents understand who the SPED Director is for the school and has their

contact information.

Formal Written Complaint:

A formal written complaint is a written, signed complaint alleging the violation of IDEA procedures or a violation of State Special Education Rules that occurred not more than one year prior to the date the complaint is received.

- Any organization or individual may file a signed, written complaint.
- The person filing the complaint must submit a copy to the district at the same time as submission to the Georgia Department of Education (GaDOE).
- The complaint must include a statement that a public agency has violated a requirement of IDEA, the facts on which the complaint statement is based and suggested resolutions to the complaint issue.
- The complaint will be reviewed and investigated by the GaDOE within 45 calendar days of receipt.

More information regarding the written complaint process can be found on the Parental Rights and the GaDOE website. DUE PROCESS HEARING (SEE 34 C.F.R §§ 300.507-300.518 AND SBOE RULE 160-4-7-.12)

Formal written complaint procedure:

1. The State Division for Special Education Services and Supports shall contact Southwest STEM Charter School and forward a copy of the complaint. The GaDOE will also request in writing a written response within 10 business days from the public agency directly involved.
2. Southwest STEM Charter School SPED Director will submit a written response to the State and to the person filing the complaint within ten business days of receiving the official letter from the State.
3. Southwest STEM Charter School SPED Director will contact parent or complainant in writing and provide them with the procedural safeguards.
4. Southwest STEM Charter School will schedule a meeting to review the complaint.
5. Southwest STEM Charter School SPED Director will offer mediation and a proposal to resolve the issue.
6. Southwest STEM Charter School will authorize the release of records.
7. GaDOE conducts an investigation to confirm details and get clarification of the issues. The investigation may include interviews with the parties, on site visits, and other activities as indicated by the nature of the allegation. The State gives the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has reviewed the response from the LEA.
8. The State issues a written decision within 45 days to the district and complainant that addresses each allegation in the complaint, the finding of fact, and the conclusions. If there is a violation of the law or regulations, then a resolution is required that may include technical assistance activities or corrective action to achieve compliance.

Mediation Process

When the parent(s) and district disagree about the education of a student with a disability, either party may request mediation. Each LEA shall ensure that procedures are established and

implemented to allow parties to dispute involving any matter relating to the identification, evaluation and educational placement, or provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process.

Southwest STEM Charter School Procedures for Mediation

1. If a family member is requesting mediation, contact the SPED Director and they will complete the request for mediation form and submit it to GaDOE.
2. The mediation request is faxed to the GaDOE Special Education Services and Supports. (770) 357-9340.
3. Upon receipt, State Special Education Services and Supports assigns the request to a mediator.
4. The mediator will contact both parties to develop the timeline, set up the meeting location and begin preparation.
5. Mediation will occur at a location and time convenient to both parties.
6. Once parties have agreed to a date and location, participants should be prepared to spend most of the day in mediation.
7. If a resolution is reached, the mediator will facilitate the agreement and all parties will sign the mediation agreement.
8. After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement since this is a legally binding document.
9. If mediation is being requested as part of a due process hearing, the mediation will not delay nor deny the right to a due process hearing. However, discussions during mediation cannot be used as evidence in any due process hearing or civil proceeding.

If a parent chooses not to participate in mediation, Southwest STEM Charter School will offer 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 or information center or a community parent resource in the State established under section 671 or 672 under IDEA, who would explain the benefits of and encourage the use of mediation process to parents.

Impartial Due Process Hearing

The impartial due process hearing is designed to provide a parent or LEA an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a (FAPE) to a child with a disability. More information regarding the written complaint process can be found on the Parental Rights and the GaDOE website. DUE PROCESS HEARING (SEE 34 C.F.R §§ 300.507-300.518 AND SBOE RULE 160-4-7-.12)

(a) The due process hearing request must allege a violation that occurred not more than two (2) years before the date the parent or LEA knew or should have known about the alleged action that forms the basis of the due process hearing request.

Impartial Due Process Request Procedures are as follows:

- Southwest STEM Charter School will ensure that training is provided for understanding that either party or their legal representations may file a due process hearing request.

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- The filing party will provide a copy of the written request to the System Superintendent and the GaDOE. All parties shall keep the content of the request confidential.
 - The content of the complaint must include:
 - The name of the child
 - The address of the residence of the child
 - The name of the school and the LEA the child is attending;
 - For a homeless child, the contact information for the child and the name of the school and LEA the child is attending;
 - A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement, or provision of a free and appropriate public education (FAPE) including the facts relating to the problem. ○ A proposed resolution to the problem to the extent known and available to the party at the time.
 - A hearing may not occur until the party or attorney representing the party files a request that meets the requirements stated above.
 - Upon request, Southwest STEM Charter School will inform the parent 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.
 - Southwest STEM Charter School will notify the complaining part and the hearing officer in writing within 15 days of receipt if it believes that the request does not meet the requirements listed above.
 - Southwest STEM Charter School understands that either party may amend its due process request only if:
 - The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
 - The administrative law judge or hearing office grants permission no later than five days prior to the beginning of the hearing
 - If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begins again.
 - Southwest STEM Charter School will send prior written notice within ten days of receiving the due process hearing request to the parent that includes an explanation of why the LEA proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the LEA used as the basis of the proposed or refused action; a description of the other factors that are relevant to the LEA's proposed or refused action.
 - Unless responded to as above, Southwest STEM CHARTER SCHOOL will send a response to the other party within ten (10) days; a response that specifically addresses the issues raised in the due process hearing request.
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Resolution Process

- If agreed to, the Southwest STEM Charter School SPED district staff will convene a meeting with the parent and relevant IEP team members who have knowledge of the due process complaint within 15 days of receiving a parent's due process hearing request and

prior to the initiation of a due process hearing. This meeting is for the parent to discuss the facts of the due process request in an effort to resolve the dispute.

- A representative of Southwest STEM Charter School who has decision-making authority on behalf of Southwest STEM Charter School shall participate.
- The parent and Southwest STEM Charter School Special Ed staff shall determine the relevant members of the IEP team to attend the meeting.
- The district will not include an attorney for the District unless the parent is accompanied by an attorney.
- If the parent and Southwest STEM Charter School agree in writing to waive the meeting or if they agree to use mediation to attempt to solve the request, the resolution meeting will not be held.
- If a resolution is reached, a legally binding agreement signed by both parties will be executed. Either party may void the agreement within 3 business days.
- If a parent prevails in a due process proceeding, the parent may be entitled to reasonable attorney's fees, subject to some limitations.

Resolution Period: Southwest STEM Charter School will notify the appropriate personnel. If Southwest STEM Charter School has not resolved the due process hearing request to the satisfaction of the parent within 30 days of receipt of the due process complaint and the due process hearing may occur.

The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:

- (a) Both parties agree in writing to waive the resolution meeting.
- (b) After the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible.
- (c) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation.

A final decision must be reached in the hearing no later than 45 days after the expiration of 30-day resolution period of the adjusted time.

For additional information, please contact the SPED Director or review information on the Georgia Department of Education Website at

<http://www.gadoe.org/Curriculum-Instruction-andAssessment/Special-Education-Services/Pages/Dispute-Resolution.aspx>

SECTION 4: **CHILD FIND**

Each State must have policies and procedures to ensure that all children with disabilities, birth through age 21, residing in the State and who are in need of special education and related services or early intervention services are identified, located, and evaluated. 34 C.F.R. § 300.111; 34 C.F.R. § 303.302. In Georgia, the Child Find Process for infants and toddlers with disabilities, birth to age 3, is coordinated through the Georgia Department of Public Health Early Intervention Program, Babies Can't Wait. For children, ages 3 through 21, the local education agencies (LEAs)¹ in Georgia are responsible for identifying, locating, and evaluating all children within the jurisdiction of the LEA who are suspected of having disabilities that may result in a need for special education and related services. LEAs must have policies and procedures in place to ensure the identification, location, and evaluation of these children. Public notification must be given before any significant Child Find activities are implemented.

Southwest STEM Charter School implements the Child Find requirements in a variety of ways. Child Find is a process required by law that districts use to identify, locate, and evaluate all children, birth through 21, who are suspected of having disabilities that may result in a need for special education and related services. These policies and procedures ensure the identification, location, and evaluation of children and ensure that public notification is given before any significant Child Find activity is implemented. Southwest STEM Charter School is responsible for identifying, locating and evaluating all children ages 3-21, reported to staff as suspected of having a disability in attendance at Southwest STEM Charter or a child at age 3 that staff or a parent refers for consideration of services. Throughout the school year, the Southwest STEM Charter School will provide information concerning special education and related services through fliers, local newspapers, and the district website.

The district:

- provides school wide Multi-Tiered System of Supports, 504 and Student Support Team guidelines and activities
- submits education and related services in a timely and accurate manner
- provides child find statements on the web-site for individuals with student disability concerns.

SUPERVISION AND MONITORING:

- Documentation of all Child Find activities, meetings, and training will be kept by the SPED Director.
- The SPED Director will track completion of school based training through sign off by the Principal at the school level.
- Identified staff will be provided the opportunity to participate in additional group training.
- The Principal and SPED Director are contacted regarding individuals who demonstrate difficulties in areas of Child Find training.

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- These individuals will be assigned to small group professional development with the appropriate staff member.
 - Continued non-compliance will result in consult with the SPED Director, Principal, and individual.

Southwest STEM Charter School is responsible for all children suspected of having disabilities, regardless of the severity of the disabilities. Southwest STEM Charter School identifies and provides early intervention for young children with special needs. Parents, doctors, or other interested persons may refer the child (birth through 3) for suspected delays to Babies Can't Wait. In collaboration with Babies Can't Wait Program, the school ensures that students Birth to age 3 are identified, located, and evaluated.

Students at the preschool level enrolled in the pre-k class in the school can be referred for suspected delays in their cognitive, communication, adaptive, social/emotional, and motor skills. The Health Departments in counties served by Southwest STEM Charter School and Babies Can't Wait Program provide services for children birth through age three.

The Referral Process for Ages 3-21

IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multi-tiered system of supports, including the use of scientific, research, or evidence-based interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)

The Child Find process is facilitated in pre-kindergarten through ninth grade by the locally developed Multi-Tiered System of Supports. All students in Southwest STEM Charter School participate in evidence-based instruction, which is developed on grade level Georgia Common Core Performance Standards. When students struggle in the general education curriculum, Tier 2 and, if needed, Tier 3 interventions are provided. Data is collected at all tier levels to determine the students' responses to interventions that have been implemented.

A multi-tiered system of supports, including the use of scientific, research or evidence based interventions are required before referring a child for an initial evaluation for special education. If a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated, within the 60-day timeline. A lack of interventions must not be a reason for a child determined ineligible for services. Southwest STEM Charter School's CHILD FIND responsibility extends to the students enrolled in Southwest STEM Charter and any referrals made by staff or parents. The school is responsible for screening and sending the correct documentation to the contracted school psychologist to assist with determining eligibility for services.

Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction. These exceptions

require Principal and Special Education Director review and data to support should the evaluation be clearly documented in the eligibility decision.

Frequently Asked Questions: Child Find

1. Does Child Find apply to home-schooled children?

Yes. If the child is a resident within the jurisdiction of the LEA, then the Child Find responsibility rests with the LEA in which the child resides. In addition, as a home-schooled child, a child who is determined eligible for special education and related services must also be considered in a proportionate share of federal funds for private school children. In Georgia, home-schooled children are treated as private school children in regard to special education. See Georgia Rule 160-4-7-.13(3)(a)(1).

2. If an LEA charter school and a traditional LEA serve the same demographic area, who has the Child Find responsibility?

Both of them. The LEA charter school's Child Find responsibility extends only to children enrolled in the LEA charter school. The traditional LEA's Child Find responsibility extends to all other children within their jurisdiction.

3. If an LEA charter school only serves a designated population, such as grades six through eight, should the LEA charter school's Child Find procedures address children outside of the designated population, such as children in grades kindergarten through fifth grade?

Yes. As a matter of best practice, an LEA charter school's Child Find procedures should include children age 3-21. However, an LEA charter school's Child Find procedures must address the currently designated population of the LEA charter school. Since LEA charter schools may decide to expand their designated population, LEA charter schools should consider developing Child Find procedures to include children ages 3-21 or update their Child Find procedures as the LEA charter school expands their designated population.

4. Are private/home-school children required to have instructional interventions documented prior to referral to special education?

No. There is no requirement under IDEA for any child suspected of having a disability and being in need of special education services to have instructional interventions before being referred for an initial evaluation for special education. LEA personnel can work with referring individuals to document prior interventions, if conducted, and the results of those interventions. Interventions may also be implemented as part of any evaluation process.

5. Can a parent request an evaluation without prior documentation of interventions?

Yes. Parents maintain their right under the IDEA to request an evaluation. See 34 C.F.R. § 300.301(b). LEAs may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. Interventions and documentation of such may be developed during the evaluation period to support the other information the evaluation is gathering. If a LEA does not suspect that the child has a disability, and denies the request for an

initial evaluation, the LEA must provide written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for the decision, in accordance with 34 C.F.R. § 300.503(a) and (b). The parent can challenge this decision by filing a formal complaint or requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation. See Memorandum from the U.S. Dep't of Educ., Office of Special Education Programs (OSEP), Memo 11-07, January 21, 2011.

6. Would a child's participation in a response to interventions process be considered a "basis of knowledge" that the child may be a "child with a disability"?

Participation in a response to interventions process, in and of itself, would not appear to meet the "basis of knowledge" standards. The standards for whether a public agency has a "basis of knowledge" include (1) written concern from the parent to the child's teacher or other supervisory or administrative personnel of the LEA that the child is in need of special education and related services, (2) a parent request for an evaluation to determine if the child is a child with a disability or (3) the child's teacher or other personnel expressing specific concern about a pattern of behavior of the child directly to the special education director of the LEA or other supervisory personnel of the LEA. See 34 C.F.R. § 300.534(b).

SECTION 5:
STUDENT SUPPORT TEAM

Southwest STEM Charter School implements a district wide Multi-Tiered Support System approach. This interdisciplinary team utilizes a systematic process to address learning, speech, and/or behavioral problems of students, K-12, in each individual school with a set of minimal district criteria. Students entering with a current IEP or Section 504 are not required to go through the SST process.

- Annual trainings are provided at each school level by the designated trainer to ensure that all professionals have information needed to implement the MTSS tiers and complete the process.
- Parents/guardians are invited to participate in all meetings of their child's Tier/MTSS intervention and SST and in the development of interventions.
- Documentation of a minimum of two attempts for notification and written notice will be kept with the completed forms.
- Teams use the MTSS/SST forms and data collection results to monitor identified student progress as outlined in the MTSS training manual.
- Schools keep a list of all students in the Tier process.
- MTSS/SST coordinators at the school should be aware of the students in Tier 3.
- A list of all Tier 3 students will be turned into the SPED Director each 9 weeks.
- Referrals for supplemental or support services require that an evaluation and/or assessment of the student be conducted.
- The following steps make up the SST process in Southwest STEM Charter School
- Completion and submission of required paperwork at each tier.
- Minutes taken and reviewed for all meetings.
- Parent invitation to participate in all meetings.
- Review of current data and assessments.
- Identification of learning and/or behavioral problems.
- Development of a learning plan using research-based interventions.
- Implementation of the learning plan.
- Follow-up and Support of Progress Monitoring and evaluation of results and student needs.
- Students who have been referred for an evaluation will have all MTSS data and information submitted to the SPED Director following the SST referral process
- Files are reviewed for required documentation as outlined in the SST referral process
Documentation shall include:
 - Student's name
 - Name of team members
 - Meeting dates
 - Identification of student learning and/or behavioral problems in Any record of assessment
 - Educational plan and implementation results
 - Follow-up and, as appropriate, continuous evaluation

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- Upon completion, SST coordinators at each school review referrals with the Due Process Checklist through the peer review process, and quarterly the leadership team at each school monitors files.

School personnel and parents/guardians may determine that there is a reasonable cause to request to bypass the SST process for an individual student.

If there is a reason to bypass the SST process for an individual student, the School Psychologist should work with the SPED Director to review documentation to justify the bypass.

Documentation must include:

- Any collected RTI/SST data
- Identification of specific skills identified and data that supports the skill weaknesses to justify the action.
- Parental or guardian knowledge and agreement with the decision.
- What strategies, interventions, modifications, and data collection method and how it will be implemented during the evaluation period.

SUPERVISION AND MONITORING:

- Documentation of all MTSS tier activities, meetings, and training will be kept in the school.
- The MTSS Coordinator will track completion of all school based trainings through sign off by each school's principal.
- Parents will either sign documentation or the committee will document attempts to set up meeting and/or contract parent to review results from meeting for Tiers.
- Meetings, home visits, etc. will be scheduled with the parent to review paperwork and sign and date if they could not attend Tier, SST, or eligibility meetings.
- The SST Coordinators will track all Tier and Learning Plans and keep a quarterly list of students at each school.
- Individuals who need additional training are identified by the School Administration and provided opportunity for additional group training.
- The Principal is contacted regarding individuals who continue to demonstrate difficulties in areas or training.
- These individuals will be assigned to small group/individual professional development with the appropriate staff members.
- Continued non-compliance will result in a meeting with the Principal, Superintendent, and the individual.

SECTION 6:

EVALUATION PROCESS

Southwest STEM Charter School ensures that evaluations are completed using a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the student. These assessments must be selected and administered so as not to be discriminatory on a racial or cultural basis and must be provided in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so. The instruments must be used in a manner to support the instruments validity and reliability and in accordance with publisher instructions and provided in the native language or other mode of communication. If the evaluation is not conducted under standard conditions, this must be explained in the evaluation report.

All evaluations must be administered by trained and knowledgeable personnel. This includes school psychologists with a valid certification, psychologists licensed in the state of Georgia and with experience in either school psychology or child clinical psychology. All evaluators are held to the state of GA requirements to include SLPs, OTs, PTs, etc.

As part of an evaluation (initial or re-evaluation), the committee must review existing data on the student, including evaluations and information provided by the parent, current classroom-based data, local, and state assessment, classroom observations, and teacher and service providers' observations. On the basis of this information, the committee can determine what additional data, if any, are necessary to determine if the student demonstrates a disability and the student's educational needs. The child must be assessed in all areas related to the suspected disability.

INITIAL EVALUATIONS GUIDELINES

A student is typically referred for an evaluation by a Student Support Team (SST) when it has been documented sufficient evidence to suspect that a disability may be the primary cause of the student's learning or behavior problem(s). This occurs after appropriate interventions in the general education classroom have failed to find a satisfactory solution.

Prior to referral for evaluation, students are provided a wide range of intensive, research-based interventions. School level data review teams/SST Support Teams meet regularly to review the progress of students who are referred for interventions. When a student does not make the progress required to meet age or grade level standards, the student's Response to Interventions (MTSS) referral packet is submitted to the SPED Department at the Southwest STEM Charter School.

Southwest STEM Charter School will obtain informed consent from the parents before the evaluation is conducted. Reasonable effort will be made to obtain the consent to include but not limited to detailed records of phone conversation, copies of correspondence, etc.

If a parent refuses to respond or consent to the evaluation request, Southwest STEM Charter School may pursue the initial evaluation through the mediation and impartial due process hearing procedures if the child is enrolled in public school. If a child is a ward of the state and is not residing with the parents, Southwest STEM Charter School is not required to obtain consent from the parent if despite reasonable efforts, the parent cannot be located, the rights have been terminated or subrogated by a judge. The MTSS Coordinator and/or Principal should contact the SPED Director if there are significant concerns obtaining parental consent.

The initial evaluation must be completed before the initial provision of special education and related services are provided to a child with a disability. Parental consent is not required for:

- Reviewing existing data as part of an evaluation or reevaluation.
- Giving a test or evaluation that is given to all students unless consent is required for all students (State assessments, benchmarks, etc.)
- A screening to determine appropriate instructional strategies for curriculum implementation that shall not be considered to be an evaluation or eligibility. The SST Coordinator at the school is responsible for gathering the data and completing the referral packet. This packet must include the following completed documents:
 - Initial Evaluation Referral Checklist
 - Notice of referral
 - Cleared vision and hearing documentation and Parent Consent for Evaluation
 - Completed student background information form (Submit documentation of attempts to gain parental input)
 - Student Case History (Babies Can't Wait, Pre-K enrollment, retained, etc.)
 - Tier 3/Southwest STEM CHARTER SCHOOL Learning Plan with any supporting tier and intervention data
 - Current report card, State assessment scores, copy of permanent record card indicating grade and attendance and any medical reports.
 - All progress monitoring data on summary sheets with charts

Depending on evaluation needs, additional information may be recommended.

Once the referral packet is completed by school personnel, it must be submitted to the SPED Department within 5 days of committee decision to refer. If there is a delay in the submission process, the reason must be documented and included in the referral packet. The LEA has 60 calendar days after receiving parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline.

Timelines for Initial Evaluations:

The LEA has 60 calendar days after receiving parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline.

Exceptions include:

- When students are not required to be in attendance for five consecutive days, (e.g., during holidays, vacation, or special circumstances), an extension to the timeline equaling those days out will be applied.
- 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.
- When the parent repeatedly fails or refuses to produce the child for evaluation.
- If a parent chooses to revoke the consent to evaluate, the process stops and is marked inactive and filed in the inactive files with paperwork indicating why the process was stopped.

If the parent decides to request an evaluation at a later time, the team must meet and a new consent for evaluation must be signed with the new date.

If the student is no longer enrolled in Southwest STEM CHARTER SCHOOL, the process stops and is marked inactive and filed in the inactive files with paperwork indicating why the process was stopped. If the student returns to Southwest STEM Charter School, a new consent to evaluate will be completed and new timelines will begin.

Initial Evaluation Process

The school psychologist will obtain the referral packet once it has been provided from the Southwest STEM Charter School SPED Department. The following steps are recommended for the school psychologist.

1. Verify that all required information is in the file and obtain missing information.
Determine if additional information is needed.
Identify the 60-day timeline.
Make a note to schedule staffing at least two weeks prior to the 60-day deadline.
2. Make a list of tasks to complete and the needed materials.
3. Provide rating scales as soon as possible, particularly in end-of-the-year cases.
4. Provide with the testing portion of the evaluation.
 - a. Monitor if additional assessments may be needed. Involve additional support personnel, if needed, previous teachers are interviewed. Parents are interviewed.
 - b. Request observations and associated work samples, if applicable.
 - c. Request that the classroom teachers continue intervention and data collection through the course of the evaluation, and bring the updated data to the staffing.

Set up the Initial Staffing:

5. Once the psychological has been completed, the SPED Director will be notified and begin contacting IEP members to establish a mutually agreeable time and date for the staffing.
 - a. Approximately 14 days before the meeting, the SPED Director will complete the invitation in GoIEP.
 - b. Invitation to all committee members will be provided.
 - c. Prior to the staffing, the SPED Director will contact the parent regarding the time and date of the upcoming meeting.

Prepare Staffing Documents:

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6. 3-5 days prior to the meeting, the SPED Director will provide the case manager a draft of the psychological report which must include the summary and test results.
 7. Prior to the meeting, the psychologist and case manager will complete appropriate portions of the eligibility report.

SUPERVISION AND MONITORING:

Once a student is referred for an evaluation, the school psychologist will be assigned the referral to review and/or complete the testing.

Once the testing is complete, the school psychologist will review the referral and completed evaluation.

Reevaluation Consideration

Reevaluations are consistent with initial evaluations in terms of “what” you should be able to do with them when they are complete. Specifically, the purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine, among other things, whether the child continues to have a disability and the educational needs of the child. Reevaluations are considered just as important as the initial evaluation for special education. Throughout the child’s educational career, their educational needs may change constantly, and the reevaluation assesses the child’s evolving needs. A reevaluation of a child with a disability, which can include only a review of existing evaluation data, must be conducted at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary. The reevaluation may be conducted at any time if the LEA feels the needs of the child should be reevaluated or if the child’s teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the LEA agree to more than one a year.

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and LEA agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identify additional data needed, if any, to determine the following: · the present levels of academic achievement and related developmental needs of the child; · whether the child continues to have a disability or additional areas of need due to a disability · whether the child continues to need special education and related services; · whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and · whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum. After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child’s educational needs, then

the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.

Reevaluation Process:

Review of Existing Evaluation Data

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

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or additional areas of need due to a disability;
- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again

Southwest STEM Charter School requires that parental consent is obtained before conducting a reevaluation. Parents shall be provided written notice and parental procedural safeguards before all evaluations.

- An evaluation must be completed before determining that a child is no longer a child with a disability.
- Unless the student receives a regular education diploma, or ages out. (22nd birthday) Southwest STEM Charter School will provide the child with a summary of the child's academic achievement and functional performance and include recommendation on assisting the child in post-secondary goals.

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- The evaluation must use technically sound instructions and include a variety of tools and strategies to address academic, functional and developmental information including information from the parent.
 - The evaluation must be sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
 - The evaluation for learning and/or behavior problems is completed by a multidisciplinary evaluation team. Referrals for psychological and clinical evaluations must be conducted by a qualified psychological examiner.
 - This information is used to assist with determining:
 - if the child continues to be a child with a disability and
 - what information should be included in the individualized educational planning to enable the child to be involved in and progress in the general curriculum.
 - Within 3 years of the current eligibility date, the student must be reevaluated or have a review of data meeting. **There are NO exceptions to this rule.**

Evaluation before Termination of Eligibility:

The LEA must comprehensively reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed: 1. when the child graduates from high school with a regular education diploma, or

2. when the child has exceeded the age of eligibility (22nd birthday) for a FAPE.

The review of data may be conducted at any time if the school thinks the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the district agree to more than once a year. The DOB of students identified as Significantly Developmentally Delayed will be examined to determine appropriate scheduling of evaluations before turning 9 years of age.

- At the beginning of each year, the SPED director refers all students, who are under consideration for a reevaluation, for vision and hearing screening. This screening is good for one year.
- The SPED director will work with the psychologist and/or speech language pathologist at the beginning of each semester to develop a reevaluation schedule for the school year and/or semester.
- Anytime there are concerns that new information may be needed for a particular student, it is important for teachers to talk to the SPED Director and/or speech language pathologist to discuss and decide upon an appropriate time frame for IEP meeting.
- A parent has a right to request an evaluation. If a parent requests testing, a meeting should be scheduled to include the SPED Director and/or Speech Language Pathologist to discuss parent testing concerns.

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- SPED Director, Case managers, SLP, as appropriate, tracks all due 3-year eligibility dates for the year and coordinates Eligibility Review meetings with appropriate team members to include the parents.
 - The Case manager collects all needed documentation for the Eligibility Review meeting to include information from the regular education teachers, progress monitoring data, behavioral data, and any other information needed to review eligibility.
 - The review team should look at each student individually to determine if a reevaluation is needed.
 - No broad decisions should be made, such as excluding all middle school students from reevaluation.

Independent Educational Evaluation

If a parent disagrees with the results of a completed evaluation completed by the LEA, the parent may request that the LEA pay for an outside independent educational evaluation (IEE). The LEA must agree to pay for the IEE or begin the due process hearing procedures to show that the LEA's evaluation is adequate. If there is a due process hearing and the LEA's evaluation is judged to be sufficient, then the LEA will not have to pay for an IEE. A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. The list of criteria of the independent evaluator must be the same as those required of the LEA's evaluators. The LEA may set a reasonable limit on the cost of the IEE. However, the LEA must also allow parents the opportunity to prove extraordinary circumstances warranting an IEE at public expense that does not meet the LEA's criteria. See 34 C.F.R. § 300.502 for a complete explanation of IEEs.

A parent does not have the right to an IEE at public expense until he or she has allowed the LEA to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the LEA's evaluation. As long as the evaluation was conducted by someone who meets the qualifications for LEA evaluations, the LEA must consider the results of the parentally obtained evaluation

SUPERVISION AND MONITORING:

- SPED Director and Case Managers will review GoIEP and previous reports for upcoming 3-year eligibility due dates.
- The Case Manager and/or Speech Language Pathologist will review the list accuracy and completion.
- SPED Director will be notified immediately if paperwork is within 14 days of deadline and no meeting is scheduled.
- The SPED Director and Case Manager will meet to address in writing any IEP, Evaluation, or Redetermination found to be out of compliance.
- An action plan will be written to address the issue which will include small group training.

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- A second offense of untimely completion will result in a formal letter of concern to the school Principal and the SPED Director.
A third offense of untimely completion will result in a formal letter of concern to the school Principal, SPED Director, and the Superintendent.

Review of Data Process

- The current Eligibility date is located at the top of the Eligibility Report and on the first page of the IEP. (The 60-day timeline does not apply to re-evaluation. The important date is the eligibility due date).
- **IMPORTANT:** At the annual review before the redetermination is due, the committee needs to consider what action is needed before the eligibility due date—re-evaluate or redetermination. This decision should be documented in the minutes.
- All students with a triennial date occurring during the current school year, should discuss at the annual review and the team should meet a minimum of 90 days before the 3-year eligibility date is due to ensure that there will be time for testing if the committee determines that a reevaluation is needed before eligibility can be determined.
- Please make special notice to students with SDD eligibility. The SDD eligibility expires at the end of the school year in which the student turns age 9.

The Process:

Case managers should annually provide current levels of performance, benchmark testing, and standardized test scores. For students with an eligibility of in intellectual disability, a copy of a completed informal adaptive behavior form is required as well.

Use this information to complete the following steps:

- Complete the Review of Data Form in GO-IEP. Data Reviewed: in order to help navigate through pertinent points to be reviewed (i.e., attendance, teacher/staff observations, etc.) Be sure to check off items once discussed.
- Date Eligibility is due should reflect the next eligibility date 3 years from the current date eligibility is being established (essentially this should indicate the date of next redetermination).
- Review current eligibility area(s), most recent psychological report, and any other pertinent information used to determine eligibility (i.e., medical info., behavior data).
- Teachers, parents, student, related services report on progress and present levels of performance.

Use the Redetermination Form in Go-IEP: Parents should be part of the determination meeting. Notify parents of their right to request an evaluation to determine continued eligibility and to determine the student's educational needs.

1. Refer for reevaluation in order to determine continued eligibility:

- Identify area(s) to be evaluated.
- Obtain vision and hearing screening
- Obtain consent for evaluation and psychological report. (The 60-day timeline does not apply to reevaluation. The important date is the eligibility due date).
- Complete evaluation and psychological report.

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- Reconvene to discuss evaluation results and determine eligibility. (Meeting notice will be sent from the board office from the SPED Secretary).
 - Complete eligibility report, GA eligibility Summary and Eligibility Determination.
 - Obtain consent for services.
- 2. Refer for evaluation to consider new/additional eligibility:**
- Identify area(s) recommended for assessment.
 - Obtain vision and hearing screenings.
 - Obtain consent for evaluation.
 - Complete evaluation and psychological report.
 - Reconvene to discuss evaluation results and determine eligibility (Meeting notice will be sent from the board office from the SPED Secretary).
 - Complete eligibility report, GA eligibility Summary and Eligibility Determination.
 - Obtain consent for services.
- 3. Refer for assessment in the following areas in order to aid in instructional planning:**
- Identify area(s) recommended for assessment.
 - Complete Eligibility Determination in GoIEP.
 - Obtain vision and hearing screening.
 - Complete evaluation and Assessment for Instructional Planning Form
 - Reconvene to discuss evaluation results and make recommendations for instruction.
 - No additional data is needed for continued eligibility.

Use the Review of Data Form in Go-IEP

- (1) If Student continues to meet eligibility
 - Identify and fill in eligibility areas.
 - Complete Eligibility Determination in GoIEP.
 - Obtain consent for services.
- (2) If Eligibility Determination will be made after additional data is obtained 🎬
- (3) Complete evaluation and psychological report.
 - Reconvene prior to due date to discuss evaluation results and determine eligibility. (Meeting notice will be sent form the board office from the SPED Secretary).
 - Complete eligibility report, GA eligibility Summary and Eligibility Determination in GoIEP.
 - Obtain consent for services.
- (4) If Student does not meet eligibility
 - Identify and fill in eligibility area(s).
 - Complete Eligibility Determination.

Review of Data Process

- The current Eligibility date is located at the top of the Eligibility Report and on the first page of the IEP. (The 60-day timeline does not apply to re-evaluation. The important date is the eligibility due date).
- **IMPORTANT:** At the annual review before the redetermination is due, the committee needs to consider what action is needed before the eligibility due date—re-evaluate or redetermination. This decision should be documented in the minutes.
- All students with a triennial date occurring during the current school year, should discuss at the annual review and the team should meet a minimum of 90 days before the 3-year eligibility date is due to ensure that there will be time for testing if the committee determines that a reevaluation is needed before eligibility can be determined.
- Please make special notice to students with SDD eligibility. The SDD eligibility expires at the end of the school year in which the student turns age 9.

Frequently Asked Questions:

1. When are hearing and vision to be screened? Federal regulations list vision and hearing as areas that may be evaluated in a special education evaluation, “as appropriate.” See 34 C.F.R. § 300.304(c)(4). However, professional ethics require that a diagnostic evaluation not proceed until it is documented that the child has acceptable levels of vision and hearing. Failure to do this would render test results invalid and might prevent discovery of vision and/or hearing problems as the primary or contributing source of the child’s problem(s). Therefore, if the hearing and vision screening was not conducted prior to receiving parental consent for evaluation, then the child should be screened at the beginning of the 60-day comprehensive evaluation. If the comprehensive evaluation will rely on prior hearing and vision screening (such as screening completed during the Student Support Team (SST) process), such screening should have been completed within one calendar year. If problems with the child’s hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the LEA must make sure that these devices and services are made available to the child.
2. If during the course of an evaluation, the child is found to need glasses and the parents do not get the necessary glasses, is the LEA responsible for getting them? If the eyeglasses would be needed for the LEA to provide FAPE and for the child to avail himself/herself of the right to an evaluation, then the LEA must provide them. Schools and parents can work with public and private agencies to obtain funding for the glasses.

SECTION 7:

ELIGIBILITY

Special Education Eligibility Decision Making LEAs must recognize the direct and relevant relationship between a multi-tiered system of supports, Student Support Team (SST), and the individual evaluation requirements of the IDEA. Once problem-solving teams determine that a child is suspected of having a disability, a comprehensive evaluation shall be provided to the child being considered for special education eligibility. However, an eligibility determination cannot occur until the existing data are reviewed to determine whether one or more of the exclusionary factors is the determinant factor(s) for the determination that the child is a child with a disability and the child does not otherwise meet the specific eligibility criteria.

All eligibility categories include the following exclusionary factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA or
- Lack of appropriate instruction in mathematics or
- Limited English proficiency

**Additional exclusionary factors exist for Specific Learning Disability (SLD)

Each special education area of disability has specific eligibility requirements. To qualify for special education placement, each student must meet eligibility requirements for at least one area. Qualified professionals and parents create an eligibility team which will review assessment data and other information to determine the student's program of eligibility. The parents must be invited to participate in the process and with documentation of multiple attempts of parental notification created. Although the local school system has the responsibility of determining the student's program eligibility, the IEP team will determine placement based upon IEP programming requirements.

An eligibility report (in GoIEP) must be completed or updated anytime Parental Consent for Evaluation has been signed and an evaluation has been completed. This includes initials, reevaluations, and referrals to a new program. A copy of the eligibility and determination report must be provided to the parents.

Exclusionary Factors must be reviewed for each eligibility determination with written documentation to support the decision.

Eligibility must be demonstrated prior to initial placement in a program and must be demonstrated at the time of reevaluation consideration.

Eligibility or non-eligibility must be documented for all students referred and evaluated for special education placement. An appropriate evaluation report must be done as part of the due process procedure for all referred students.

Southwest STEM Charter School utilizes the GoIEP eligibility forms which must document the following information prior to determining eligibility for a student:

- Student information
- A documented case history
- A summary of interventions and data prior to referral
- A summary of progress monitoring towards achieving standards
- Results of relevant district, state, and benchmark assessments
- Individual student data, as applicable
- Consideration of exclusionary factors
- Decision making of educational impact
- A summary of considerations
- Eligibility Determination and Eligibility Report

Georgia Eligibility Categories: Click website to obtain GaDOE link.

- **Autism (AU)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_autism.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D295A92E9B2BE1E991&Type=D

- **Deaf/Blind**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_deafblind.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2A996F2D2A8DD37FE&Type=D

- **Deaf/Hard of Hearing (D/HH)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/DHH_Rules_and_Regulations.pdf?p=6CC6799F8C1371F603FE15D61D462810206EFC6597482136605AB10BBC9A77C&Type=D

- **Emotional Behavioral Disorder (EBD)**

<http://public.doe.k12.ga.us/DMGetDocument.aspx/EMOTIONAL%20AND%20BEHAVIORAL%20DISORDER.p df?p=6CC6799F8C1371F6B8F2A7669398C922E63F2BDC2C8B7BAE1D64B35B9DC25364&Type=D>

- **Intellectual Disability (Mild-MID)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_mildintellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2C46FB6EB703C23EC&Type=D

- **Intellectual Disability (Moderate-MODI, Severe-SID, Profound-PID)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_intellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D21AD9F8857B2168ELECTRONICVERSION&Type=D

- **Orthopedic Impairment (OI)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/Orthopedic_Impairment_Rules_Regs.pdf?p=6CC6799F8C1371F65545E28E215201AA21D6C3174AC002573ELECTRONICVERSION6F3BD70BDBCF3&Type=D

- **Other Health Impairment (OHI)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/OHI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6C24E001B33B21F8D923A06632FECA29C0A1C0B77F4864BD2&Type=D

- **Significant Developmental Delay (SDD)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/SDD_Rules_and_Regulations.pdf?p=6CC6799F8C1371F641AB3

A546FF0E82D326518E920C90484578800E399541276&Type=D

- **Specific Learning Disability (SLD)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/160-4-7-.05_SLD_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F663E40FB40C44553EDB7CB5259FFB3192CEAB2E7B758D84E0&Type=D

- **Speech-Language Impairment (SI)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/SI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6EELECTRONICVERSION701F3B10F58FBC3284DAD0567D0001367CE02A527CF38&Type=D

- **Traumatic Brain Injury (TBI)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_tbi.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2659D06A7B6E787F7&Type=D

- **Visual Impairment and Blindness (VI)**

http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_visual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D238DC8D352AD0D51B&Type=D

SECTION 8:

Individualized Education Program (IEPs)

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

State Rule: 160-4-7-.06

The **Individualized Education Program (IEP)** serves as the framework for determining the meaning of the term “free appropriate public education” in the least restrictive environment, a term frequently referenced in the IDEA. IEPs must be developed and reviewed at least annually and must be in effect at the beginning of each school year. The IEP may be reviewed and revised more than once a year if the parent or the district requests a review.

The IEP is not a binding contract, for which the school system is responsible if the student does not achieve the growth projected in the goals and objectives. However, it assures that the school system will provide the special education and related services as outlined in the IEP. Additionally, any changes in special education and/or related services for a student are documented in the IEP.

Important Reminders

Timelines – IEPs are to be reviewed by the Director and the Director will finalize in GO-IEP, and all signed originals and required forms turned in to the Director.

- Initial IEPs must be completed within **30 days** (includes weekends and holidays) of the eligibility meeting and turned in no later than 10 days after the meeting date.
 - Annual reviews are due no later than **10 days** after the meeting date.
 - Amendments are due no later than **5 days** after the meeting date.
 - Transfer students without a GO-IEP must have a Southwest STEM IEP completed in GO-IEP no later than **30 days** after entering the school and the IEP must be turned in no later than 10 days after the meeting date.

Scheduling and preparation for meetings

- Make sure to include all teachers/staff who serve the student: other teachers, SLPs, HI/OT/PT, etc.
- If the SLPs and related service providers cannot attend the meeting, you still need to inform them through a meeting invitation in which they are listed as a meeting participant. They must complete their part of the IEP which includes their own testing. Do not wait until the last minute to notify them of the meeting.
- Make sure to inform all attendees of the meeting location.
 - Make sure you have an **LEA before** you schedule the meeting.
- Prepare a complete **draft IEP** for the meeting, and have the **final progress report** from the previous IEP showing mastery of goals.

Notice of IEP Meeting

Southwest STEM Charter School ensures that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough so that they will have an opportunity to attend, and scheduling the meeting at a mutually agreed upon time and place.

The parent must be notified of the proposed date, time, and location of an IEP meeting to give him or her sufficient time to make arrangements to attend or to contact the school to reschedule the meeting. This notice should include the purpose of the meeting (including transition, if appropriate); the proposed date, time, and location of the meeting; as well as the participants that will be in attendance. The notice must also inform the parent of his/her right to invite other individuals who, in his/her opinion, have knowledge of special expertise regarding his/her child, including related services personnel.

Parent participation in the development and planning of their child's educational plans is essential. If a parent expresses that he/she would like to attend a scheduled meeting but he/she does not have transportation, then we will seek to meet virtually.

Attempts to schedule the IEP meeting should be made at least 10 days prior to the projected meeting date. There is no acceptable excuse for a late IEP. Late IEPs will be documented in the case manager's TKES evaluation. The parent may request to reschedule the IEP meeting or to participate by telephone or videoconference if attending in person is not possible. **It is best practice to provide parents at least 10 days' notice before the IEP meeting date.**

A meeting may be conducted without the parents in attendance if the school system is unable to convince the parents that they should attend. In this case, the school system will keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits.

Southwest STEM Charter takes whatever action is necessary to ensure that the parents understand the proceedings of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English. This interpreter should be a qualified adult.

A copy of the IEP is provided to the parents at no cost in either hard copy or digital format, depending on the desire of the parent. Parents are always considered a required and vital member to any IEP team decision. Southwest STEM Charter expects the case manager to prepare a draft IEP prior to the meeting. The case manager should make it clear to the parents at the outset of the meeting that the services proposed by the school are preliminary recommendations for review and discussion with the parents. The case manager may provide the parents with a copy of the DRAFT proposal prior to the meeting, so as to give the parents an opportunity to review the recommendation of the team and better able to engage in a full discussion of the proposal for the IEP. It is not permissible for the team to have a final IEP completed before the IEP meeting begins.

IEP Team Members: At a minimum the IEP team must include:

1. the parent (or the person acting as the parent under IDEA);
2. the student's general education/classroom teacher;
3. the student's special education teacher or provider;
4. a district representative who meets the following requirements;
qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child,
knowledgeable about the general education curriculum, and
knowledgeable about the availability of resources in the district.
the student, when discussing transition services or for younger students when deemed appropriate.

If a general education teacher is unavailable due to unforeseen circumstances, then the IEP team excusal form should be used. An LEA can never be excused from a meeting.

Other members required under certain circumstances:

- in the case of a child, birth through 2, who was previously served under Babies Can't Wait (BCW), an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the BCW service coordinator or other representatives of BCW to assist with the smooth transition of services;
- someone who can interpret how evaluation results relate to classroom instruction and settings (this person may be one of the persons already listed above);
- other individuals who have knowledge of the child or special expertise, such as related services personnel (based on the discretion of the parent or district);
- the child with a disability, when the transition services plan is being discussed or earlier when appropriate; and/or
- a representative of any agency that is likely to provide or pay for any transition services, if appropriate and with consent of the parent or adult student age 18 or older.

The Role of the Parent

The parents of a child with a disability are necessary participants in the development of the IEP. It is important that parents provide information about their views of the child's progress or lack of progress, as well as express any concerns about the overall educational development of the child. Parents provide important knowledge about how the child behaves and performs outside the school setting. Parents should be involved in every part of the development of the annual IEP. The parent and student are the most important members of the IEP team.

Steps for When the Parent Does Not Show Up

If a response is given stating that the parent will attend, no further attempts need to be made to schedule the meeting. The meeting may proceed with or without the parent in attendance, but the case manager must first attempt to call the parent and see if he/she would be willing to attend via phone conference. If the team is unable to reach the parent by phone and he/she has not contacted the school to reschedule, the meeting may proceed.

If the parent requests to reschedule the meeting, the team may not proceed without them. Thus, schedule the meeting in advance! You may not go ahead without the parent because you scheduled it too close to the expiring date.

If you have documented multiple and varied attempts to schedule the meeting with the parent and he/she has not called to reschedule, proceed with the meeting after attempting to do a phone conference. Then send the paperwork home via the student. depending on your relationship with the parent, it is possible for the paperwork to be sent home with the student. The IEP's service dates need to reflect time for the parent to review the IEP before it goes into effect.

Recording a Meeting

Southwest STEM Charter does not allow recordings of IEP meetings. If the parent/guardian insists on recording the meeting, the school will also record the meeting. If a recording device is not available, the meeting will be rescheduled.

Excusal of IEP Team Member

A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the school system agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if

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

IEP Must be in Effect

At the beginning of each school year, an IEP will be in effect for each child with a disability served by Southwest STEM Charter School. In the case of a child with a disability aged three through five, an IEP or ISP (Individual Service Plan) shall be in place. If the ISP is utilized, it will be

- consistent with the Georgia rule for IEPs; and
- agreed to by the school system and the child's parents.

Southwest STEM Charter School provides to the child's parents a detailed explanation of the differences between an ISP and an IEP; and if the parents choose an ISP, obtain written informed consent from the parents. (See Private School Placement for more on ISPs)

Development of the Annual IEP should include:

- a description of the student's academic, developmental, and functional performance;

- a description of how the student will be included in the general curriculum;
- the annual goals for the student, along with a description of how those goals will be measured;
- a statement of what special education and related services are needed by the student;
 - a discussion of how the student will participate in district and statewide assessments or why an alternate assessment is appropriate; and
- the accommodations and/or modifications that are appropriate for instruction and assessment; and a discussion of the transition services (when appropriate).

Present Levels of Academic Achievement and Functional Performance

The present levels of academic achievement and functional performance section establishes the starting point or baseline that is used to develop the entire IEP. It includes:

current description of the child’s academic, developmental, and/or functional strengths and weaknesses. Consider the following:

- academic subjects such as reading, language arts, math, etc.;
- developmental areas such as communication, motor, cognitive, social/emotional, etc.;
- attendance records;
- the results of district or statewide assessments (automatically filled in GO-IEP); results of the initial or most recent evaluation:
 - category, area, and source(s) of information;
 - summary of findings which will lead to development of goals/objectives;
 - a summary of relevant information from the child’s evaluation (not just a listing of scores) can include additional formative and summative assessments used for instructional purposes;
- academic subjects such as reading, language arts, math, etc.;
- developmental areas such as communication, motor, cognitive, social/emotional, etc.;
- description of **SPECIFIC** needs that impact functional areas such as self-care, social skills, daily living, communication, social/emotional, etc.; and
- Community Based Instruction (CBI) as it relates to the student’s present level of functioning (when appropriate).
- discipline records;
- classroom observations;
- performance or progress monitoring data
- student work samples;
- teacher-made tests or other achievement tests;
- grades;
- related services observations/progress/assessments; and
 - parental concerns;
- impact of the disability on involvement and progress in the general education curriculum (for preschool, how the disability affects participation in appropriate activities);

- Description of *specific* needs that impact achievement, which will be addressed through the IEP goals and/or objectives or through accommodations,
- Description of individual characteristics of the child’s disability that affect his or her classroom performance.
- The impact statement should be formatted in a cause and effect manner, with the cause being the disability and the effect being how the disability influences the student’s learning experience.
- Information from the psychological report, other evaluation reports, and data collected in the classroom can inform the impact statement.
- Do NOT include accommodations or placement information.
- The impact section should not contain information that is duplicated in other sections of the IEP.
- Medical information (diagnoses, medication, glasses, etc.) can be discussed in the impact section or in a separate “Medical” section of the present level.
- transition assessments.
- A complete statement of the parental concerns regarding their child’s education must be included (Other Discussion Section in GO-IEP). If the parent does not participate in the IEP meeting, the IEP team must obtain information from the parent to include the IEP or document previous concerns that have been communicated by the parent (parent-teacher conferences, notes on progress reports/report cards, notes on discipline reports, phone calls, texts, etc.).

The remainder of the IEP should include goals and objectives, accommodations, transition services, and placement decisions, that are directly linked to the information contained in the present levels of academic achievement and functional performance.

Annual Goals

Annual goals are developed to address the needs described in the present levels of academic achievement and functional performance in order to enable the child to progress in the grade level standards-based curriculum. The goals must be written in measurable form and should describe what the student can reasonably be expected to accomplish within one school year.

- Goals should address a student's weakness, not standard age or grade level expectations. All children are expected to be working toward grade level performance, so it is not necessary to list those standards in the IEP.
 - All goals must be derived from the present level of performance.
 - Significant deficit areas must be addressed by a goal.
- Goals must be specific to the student, measurable and attainable in a year’s time. Goals are measurable when they state:
 - Direction (increase, maintain, decrease, etc.);
 - Area of need (reading, social skills, communication, functional, etc.);
 - Level of attainment or success (grade level, accuracy, etc.); and

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- How progress will be measured.
 - Objectives are developed to describe the amount of process the student is expected to make toward the annual goals within specified segments of the year, generally coinciding with reporting periods (first grading period, first semester of school year, etc.).
 - Objectives are required for students participating in adaptive curriculum program; otherwise, objectives are optional.
 - Short-term objectives or benchmarks are not required for most students but may be included for any student.

Example: The student is not making progress in the general education curriculum because of his inability to follow directions from the teacher, and he often completes assignments incorrectly.

Goal: The student will comply with oral directions the first time given by the teacher by listening, clarifying, and verbally agreeing to do as asked 4 out of 5 times for three consecutive weeks.

At times, a parent may request short-term objectives for a particular area of the IEP even though they are not required. The district and the parent should work together to reach an agreement about short-term objectives as appropriate.

Transition Service Plan

The successful transition of students with disabilities from high school to post-school environments should be a priority of every IEP team. The purpose of a Transition Service Plan is to assist students in building the skills and supports needed to reach their post-school goals.

Transition requires support from multiple sources so the student and his or her family can make choices, develop connections, and access services. Transition information must be included in the IEP prior to the beginning of ninth grade or turning 16, or younger if determined appropriate by the IEP team. The following information must be included:

- **Preferences, strengths, interests, and course of study based on present levels of performance and age-appropriate transition assessments** should provide an assessment of the skills and interests related to education, employment, training, and independent living skills (if appropriate). A transition assessment is conducted in conjunction with the development of the transition components. It should also be ongoing and fluid. Assessment tools that clearly describe a student's strengths and weaknesses and document a student's interests and perceptions about his or her skills should be utilized. The transition assessment should be child centered, continuous, occur in many places, involve a variety of people, have understandable data, and be sensitive to cultural diversities. Surveys and interviews work well for this type of assessment.
- **Desired measurable postsecondary outcome/ completion goals** should be measurable and related to what the student wants to achieve after graduation. They should be "major life accomplishments" or "completion goals." Goals should be written in the areas of education/training, employment, and independent living (if appropriate). They should be clear and understandable, positively stated, and based on academic achievement and functional performance. They must be based on age-appropriate assessments and must be practical and

relevant to transition needs. Outcome/completion goals can change and become more refined as the student has more experience and gets closer to graduation.

- **Measurable transition IEP goals** are based on age-appropriate transition assessments, including transition activities and services appropriate to attain the postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly relate to the how, when, where, and what answers that are needed to complete each postsecondary outcome/completion goal. These goals should be relevant to “how to get to” the desired postsecondary outcomes. They must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills and post-school options, related services, and daily living skills (as appropriate). At least one measurable transition IEP goal must be developed in the areas of “education/training” and “development of employment.” Measurable transition goals for independent living should be addressed if appropriate.
- **Transition activities and services** should address the transition activities and services that are needed to attain the established transition goals. Transition activities and services should be planned as the “what is needed to achieve these goals.” Many activities and services should be planned and implemented for each goal.
- **Persons and agency involved** should include those who will help the student achieve the goals stated. Documentation that these persons were invited to the transition IEP meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. (If a necessary participating agency does not attend, document other actions for agency involvement.).
- **Date of completion and achieved outcome** should state the date completed and specify what was achieved. If the student does not attend the IEP meeting, the district must take other steps, including verbal and written input, to ensure that the student’s preferences and interests are considered before developing the transition aspects of the IEP.
- **Transfer of rights at 18 years of age:** “Parent Rights” transfer from the parent to the student at age 18 years of age as they are then considered an “adult student.” The notification that these rights will transfer to the student at age 18 must be done at least one year prior to the student’s 18th birthday. The date that the student was informed of the transfer of rights must be included in the IEP. The IEP should also document, at age 18, that the rights have been transferred. Once the rights have transferred to the student at age 18, the school must provide any notice required to both the child and the parent. All rights afforded to the parent transfer to the student.
- **Summary of Performance:** See separate section on Transition and Summary of Performance in the manual.

Consideration of Special Factors

IDEA requires the IEP team to address “special considerations” that are outlined in this section. If the team chooses “Yes” for any of the special considerations, the team may address the consideration in a variety of ways, including goals and benchmarks, a behavior plan, supplementary aids and services, related services, or accommodations and modifications. Each special consideration area that is marked “Yes” must be reflected in the present levels of performance. The special considerations include:

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- **Assistive technology of devices and services (required)** - if the IEP team selects, “Yes”, the team must determine the nature and extent of the devices and services and address the needs in the IEP. See AT section of the manual.
 - **Communication (required)** - if the IEP team selects “Yes”, the team must describe the communication needs and how these needs are being addressed in the IEP (goals/objectives, accommodations, and/or supports).
 - **Alternative Format-** - if the IEP team selects, “Yes”, the team must specify the materials required such as Braille, auditory, electronic texts, and/or large texts.
 - **Blind or visually impaired-** The IEP team will only address this consideration when the student is identified as Blind or Visually Impaired. If the IEP team selects, “Yes”, the team must evaluate reading and writing needs and provide for instruction in Braille unless deemed not appropriate for the student.
 - **Deaf or hard of hearing-** The IEP team will only address this consideration when the student is identified as Deaf or Hard of Hearing. If the team selects, “Yes”, the team must consider language and communication needs and address these needs in the IEP.
 - **Behavior impeding learning-** - if the IEP team selects, “Yes”, then the team must determine if a behavior intervention plan (BIP) is needed. If the team determines that a BIP is not needed, the team must address the behaviors in the sections of the IEP regarding goals/objectives and/or accommodations and supports. If a BIP is needed, upon parental signed permission, a functional behavior assessment (FBA) must be completed prior to the development of the BIP in GO-IEP. The FBA will be uploaded into the document section of GO-IEP. The BIP must include:
 - Positive methods to modify the environment of the student to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
 - Methods to teach skills to the student so that he/she can replace inappropriate behavior with adaptive behavior;
 - Methods to enhance the independence and quality of life of the student;
 - The use of the least restrictive methods to respond to and reinforce the behavior the student; and
 - a process of designing interventions of the student that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student without the use of aversive or negative means.
 - **English learner-** The IEP team MUST address this consideration when the student is identified as an English Language Learner. If the IEP team selects “Yes,” the IEP must include accommodations proven to be effective for English Language Learners in the supplementary aids and services section of the IEP. IF Access scores are not populated, scores must be added to the IEP and can be found in the permanent record.

If student accesses written information in alternative formats, this should be documented in the IEP. These accommodations must be used daily, not just for tests. It should also be considered on the special considerations page-alternate formats.

ALTERNATE FORMATS

Does the student require alternative format for instructional materials:
 Yes No

If Yes, specify format(s) of materials required below:

Human Reader
 Embossed Braille
 Electronic/Digital Text (may include Audio, Audio/Visual, Braille Format, and/or Enlarged Font)
 Enlarged Font

[Save](#)

STATE TESTING ACCOMMODATIONS [Print State Required Testing](#)

[Add/Update Accommodation](#)

Assessment Name	SubjectName	Category Name	Accommodation Name	Delete
GA Milestones End of Course Online	American Literature and Composition	Presentation Accommodations	Explain or paraphrase the directions for clarity (in English only)	✘
GA Milestones End of Course Online	American Literature and Composition	Presentation Accommodations	Oral reading of test questions in English	✘

Optional Decisions

GAA

The IEP team may determine that the student meets the criteria for participation in the Georgia Alternative Assessment (GAA). This determination is made by the team using the GAA participation form in GO-IEP. The student must meet all criteria on the GAA participation form. The IEP team must include a statement in the IEP of why the student cannot participate in a particular general assessment, even with appropriate modifications or accommodations.

Additional information and resources for the GAA are available at the Georgia Department of Education website through this link

<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Assessment/Pages/GAA.aspx>).

Alternative Math Sequence

The IEP team may consider an alternative math sequence for a high school student utilizing the High School Mathematics Decision Rubric in GO-IEP. The student must meet all of the following criteria:

- Prior to the student entering 9th grade, the student’s IEP team identified that the student had a disability that affect mathematics achievement;
 - The student successfully earns credit for GSE Algebra I and GSE Geometry; and
 - The student successfully earns course credit for at least two other state-approved mathematics courses, which may include, but are not limited to, Mathematics support courses.

The IEP team should not access this rubric in GO-IEP until the student has earned credit for Coordinate Algebra and Analytic Geometry, or based on current progress the IEP team can safely project that student will earn these course credits in the semester in which the IEP is being developed. Generally, the IEP team would not access the rubric for consideration of an alternative math sequence until the end of the student's **10th grade year**. For students who are recommended for an alternative math course sequence the case manager is responsible for ensuring that the IEP team documents the following:

- The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by the student's pattern of performance on the state-mandated test in the area of Mathematics;
- The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP is reasonably certain that the student will not successfully master the standards in Advanced Algebra as traditionally delivered in a single course year. The IEP team should first consider enrolling these students in single advanced mathematics course with instruction delivered over two years prior to other considerations. The determination of the student's progress has been based on multiple measurements that are valid for the content area of mathematics and that have been collected over a period of time; and
- The student has access to instruction in the state-adopted curriculum and will be required to successfully complete GSE Algebra I and GSE Geometry in addition to participating and earning credit in two additional state-approved mathematics courses. As stated above, the IEP team should first consider enrolling these students in a single advanced mathematics course with instruction delivered over two years prior to other considerations. The student's IEP includes goals that are related to mathematics, support access to the content standards, and are designed to promote the student's progress in the content area state-adopted curriculum.

The case manager must inform the parents and students that students who do not complete GSE Algebra II may not meet the mathematics admission requirements for entry into a University System of Georgia institution or other post-secondary institution without additional coursework. This communication with the parents and students should be documented in the IEP.

Accommodations (State Required Testing and Student Supports)

District/statewide assessments and testing accommodations

Georgia requires all students to participate in grade level district and statewide assessment programs. Testing accommodations for district and statewide assessments must be as specific as possible and should **only identify testing accommodations the student must have in order to participate** in the assessment. The IEP team will determine appropriate testing accommodations for a student based on multidisciplinary evaluation results, present level of academic and functional performance, annual goals, short-term objectives, and specially designed instruction included in the child's IEP. Testing accommodations identified for district and statewide testing must be accommodations that the student uses on a consistent basis in the

classroom that are necessary in order to access the general education curriculum and documented in the student's IEP.

Each assessment should be listed by content area so that the accommodations are individualized for each student determined to be a student with a disability. The IEP team may not identify any accommodations that are not on the approved list. If a student must have an accommodation that is not on the list, the IEP team should work with the district testing coordinator who will contact the GaDOE Testing Division to discuss the ramifications of the potential accommodations.

When selecting a conditional accommodation for a student, there are specific rules that must be followed. If the need for a conditional accommodation is determined to be necessary for a student by the IEP team, the testing coordinator and the Exceptional Students Director must be contacted. The need for a conditional accommodation should rarely occur. Tests administered with conditional accommodations will not count towards College and Career Ready Performance Index (CCRPI) measurements.

For any grade where all students are assessed, students with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA). Only students with significant cognitive disabilities may be allowed to participate in the Georgia Alternate Assessment (GAA), and this decision is documented in the IEP. Only a small number of students with disabilities will participate in the GAA. Students who are assessed using GAA should also have testing accommodations included for GAA that reflect the types of accommodations and modifications needed in the classroom.

The Georgia Department of Education, Testing Division, has an extensive assessment manual that addresses all aspects of testing, including accommodations for each standardized assessment. The allowable assessment accommodations may be found in the annually updated Georgia Assessment Manual. Decision-making guides for selection of appropriate assessment accommodations can be found in the Georgia Accommodation Manual.

Student Supports

Student supports consist of accommodations for instruction and testing, supplemental aids and services, and/or supports for district personnel. These supports are provided to assist students in advancing toward mastery of established annual goals, making progress in the general curriculum, and/or being educated and participating with other nondisabled students to the maximum extent appropriate. The IEP team must consider what aids, services, and other supports might be effective in ensuring that the student can be educated in general education classes. Supplementary aids and services may include support for school personnel to help them work more effectively with the child. Supplementary aids and supports can include, but are not limited to:

- Supports to address environmental needs (preferential seating; planned seating on the bus, in the classroom, and in other locations; room arrangement)

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- Levels of staff support needed (e.g., consultation, stop-in support, classroom companion, one-on-one assistance; type of personnel support: behavior specialist, health care assistant, instructional support assistant)
 - Planning time for collaboration by staff
 - Child’s specialized equipment needs (e.g. wheelchair, computer, software, augmentative communication device, utensils, restroom equipment)
 - Materials needed (e.g., scanned tests and notes into computer, shared note-taking, large print or Braille, assistive technology)
 - Organizational assistance (e.g., calendars, timers, teach study skills)
 - Social interaction support needed (e.g., social skills instruction, counseling support, facilitated friendships- lunch bunch)
 - Positive behavior supports and individual behavior support plans
 - Training needed for personnel

 - **Classroom testing accommodations** should be individualized, determined by subject area, and be as specific as possible. For example, if a student may require additional time to complete tests, it is recommended that the amount of time is specified such as, “50% more time.” Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc. Testing accommodations should **only** be recommended if they are also the student’s instructional accommodations, and some instructional accommodations may not be appropriate for testing. Classroom testing accommodations should be consistent and pervasive throughout the school year. **Testing accommodations used in the classroom should be used for state testing.**

 - **Classroom testing modifications** reflect a change to testing of the general education curriculum or other material being taught. Modifications should primarily be used with students participating in GAA. However, there are individual cases in which non-GAA students may need classroom testing modifications, and these should be used at the discretion of the educator(s) once determined to be necessary by the IEP team.

 - **Instructional accommodations** provide children with disabilities a variety of ways to access the Georgia Standards of Excellence (GSE) so that their disabilities are not barriers to achievement. These may include how instruction is provided, how the child is expected to respond instructionally, how the child participates in classroom activities, and the kinds of instructional materials used. Examples of accommodations may include the following: a student might listen to portions of a text on tape rather than reading it, answer questions orally or use a computer keyboard instead of writing with a pencil, use large print text books, watch videos with captions, or participate in a discussion in a biology class with a sign language interpreter. Accommodations should provide access to or promote skill growth. Some accommodations may be used instructionally, but **will not necessarily** be used for assessment. Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis. Accommodations should not be confused with differentiated instruction. Children with accommodations are still expected to meet the same grade-level standards as their peers without disabilities.

- **Instructional modifications** are changes to the general education curriculum or other material being taught. Modifications to instruction are primarily used for students participating in the GAA.
- **Supplemental aids and services** include supports provided in general education classes or other education-related settings that enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Examples include tutoring, adult assistance, note-taking, peer helper, pre-teaching/re-teaching or reinforcing concepts, behavior intervention plan, point sheet, assigned seating, etc. Some accommodations used for instruction may also be considered a supplemental aid and service. They should be
 - available to all students who need them,
 - designed to provide meaningful educational benefit, and
 - provided in a manner that avoids stigmatizing students.

There are four basic categories of supplementary aids and services: collaborative, instructional, physical, and social-behavioral. Supplemental aids and services may also include modified curriculum, teacher training, effective behavior supports, and provision of an aide if necessary.

- **Supports for district personnel** should be included when training or other supports are being provided to district staff regarding a specific student’s need. Primarily, consulting a special education teacher or service provider is adequate. Other examples may include training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc.

• **Student Requiring Medication/Medical Treatment-** Marked as “yes” for any student that requires regular/daily medication administration and/or medical treatments by the school nurse or other appropriately trained school personnel, such as speech therapist, OT or PT.

Extended School Year (ESY) (see ESY section)

Southwest STEM Charter ensures that Extended School Year (ESY) services are available as necessary to provide FAPE. ESY services are provided only if a child’s IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. Southwest STEM Charter School does not limit ESY services to a particular disability category or unilaterally limit the type, amount or duration of those services.

The IEP team will consider each child’s need for extended school year services annually. The individual needs of the child will be considered and may include such factors as • the severity of the disability,

- the age of the child,
- any transitional needs,
- the rate of progress or regression that may limit the child’s ability to achieve IEP goals/objectives,
- the relative importance of IEP goals at issue,
- whether the child is at a critical point of instruction, such as emerging skills, and

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- whether any delays or interruptions in services occurred during the school year. ESY services should be listed separately from the school year services. For example, if a student receives special transportation during the school year and ESY, it will need to be entered twice.

If the need for ESY is determined to be appropriate for a student, the IEP team must identify which goals in the current IEP are being extended or modified. The team must also state the specific services needed, the amount of time for each service, the beginning and ending dates for the services, the service provider, and location. ESY is not the same thing as summer school; however, ESY services may be provided during summer school. Transportation may also be a part of ESY services.

Transportation

If a teacher is anticipating listing “special transportation” as a service in the IEP (for a student entering special education or for a student in special education who has been utilizing regular transportation), the teacher must contact the Exceptional Student Director. The School Leader encourages us to involve her in making these decisions. The Exceptional Student Director will make the contact with the School Leader to coordinate the service.

The IEP must reflect the rationale for providing the special transportation, the specific requirements of the transportation (car seat, seat belt, harness, wheelchair lift, behavior needs, physical needs, the student’s need for additional supervision, etc.) and must indicate if the special transportation must be from door-to-door or bus stop-to-bus stop.

If the student requires special transportation, you must list this as a related service in the IEP. If the student qualifies for transportation services, but the parents choose to transport the student, this should be documented in the IEP minutes.

Special Education Services

Special education is a service and not a place. After the IEP team has reviewed all required information and developed an IEP, a decision must be made as to where services need to be delivered in order to enable the student to receive FAPE in the least restrictive environment.

Placement decisions should start with the expectation that services will be provided in the general education setting and should be made on a subject-by-subject basis. The placement decision should be fully supported by the present levels of academic achievement and functional performance and by the level of supports and accommodations/modifications the student requires to access the curriculum.

- Services in the general education setting include consultation, supportive instruction, collaborative, and co-teaching.
- Services in the special education setting include resource and self-contained are now defined as a “small group.”
 - Related services include occupational therapy, physical therapy, special transportation, adapted PE, interpreter, orientation and mobility, counseling, school health/nursing services, school social work, audiology, diagnostic services, and psychological services.

Any service recommendations requiring removal of the student from a general education setting requires a written explanation in the IEP of the extent the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities.

Placement services should be listed as minutes/hours, not as a segment. Each subject area must be listed separately.

For initial IEPs, services may not begin until the date the parent signs the “Consent to Place” document. If this form is not signed on or before the initial IEP meeting, the case manager must modify service start dates for on/after the date the form is signed once it is received before finalizing the IEP.

Services Considered

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

- information about the characteristics of the disability (more than just identifying the disability);
- specific information on how this impacts performance in the general education classroom;
 - the type of instruction that will be provided in the small group classroom; and
 - rationale for why the student's needs cannot be met in the general education classroom.

For example:

Linda Lou has phonemic awareness deficits that make it difficult for her to develop grade level decoding and reading fluency skills. As a result, she needs implicit instruction in decoding and fluency, which can be provided in a small group classroom. The pace in the general education classroom does not allow for differentiation at this level.

Specially Designed Instruction-Service Delivery Options

The specifically designed instruction component of the IEP describes the types of specific instructional services that are needed by the student in order for him or her to accomplish IEP goals and access the general education curriculum. Specially designed instruction may be supportive, corrective, developmental, or therapeutic in nature. These services, which directly relate to the annual goals, include accommodations, modifications, and adaptations in instructional methods, content, material, techniques, media, the physical setting and the environment.

Specially designed instruction includes services not ordinarily provided for most children of a given age or grade level. Specially designed instruction describes services that are needed in order for the child with an educational disability to learn. In some cases, specially designed instruction is needed in all instructional areas. In other cases, specially designed instruction is content specific. Categorical classrooms or program plans are not a substitute for

a description of the services needed. Specially designed instruction does not describe the place where the services will be provided.

Specially designed instruction includes services that support achievement of specified goals; describes the changes that will be made to the current instructional program or services for the student; and is based on peer-reviewed research to the extent practical.

- Consultative: at least 1 segment per month of direct services from a special education teacher or related service provider (with segment duration of no less than 30 minutes) •
- Collaboration: direct services from a special education teacher in the general education class for at least 50% of the segment
- Co-teaching: direct services from a special education teacher in the general education class for the entire segment
- Small group: special education classroom
- Separate school: special education school
- Home instruction
- Residential
- Hospital/homebound

All services in the IEP must include: frequency and location of services, initiation date of services, duration of services and provider of the services.

Related Services

Related services can include physical therapy, occupational therapy, interpreting services, orientation and mobility, audiology (does not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device or replacement of that device); school nursing, and/or transportation services here when appropriate. Goals and/or objectives are not necessary for nursing or transportation services.

Speech is not a related service but rather a special education service when services address articulation, language, fluency, and voice disorders/deficits.

Primary Disability

A student's primary disability is determined by the IEP team at each annual review. The primary disability should be the disability that is currently impacting the student's ability to learn and progress. Speech cannot be the primary disability unless it is the only eligibility that the student holds.

Consensus

Decisions in special education, which pertain to identification, evaluation, placement, or provision of FAPE, must be made by the team as a matter of consensus or general agreement among involved all parties. Southwest STEM Charter has the ultimate responsibility to ensure that the IEP includes the services the student needs in order to receive a free appropriate public education (FAPE). For special education decision-making, the following sequential priorities have been established to assist the IEP team in achieving consensus.

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- Unanimous Agreement- All participating parties, including parents and their representatives, agree on major decisions pertaining to identification, evaluation placement, or provision of FAPE. When unanimous agreement is NOT achieved, then:
 - Consensus among School Staff Members- All participating Southwest STEM Charter personnel excluding the parents and their representatives reach general agreement.

When consensus among all participating Southwest STEM Charter personnel is NOT achieved then:

- Consensus among District Required Members- All required Southwest STEM Charter personnel excluding other participating district members, parents and their representatives reach agreement. When consensus among all required Southwest STEM personnel is NOT achieved, then:
 - Lack of Consensus- In the absence of a final decision consider the following factors:
 - a) was there sufficient discussion among team members over outstanding disagreements, and b) is there enough information available to render a decision. Considering these factors, the team has two options:
1. Reschedule the meeting to provide thorough discussions on disagreed upon issues and/or gather more information, or
 2. The LEA makes the final decision during the IEP meeting when the consensus building and problem solving options appear to be exhausted.

Temporary Distance Learning Plan

During school system closures, it is extremely important for families and schools to collaborate and communicate regarding services for students with disabilities. Southwest STEM Charter will work with the parent of each student with an IEP to develop a Temporary Distance Learning Plan (TDLP). This plan should be discussed at the student's IEP meeting and a summary of the discussion **documented in the minutes**. For students whose learning environment will be remote or virtual, this plan should be developed prior to the start of the school year. The IEP should contain the plan for typical instruction provided in the school building unless the student is home-based or virtual all the time. The TDLP, completed on the designated form and also included in the minutes, should describe the **contingency plan** for the student if a school closure were to occur or if the parent opts for short-term virtual learning. The plan may be updated as the team determines that changes are needed.

The TDLP should address all of the following components:

1. Brief description or summary of PLAAFP: What critical information about the student's current performance will support the development of the TDLP?
2. Access and Opportunity: What is the current ability to access distance learning? Are there specific types of distance learning strategies that would be more appropriate? Are there accommodations or accessibility features which must be considered? Should the plan include AT? Does the student have access to the internet and technology, if needed? Are there any barriers regarding frequency and length of time for this access?

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3. Special Education Services and Supports: What special education accommodations, modifications, services, and supports will be provided for the student during school closures? Consider how these services will support access to educational services, such as virtual learning, distance learning packets, etc.
 4. Providers: Who will provide the special education services? Describe the type of personnel such as special education teacher, related service provider, support personnel, etc. Indicate if the services are direct services provided for the student and/or consultative services for parents/guardians.
 5. Frequency and Time of Services: If appropriate, briefly describe when the services will be completed and how often.
 6. Progress Monitoring: How will the plan measure progress on IEP goals or objectives? 7. Feedback: Is there feedback from parent/guardian being considered during development and/or implementation of this plan? If so, document it. Are there other team members' feedback being considered during development and/or implementation of this plan? If so, document it.

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Methodology

General instructional strategies and methodology are not required to be included in the student's IEP in order to receive FAPE. However, in rare circumstances, a student's individual needs may require a certain methodology if the IEP team determines that it would be necessary for the student to receive FAPE.

Advocates or Attorneys Present at Meetings

- At the discretion of the parent or District, both parties have the right to bring to the IEP meeting individuals who have knowledge or special expertise regarding the student. An advocate or attorney is not a required member of the team.
- The primary role of the advocate or attorney is to advise and assist the parent in taking an active and participatory role in the meetings. Their role may also include:

Assuring that the parents receive and are cognizant of their procedural safeguards;

Providing explanation/clarification as necessary to understand the process;

Helping parents articulate their concerns;

Offering positive and proactive suggestions to assist the timely completing and appropriate development of the IEP, and

Participating as part of the IEP team if they have "specialized knowledge" of the student.

The parent has the right to representation at the meeting and ideally would notify the Exceptional Students Director that they are bringing a representative; however, this is not required. If the parent fails to provide prior notification of attorney representation at an IEP team meeting, the LEA representative must table the meeting and notify the Director. If a parent has attorney representation at an IEP team meeting, the District must also have representation.

- Before the school can discuss a student with an advocate/attorney when the parent is not present, the school must obtain a written release of information signed by the parent.
- Advocates or attorneys are not permitted to direct or take over an IEP meeting, or require District staff to do or refrain from doing a specific act. The District is charged under Georgia

Code and IDEA with the responsibility of facilitating IEP meetings, as well as ensuring that the parent has had an adequate opportunity to participate as an equal member of the team. Only the parent can authorize or reject services under Georgia Code and IDEA.

Finalizing in GO-IEP

IEPs must be reviewed by the Director and will be finalized by the Director. The meeting minutes need to be pasted in the minutes box. All of the correct participants need to be checked. If a participant is missing, then the case manager needs to modify the meeting notice using the “response/reschedule” tab then choosing the option that allows you to change information within the meeting notice but not the date/time/location. Add any participants who attended but were not previously listed on the meeting notice. Once the information is added and correct, the case manager submits the meeting notice using the “submit” tab near the bottom of the page. This procedure will then add the missing participants to the IEP attendance list that formulates when finalizing the IEP. No IEP should be finalized with missing or inaccurate participants. The IEP paperwork will be sent home as stated in the finalized document within the 10-day requirement.

IEP Checklist

Annual reviews are due to the Director’s office no later than **10 calendar days** after the date of the meeting.

Monitoring Student Progress

Data collection is needed several times throughout the school year to monitor IEP goal progress, monitor accommodation usage, as well as to monitor student behavior(s) in class. This information is also needed for progress reports, which are prepared and sent with the student’s report card, and for the IEP annual review process. Case managers will be required to keep a progress monitoring notebook in order to “track” each student’s progress for goals/objectives stated in his/her current IEP. The use of a progress monitoring notebook will allow the case manager to make changes and/or amend a student’s IEP based on data collected, when needed, in a timely manner.

The special education teacher will ensure that the following required documents are in the progress monitoring notebook for each student that he or she serves:

- student supports (class and testing accommodations),
- transition goals (middle school/high school only),
- current IEP goals (and objectives, when appropriate),
- data collection sheets corresponding with goals (and objectives, when appropriate), and
- work samples (when appropriate).

The following data collection guidelines are **minimum** requirements:

- for each **academic goal**, 4 data points and 1 relevant work sample are required per 9-week grading period; and
- for each **non-academic goal**, 8 data points are required per 9-week grading period.

Progress monitoring notebooks will be reviewed for compliance throughout the school year. Notebooks will be reviewed in October, January and March depending on the schedule. *(Case managers must ensure that as students are added and removed from caseloads, the notebook is maintained.)*

ASPIRE: Active Student Participation Inspires Real Engagement

Student-led IEPs is an initiative that builds self-determination in students with special needs. Self-determination skills are a combination of attitudes and abilities that lead students to set goals for themselves, take the initiative to reach these goals and make their own choices. The teacher guides the student in activities that develop self-advocacy and self-determination skills. Time is set aside to help the student understand the purpose and components of the IEP document thereby gaining the knowledge needed to participate in the meeting.

Students are provided on-going opportunities to plan, express, and actively pursue their own goals, as well as evaluate their progress and adjust their activities accordingly. Southwest STEM Charter's Exceptional Students Program strongly encourages teachers to integrate ASPIRE into all annual reviews.

Each student-led IEP meeting is as unique as the student. There is no one "right" way to hold a student-led IEP meeting.

Expectations Regarding ASPIRE

- Attend training provided during a monthly department meeting
- New teachers (<2 years' experience) must complete 2 student-led IEP meetings.
- Veteran teachers must complete 5 student-led IEP meetings (including SLPs).
- Students who participated in ASPIRE in the past should continue to participate every year (these students count toward the total required per case manager).
- Complete Google form at end of year documenting which students participated and how they participated.

Consent for Release of Information

- Southwest STEM Charter is required to obtain parental consent to share student information with a non-educational public agency.

IEPs for students in Correctional Facilities

Juvenile Facilities

- For students in juvenile facilities, IEPs will be implemented as written by the sending school/last school attended.

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- If the IEP or reevaluation becomes due while the student is in a correctional facility, it is the responsibility of the correctional facility staff assigned to complete the IEP and/or reevaluation prior to their expiration.
 - For students with IEPs under the age of 18 in juvenile facilities, efforts to involve the parents/guardians should be made whenever possible, unless parent rights have been terminated, or the facility prohibits their involvement. Surrogate parents should be used if parent/guardians are unavailable.

Adult Facilities

- While students adjudicated in adult prisons are considered adults by the prison system, a student reaches the age of majority for educational decisions at the age of 18.
 - For students in adult prisons, the bona fide security or compelling institutional interest of the prison overrides the educational issues. In those cases where the District cannot provide special education services due to prison issues, contacts with the prison and attempts to provide services should be documented. For example, a student may be unavailable for instruction due to disciplinary action.
- The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:
 - Participation of students with disabilities in general assessments;
 - Transition planning and transition services of those students whose eligibility will end, because of their age, before they will be eligible to be released; and (Transition services for students in adult prisons are only required for students who will be released prior to aging out of special education on their 22nd birthday.)
- The requirements relating to LRE do not apply. The IEP team of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the student's IEP or placement if the State has demonstrated a bona fide security of compelling penological interest that cannot otherwise be accommodated.
- It is the responsibility of the district in which the prison is located to provide the service. As a result, Southwest STEM Charter is not the responsible party of students placed in facilities in surrounding counties.

Transfer Students

Every transferring student from a Georgia school to Southwest STEM Charter will be checked through the SLDS system in order to determine if he/she received special education services from the transferring school. If so, records will be requested from that school under the guidelines of FERPA. Records will also be requested from students who are transferring from a school located in another state.

Once received, the records will be reviewed by the Director in order to determine the presence of all required information and documentation. These records will be scanned into the Georgia On-Line IEP Program and notice will be sent to the student's case manager to review the records, along with information about any needed documentation. Procedural guidelines will be provided by the Exceptional Students Director indicating whether the paperwork received has been "accepted" or "not accepted" by Southwest STEM Charter and what needs to happen in

order to ensure the timely completion of required paperwork and ensure that the student receives the supports needed in order to be successful.

Accessibility of the child's IEP to teachers and others

Records/documents for each student who is served under an IEP are accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for the implementation of the IEP through the Student Information System/Georgia On-Line IEP. Each teacher and provider is informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

Training is provided yearly by the special education staff to all regular education teachers and administrators on the expectations, information and how to access information from a student's IEP.

Professional Learning

Implementation of the IEP with fidelity is at the heart of serving students with disabilities. At the beginning of each school year, professional learning on IEPs will be provided to all special education staff by the Exceptional Students Director. When/if new staff is hired during the year, professional learning will be provided.

Throughout the year, there will be times when a teacher will miss a staff meeting and/or in service session. It is the teacher's responsibility to notify the Exceptional Students Director in advance of the reason(s) for being absent. Attendance records of these meetings are kept and shared with principals as part of the end-of-the-year evaluation. Principals will be notified of these meetings in advance. **While many teachers have extracurricular responsibilities such as club sponsorships, coaching responsibilities, etc. at his or her school, these extracurricular responsibilities do not take priority over the job of being a special education teacher. All special education teachers are expected to attend meetings and in service programs.** Every effort will be made to keep the number of meetings and sessions at a minimum and to make your attendance a profitable use of your time.

Sign-in sheets are to be kept of these meetings and returned to the Exceptional Students Director.

Accountability

Thorough implementation of the IEP includes the essential steps of scheduling/holding annual reviews and redeterminations, progress monitoring of student goals, and timely completion/turn in of all required paperwork. Each case manager is charged with ensuring full implementation with fidelity. It is the responsibility of the Southwest STEM Charter's Exceptional Students Director to ensure fidelity of the process through monitoring the GO-IEP dashboard for timeliness and completion of required meetings and subsequent paperwork as well as checking progress monitoring notebooks each semester

Time Frames

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- An IEP must be implemented as soon as possible following its development. In exceptional circumstances, there may be a short delay, such as when the IEP meeting is held during the summer break, a vacation period or when transportation is being arranged. A reasonable time for working out transportation arrangements is three to five days. However, there can be no undue delay in providing special education and related services to the student.
 - If additional information is needed to finalize the IEP, an IEP may be reconvened after the additional information is obtained as long as the IEP is developed in a timely manner and consistent with the requirements of IDEA.

Supervision and Monitoring

Southwest STEM Charter's Exceptional Education Director monitors compliance of IEPs and ensures due process is being followed. If case managers consistently do not finalize IEPs in a timely manner or neglect to correct errors, they will be required to attend technical assistance meetings provided monthly. During pre-planning each year, case managers review students' schedules to be sure that they match IEP services pages. Prior to FTE count times (October and March), the Exceptional Students Director will check to ensure that schedules match IEP services for all students. In the spring of each school year, each school has procedures in place to ensure students' services for the next school year are checked and corrected if needed. During the school year, case managers keep data on students' use of their accommodations to bring to IEP meetings to help guide decision making. All teachers and service providers of each student are required to sign off acknowledging they received the student's accommodations, modifications, and Behavior Intervention Plans at the start of each school year. Professional learning is provided throughout the year in a variety of formats (i.e. pre-pre planning, department meetings and training related to teacher and student needs). Specially designed instruction is a targeted priority and will be the focus of on-going professional learning.

When special education teachers and related service providers are absent, Southwest STEM Charter will work to secure a substitute who holds correct certification for the position. If the special education teacher or related service provider is absent for a period of four or more consecutive weeks, the Exceptional Students Director will work with the School Leader to ensure that notification is sent to the parent within ten business days following the four consecutive weeks.

Amendments can be done without an IEP meeting **with parent agreement**. This process may be used only to revise an IEP. **The IEP team must convene a meeting to develop the annual IEP.** IDEA 2004 does not place restrictions on the types of changes that may be made, so long as the parent and the school agree. However, it is strongly recommended that amending an IEP without a meeting should be utilized to make minor adjustments to the IEP, such as adding an objective, a supplementary aid or accommodation, or minimally changing the duration and frequency of service.

Case managers should not amend an IEP without holding a meeting when making placement decisions, when controversial amendments are proposed, or if there are any concerns from the parent or other IEP team members. A formal IEP meeting should be held. If the IEP

team agrees to change of placement, the change of placement form is filled out and given to the Director of Exceptional Education.

The process and documentation for amending an IEP for Southwest STEM Charter or transfer GO-IEP without holding a meeting are as follows:

- All team members, especially the parent, should review/discuss the proposed amendments and provide feedback (orally or in writing) to the case manager prior to sending any written documentation to the parent.
- Document the date the proposed amendments were discussed with the parent. The date the parent gives consent either in writing or orally will be your meeting date and service change date (if needed) in GO-IEP.
- You must type a clear explanation in the minutes section of the IEP stating what was changed and why.
- The case manager must add to or change the present level information based on the reason(s) why you are needing the amendment.
 - All old services need to be deleted and only the current services need to be listed.
 - Upon receipt of the parent's signature or verbal approval by phone agreeing to amend the IEP without a meeting, open the amendment in GO-IEP.
- When selecting the "amend IEP" tab, GO-IEP will direct you first to the meetings tab which must be completed before the program will give you access to the IEP. Remember you must change the date to the date the team agreed to the change or it will revert to the date of the original IEP.
 - Complete any/all necessary and approved changes within the IEP.
 - Do not change the end date of any services.
- The amendment needs to be finalized within five days of the date of change. Obtain parent signature on the signature page and send the originals to the Exceptional Students Director. All IEP team members must be informed of the changes to the IEP and a copy of the finalized IEP needs to be sent to the parent.
 - Report all changes on the Change of Status form.
 - Proposed amendments must be recommended/approved by the **parent** and at a **minimum by the "MAGIC THREE"** (LEA, general education teacher, and special education teacher). Additionally, the same IEP members must be listed on the finalized IEP as the people recommending changes and sign the finalized copy.

The process and documentation for amending a transfer IEP (not in GO-IEP) without holding a meeting are as follows:

- All team members, especially the parent, should review/discuss the proposed amendments and provide feedback (orally or in writing) to the case manager prior to sending any written documentation to the parent.
- Document the date the proposed amendments were discussed with the parent. The date the parent gives consent either in writing or orally will be your meeting date and service change date (if needed).

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- Use the schedule change form and send it to the Director to indicate changes in schedule and/or services. The case manager must add to or change the present level information based on the reason(s) why you are needing the amendment.
 - Upon receipt of the parent's signature or verbal approval by phone agreeing to amend the IEP without a meeting, notify the Director of Exceptional Education in writing and provide a copy of the schedule/service change form.
 - The amendment needs to be uploaded within five days of the date of change. Obtain parent signature on the signature page and send the original to the Director of Exceptional Ed.
 - All IEP team members must be informed of the changes to the IEP.
 - Report all changes on the **Change of Schedule/Service form** and include any bus requests as needed.
 - Proposed amendments must be recommended/approved by the parent and by at least the "MAGIC THREE" (LEA, general education teacher, and special education teacher). Additionally, the same IEP members must be listed on the finalized IEP as the people recommending changes and sign the finalized copy.
 - The schedule/service change form needs to be uploaded into the document section of GO-IEP.
 - Send the original form, with parent signature, to the Director of Exceptional Students and provide a copy to the parent.
 - Schedule an annual review to complete a Southwest STEM Charter IEP as soon as possible.

Consider this:

- All transfer students are required to have a Southwest STEM Charter IEP within 30 days of entering school.
- Instead of amending, it might be easier and more efficient in the long run to go ahead and hold a new annual review rather than amending.

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SECTION 9:

PERSONNEL, FACILITIES, SERVICES AND CASELOADS

The Southwest STEM CHARTER SCHOOL tracks and monitors all incoming staff and monitors to create plans with current credentialed staff to ensure highly qualified personnel unless otherwise specified under a program area. Records are maintained of current credentials and/or plans for all staff.

All staff members are monitored to ensure that they hold required standard credentialing. Individuals found to be out of compliance are contacted by the SPED Director and assisted in creating a plan to either meet the credentialing requirement or apply for additional positions. The Southwest STEM CHARTER SCHOOL Special Education Department works directly with the Southwest STEM staff to provide trainings, support, and recruiting of highly qualified personnel and assist with state and federal reporting requirements. Job posting are available under the Employment Opportunities tab on the Southwest STEM CHARTER SCHOOL website and TEACH GEORGIA.

Southwest STEM Charter School monitors facilities and caseloads to ensure that classrooms provide the necessary space and furnishings appropriate for instruction through reviews, FTE review, and school facility visits. If there are questions concerning caseloads or facility use or space:

- For questions regarding facility use or size, the Principal should contact the SPED Director.
- For questions regarding caseloads or class sizes, the Principal or Case Manager should contact the SPED Director.

Southwest STEM Charter School takes reasonable steps to ensure that children who are blind or other print disabled receive print instructional materials that are specialized and in an accessible format as determined appropriate by the IEP committee.

Southwest STEM Charter School ensures that all students have access and the opportunity to participate in regular physical education unless the opportunity is not afforded to children without disabilities in the same grade. Exceptions include students who are enrolled full time in a separate facility or who require specifically designed physical education per the IEP. If the IEP specifically designs the physical education, the district is responsible to provide the services to make arrangement for the services to be provided.

Southwest STEM Charter School requires that students in all schools have access and opportunities to the same educational programs and services available to nondisabled peers to include electives, art, music, etc.

FEEDING & SWALLOWING FOR SWDs

Southwest STEM Charter School recognizes that many students have medical and developmental needs that may require an evaluation and/or intervention in the areas of feeding and swallowing in order to access, participate, and progress in their curricula. In order to

provide FAPE for students with these needs, the district ensures that the needs of the students are met.

Special Diets Procedure:

- (1) Obtain Diet information
- (2) Parents or Guardian must complete a form and get signed by the child's physician.
- (3) Return the completed form to the SPED Director.
- (4) The Director and case manager will discuss and design a plan of action to accommodate.
- (5) Be sure the IEP indicates the special diet requirements.
- (6) The Director will meet with key people involved in the student's status, which might include the Parent, Principal, Teacher, Case manager, Cafeteria personnel, etc.

Feeding and Swallowing Disorders Interdisciplinary Team Suggested Roles

- Parent-The parent of the student is a very integral member of the interdisciplinary team. Parental signed consent is required for the district and school staff to share and receive medical information with the student's medical staff.
- Teacher-The teacher will help evaluate students and implement their intervention plans.
- Paraprofessional-Support personnel may play a role in evaluating students and implementing their intervention plans.
- Occupational Therapist (OT)-The Occupational Therapist can address pre-feeding, oral phase of eating, selection of appropriate utensils in the school environment, limited use of upper extremities, sensory (e.g. tactile defensiveness), and the training and evaluation of others who carry out eating/feeding interventions during school day.
- Physical Therapist (PT)-The Physical Therapist will provide input to the school team that includes positioning (tonal issues, head/trunk control), seating option (e.g., wheelchair, adapted chair), and assistance with assistive technology needs.
- Speech and Language Pathologist (SLP)-The SLP can assist with identifying students at risk for feeding and swallowing disorders; the SLP mentor addresses any oral motor issues, lip closure, and sucking concerns.
- CareConnect- The PA can address any medical interventions for students with swallowing disabilities, including precautions to prevent aspiration, oral feeding, non-oral methods (tube feeding, IV feeding, emergency care, positioning (in collaboration with OT and PT), safety and surveillance, referral and ongoing communication with medical teams, and nourishment preparation.

SECTION 10: DISCIPLINE

DISCIPLINE (GEORGIA RULE 160-4-7-.10) Local educational agency (LEA)1 personnel must follow specific procedures when they discipline children with disabilities. Removals of children by LEA officials refer to out-of-school suspensions (OSS), expulsions, or other disciplinary actions resulting in children not receiving a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). All schools in Georgia have a code of student conduct and school rules. This information is usually shared in a handbook that is provided at the time of enrollment. Parents, children, educators, and administrators need to know what the code of conduct and rules are, and all children are expected to follow them, including children with disabilities. Disciplinary procedures outlined in this section pertain to all children with disabilities in any category of eligibility who violate the code of student conduct.

In Southwest STEM Charter School we believe that parents, students, and school staff are each vital parts of the MTSS, 504, and IEP committees. Their input is crucial for creating a successful behavior intervention plan for students with challenging behaviors.

Southwest STEM Charter School provides written guidelines for disciplinary procedures and appeals with the parent rights presented to parents when they enter the district, annually and at each disciplinary removal that may constitute a change in placement, Manifestation Meeting, Initial and Redetermination Eligibility Meetings.

Individuals with Disabilities Education Act (IDEA) require the use of Functional Behavioral Assessments (FBA) and the consideration of PBIS. This means:

- The Individualized Education Program (IEP) team should consider the use of Positive Behavioral Interventions and Supports for any student whose behavior impedes his or her learning or the learning of others.
- A Functional Behavioral Assessment should be conducted when a child who does not have a Behavior Intervention Plan is removed from their current placement for more than 10 school days (e.g. suspension) for behavior that turns out to be a manifestation of the child's disability.
- A Functional Behavioral Assessment, when appropriate, should be used to address any behavior that results in a long-term removal.

Positive Behavior Interventions and Supports involve four basic components:

- Identifying the purpose of challenging behavior
- Teaching appropriate alternative responses that meet the needs served by the challenging behavior
- Consistently rewarding positive behaviors and minimizing the rewards for challenging behavior,
- Minimizing or altering the physiological, environmental, and curricular events that trigger challenging behavior.

Examples of PBIS strategies include altering the classroom environment, increasing predictability and scheduling, increasing choice making, adapting the curriculum, appreciating

positive behaviors, and teaching replacement skills. There are several other positive behavior interventions that can be used. For a more comprehensive list, please visit www.pbis.org.

School-wide Positive Behavior Supports

The mission of schools is to provide proactive opportunities for students to achieve in the school setting. There are three primary and interrelated expectations that enable participation, contribution, and success in schools, communities, and post-school outcomes. These expectations are Academic Skill Competence; Social Skill Competence; and Lifestyle Skill Competence.

In order for schools to address problem behavior successfully, best practice is to place an increased emphasis on proactive approaches rather than reactive behavior management. Proactive approaches to discipline for all students include expectation of more socially acceptable behaviors that are directly taught, skills that are regularly practiced in the school environment by staff and students, and frequent recognition of everyone in the school environment in the performance of these behaviors.

The Individual Education Plan team works to create plans that include interventions based on Positive Behavioral Supports, instruction in areas of behavioral weakness and discipline that is based on intervention, data collection, multi-disciplinary team decision making. Team members needing training in the areas of Positive Behavioral Support should contact the SPED Director.

DISCIPLINE

School personnel should follow specific procedures when they discipline students with disabilities. In this manual, removals of students from the classroom by school officials refer to any removal from the classroom which results in the student missing instruction from In-School Suspension, Out-of-School Suspensions (OSS), sent home for the day, or other disciplinary actions of students under the Individuals with Disabilities Education Act. It is important to understand a removal from the classroom could also include removing a student to a partner teacher's room if the same instruction isn't being provided.

Questions concerning disciplinary actions for students with disabilities should be addressed following the continuum of communication that follows:

- Begin with the Student's Case Manager
- the School Administrator
- the Special Education Director
- and following the process for contacting the Georgia Department of Education (GaDOE) in the parental rights.

If a parents determines that they cannot get assistance at the school level, they may at any point contact the Special Education Director. While we work to ensure that parent concerns

are addressed at the school and district level, parents are informed they may contact the GaDOE at any time.

Southwest STEM Charter School has a code of student conduct and school rules. A handbook is given out at the time of enrollment. Parents, students, educators, and administrators need to know what the code of conduct and rules are, and students with disabilities should be expected to follow the rules that are in effect for all of the students in the school. School personnel must consider unique circumstances on a case by case basis to determine disciplinary actions for students with disabilities. The disciplinary procedures described in this chapter pertain to all students with disabilities in any category of eligibility who violate the code of student conduct unless the IEP team determines that a student is unable to follow the district code of conduct. This statement must be included in the Individual Education Plan and reviewed at each annual review or amendment.

Students with disabilities should be expected to follow the Southwest STEM Charter School code of conduct and the school rules. A student with a disability, who has an active IEP, can be removed to Out of School Suspension, In-School Suspension, or an appropriate interim alternative educational setting, just as any other student without a disability, for up to a total 10 school days per school year, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year.

As a student nears the 10-day limit of days of ISS or OSS, at day 7, it is necessary for the IEP team to meet and discuss the behavioral concerns. It is the team's responsibility to determine if it is necessary for a Manifestation Determination to be completed, a FBA to be conducted, a BIP developed, or for any special education services to be provided. Services for suspensions of less than 10 days are only required if they are provided for non-disabled peers.

Disciplinary actions and punishments for Students with Disabilities should be considered on a case by case basis with consideration of unique circumstances. Southwest STEM Charter School must consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct.

Students who are in ISS must continue to have access to the general curriculum and peers, the services prescribed in their IEP, and to progress toward the goals in the IEP. ISS **does** count towards the 10 days of discipline removal. The school must have documentation to support these areas for each student assigned to ISS.

PROCEDURE FOR REVIEWING DISCIPLINE DATA:

- Caseload teacher will review discipline data in Infinite campus the first week of each month for their students.
- Caseload teacher will contact the SPED Director to investigate removals or ISS over 6 days and review the IEP.

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- The Case Managers, SPED Director, and school administration will meet to review removals to determine if frequent independent removals demonstrate a pattern that constitutes a change in placement.
 - If appropriate, the SPED Director will schedule an IEP meeting to discuss any additional Present Level of Academic Achievement and Functional Performance information, review of goals/accommodations/services of need for an FBA, BIP or BIP update to include Positive Behavioral Strategies.
 - School administration will be contacted monthly by SPED Director to indicate which students are beyond 6 days of removal and may need to be monitored for compensatory services.
 - The school should work with the SPED Director to determine the need for how compensatory services should be provided at the school level.
 - A meeting will be held with SPED Director, school administration, and IEP team with minutes taken to create a written plan for what compensatory services will be offered, who will provide the compensatory support, how many hours of services will be provided, and a timeline for services.
 - In cases where a student with 10 days of classroom removals commits a weapon, drug, or serious bodily injury offense, the administration should contact the SPED Director to arrange an emergency IEP meeting to discuss placement needs. This should occur before any further removals from the classroom occur.

Implementation and Monitoring of the Behavior Intervention Plan:

During pre-planning, each case manager will:

- review all IEPs on their case load for accuracy and timeliness.
- ensure that all staff members have knowledge of all students with disabilities that they work with, have access to the IEP and Behavior Intervention Plan and have reviewed the requirements.
- ensure that all staff members assigned a student with a Behavior Intervention Plan receive a hard copy of the plan and sign for receipt each time it is updated. Retain a copy of these forms at the school and send originals to the special education director's office.

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

- review behavioral data to determine if there is no change or an increase in behaviors, which will require a meeting to review the FBA/BIP, IEP, request consultation, etc. If there is a decrease in the target behavior, the current intervention will be continued.
- check with all staff serving the student at each notification of ISS or OSS to ensure that the IEP and/or BIP are being implemented and to determine if a meeting needs to be scheduled.

Special Education Caseload teacher will:

- compile a behavior notebook (electronic or hardcopy) to include the Behavior Intervention Plans for all student, monthly behavior data reviews and students assigned
- review discipline data monthly and meet to discuss any students with more than 6 days OSS or ISS.
- request parent conferences for student with patterns of behavior that receive OSS or ISS.
- schedule IEP meetings for students over 6 days of OSS or ISS with multiple events to review for the need for and FBA/BIP or to update the BIP and/or IEP.
- after review with the principal, compile a list of any students over 10 days in OSS or ISS.
- track and monitor compensatory service needs.

The School with the assistance of the Principal will:

- ask about the implementation of the BIP when an office referral is submitted.
- request to see documentation of BIP implementation and data when students have more than 2 disciplinary events or more than 6 days of OSS.
- provide annual training on staff duties and responsibilities for implementing the IEP and BIP.
- notify the case manager or lead at each ISS or OSS for a SWD.
- ensure that FBA and BIP training are provided for all new staff and any staff having difficulty with behavior management.
- create regularly scheduled opportunities (weekly or bi-weekly) during planning, meetings, before or after school or as school determines appropriate for their setting for departments, teams, or grade levels to review BIP requirements for individual students they service or work with
- update disciplined data within 5 days of the event as required for documentation purposes.
- monitor and make corrections within 3 days of notification for disciplinary events skewed by human input error.
- indicate on the discipline notice than parental rights were provided if the student is at or over 10 days of OSS.

Principals along with the SPED Director will:

- track and monitor any student at 10 days of OSS and work with school personnel to create plans that prevent additional suspensions from being given.
- ensure that all staff participate in mandatory training provided through the district and hold staff accountable for not implementing BIPs, IEPs, and school expectations through the teacher evaluation process.
- ensure that administrative staff read and are familiar with all student with IEPs.
- ensures that the SPED Director participates in all IEPs for students with over 6 days of OSS or significant behavioral concerns.
- ensures that all support personnel are familiar with their students with disabilities, including bus drivers
- ensures that the IEP is reviewed before suspension of a student with a disability.

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- work to build a school climate that uses positive interventions to change behavior
 - ensures that teacher with significant discipline referrals participate in training on de-escalation techniques.
 - provide training on positive behavior interventions and classroom management for faculties as deemed appropriate.
 - work to involve parents in discipline and academics for their children, when possible.

For Removals of TEN or fewer day after review of the individual student for unique circumstance

A short-term suspension is one in which the student is removed from class up to 10 cumulative school days in a school year.

- This does not constitute a change in placement, consequently, the student is subject to normal discipline guidelines whether or not there is a casual connection between the student's disability and the misconduct.
- Removals for one or more days must be considered at short-term suspensions.
- A suspension of bus privileges resulting in a student's absence from school would be considered a short-term suspension.
- Services must only be provided if they are provided for non-disabled peers.
- IEP Case manager and student's parent are notified of each removal (in writing, including reason for removal and number of days)
- Southwest STEM Charter School requires Timely and Accurate Tracking system where disciplinary events for all students must be entered into student information system with 5 school days of disciplinary action.

Functional Behavioral Assessment and Behavior Intervention Plan

A Functional Behavioral Assessment and Behavior Intervention Plan must be completed for any child whose:

- (1) Behavior impedes his/her learning or the learning of others (i.e. observable and measureable behaviors such as throwing objects, disruptive outbursts, physical aggression.
- (2) Behavior is chronic. Ten incidences of the behavior in ten days of data collection remain statistically viable.
- (3) Behavior has resulted in a pattern of three or more disciplinary referrals to the office for similar offenses during the nine-month period.

Procedure for FBAs and BIPs:

- Meet with the parent and the committee to discuss the need for additional data needed for present levels of educational performance and educational needs. List the target behavior(s) for the student in question for which you will be collecting the data. Obtain parental permission to complete a FBA and BIP.

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- Articulate those behaviors (one or two preferably, no more than three) in observable terms.
 - Identify and modify the setting events, antecedents, consequences and student responses, per training guidelines.
 - As a behavior team, agree on what each target behavior looks like, so there will be no confusion over what to chart.
 - Train all observers how to code the start/end times, setting events, antecedents, and other information contained in the Data Chart.
 - Collect data per FBA guidelines.
 - Analyze the data from the Data Charts as a substantial piece of data in determining the function, frequency, and duration of the behavior.
 - Interviews (parent, student, and teacher), rating scales, attendance records, discipline data, grades, and similar data are also important elements to review as you complete FBA.
 - Use the FBA to draw conclusions and a hypothesis for the behaviors. The information documented should include the following:
 - When this occurs (describe circumstances/antecedents),
 - The child does (describe target behavior)
 - To get/to avoid (describe consequences)
 - Complete the Behavior Intervention Plan document based on the information obtained from the Functional Behavior Assessment.

The goal is to pro-actively minimize/eliminate the inappropriate behaviors by replacing them with acceptable alternative behaviors that provide the same/similar reinforcement to the student. In other words, fulfills the function of the inappropriate behavior with an acceptable alternative behavior. Remember, it takes one month of CONSISTENT intervention to effectively change one year of behavior patterns.

Completed FBAs and BIPs

Upon completion of a FBA/BIP, documents are presented at the IEP meeting. Once accepted as part of the IEP, a copy of the BIP needs to be given to the parents, building principal, assistant principals, and counselors. All regular education teachers are related service providers who work with this student must also be given a copy of the BIP as well as training on how to implement the plan. Similar to the goals/objectives, data must be maintained on the target behaviors. A progress monitoring system will need to be completed that tracks the effectiveness of the prescribed interventions. This data will be reviewed and reported at least once every 9 weeks at designated Progress Report dates, and be considered if a BIP needs to continue, be revised, and/or a new FBA completed. The FBA needs to be maintained as a working document by the Case Manager.

Southwest STEM Charter School recommends attaching a BIP to all IEPs developed for serving 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.

BUS SUSPENSIONS

Transportation is a crucial part of the school day. To ensure that students receive Free Appropriate Public Education (FAPE), they must have access to educational services. While behaviors can create safety concerns on the bus, it is imperative that teams (bus monitors/personnel) use a variety of interventions based on positive behavioral supports to meet student needs. If these behaviors begin to impede access to bus transportation, the team must document targeted behaviors, interventions and behavioral data after the intervention to ensure that all avenues are reviewed before removing a student from transportation. If the student is suspended off the bus and does not have transportation to school, the IEP team must consider revising the student's BIP and consider special transportation. When regular bus transportation is determined to be inappropriate, the IEP Committee must meet to discuss and/or request special transportation. Only rarely can a child be suspended from the bus if special transportation is checked as a related service on the IEP.

Special education services cannot be taken away without a review of the IEP. An immediate review of the IEP must be scheduled. The Director of Special Education must be contacted when problems arise on a bus. If a student is unable to get to school and does not receive FAPE, a bus suspension would be treated as a removal from the classroom. It is imperative that schools monitor bus suspensions and attendance to ensure that students are receiving appropriate services.

DISCIPLINARY ACTIONS BEYOND 10 DAYS

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting. The Local Education Agency (LEA) must determine on a case by-case basis whether a pattern of removals constitutes a change in placement. A change in placement occurs if:

- (1) The removal is or more than 10 consecutive school days, or
- (2) The child has been subjected to a series of removals that constitute a pattern-
 - a. Because the series of removals total more than 10 school days in a year;
 - b. Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
 - c. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

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- (3) Southwest STEM Charter School determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

The determination of a pattern of removals is subject to review through due process hearings and judicial proceedings.

If school officials want to suspend a student from school which culminates in more than 10 consecutive school days, for a removal that constitutes a pattern of removals or to have a student's educational setting changed to an interim alternative educational setting that may be up to 45 school days for weapon or drug possession or for infliction of serious bodily injury on another person:

- On the day the decision is made for a removal that constitutes a change of placement, the school administration must notify the SPED Director and provide the parent with written notification of the decision and provide a copy of the Parental Rights,
 - A manifestation meeting must be held within 10 days of the event and followed by the IEP Team placement meeting.
 - In cases involving a tribunal offense the Manifestation and Tribunal must take place within 10 days of the offense.
- Procedures must be followed in regards to: Students with Disabilities Referral to Tribunal Procedures for Special Circumstances: Weapons, Drugs, Serious Bodily Injury. (Incident occurs where student may need an alternative placement.)

PROCEDURES FOR DETERMINING A PATTERN OF REMOVALS:

- The SPED Director, case manager, and school administration will meet to review frequent removals of up to 8 days to specifically determine if frequent independent removals demonstrate a pattern that constitutes a change in placement.
- The team will review each student on a case by case basis.
- If it is determined that the removal does constitute a change in placement or the team deems it appropriate, the SPED Director will schedule an IEP meeting to include a minimum of one of the student's teachers to discuss any additional PLAAFP information, review of goals/accommodations/services or need for an FBA, BIP or BIP update to include Positive Behavioral Support strategies and to determine the extent to which services will be provided.

MANIFESTATION DETERMINATIONS

In *Vandygrift vs. Turlington*, the court stated the following conditions for expulsion for behavior.

- (1) The child cannot be expelled for behavior which is a manifestation of the handicapping condition (i.e., a deaf child not paying attention in class).
- (2) It is the responsibility of the school system to determine and prove that the behavior is not a manifestation of the handicapping condition.
- (3) The Board of Education cannot make the determination. It must be done by a trained group much like the IEP Placement Committee.

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- (4) Even when the behavior is determined not to be a manifestation of the handicapping condition, and expulsion occurs, IDEA requires the education of all handicapped children, and services cannot be withheld.
 - (5) Expulsion is a change in placement, and due process safeguards must be implemented.
 - (6) Expulsion is a proper disciplinary tool, but denial of educational services is not permitted.
 - (7) A special education student may be expelled from school, but services cannot be terminated.

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the student's IEP team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP.

In making the manifestation determination, the IEP team will review the student's IEP, BIP to include positive behavior supports, teacher observations, and parent information. SPED Director and School Administration are mandated to attend all Manifestation Determination Meetings. In situations where an alternative school placement may be discussed during the subsequent IEP meeting, the SPED Director must be in attendance and a staff member from the alternative school must have input into the IEP.

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the district's failure to implement the IEP, then the behavior is a manifestation of the student's disability. In this case the student must be returned to the placement from which the student was removed, except in cases involving weapons, serious bodily injury, or illegal drugs or controlled substances, unless the parent and the district agree to a change in placement. A FBA must be conducted and an appropriate BIP implemented or updated. The team will create a plan outlining which data to collect, the length of time to collect the data and who will be collecting it based on student need. A minimum of 10 school days of student data is typically required but should be determined on a case by case basis.

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

Parents must be notified on the decision to take disciplinary actions that involve a change in placement and be provided a copy of their parental rights no later than the date on which the decision to take the action is made. This is not necessarily the same day the behavior occurred—rather the day the decision is made to take the subsequent action (removal/expulsion).

The manifestation determination must be conducted before the committee deems a tribunal referral is necessary, except cases that are a tribunal offense. These involve weapons, serious bodily injury, or illegal drugs or controlled substances.

PROCEDURES FOR MANIFESTATIONS:

SPED Director contacts parent to discuss the need for a manifestation meeting and to determine if they will waive their rights to timely notice. If they will not the meeting should be scheduled 3 to 5 days from the event.

- SPED Director schedules manifestation meeting by working with team members to determine a mutually agreed upon time and day within the timeline.
- Notification is sent to all members.
- Paperwork is completed and entered into Infinite Campus.
- Original paperwork with signatures is submitted to the Superintendent and filed in SPED folders.

TRIBUNAL CONSIDERATION

In cases where the IEP team considers a Tribunal Referral is necessary, a Behavior Intervention Plan must be in place with data to support such referral. If a BIP is not in place the following must occur:

- The IEP team must conduct a FBA, unless the district had conducted one prior to the behavior; and a BIP should be implemented.
- If a BIP is already in place, then the IEP team must review the existing BIP; and the IEP team must make changes needed in the BIP to address the behavior, except in cases involving weapons, serious bodily injury, or illegal drugs or controlled substances, unless the parent and the district agree to a change in placement.

The School conducts a tribunal to determine guilt or innocence when a student is accused of a serious or repeated violation of the code of conduct (only if guilt is denied). The tribunal does not determine placement, the IEP committee determines the placement of the student that ensures he or she continues progress toward meeting the IEP goals and accessing the general education curriculum.

SPECIAL OFFENSES:

Certain serious behavior problems can lead to a student being moved to an alternative educational setting for up to 45 schools days, 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. These offenses involve:

- (1) Weapons-If a child carries or possesses a weapon as defined in 18 U.S.C. § 930(g)(2) – (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 ½ inches in length).
- (2) Drugs—If the child knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances (illegal drugs are a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or

used under any other authority under the Controlled Substances Act (21 U.S.C. § 1812) or under any other provision of federal law. A controlled substance is a drug or other substance identified under Schedule I, II, III, IV, or V in the Controlled Substances Act); and

- (3) Serious Bodily Injury-If a child has inflicted serious bodily injury upon another person (injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 U.S.C. § 1365(3)(h)).

PROCEDURES FOR SPECIAL OFFENSES:

- Administration contact SPED Director to indicate special offense infraction.
- Administration contacts parents to discuss special offense infraction and recommended disciplinary action.
- When parents receive disciplinary notification, administration provides them with a copy of the parental rights to include the procedures for appeals.
- Administration submits paperwork to SPED Director.
- The SPED Director will contact the parents for a manifestation and IEP meeting and to determine if they will waive their rights to timely notice. If they will not, the meeting should be scheduled 3 to 5 days from the event.
- The SPED Director schedules manifestation by working the team members to determine a mutually agreed upon time and day within the timeline.
 - Notification is sent to all members.
 - The Manifestation Agenda is followed during the meeting. ○ If consensus is reached, an IEP meeting is held and the IEP agenda is followed.
- If the Manifestation committee determines that the behavior was a manifestation, the committee reviews the Present Level of Academic Achievement and Functional Performance (PLAAFT), FBA, BIP, and student services to include determining if up to 45 days at an alternative site is appropriate for the individual student for the special offense.
- If the Manifestation consensus is that the behavior was not a manifestation, the committee reviews the student services to include which services will be appropriate and if/how long the student will be served in the alternative setting.
- Paperwork is completed and uploaded into Infinite Campus.
- Original paperwork with signatures is submitted to the SPED office with a copy to school principal.

Within 24 hours of the infraction the school will:

- Submit Discipline Referral to the SPED Director.
- Contact the parent to schedule a Manifestation Meeting.
- Review individual student for unique circumstances.
- Provide Parental Rights to the parent with notice of disciplinary event.
- The referral is reviewed by Administration team and SPED Director to determine if offense warrants tribunal and if so a tribunal is scheduled. A hearing must be held within 10 days of the 1st day of OSS.

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- Offer a Tribunal Waiver to include the Principals recommendation.

If the parent agrees with the offense and signs a waiver and the offense has been accepted by the Administration team and SPED Director:

- Conduct a Manifestation Determination
If behavior IS a manifestation, must review BIP and/or conduct FBA and discuss appropriate placement based on individual student need and circumstances. If behavior IS NOT a manifestation, as appropriate with supporting documentation, review BIP and/or conduct FBA.
- Convene an IEP placement meeting of relevant members of the IEP team.

If the parent is not in agreement with offense or doesn't sign the waiver:

- The referral is reviewed by Administrative Team and SPED Director to determine if offense warrant tribunal or alternate placement
- Manifestation Meeting is held to review alleged offense.
- Follow Tribunal Procedures:
 - If the student is found not guilty by the Tribunal, the student will return to the setting where the incident occurred.
 - If student is found guilty, proceed with scheduled IEP meeting. 🎬 Convene an IEP placement meeting of relevant members of the IEP team.

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting pending the hearing decision or until the expiration of the IEP driven time frame if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise. The parent is advised that they can appeal the IEP and/or Manifestation decision to the SPED Director by submitting an appeal form with 72 hours of the decision.

Students with Disabilities Referred to Tribunal Procedures for Infractions other than Special Circumstances: Within 24 hours of the infraction the school will:

- Submit Discipline Referral to the SPED Director.
- Contact the parent to schedule a Manifestation Meeting.
- Review individual student for unique circumstances.
- Provide Parental Rights to the parent with notice of disciplinary event.
- The referral is reviewed by Administration team and SPED Director to determine if offense warrant tribunal and if so a tribunal is scheduled.
- A hearing must be held within 10 days of the 1st day of OSS.
- Review individual student for unique circumstances.
- Offer a Tribunal Waiver to include the Principals recommendation.

If the parent agrees with the offense and signs a waiver and the offense has been accepted by the Administration Team and the SPED Director:

- Conduct a Manifestation Determination.

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- If the student pleads guilty to the offense, no Tribunal Hearing is necessary.
 - If the student denies guilt, A Tribunal Hearing must be held within 10 days of the 1st day of Out of School Suspension.
 - The Manifestation Meeting must be held within 10 days of the offense.

If the parent agrees with the offense & the Manifestation Committee agrees that the infraction **Is a Manifestation** of the student's disability:

- Convene an IEP meeting to determine if a FBA/BIP is needed or needs to be revised. If a change in placement is warranted (i.e. continuum of services) the IEP Team discusses logical consequences for the offense.
- A more restrictive environment may be an option

If the parent agrees with the offense & the Manifestation Committee agrees that the infraction **is NOT a Manifestation** of the student's disability and the offense has been accepted by Administration Team:

- Convene an IEP meeting to determine if changes need to be made to the FBA/BIP and if a change in placement is warranted and to discuss logical consequences for the offense.
- If the IEP meeting determines an alternative placement is warranted the parent signs an Agreement to Place in an alternative setting and signs a Tribunal Waiver.
- The SPED Director will complete the assignment and arrange for placement in an alternative setting.

If the parent does not agree with the manifestation or that the offense occurred and it is a Violation of the Student Code of Conduct, a Tribunal Hearing will be scheduled to determine guilt or innocence and make a recommendation.

- IEP meeting is scheduled to be held after the tribunal hearing when the tribunal is scheduled.
- Manifestation Meeting is held to review alleged offense.
- If the Tribunal renders a guilty verdict with a recommendation:
 - Convene and IEP meeting immediately following the tribunal to determine if changes need to be made to the FBA/BIP and if a change in placement is warranted and to discuss logical consequences for the offense.
 - If the IEP meeting determines an alternative placement is warranted the parent signs an Agreement to Place in the alternative setting. ○ The SPED Director will complete the assignment and arrange for services in the alternative setting.

If the parent does not agree with the decision of the Tribunal, an appeal can be made to the Southwest STEM Charter School Board of Education within 20 days of the decision. This procedure will be shared with the parent at the end of each tribunal and will be included in the parental rights.

If the Tribunal renders an innocent verdict: the student returns to the placement from which the student was removed at the time of the incident.

If the parent does not agree with the Manifestation Committee decision when a Special Circumstance is not involved:

- The parents will be given the option by the SPED Director to appeal through the submission of the Manifestation Determination Appeal Form within 48 hours.
- An IEP Meeting is not held.
- The SPED Director will notify school administration and the Superintendent if an appeal is sought and will render a decision in writing and provide a copy to the parent, the principals, assistant principals, case manager, and Superintendent within 72 hours of the appeal.
- If the parent disagrees with the SPED Director's appeal decision, the parent will be advised of their parental rights to appeal the decision through the Expedited Due Process Procedures.

If a committee member is not in agreement with the Manifestation Committee decision:

- The committee member must submit a Manifestation Determination Appeal Form within 48 hours to the SPED Director. The SPED Director will render a decision in writing and provide a copy to the parent, the principals, assistant principals, case manager, and Superintendent within 72 hours of the appeal.

APPEALS

A parent may appeal the manifestation determination and/or the selection of an interim alternative educational setting to the Director of Program for Exceptional Students or their designee. The appeal and decision will be completed within 72 hours of receipt of the disagreement in writing.

PROCEDURE FOR APPEAL TO DIRECTOR:

- (1) The parent is provided with a copy of the parental rights upon entering the system, at the Initial Eligibility Meeting or Redetermination Meeting, at each Annual IEP Meeting, and at the Manifestation Meeting that includes the appeal process and when the student obtains 10 days of OSS or a change in placement.
- (2) At the conclusion of the Manifestation Meeting, the Administrative Team in attendance informs the disagreeing parent of the option to appeal the decision to the SPED Director.
- (3) The Administrative Team gives the parent a copy of the Southwest STEM Charter School Appeal form to complete and sign.
- (4) The parent delivers the completed form to the SPED Director.
- (5) Within 72 hours of receipt of written appeal request, the SPED Director will review the information, investigate and make a decision regarding the manifestation determination.
- (6) The Program for Exceptional Students will inform the parent and the school of the final decision in writing.

DISPUTE RESOLUTION:

DISPUTE RESOLUTION (GEORGIA RULE 160-4-7-.12) A resolution in a dispute with a local educational agency (LEA) over the rights and services afforded to children with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration in the LEA. The special education director can often assist a family in working out the differences with minimal time and conflict. Parents or LEA personnel may also initiate a Facilitated IEP (FIEP) Team meeting with the Georgia Department of Education (GaDOE). When a resolution cannot be worked out locally, other processes are guaranteed to children with disabilities under the Individuals with Disabilities Education Act (IDEA). These include (1) mediation, (2) formal complaints, and (3) a due process hearing.

IEP TEAM MEETING FACILITATION

Individualized Education Program (IEP) Team meeting facilitation is all about the student and helping the IEP Team overcome the pressure and anxiety often associated with a contentious meeting. IEP Team Meeting Facilitation is an optional process, not required by the IDEA, that state educational agencies (SEA) or LEAs may provide to parents and schools. A facilitated IEP (FIEP) Team meeting is the same as any other IEP Team meeting, except that a facilitator joins the meeting. The IEP facilitator makes sure that the focus of the Team remains on the best interests of the child. The facilitator is a skilled individual who has received specialized training in the area of conflict prevention and resolution through the IEP Team Meeting Facilitation process. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. This is achieved by encouraging and directing communication specific to the IEP and assuring that the members of the IEP Team are empowered in their participation and invested in the IEP. The facilitator is not a member of the IEP Team and cannot provide legal advice to any Team member. Rather, the facilitator will help the IEP Team create an agenda, ground rules, and desired outcomes, and address issues during the IEP Team meeting that produce tension within the Team so that the Team is able to find their own solutions. The facilitator will also guide the discussions during the IEP Team meeting by asking student focused questions. An FIEP Team Meeting:

- is voluntary, but must be agreed to by the parent and LEA
- is informal
- is helpful to guide communication among the IEP Team
- is free to both the family and the LEA
- is useful to prevent disputes
- has a high success rate
- can be used as often as needed

Procedures for Requesting a Facilitated IEP Team Meeting

Parents or LEA personnel may initiate the Facilitated IEP (FIEP) Team meeting process by completing the IEP Team Meeting Facilitation Request form located on the GaDOE's website. • Both the parties (LEA and parents or student if 18 years or older) must agree to participate. • A complete and signed FIEP request form and notice of meeting must be submitted to the GaDOE at least 7-10 days before the scheduled IEP Team meeting. • Upon approval, a facilitator will be provided at no cost to the parent or LEA.

Access to the FIEP Request form and other information regarding facilitated IEP Team meetings is located on the GaDOE's website:

<http://www.gadoe.org/CurriculumInstruction-and-Assessment/Special-Education-Services/Pages/IEP-Facilitation.aspx>.

PREPARATION FOR A FACILITATED IEP TEAM MEETING

Making decisions by consensus can take a long time. One of the most important aspects of a successful facilitated IEP Team meeting is the preparation prior to the meeting. The appointed facilitator will call both parties to gather information, issues/concerns, and desired outcomes from each party. Both parties should gather all documentation needed for the IEP Team meeting and bring it to the meeting. School staff should bring all forms that will or may be needed. Preparation will help expedite the meeting process. Preparation prior to the meeting includes, but is not limited to:

- The parent sending suggestions for the goal sheets to the school before the meeting;
- The school sending any current evaluation reports to the parent; and
- The parent sending the school any private evaluation reports he or she may have obtained. As with all IEP Team meetings, the location should provide ample space for the number of adults attending the meeting. IEP facilitators use charts during the meeting and wall space will be needed for the charts.

MEDIATION (SEE 34 C.F.R § 300.506 AND GEORGIA RULE 160-4-7-.12)

When the parent and the LEA disagree about the education of a child with a disability, either may request mediation. An impartial or neutral person, called a mediator, assists the LEA and the parent in clarifying the problem, exploring interests, discussing options, and reaching a mutually agreeable solution. The mediator does not tell either party how to resolve the dispute, but he or she works with both in the development of their solution. If an agreement is reached, it is documented in writing and signed by all parties. The written agreement is a legally binding agreement and is enforceable in any Georgia court of competent jurisdiction, in a District Court of the United States, or through the formal complaint process. This informal and collaborative approach to problem solving can often foster a positive working relationship between the LEA and the family.

Mediators are trained in conflict resolution, collaborative problem solving, and effective communication. In addition, mediators for special education are required to have knowledge and experience in the laws impacting the education of children with disabilities. The GaDOE has a set of qualified mediators under contract. When mediation is requested, a mediator will be assigned from that list.

MEDIATION:

- is confidential
- is voluntary
- is informal
- occurs in a short period of time

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- is free to both the family and the LEA
 - is less burdensome than a due process hearing or a formal complaint
 - has a high success rate
 - Can result in a legally binding agreement

Procedures for Mediation

- Either the parent and the student or the LEA may request mediation.
- The first step is to ask the other party if they are willing to mediate the disputed issues.
 - If a family member is requesting mediation, you may contact the LEA's special education office, and LEA personnel will complete and/or forward the request for mediation and submit it to the GaDOE. A mediation request form is located on the Mediation Requests web page on the GaDOE website.
- Upon receipt, the GaDOE assigns the request to a mediator.
- The mediator will contact both parties to develop the timeline, set up the meeting location, and begin preparation.
- Mediation will occur at a location, date, and time convenient to both parties.
- Once parties have agreed to a date, time, and location, participants should be prepared to spend most of the day in mediation.
- If a resolution is reached, the mediator will facilitate the agreement, and all parties will sign the mediation agreement.
- After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement, which is a legally binding document.
- If mediation is being requested as part of a due process hearing or formal complaint, the mediation will not delay nor deny the right to a due process hearing or the complaint investigation. However, discussions during mediation are confidential and they cannot be used as evidence in any due process hearing or civil proceeding.

Preparing for Mediation

- Be prepared to define the problem and explain any concerns.
- Be prepared to state preferred resolutions.
- Be prepared to share information that will help clarify and resolve the problem.
- Be prepared to listen to the information and the points of view shared by others.
- Be prepared to keep an open mind. (Multiple solutions to a problem are often possible.)
- Be prepared to brainstorm with the other parties involved and to develop a creative solution to the problem.

FORMAL COMPLAINTS

(SEE 34 C.F.R. §§ 300.151-300.153 AND GEORGIA RULE 160-4-7-.12) A formal complaint is a written, signed complaint alleging a violation(s) of the IDEA or of Georgia Special Education Rules. Any organization or individual may file a signed written complaint. The complaint must include:

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- A statement that a public agency has violated a requirement of the IDEA or Georgia Special Education Rules;
 - 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, include 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, include 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 of the problem to the extent known and available to the party the time the complaint is filed;
 - The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received;
 - The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the GaDOE.

Procedures for Filing a Complaint

1. Formal complaints are filed in writing and sent to the LEA and the GaDOE, Division for Special Education Services and Supports (DSESS). A formal complaint form, which may be used to submit a formal complaint, is located on the Formal Complaint web page on the GaDOE website.
2. In addition to the LEA having the opportunity to present a proposal, the mediation process is also available. Mediation is available at no cost. Mediation is a non-adversarial process conducted by a qualified and impartial mediator who is trained in effective mediation techniques to resolve disputes. If both parties choose to participate in the mediation process, the complaint investigation may still proceed. The timeline for the complaint may be extended if both parties agree to extend the timeline while they participate in mediation. If both parties agree to mediation, a written agreement will be developed and implemented. Mediation is legally binding in a State or District court. If an agreement is reached and the complainant withdraws their complaint, the complaint will be closed. If agreement is not reached or if the complainant does not withdraw their complaint, the complaint investigation will continue, and a decision of compliance will be made by the GaDOE.
3. Upon receipt of the first written complaint, the LEA will provide a copy of procedural safeguards to the parent of a child with a disability.
4. If both parties indicate on the complaint form or through other means that they are interested in mediation, then the GaDOE will assign a mediator.
5. The LEA must provide a written response to the GaDOE DSESS and also send a copy to the person filing the complaint (with some exceptions). The DSESS requests that the LEA send this response within 10 days of receiving the formal complaint initiation letter. The DSESS will conduct an investigation to confirm details and to get clarification of the issues. The investigation may include interviews with the parties, observations, on-site visits, and other activities as indicated by the nature of the allegation.

6. The DSESS will give the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has seen the response from the LEA. If both parties reach an agreement and resolve the complaint before the GaDOE investigation is complete, the complainant may withdraw the complaint and the complaint will be closed without making a determination regarding compliance. If both parties go to mediation and reach an agreement and the complainant withdraws the complaint, then the complaint will be closed without a decision regarding compliance. If mediation is used and an agreement is not reached or if the complainant does not withdraw the complaint, then the complaint investigation will continue.

7. Within 60 days of the receipt of the complaint, the DSESS will issue a written decision that addresses each allegation in the complaint and contains findings of fact and determinations of compliance or noncompliance. The timeline may be extended to accommodate for mediation (if both parties agree) or other exceptional circumstances with respect to a particular complaint. When a violation of the law or regulations has occurred, a resolution will be required. The resolution may include technical assistance activities, compensatory services, reimbursement, and other corrective actions to achieve compliance.

8. Complaints that a LEA has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above.

Why File a Complaint?

Filing a formal complaint provides an opportunity for anyone to express concerns regarding possible IDEA and state special education rule violations. The process is simple and user friendly.

As explained in the Parent Rights provided annually:

- the regulations for IDEA set forth separate procedures for State complaints and for due process complaints and hearings.
- Any individual or organization may file a State complaint alleging a violation of any IDEA requirement by a school system, the State Educational Agency, or any other public agency.
- Only a parent or a school system may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child.
- While staff of the State Educational Agency generally must resolve a State complaint within a 60- calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school system's request.
- The State complaint and due process complaint, resolution and hearing procedures are described more fully in the parent rights.

Parents also have the right to appeal for an expedited due process hearing which will occur within 20 school days of the date the hearing is requested. Once an expedited due process hearing is requested, the determination must be made by the Administrative Law Judge within 10 school days after the hearing.

PROCEDURE TO APPEAL FOR AN EXPEDITED DUE PROCESS HEARING:

- A parent or school alleging a due process violation under IDEA, or his or her attorney, is required to provide a due process complaint notice to the other party (or their attorney) and the Georgia Department of Education. The party presenting the due process complaint must file this notice before a due process hearing can occur.
- The notice must include the name and home address of the child; the name of the school the child attends; in the case of a homeless child or youth, the child's contact information and the name of the child's school; a description of the nature of the problem, and a proposed resolution.
- If the district feels that the parent's due process complaint notice is insufficient, the system must notify the hearing officer in writing immediately in regards to an expedited due process hearing.
- The Administrative Law Judges (ALJs)/Hearing Officers then have up to 20 school days from the date of the hearing request.
- The ALJ/Hearing Officer must result in a determination within 10 school days after the hearing. They must immediately notify all parties in writing of the decision.
- Once the district receives a due process complaint notice, it must first determine whether it has provided prior written notice regarding the subject matter of the complaint. 🗨️ If it has not done so, the district must provide a response to the parent
- Prior written notice must contain the following:
 - An explanation of why the agency proposed or refused to take the action raised in the due process complaint.
 - A description of other options that the IEP team considered and the reasons those were rejected.
 - A description of each evaluation procedure, assessment, record or report the agency used to as the basis for the proposed or refused action
 - A description of the relevant factors in the school's proposal or refusal.
- If both parties are in agreement as noted on the due process complaint, a resolution session must occur within 7 days of the date the hearing is requested.
- The Resolution session must include a representative of the district who has decision-making authority on behalf of the district. The session may not include an attorney for the district unless the parent is bringing an attorney.
- If the parties reach an agreement, they must execute a legally binding agreement that is signed by the parent and the district representative.
- Either party may void the agreement up to 3 days after its execution.
- If the due process complaint is not resolved through this session, then the parties may proceed to a due process hearing which will be conducted within 15 days of the receipt of the hearing request by the Georgia Department of Education or a contracted impartial agent at no cost to either party.

When the parents disagree and appeals, the student will remain in the interim alternative educational setting pending the hearing decision or until expiration of the 45 school day time period if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise.

PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE

A student may assert procedures under the Discipline Rule if the district had knowledge that the student was a student with a disability. A district is deemed to have knowledge that a student was a student with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

- The parent expressed concern that the student was in need of special education and related services. (This concern must have been expressed in writing to supervisory or administrative personnel in the district, or to a teacher of the student.)
The parent requested an evaluation of the student.
- The teacher of the student, or other district personnel, expressed specific concerns about a pattern of behavior of the student. (These concerns must have been expressed directly to the local special education director or other district supervisory personnel.)
- If a parent requests an evaluation of a student during the time in which a student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner which is expected to be completed at least 5 days before the timeline for a typical evaluation.

PROCEDURES FOR EXPEDITED EVALUATION:

- The MTSS coordinator, School Assigned Personnel and the SPED Director should be contacted immediately concerning the evaluation request.
- If the school does not have current vision and hearing clearance, consent should be obtained from the parent and the screening should be completed.
- A meeting should be scheduled to discuss the request and the expedited timeline.
- Once vision and hearing are cleared and the consent is signed, the evaluation packet will be provided to the school psychologist and should be completed in an expedited manner.
- A meeting should be held to review the evaluation and discuss eligibility considerations
- Until the evaluation is completed, the student remains in the educational placement determined by district authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the district must provide special education and related services.

PROCEDURES FOR PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE

- MTSS meeting held to review disciplinary data, identified needs and possible increased behavioral supports and services.

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- With the assistance of the MTTTS coordinator and SPED Director, each school should keep a list of students currently suspected of having a disability that meet the criteria for students not yet eligible as outlined in this section.
 - The disciplinary actions for each student should be reviewed monthly to ensure that protections have been provided to meet student need.
 - If needed, a meeting should be scheduled to address any behavioral concerns to include the completion of a Functional Behavioral Analysis, Behavior Intervention Plan or Student Contract.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

Law enforcement official can be informed of suspected criminal activity of a student with a disability. If a student with a disability commits a crime and it is reported to law enforcement, copies of the student's special education and disciplinary record, if appropriate, are sent to the agency to which the crime is reported upon request.

PROCEDURES FOR PAPERWORK SUBMISSION

- If a student with a disability commits a crime and is reported to law enforcement by the school, the school administration will work with the SPED Director to ensure that copies of the special education records (i.e. IEP, Eligibility) and disciplinary records are sent to the appropriate agency.
- The receiving agency will sign an agreement that they agree to obtain parental/guardian consent to disclose records.
- This must be documented on the Review of Student Record log on the school special education folder
- If a subpoena is served for a student's special education records, the Special Education district office will provide all copies and documentation.
- This must be documented on the Review of Student Record log on the district permanent special education folder.

Southwest STEM Charter School will ensure that all regulating and reporting requirements are completed to the Georgia Department of Education in a timely and accurate manner.

Section 11: **Special Education Budgets and Grant Application Process**

To receive IDEA grant funds, each local educational agency (LEA)¹ must submit a Comprehensive Plan for Special Education and Related Services annually for serving all eligible children with disabilities ages 3 through 21, including parentally-placed private and home school students and those in local jails within the LEA's jurisdiction (Georgia Rule 160-4-7-.17). The federal flowthrough grant funds are used to:

- ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and to prepare them for further education, employment, and independent living;
- ensure that the rights of children with disabilities and their parents are protected;
- enhance ongoing learning for parents, teachers, paraprofessionals, and instructional staff;
- provide LEAs with support services and/or technical assistance to children, parents, and staff; and
- assess and ensure the effectiveness of efforts to educate children with disabilities.

1. Federal Distribution of Funds IDEA Flow-through Grant – Part B, Section 611 of IDEA 2004 requires that from FY 1999 forward, funds be distributed as follows: The State shall first award each LEA the amount that agency would have received for FY 1999, if the State had distributed 75% of its grant for that year. After making this base allocation, the State shall allocate 85% of any remaining funds on a basis of relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction and allocate 15% of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty. Free and reduced lunch figures from the previous full-time equivalency (FTE – 1) count are utilized to define poverty for each agency (34 C.F.R. § 300.705).
2. IDEA Preschool Grant – Part B, Section 619 of the IDEA 2004 requires that from FY 1997 forward, funds be distributed as follows: The State shall first award each agency the amount that agency would have received for FY 1997 if the State had distributed 75% of its grant for that year. After making the base allocation, the State shall allocate 85% of any remaining funds on a basis of relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction and allocate 15% of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty. Free and reduced lunch figures from FTE - 1 are utilized to define poverty for each agency (34 C.F.R. § 300.816).

LEA allocations from federal programs, to include state charter schools and state operated programs, are based on a formula provided in the regulations (34 C.F.R. § 300.705). The United States Education Department (USED), Office of Special Education Programs (OSEP) sends the state allocation to each State Educational Agency (SEA) in the spring. The SEA applies the allocation formula, which has a restricted amount for discretionary and administration funds deducted from the total grant, with the remaining funds distributed to LEAs. This LEA formula has a base allocation of 75% of the FY 1999 allocation amount with any remaining funds for Flowthrough being distributed based on each LEA's general population (85%) and poverty (15%). Poverty is defined as free and reduced lunch data from FTE-1.

To receive allocated funds, LEAs must submit grant applications into the GaDOE Consolidated Application Portal. All special education federal and state applications, including detailed budgets, are submitted in this location. All forms and resources needed for IDEA Budget Approval can be found on the GaDOE website on the Special Education Services and Supports Page > Budgets, Grants, Consolidated Application. Prior to IDEA 611 Flow through and IDEA 619 Preschool Budget Submission, the following must be completed or attached:

- Prior year reconciliation of Maintenance of Effort (MOE), Excess Cost Calculation, and Cross Functional Monitoring Corrective Action Plans (CAPs)
- IDEA 611 Flow through Budget or Budget Amendment (all LEAs)
- IDEA 619 Preschool Budget or Budget Amendment (all LEAs)
- Prior Approval Requests for Equipment or Participant Support Costs (via email to Budget Liaison) Georgia Department of Education Mr. Richard Woods, Georgia's School Superintendent
- Budget Attachment: Current Year MOE Eligibility Form
- The following information must be submitted in the Consolidated Application inside of the IDEA Flow through Budget for BOTH IDEA grants:
Program Information Tab: IDEA Fiscal Monitoring Self-Assessment Tab
Program Information Tab:
Exceptional Students Tab: Proportionate Share Tab
Program Information Tab: Exceptional Students Tab: Coordinating Early Intervening Services (CEIS) Tab
- CEIS and Proportionate Share funds must be included in the budget with specific detailed information and amounts as needed
- All budgets must have detailed information in line item description

Maintenance of Effort (MOE) (See 34 C.F.R. §§ 300.203-300.205) An LEA is required to maintain effort or spend at least the same amount of state and local funds as it did in the previous year. State and local may be calculated in any of four methods: (1) State and local combined; (2) local only; (3) state and local combined per capita; and (4) local only per capita. Before receiving IDEA allocations in any fiscal year, an LEA must show evidence they have budgeted at least the same amount using one of the four methods as they did in the most recent year for which data is available. This is done using the MOE Eligibility Worksheet, which must be completed prior to budget approval. The MOE Eligibility Worksheet contains the codes needed to calculate MOE locally. No additional codes are permitted in the final calculation. Therefore, the MOE Eligibility Worksheet must not be altered. MOE compliance is verified after the GaDOE has received all expenditures from LEAs. The Special Education MOE portal is automatically updated with finalized and approved DE046 results. The MOE compliance results will show whether the LEA met or did not meet using data from the most recent fiscal year available. The GaDOE will test aggregate and per pupil expenditures of state and local funds to determine whether the MOE standard is met.

Supplement NOT Supplant: A LEA may use IDEA funds only to supplement and not supplant federal, state, and local funds. If the LEA meets or exceeds its level of state/local expenditures for special education and related services from year to year, either in total or per pupil through the

Maintenance of Effort Calculation; and meets the Excess Cost Calculation, then IDEA funds are, in fact, supplementing state/local expenditures.

Section: 12

Special Education Annual Reports

The Individuals with Disabilities Education Act (IDEA) has multiple data requirements for states regarding special education. Federal reporting requirements are often referred to as Section 616 and Section 618 public reporting requirements. States must collect information from local educational agencies (LEAs)¹ to create the required reports to the Federal government and publicly report the data. Each state must collect information about children with disabilities and the services they receive. The IDEA requires states to report annually to the public on each LEA located in the state on the indicators in the State Performance Plan. The Georgia Department of Education (GaDOE) is required to make the State Performance Plan and accompanying Annual Performance Report available by posting the data on the state's website, distribution to the media, and distribution through public agencies. The Special Education Annual Performance Reports for each LEA in Georgia are located on the GaDOE website. Southwest STEM CHARTER School's Annual Report has been "Meets" for the years established with a 100% compliance.

FTE Cycles 1 and 3: Full Time Equivalent (FTE) reporting refers to the GaDOE funding mechanism based on student enrollment and educational services LEAs provide to children. Educational programs are divided into seventeen (17) GaDOE funded categories. Five (5) of the categories are special education. A specific weight is assigned to each category. The base amount of money received for each FTE is determined by the Georgia General Assembly. Refer to O.C.G.A. § 20-2-161 for information regarding the Quality Basic Education (QBE) formula. Federal Child Count of Children with Disabilities:

Student Record: Student Record is the largest annual student data collection conducted by the GaDOE. Data is collected for accountability reporting which provides data for the College and Career Readiness Performance Index (CCRPI), the Governor's Office of Student Achievement (GOSA) and the Special Education Annual Performance Report (APR). Student Record data provide information on student program participation for an entire school year; data are used from program evaluation and to meet Federal reporting requirements. Student Record contains nine (9) record types: 1. LEA 2. School 3. Student 4. Enrollment 5. Course 6. Student Safety (discipline) 7. Program 8. Special Education 9. Addresses

Child Count A count is taken of children ages 3-21, receiving special education and related services under IDEA, Part B on a specified date each year. Data are reported separately for children ages 3-5 and children ages 6-21.

APPENDIX

APPENDIX A: COMMONLY USED ABBREVIATIONS/ACRONYMS RELATED TO SPEDICAL SERVICES

ABA = Applied Behavior Analysis	MID = Mild Intellectual Disability
ADA = American with Disabilities Act	MoID = Moderate Intellectual Disability
ADHD = Attention Deficit Hyperactive Disorder	OCD = Obsessive Compulsive Disorder
APD = Auditory Processing Disorder	ODD = Oppositional Defiant Disorder
AS = Asperger's Syndrome	OHI = Other Health Impaired
ASD = Autism Spectrum Disorder	OI = Orthopedic Impairment
ASL = American Sign Language	O&M = Orientation and Mobility
AT = Assistive Technology	OSS = Out of School Suspension
BCW = Babies Can't Wait	OT = Occupational Therapy or Therapist
BIP = Behavior Intervention Plan	PBIS = Positive Behavioral Interventions Supports
CA = Chronological Age	PDD-NOS = Pervasive Developmental Disorder Not Otherwise Specified
CP = Cerebral Palsy	PES = Program for Exceptional Students
D/HH = Deaf/Hard of Hearing	PID = Profound Intellectual Disability
DOB = Date of Birth	PT = Physical Therapy or Therapist
DPF=Due Process Facilitator	PWN = Prior Written Notice
DTT = Discrete Trial Teaching/Training	RTI = Response to Intervention
DX = Diagnosis	RESA = Regional Educational Service Agency
EBD = Emotional Behavior Disorder	ROM = Range of Motion
EI = Early Intervention	SDD = Significant Developmental Delay
ENT = Ear, Nose and Throat	SI = Speech/Language Impairment
ESY = Extended School Year	SID = Severe Intellectual Disability
FAPE = Free Appropriate Public Education	SLD = Specific Learning Disability
FBA = Functional Behavior Assessment	SLP = Speech Language Pathologist
GAA = Georgia Alternate Assessment	SST = Student Support Team
GaDOE = Georgia Department of Education	ST = Speech Therapy
GLRS = Georgia Learning Resources System	SOP = Summary of Performance
GNETS = Georgia Network for Educational	
HI = Hearing Impaired	
ID = Intellectual Disability	
IDEA = Individuals with Disabilities Education Act	TBI = Traumatic Brain Injury
IEE = Independent Educational Evaluation	TX = Treatment
IEP = Individualized Education Program	VI = Visual Impairment
IFSP = Individualized Family Service Plan	WNL = Within Normal Limits
IS=Instructional Specialist	
IQ = Intelligence Quotient	
ISS = In School Suspension	
LEA = Local Education Agency	
LRE = Least Restrictive Environment	

LVE = Low Vision Evaluation

Southwest STEM CHARTER SCHOOL =Southwest STEM Charter School District

APPENDIX B: GLOSSARY

Accommodations The provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the test or provide inappropriate assistance to the student within the context of the test – they are intended to provide equity, not advantage, for students with disabilities.

Adapted Physical Education (AdPE). Physical Education that has been modified so that students with disabilities who are unable to participate in regular PE can participate in a modified or adapted PE.

Alternative assessment. An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities designed by the State and required in lieu of regular statewide assessments, when determined necessary by the child’s IEP team. In Georgia, it is called the GAA (Georgia Alternate Assessment).

Alternative placement. The special education teacher provides instruction to students with disabilities in a separate classroom (pull-out), special schools, home environment, hospitals, or institutions.

Applied Behavioral Analysis (ABA). A scientifically designed teaching method that utilizes rewards to teach specific behaviors and reduce unwanted behaviors.

Assistive Technology (AT). The systematic application of technology, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, persons with developmental disabilities in areas including education, employment, supported employment, transportation, independent living, and other community living arrangements.

Assistive technology device. Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. Examples of commonly used devices are a pencil grip, Boardmaker, specialized software, or low or high voice output devices. **Assistive technology service.** Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes (1) the evaluation of the needs of such a child, including a functional evaluation of the child in the child’s customary environment; (2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child; (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices; (4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (5) training or technical assistance for such child, or, where appropriate, the family of such child; and (6) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

At no cost. All specially-designed instruction is provided without charge, but does not include incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.

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

Autism Spectrum Disorder (ASD). Students with ASD exhibit evidence of delay, arrests, or inconsistencies in developmental rates and sequences in motor, sensory, social, cognitive, or communication skills; difficulties in social interaction and participation; deficit in the use of verbal/nonverbal language, especially for social communication; unconventional, unusual or repetitive responses to sensory stimuli; and display of stress over changes and/or engagement in repetitive activities.

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

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- Children whose visual disability with corrective and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material. Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- As defined by doctors of medicine, doctors of osteopathy, ophthalmologist, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public welfare agencies (e.g. social workers, case workers, counselors, rehabilitation teachers, and superintendents).
- Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.
- As defined by doctors of medicine who may consult with colleagues in associate disciplines.

Case Manager. The individual responsible for the IEP.

Child with a disability. In general, (a) refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, or deaf-blindness and who needs special education and related services. If it is determined, through an appropriate evaluation, that a child has one of the

above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability. (b) A child with a disability aged three through nine (or any subset of that age range, including ages three through five) experiencing developmental delays, may include a child:

1. Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

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

Collaboration. A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom for less than a full segment daily.

Consent. Means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom, and the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Consultative. Students with disabilities receive their instruction with accommodations or modifications as required in their IEPs from the General Education teacher in a regular education class. Special Education provides direct support by consulting with the General Education teacher and the student for at least one segment per month.

Co-Teaching. The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment daily).

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

Critical Point of Instruction or Emerging Skill. The point at which a student has almost mastered the skills in an instructional sequence. As the need for ESY service(s) is made, the IEP team must determine that a break in instructional programming would result in the loss of significant progress made toward the acquisition of a critical or emerging skill.

Deafblind. Concomitant hearing and visual impairments that cause severe communication and educational needs that cannot be accommodated in programs solely for children with deafness or blindness.

Deaf/Hard of Hearing (D/HH). Absence of measurable hearing such that the primary sensory input for communication is other than auditory, or absence of enough measurable hearing that the ability to communicate is adversely affected (but child usually relies on auditory channel for sensory input communication), and adverse impact on education is documented.

Drugs. Illegal drugs, controlled substances, and may include over-the-counter drugs. For detailed listing see section 202(c) of the Controlled Substances Act.

Eligibility for special education. The student must have one of the disabilities recognized by the State and must also require special education services in order to benefit from an educational program.

Eligibility team. A group of qualified professionals and the parent of the child, which determines whether the child is a child with a disability and determines the educational needs of the child.

Emotional Behavior Disorder (EBD). Must have documentation and analysis of duration, frequency, and intensity in at least one of the following: an inability to build or maintain satisfactory interpersonal relationships; an inability to learn that is not explained by intellectual, sensory, or health factors; consistent or chronic inappropriate behavior or feelings under normal circumstances; displayed pervasive mood of unhappiness or depression; or displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. Definition does not include children who are socially maladjusted unless they are also determined to have an emotional disability as determined by evaluation.

Evaluation. Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Evaluator. A qualified person in a field relevant to the child's disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.

Evaluation report. A summary of evaluation results obtained in the process of collecting information to determine if a child is a child with a disability and the educational needs of the child. The evaluation reports will vary from child to child, depending on the types of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report.

Extended school year (ESY). Additional special education and related services for students with disabilities to supplement the normal school year which are provided as part of a free and appropriate public education as defined in PL 94-192. The intent of ESY is to prevent significant regression which compromises the student's ability to make meaningful progress on the IEP, therefore, not providing the student with FAPE. ESY is not provided to guarantee mastery of goals/objectives.

Free appropriate public education (FAPE). Special education and related services that (1) are provided at public expense, under public supervision and direction, and without charge; (2) meet the standards of the State educational agency (DOE); (3) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (4) are provided in conformity with an individualized education program (IEP) that meets the requirements of IDEA 2004.

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

Functional Curriculum. A curriculum model for students with moderate and severe disabilities. Content is selected based on identified skills needed for functioning in current and future integrated community, residential, and vocational environments.

Georgia Network for Educational and Therapeutic Supports (GNETS). Supports local school systems' continuum of services by providing comprehensive special education and therapeutic support for students whose behavior severely impedes their learning.

General education. Students with disabilities are served in the general education class with no personnel support.

Homeless children. Has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. 11431 et. seq.

Infant or toddler with a disability. An individual under three years of age who needs early intervention services because the individual: 1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or 2. Has a diagnosed physical or mental condition that has a high probability of resulting in a development delay.

Independent educational evaluation (IEE). An evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the child in question.

Individualized education program (IEP). A written statement for a child with a disability for providing special education services for that child that is developed, reviewed, and revised in accordance with IDEA 2004, including the pupil's present levels of educational performance, the measurable annual goals, benchmarks for evaluating progress toward those goals, and the specific special education and related services to be provided.

Individualized education program team (IEP team). A team whose task is to develop an appropriate educational program for the child with a disability and includes: the parent; at least one of the child's regular education teachers; one of the child's special education teachers; a representative of the public agency that is qualified to provide or supervise the provision of instruction that is designed specifically for children with disabilities who is knowledgeable about general curriculum and the availability of resources (LEA); a person who can interpret the instructional implications of evaluation results; the child, if appropriate (required for transition meetings); and at the discretion of the parent or the public agency, other persons with knowledge or special expertise related to the child.

Individualized family service plan (IFSP). A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP can be written, if the IFSP meets all the requirements of the IEP.

Intellectual Disability (ID). Intellectual functioning based on multiple sources of information documenting IQ scores below 70; significant limitations in the child's effectiveness in meeting standards of maturation, learning, personal, independence or social responsibility; adaptive behavior in school and home that is at least two standard deviations below the mean in one of three areas: conceptual, social, or practical OR composite score that is two standard deviations below the mean; and documentation that deficits in intellectual functioning and adaptive behavior existed prior to age 18.

Interfering Behaviors. Behaviors such as stereotypic, ritualistic, aggressive, or self-injurious behavior(s), targeted by IEP objectives that would have prevented the student from receiving some benefit from his or her educational program during the regular school year, or whether the interruption of programming for this (these) interfering behavior(s) is likely to prevent the student from receiving benefit from his or her educational program without ESY service(s).

Interpreting services. Includes the following, when used with respect to children who are deaf or hard of hearing: oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and Type Well, and special interpreting services for children who are deaf-blind.

Least Restrictive Environment (LRE). To the greatest extent appropriate, children with disabilities (in public or private institutions or other care facilities) are educated with children who are nondisabled. Local educational agency (LEA). A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law.

Long-term suspension. The disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days (consecutive or cumulative).

Manifestation Determination. Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days or that constitutes a pattern of removals (a change of placement), the local educational agency, the parent, and relevant member of the IEP team (as determined by the LEA and the parent) shall meet to review all relevant information, including the student's IEP, the student's behavior intervention plan, any relevant teacher observations, and any relevant information provided by the parents to determine: (1) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (2) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP. If the review team determines that either (1) or (2) is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

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

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

Occupational therapy (OT). Skilled services and interventions provided by a qualified occupational therapist/occupational therapy assistant that include: improving developing, or restoring functions impaired or lost through illness, injury, or deprivation related to the student's ability to perform school-related tasks as independently as possible by evaluating and establishing goals to address deficits in the following are, as appropriate based on a student's individualized needs: fine and gross motor skills, sensorimotor skills, visual motor/perceptual skills, social integration, activities of daily living, feeding, positioning, and sensory processing and regulation for alertness/attention; (ii) improving ability to perform tasks for independent functioning if functions are impaired or lost; (iii) preventing, through skilled intervention, initial or further impairment or loss of function; and (iv) providing education and training of school personnel to support and monitor occupational therapy programs such a sensory diet, positioning, and feeding.

Orientation and mobility (O&M) services. Services provided to blind or visually impaired children by qualified personnel to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community. They include

teaching children the following, as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (ii) to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision; (iii) to understand and use remaining vision and distance low vision aids; and (iv) other concepts, technique, and tools.

Orthopedic Impairment (OI). Requires medical report indicating the diagnosis and prognosis; deficits in academic functioning, emotional development, adaptive behavior, motor, or communication skills.

Other Health Impaired (OHI). Chronic or acute health problems documented with medical report that indicates limits in strength, vitality, or alertness; deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor, or communication skills as a result of the health impairment

Parent. (a) Refers to:

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

(b) Except as provided in paragraph (c) below, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. (c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent."

Parent counseling and training. Assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP. **Personally identifiable information.** Includes: the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Physical education (PE). The development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.

Physical therapy (PT). Services provided by a qualified physical therapist to include: improving, developing, or restoring function and participation that have been impaired related to the student's ability to perform educational and related tasks as independently as possible; physical therapy in the school settings supports the purpose of IDEA – to advance "further education, employment and independent living" of children with disabilities and addresses the students'

goals for the educational environment; school-based physical therapy is a related service provided when it is required in order to assist a child with a disability to benefit from special education as determined by the student's IEP team; physical therapy provided in educational environments supports children's ability to function, access, and participate safely in all school environments. Physical therapists address issues involving safe access, balance, strength, motor skills, coordination, ambulation, transfers, safe mobility, and general independence as they relate to tasks required in educational environments. Physical therapists assist in providing equipment for students who need support for posture, positioning, proper structural alignment, class participation, and activities of daily living during school activities. This includes providing consult or training services to teaching staff and other personnel on behalf of students for training and monitoring physical therapy programs and equipment; and (v) prevention, through prompt skilled intervention, initial or further impairment or loss of function and participation.

Positive Behavioral Interventions and Supports (PBIS). An evidence-based, data-driven framework proven to reduce disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes.

Preschool child. A child who is at least three years of age but who has not reached the required age for kindergarten.

Prior written notice (PWN). Notice that includes a description of the action proposed or refused by the school, an explanation of why the school proposes or refuses to take the action, a description of any options the school considered and the reasons why those options were rejected, a description of each evaluation procedure, test, record or report the school used as a basis for the proposal or refusal, a description of any other factors that were relevant to the school's proposal or refusal, a full explanation of all of the procedural safeguards available to the parent and a listing of sources for parents to contact to obtain assistance in understanding the notice.

Psychological services. Includes administering psychological and educational tests, and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; planning and managing a program of psychological services, including psychological counseling for children and parents; and assisting in developing positive behavioral intervention strategies

Recreation. Includes assessment of leisure function; therapeutic recreation services; recreation programs in schools and community agencies; and leisure education. Recoupment. The ability to recover or regain skills at the level demonstrated prior to the interruption of education programming.

Regression. A decline to a lower level of functioning demonstrated by a decrease of previously attained skills that occur as a result of an interruption in educational programming. Severe Regression occurs when the amount of time required to relearn skills or behaviors becomes so significant that it interferes with the gains made during the school year. Since most students experience some regression over extended breaks, a significant increase in the recoupment period must exist in order for regression to pose a significant threat to the gains made during the school year.

Rehabilitation counseling services. Services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving

independence, and integration in the workplace and community of a child with a disability. The term also includes vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended 29 U.S.C. 701 et. seq.

Related services. Transportation, and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Includes speech-language pathology and auditory services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, travel training instruction, and medical services for diagnostic or evaluation purposes. Also includes school health services and school nurse services, social work services in schools, and parent counseling and training. Exception: does not include services that apply to children with surgically implanted devices (including cochlear implants) - the optimization of that device's functioning, the maintenance of that device, or the replacement of that device.

Removal from the classroom. Any disciplinary exclusion that results in a student being unable to access the general curriculum and progress toward his or her IEP goals; it may include in-school suspension and out-of-school suspension (including removals by school personnel for more than one-half of the school day) when either of the aforementioned provisions are not met.

Residential special education placement. The placement of a child with a disability in a public or private residential program, in order to provide the necessary special education and related services as specified in the child's individualized education program.

Revocation of Parent Consent for Placement. Based on the December 8, 2008 Congressional amendment to IDEA, the right of a parent to unilaterally remove their child from special education by putting their request in writing to the school district.

School health services and school nurse services. Health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

Serious Bodily Injury. An injury that involves (A) substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty. Accusing a student of inflicting serious bodily injury is a serious matter. Best practice suggests that careful consideration should be made to ensure the validity of the injury claim. For purposes of this rule, the definition of serious bodily injury is found in 21 U.S.C. Section 18(c).

Significant Development Delay (SDD). A child that is 2 standard deviations below the mean in one these areas: adaptive development, cognition, communication, motor skills, or emotional development; a child that is 1.5 standard deviations below the mean in at least two of these areas: adaptive development, cognition, communication, motor skills, or emotional development; initial eligibility must be established on or before the child's 7th birthday; may be used for children ages 3 through 9.

Short-term suspension. The disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. The 10 days can be consecutive or cumulative and can occur during one school year.

Social work services (in schools). Includes preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; working in

partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment at school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and assisting in developing positive behavioral intervention strategies.

Special Education. (a) General. 1. Specially-designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and instruction in physical education. 2. May also include the following if the services otherwise meet the requirements of (a) 1: speech-language pathology services; travel training; and vocational education.

Specially-designed instruction. Adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability; and to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children

Specific Learning Disability (SLD). Primary deficit in basic psychological processes identified; underachievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematical calculation, or mathematical problem solving; progress monitoring over a minimum of 12 weeks that indicates the child is not expected to make progress toward the benchmark.

Speech/Language Impairment (SI). An impairment in the areas of articulation, fluency, voice or language that adversely affects educational performance.

Speech/language pathology services. Includes: identification of children with speech or language impairments; diagnosis and appraisal of specific speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language provision of speech and language services for habilitation or prevention of communicative impairments; and counseling and guidance of parents, children, and teachers regarding speech and language impairments.

Supplementary aids and services. Aids, services, and other supports that are provided in general education classes or other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for FAPE.

Supportive instruction. Students with disabilities receive service from personnel other than a certified teacher in the general education classroom (I.e., a paraprofessional, interpreter, or job coach).

Traditional Summer School. Summer programs designed for special and/or general education students. These programs are voluntary and optional and provide enrichment or reinforcement activities. Summer school is not required to provide a student FAPE. ESY service(s) could be provided in combination with an existing summer school program as appropriate and as designated in a student's IEP.

Transition services. A coordinated set of activities for a child with a disability that (1) is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including support employment), continuing and adult education, adult

services, independent living, or community participation; (2) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transportation. Includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Traumatic Brain Injury (TBI). Deficits in cognitive, social, or motor skills due to acquired injury that adversely impact educational performance in cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, physical functions, communication and information processing; medical report or other that documents a traumatic brain injury has occurred.

Visual Impairment (VI). Even with correction, a loss in visual acuity or visual field as determined by evaluation that adversely affects a child's educational performance.

Vocational education. Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

Weapon. A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. The definition is from 18 U.S.C. Section 930(g)(2) and is also used for the term "weapon" in Georgia's Special Education Discipline Rule.

APPENDIX C: 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.

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- 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.

APPENDIX D: COMPONENTS OF A BEHAVIOR 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

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- 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.

APPENDIX E: 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 CCGPS 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. Three critical components of the annual measurable goal are:

- Conditions: Specify the context in which progress toward the goal is measured. Conditions are dependent on the behavior being measured and involve the application of skills or knowledge. Examples:
 - “When presented with a second grade reading passage...”
 - “When given a mixed fourth-grade-level math calculation probe...”
 - “Given a story prompt and three minutes to write...”
- Behavior: Clearly identifies the performance being monitored, usually reflects an action or can be directly observed and is measurable.
- Examples:
 - “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 fewer errors.”
 - “...85% or more of the problems presented.”
 - “...37 words per minute.”
- Elementary 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 a second grade-reading probe, Robert will increase his oral reading fluency to 89 words per minute.
- Middle School Example:
 - Present Level: When given a mixed 7th grade level math calculation probe, 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 a mixed 7th grade math calculation probe, 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 papers to
 - 90% accuracy for punctuation and spelling.
 - Key Points
 - Baseline data for measurable goals are included in the Present Levels of Academic Achievement and Functional Performance
 - Write an IEP goal so that a teacher who does not know the child can develop appropriate instructional plans and assess the student's progress
 - 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 **For more information, refer to:**
<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education/Services/Pages/IEP-Webinars.aspx>

Additional resources: http://www.learningport.us/resource/?course_id=147
<http://www.ritap.org/RTI/content/modules/Module%20SixProgressMonitoring.ppt>

APPENDIX F: FTE

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-June

Special Education codes are reviewed by the Special Education Director for each student. The information must be reviewed for the 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:
http://public.doe.k12.ga.us/DMGetDocument.aspx/FTE2011_General_Information_08_12_2010.doc?p=6CC6799F8C1371F68096ADF21740AC3BD3BAC3E00F7343F4FB252E28261728E7&Type=D

The main thing to remember is this:

FTE Counts are very important!!

Please be 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.

Reporting Services Exceptionality FTE Codes:

- P Mild Intellectual Disability
- Q Moderate Intellectual Disability
- R Severe Intellectual Disability
- S Profound Intellectual Disability
- T Emotional and Behavioral Disorder
- T Severe Emotional Disorder
- U Specific Learning Disability
- V Orthopedic Impairment
- W Hearing Impairment
- X Deaf
- Y Other Health Impairment
- Z Visual Impairment
- 1 Blind
- 2 Deaf and Blind
- 3 Speech-Language Impairment
- 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.

APPENDIX G: 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 or be sure to have

someone on the team who is able to defuse emotions in case anyone in the meeting becomes overly aroused.

APPENDIX H: Parental Rights at a Glance

Parental Rights at a Glance

Records

- Right to inspect, review, and release records

Confidentiality of Information

- Access is restricted

Independent Evaluation

- Right to an independent evaluation with results considered by the school

Notice

- Right to be notified and present at all meetings

Consent

- Consent must be given before evaluation, reevaluation, and any change in placement.

Hearings

- If we can't agree, a third party can be called to help make a decision Evaluation

Procedures

- Right to an appropriate evaluation by a qualified examiner

Least Restrictive Environment

- Right to have your child in regular classes as much as is appropriate

Surrogate Parents

- One may be assigned if needed Private School Placement
- This placement can be made only if the school system can't provide appropriate services

Interim Alternative Educational Setting

- If a student has a weapon or drugs the school may place the student in another educational setting or call for suspension

APPENDIX I: Completing the Eligibility Report Section

1 Student Information

Complete the child's identifying information.

Section 2 Case History

This section gives an overview picture of the child.

Complete all sections for a reevaluation since information may change over time.

Hearing and vision screenings are necessary prior to administration of assessments. The screenings should be completed within a year of the evaluation.

Section 3 Summary of Interventions PRIOR to Referral

This section gives the committee a quick look at the interventions and adaptation of content, methodology, and/or instructional delivery that have already occurred.

The data from these interventions will be documented in Section 4.

Initial eligibility – The committee will need to list the interventions provided for the child.

Reevaluation - The committee will need to list the specially designed instruction which includes: Adaptation of Content, Methodology (specialized program), or Instructional Delivery. It will also be important to list any additional areas of concern that have developed since the previous eligibility.

Immediate consideration of special education eligibility - The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration.

This means there are occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through Response to Intervention (RTI)/Student Support Team (SST) processes. **Section 4 Summary of Progress Monitoring Data Toward Achieving Standards**

This is the section where the committee shares the specific scientific, research or evidence based intervention(s) and provides accurate information on the progress monitoring data results for the intervention(s) implemented for an initial evaluation or the specially designed instruction for reevaluation.

- Area(s) of Difficulty

Initial evaluation - The “Area” field is where the committee will identify the area(s) of concern [such as academic (reading, mathematics, writing); behavioral; functional; or developmental]

Reevaluation -The “Area” field is where the committee will list the identified deficit areas based on the Individualized Education Program (IEP) goal(s) and additional areas of concern that have manifested since previous eligibility.

- Scientific, research, evidence based interventions

Initial eligibility – Identify (name) the specific intervention(s) implemented.

The scientific, research or evidence based intervention(s) will be implemented as designed for the appropriate period of time to show effect.

Reevaluation – Identify the specific specially designed instruction/intervention (specialized programs, methodology, or instructional delivery) implemented.

- Baseline Performance

Initial eligibility – Record baseline data for the intervention(s) implemented for Tiers 2, and 3. This will include the date, starting data point, and performance summary of that starting point.

Reevaluation – This will include the date the specially designed instruction/intervention was implemented from the IEP, the starting data point, and a performance summary of the starting point.

- Intervention Data

Initial eligibility - The progress monitoring data presented will show the child’s RTI (positive effect or lack of response) that demonstrates that the child is not making sufficient rate of progress to meet age or State-approved grade-level standards within a reasonable time frame.

The summary will provide information on the impact of the intervention on educational performance and discuss/address the **rate of learning**. A child whose rate of learning is

comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance. However, a child whose **rate of learning** is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. Trend lines or other projections for attaining grade level standards are appropriate to include in this data analysis.

Progress Monitoring

Reevaluation – The progress monitoring data will show present levels of academic achievement, behavioral needs and related developmental or functional needs of the child. The data will guide needs for any additional accommodation and/or modification to the special education and related services to meet the measurable annual goals set in the IEP. Because special education is included in Tier 4 there is an expectation of greater frequency of progress monitoring of child's RTI/intervention to guide decision making.

Section 5 Results of District, State, and Benchmark assessments

The academic assessment history is one source of information to combine with multiple sources to assist in the decision making. This section must include all district and state assessments the child has taken in the last calendar year but could include previous years if the assessment results are relevant to support the needs of the student. In addition to district and state assessments, benchmark assessments may also be included. Benchmark assessments will only be accepted as the sole support for this eligibility section if there are no results available on state and district level assessments (i.e. Kindergarten students who have not completed the GKIDS assessment, or transfer students). Include the student results along with the passing standard for the test (such as 800) to make it easier for individuals who are not directly involved in district, state and benchmark assessments to interpret results.

Section 6 Individual student data

Note: As one completes this section it may help you to determine what additional information/assessments are needed prior to eligibility team meeting. This section is a collection of assessments (formal/informal), observations, interviews, reports, and work samples completed by a multidisciplinary team. It is organized into domains to prompt the team to consider the whole child. The team is responsible for assessing the student in all areas either formally or informally. A more in depth assessment must be completed in all areas related to any suspected disabilities and in any other area deemed relevant. It is imperative when completing this form to make sure the team addresses **all** domains. If the child exhibits no concerns in a specific domain then the team needs to document the evidence available to support that no formal assessment is needed for the domain. The domain area needs to include the source providing the information and the date the decision was made:

Examples:

Social Domain: **Report/Assessment:** Classroom teacher observation; **Date:** 10/8/2009; **Results Strengths:** Teacher reports that Johnny has many friends and works well in collaborative settings therefore no social problems noted.

Sensory Processing: **Report/Assessment:** Parent and teacher report; **Date:** 10/8/2009; **Results Weaknesses:** Parents and teacher reports that Johnny exhibits tactile defensiveness when he eats soft foods. He refuses to eat foods that are soft and white. If he accidentally eats a soft food, he will gag and throw up. Both teachers and parents report that loud noises bother Johnny. This is observed during lunch in the cafeteria, on the bus, in the gym, and when the fire alarm rings. At the beginning of the year he would hide under desk and hold his hands tightly over his ears.

(Based on this example, the team has information that should guide the decision to investigate further through formal assessments.)

This section must be written from the perspective that anyone can interpret the information included in the chart.

- **Report(s)/Assessment(s) & Scores** – Give the name and measurement scale for scores. Teachers and parents need to be able to interpret what that score means. If gathered through informal assessment such as teacher observation or input, include the source.
- **Date** – This is the date the assessments (formal/informal), observations, interviews, reports, work samples, etc. were administered.
- **Results Strengths/Weaknesses** – Results are analyzed and interpreted in these sections.

Section 7 Exclusionary factors

The exclusion factors should have been discussed at length during the SST (Tier 3) process on whether the factor had an impact on the child’s educational progress. Exclusionary factors must be considered in eligibility determinations.

Each factor should be considered for its impact or lack of impact on educational progress. The explanation should describe why or why not a factor has influenced educational progress. Once the factors have been addressed, the team needs to refer to the responses and refer to the eligibility criteria for each disability category

The following is guidance on addressing each exclusionary factor.

- Lack of appropriate instruction in reading, math and written expression. Need to discuss: Did the child have access to quality instruction and research-based curricula?
- Limited English Proficiency. It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the child suspected of having a disability. It will be necessary to include a language profile for this child that specifically investigates the language proficiency in both the primary language and English.
- Cultural Factors. A child’s culture should not be a determinant factor of a disability. An important method of obtaining pertinent cultural information is by interviewing key family members. All results obtained must be interpreted in relation to the child’s dominant cultural influences.
- Environmental or economic disadvantage. A child’s environment or economic disadvantage should not be a determinant factor for determination of a disability.

The committee will need to thoroughly examine family stressors that may be impacting educational progress to include homelessness, unemployment, extended illnesses, death in the family, divorce, pre-school experiences, lack of books in the home or expectations of the family for the child.

- Atypical education history. The team must discuss if the child has high levels of mobility and/or absenteeism which may have influenced the educational progress of the child.
- Visual, hearing or motor disability. The committee will need to analyze information in order to rule out as source of difficulty when determining specific disabilities.
- Mutism, tongue thrust and dialectic. Mutism, tongue thrust behavior without associated speech sound impairment, and dialectic differences cannot be a speech language disorder. The committee will need to analyze information in order to rule out as source of difficulty when determining specific disabilities.

Section 8 Decision making for eligibility

The team will make a determination to continue with eligibility consideration by using the convergence of data from multiple sources to document each of the following:

- Grade level difference, such as large performance difference compared to peers and benchmark expectations in specific areas (data from State-wide testing, system level benchmarks, etc.)
(**For preschool:** Differences in age appropriate skills will be used in comparison to peers) •
- Rate of learning difference, such as a large difference in rate of learning compared to the trajectory toward the benchmarks when provided with high-quality interventions implemented over a significant period (CBM, progress monitoring, tiered support)
- Adverse educational impact, such as a review of the individual student qualitative and quantitative data that indicates the need for specially designed instruction.

The Committee Rationale is a summary of the specific reasons for the committee's decision. The rationale should clearly state why or why not the child has been determined in need of special education.

Section 9 Summary of considerations

In this section the committee has completed the discussion and agreed that the results of the data indicate there is an adverse impact on educational performance in specific area(s). The committee will use the chart to document those areas. Keep in mind educational performance refers to functional, developmental and/or academic areas. Checks in the chart must correlate with the data and assessment results collected. The committee should list the area(s) of disabilities being considered.

The committee should use the **Eligibility Quick Reference Guide** for guidance.

Section 10 Eligibility determination

Based on the review of the collection of data, assessments, observations, and interviews, the committee will determine which specific category(ies) the child meets eligibility criteria and if appropriate, the related services needed. The eligibility determination will be noted in the space available. The committee will summarize the data and information collected on the child that causes the committee to determine the specific eligibility. This explanation will document the reasons the committee made their decision.

Section 11 Eligibility team information

This section includes the title, position, and name of the members present.

For Specific Learning Disability (SLD) eligibility in accordance with Federal 34 CRF 300.311(b) and State law, each eligibility team member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the eligibility team member must submit a separate statement presenting the member's conclusions. A space is provided on the last page for that entry or the member may send in or attach a separate response. This is not to be used as a vote.

APPENDIX J: FREQUENTLY ASKED QUESTIONS ABOUT DISCIPLINE

Authority of System Personnel

What is meant by consecutive school days?

Consecutive refers to the number of days of suspension in a row.

How are cumulative days of suspension in a school year addressed?

The Discipline Rule addresses cumulative days by referring to school days in the same school year. Systems may suspend a student with disabilities for up to 10 (cumulative) school days total in a school year without providing special education and related services unless the system would provide services to a student without disabilities who has been similarly removed.

Does in-school suspension (ISS) constitute removal from school?

Not necessarily. If the student has access to the general curriculum and receives his or her IEP services while assigned to ISS, it is not counted as out-of-school suspension.

What is a free appropriate public education (FAPE) for a student who has been removed for more than 10 school days in a school year for disciplinary reasons? A modified concept of FAPE applies in those circumstances and consists of:

- Services which enable the student to continue to participate in the general education curriculum and
- Services which enable the student to progress toward meeting the goals set out in his or her IEP.

At what point in the disciplinary process is a student required to have a behavioral intervention plan (BIP)?

Within ten days of any decision to change the placement of a student with a disability because of a violation of the code of student conduct, the relevant members of the IEP Team must make the determination of whether the conduct was a manifestation of the student's disability. If it is determined to be a manifestation of the student's disability, a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) must be developed, reviewed, and/or modified.

What is a functional behavioral assessment?

A functional behavioral assessment (FBA) is the process of gathering information in order to determine the cause or function of a behavior prior to developing a behavior intervention plan. There are many tools and assessments that can be used for functional behavioral assessment. These should be individually selected on a case-by-case basis. Data for functional behavioral assessments should be derived from the student's school setting in order for accurate conclusions to be made. Forms for this are available on GoIEP. **What is the definition of behavioral intervention plan?**

A behavioral intervention plan (BIP) is positive interventions, strategies and supports designed to address the behavior in question. A team approach that includes relevant system staff and the parent is critical to developing a successful BIP. The BIP is a fluid plan that should be modified as necessary. Forms for this are available for on GoIEP.

Does a Behavior Intervention Plan (BIP) have to be based on a Functional Behavior Assessment (FBA)? Is a FBA required before a BIP can be done?

If the IEP team has adequate information to develop a Behavior Intervention Plan, a Functional Behavior Assessment may not be required. Although not required, it would be considered to be best practice to conduct a FBA prior to the development of a BIP.

In the case of a required FBA and BIP due to discipline procedures and the determination that the behavior in question was a manifestation of the student's disability, both a FBA and a BIP must be developed. If already completed, the FBA and BIP must be reviewed and revised as necessary.

Do removals from the school bus count as days of out of school suspension?

Yes, if special transportation is listed in the student's IEP, and if a student is suspended from the bus, IEP services have been interrupted. Therefore, the bus suspension/removal will be counted as out of school suspension unless the system makes provisions for alternative transportation.

MANIFESTATION DETERMINATION

Who makes the manifestation determination?

The determination is made by:

- the system;
- relevant members of the IEP Team, as determined by the system and the parent;
- and the parent.

Systems conduct a tribunal to determine guilt or innocence when a student is accused of a serious or repeated violation of the code of conduct. Is the manifestation determination conducted before or after the tribunal?

The manifestation determination should be conducted before the tribunal.

What must occur if the determination is made that the behavior in question was a manifestation of the student's disability?

The student must be returned to the placement from which the student was removed, except in the cases involving weapons, serious bodily injury or illegal drugs or controlled substances, unless the parent and the system agree to a change in placement.

If a BIP is not in place:

- IEP Team must conduct a functional behavioral assessment (FBA), unless the system had conducted one prior to the behavior; and
- implement a behavioral intervention plan (BIP). If a BIP is already in place:
- the IEP Team must review the existing BIP; and
- the IEP Team must make changes needed in the BIP to address the behavior. **What occurs if the determination is made that the behavior in question was not a manifestation of the student's disability?**

For disciplinary removals that would exceed 10 consecutive school days, system personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that the student must:

- continue to receive educational services so as to enable the student to participate in the general education setting, although in another setting and to progress toward meeting IEP goals, and
- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.

If the Manifestation Determination decides that student's behavior was not a manifestation of the disability and the tribunal decides that the student is to be served in an alternative educational setting, must the LSS provide transportation?

First, the tribunal does not determine the placement, the IEP determines the placement of the student so that he or she may continue progress toward meeting the IEP goals and accessing the general education curriculum. Whether or not transportation must be required will depend on whether specialized transportation was required in the IEP. If it was in the IEP, then it must be provided for alternative school. In other circumstances, the team must consider whether not

having transportation results in removing the student from services. If so, the IEP team should consider an alternative.

SPECIAL CIRCUMSTANCES/DEFINITIONS

What is the definition of a dangerous weapon?

“The term dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.” The definition as of the date of publication of this manual is from 18 U.S.C Section 930 (g)(2). This definition from the United States Code is used for the term “weapon” in Georgia’s special education Discipline Rule.

What is the definition of a serious bodily injury?

“Serious bodily injury means injury that involves (A) substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

Implicating a student of inflicting serious bodily injury is a serious matter. Best practice suggests that careful consideration should be made to ensure the validity of the injury claim. For the purposes of this Rule, the definition of serious bodily injury is found in the United States Code. The definition as of the date of publication of this manual is found in 21 U.S.C. Section 18(c).

What is the definition of controlled substance?

For the purposes of this Rule, the definition of controlled substance is that found in section 202(c) of the Controlled Substances Act. The definition is not included here because it is lengthy and changes frequently.

When are the provisions about weapons, illegal drugs, controlled substances and serious bodily injury in effect?

These provisions are in effect when students are:

- at school;
- on school premises; and
- at school functions.

NOTIFICATION

When should a parent be notified of a change of placement due to a removal because of a violation of the code of student conduct?

The system is responsible for notifying the parent and providing procedural safeguards on the date on which the decision is made to make such a removal that constitutes a change of placement.

APPEALS

What decisions about discipline can a parent appeal?

- the manifestation determination
 - the selection of an interim alternative educational setting regarding the issues of weapons, illegal drugs or controlled substances, or serious bodily injury
- Can the system appeal any decisions related to discipline?**

Yes, the system may appeal if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

What occurs if the parent or the system wants to appeal (see first 2 questions under “Appeals”)?

An expedited due process hearing occurs within 20 school days of the date the hearing is requested. A determination must be made by the administrative law judge within 10 school days after the hearing.

May the hearing officer’s decision on an expedited due process hearing be appealed? Yes. The parent or the system may appeal the administrative law judge’s opinion consistent with Rule 160-4-7:10 Dispute Resolution.

PLACEMENT DURING APPEALS

What happens to the student’s placement when an appeal under the Discipline Rule is made?

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting (IAES) pending the hearing decision or until the expiration of the 45 school day time period if the infraction involved illegal drugs, controlled substances, weapons or serious bodily injury, unless the parent and the system agree otherwise. The student does not stay put in his or her special education placement that was in place prior to the IAES.

PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE

What protections are in place for a student who has not been determined to be eligible for special education and related services and who has violated the code of student conduct? A student may assert protections under the Discipline Rule if the system had knowledge that the student was a student with a disability.

How is it determined that the system had knowledge that the student was a student with a disability?

A system is deemed to have knowledge that a student was a student with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

- the parent expressed concern that the student was in need of special education and related services (This concern must have been expressed in writing to supervisory or administrative personnel in the system, or to a teacher of the student)
- the parent requested an evaluation of the student (consistent with Rule 160-4-7.04 Evaluation & Reevaluations)
- the teacher of the student, or other system personnel, expressed specific concerns about a pattern of behavior of the student (these concerns must have been expressed directly to the local special education director or other system supervisory personnel)

If a student becomes involved in a disciplinary action and has been previously evaluated and determined ineligible for services, what is the system’s responsibility? In addition, if a parent requests an additional evaluation, what is the system’s responsibility?

- The system is not deemed to have knowledge that a student is a student with a disability if the parent has refused services or the student has been evaluated and found ineligible for services.

-
- If a parent requests an evaluation of a student during the time in which a student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - Until the evaluation is completed, the student remains in the educational placement determined by system authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the system must provide special education and related services.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

Can law enforcement officials be informed of suspected criminal activity of a student with a disability?

Yes. The system may report criminal acts committed by a student with a disability. Nothing in the Discipline Rule prohibits system officials from reporting criminal activity allegedly committed by a student with a disability.

What happens when the system or other agency reports a crime committed by a student with a disability?

Copies of the student's special education and disciplinary records, if appropriate, are sent to the agency to which the crime was reported.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

When does a change of placement occur?

A change of placement occurs:

- if the disciplinary removal is for more than 10 consecutive days or
- if the removal is part of a series of removals that constitutes a pattern **What constitutes a pattern of removals?**
- the series of removals totals more than 10 school days in a school year
- the behavior is substantially similar to previous incidents that required removal 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 have been considered

How is it determined that a series of removals constitutes a change of placement? The system determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process hearings and judicial proceedings.

APPENDIX K: TESTING ACCOMMODATIONS GUIDANCE

Testing Accommodations for Students with Disabilities Oral

Presentation:

General Information:

There are two oral presentation accommodations available to students with disabilities in the state of Georgia. Both are allowed by the Georgia Department of Education as a means to provide equitable access during instruction and assessments for this group of students. The state

of Georgia mandates that any accommodations provided to a student for a state assessment must be the provided for classroom instruction and classroom assessments. There are some accommodations that may be appropriate for instruction, but may not be appropriate for use on state assessments.

Accommodations must adhere to the following principles:

- Accommodations should enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills.
- Accommodations must be based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting.
- Accommodations must be justified and documented in the student's IEP.
- Accommodations must be aligned with and be a part of daily instruction; accommodations must not be introduced for the first time during the testing of a student.
- Accommodations should foster and facilitate independence for students, not dependence.
- Only accommodations listed as approved in Georgia's Student Assessment Handbook may be used on state-mandated tests.

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

There are two possible Oral Presentation Accommodations:

- Read aloud test except for reading passages. See below for more information.
- Read aloud test including reading passages. See below for more information.

If you have a student who does not fit the above criteria of either option one or option two and you feel that consideration should be given for this student to receive the accommodation of oral presentation, a written request for the accommodation with accompanying data supporting the request can be sent to the Director of Special Education. Contact the Director of Special Education for assistance in completing this request. All requests must be made prior to IEP meetings.

1. Oral reading of test questions in English only by reader or assistive technology is a standard accommodation that is available for struggling readers. If the student meets the criteria and the accommodation is included on their IEP for state testing, it must also be a part of the student's **daily instructional routine for all printed material**, with the exception of reading passages.
2. Oral reading of reading passages in English only by reader or assistive technology is a conditional accommodation for non-readers. Using the most recent benchmark ORF data, the student does not decode any words. The words read correctly on the ORF passage are sight words and not words that have been decoded by the student.

This accommodation may be considered when BOTH the following conditions apply:

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

The text must be read word-for-word exactly as written. The test administrator may not provide assistance to the student regarding the meaning of words, intent of test items, or responses to test items. The test administrator may not rearrange the order of text (e.g., read the questions before reading the passage). The test administrator may read test text to a small group provided all students have the same test form number. When a small group setting is used, the passage may be read once and each test item may be read twice. Each student must have a test book and must be instructed to follow along in their test booklet as the test administrator reads the text. If a student has this accommodation on their IEP for state testing, it must also be a part of the student's **daily instructional routine for all printed material**.

IMPORTANT POINTS:

All accommodations must be reconsidered by the IEP team on a yearly basis at the time of the annual review of the student's IEP. Decisions must be based on the most current data (ORF) for that student. When considering ORF, the IEP team must conduct an error analysis of the words the student read correctly to determine if the student is or is not decoding.

If a student has received accommodations and the most current ORF scores indicate a positive response to reading interventions provided for in the IEP, then the IEP team must apply guidelines to determine if the student continues to warrant the accommodation. If the student no longer meets the criteria, the accommodation must be removed from the IEP. If a student receives either of these accommodations, there must be evidence in the IEP (in the present level of performance) of the reading deficit and there must be a goal or goals addressing the reading deficit. Student performance on the intervention(s) should be progress monitored and data reported in progress reports and at annual reviews.

Provision of the accommodation must be evident in all classroom instruction and classroom assessments. **Additional Resources**

GAA Examiner's Manual from DOE

<http://public.doe.k12.ga.us/DMGetDocument.aspx/GAA%20Examiners%20Manual%202010-2011.pdf?p=6CC6799F8C1371F6ACE31216F3FAF832005189A95AC8450FB758820E003DD77D&Type=D>

Testing Accommodations Manual for Students with Disabilities (and ELL students)

From GaDOE

http://www.doe.k12.ga.us/DMGetDocument.aspx/Accommodations%20SPEELL_2008.ppt?p=6CC6799F8C1371F631EBD2B9711577C515DF8F9C68931223DF1CB320EC751054&Type=D

APPENDIX L: SPECIAL EDUCATION TEACHER JOB RESPONSIBILITIES

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 secure location.
- Report student data as requested by the Special Education Director
- Provide a Caseload Report as directed to the Special Education Director
- Completing portions of all Eligibilities (see Appendix L)

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, email, etc.)
- Other contacts with parent(s)/guardian(s)/surrogate(s) should be recorded in GoIEP (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 and forwarded to the Special Education Director.
- 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 L).

6) Attending Due Process Meetings

- Attendance is required at all IEP Meetings for students on your caseload
- IEP meetings are scheduled from the Special Education office.
- 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).

7) Attending Special Education Meetings

- All special education teachers are expected to attend building departmental meetings and system-wide special education meetings.
- These meetings are scheduled to explain rules, regulations, local procedures, etc.
- Teachers will be notified in advance so that they can make plans to attend.

8) 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.

9) 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.

APPENDIX M: Special Education Paraprofessional JOB RESPONSIBILITIES

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

1) Supportive of Instruction

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

2) Interacting with Students

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

3) 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.

4) Monitoring Students

- Observes, records, and charts student's behavioral responses in the classroom •
Reports unusual changes in student behavior to supervising teacher.

5) Ethics

- Confidentiality is maintained at all times.
- Complies with all local, state, and federal regulations and policies.

6) Additional Expectations

- Maintains prompt and regular attendance.
- Uses appropriate communication skills, both written and oral.
- Limits taking care of personal business during work hours.
- Maintains a professional appearance in dress and grooming. • Assists in routine
classroom housekeeping duties
- Exhibits time on task and hardworking attitude.
- Exhibits flexibility and a cooperative attitude.

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

