

TAYLOR COUNTY SCHOOL SYSTEM



Special Education Policies and Procedures Manual

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This Special Education Policies and Procedures Manual details the procedures that the Taylor County School System will follow in complying with the state and federal regulations pertaining to educating students with special needs. The school system adopts and incorporates by reference the applicable provisions of IDEA, including those presently set forth in 20 U.S.C. S1415 and State of Georgia Department of Education Rules.

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Confidentiality of Personally Identifiable Information

DEFINITION

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

CONFIDENTIAL INFORMATION

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

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

ACCESS RIGHTS AND REQUIRED PROCEDURES

1. Parents are permitted to inspect and review any education records that are collected, maintained, or used by the Taylor County Special Education Services Division. Special education staff at each school shall refer all requests to the Taylor County Special Education Services Division. The Taylor County Special Education Services Division will comply with the request prior to an IEP meeting, due process hearing, or resolution session. At no time will the Taylor County Special Education Services Division respond beyond forty-five (45) days of receiving a request to inspect or review a student's educational records.
2. Parents will have the following rights pertaining to records:
 - A. Right to inspect, review, and have copies of all education records;
 - B. Right to have an explanation and interpretation of records;
 - C. Right to have a representative of the parents inspect and review the records, unless the district has been advised that the parents do not have legal authorization, as identified through legal documents concerning guardianship, separation, or divorce; and
 - D. Right to request an amendment of any records with which they disagree.
3. At the age of 18, the rights of parents regarding education records will transfer to the adult student
4. Student records are stored in locking file cabinets. Selected system personnel have unlimited access to records, including:
 - A. Building principals,
 - B. Assistant principals,
 - C. Taylor County Special Education Services Division personnel,
 - D. School psychologists,
 - E. Special education teachers, and
 - F. Guidance counselors
5. When there is a legitimate purpose, school personnel may access records by:
 - A. Signing the folder's access form (SE-13-1),
 - B. Listing the purpose for accessing the folder, and
 - C. Entering the date of access.
6. For education records that contain information on more than one student, Taylor County School personnel may inform the parent of specific information, pertaining to his or her child. If a parent requests to inspect or review the data which contains information on more than one student, Taylor

County School personnel will redact the personally identifiable information on other students, before allowing the parent to inspect or review the record.

7. Following the placement committee meeting, confidential records shall be kept under lock and key:
 - A. If placed into special education services, records will be filed in the special education services division office with selected portions photocopied and returned to the school to be filed in office.
 - B. If the student is not eligible for special education services, the documentation remains with the SST coordinator at each school site to be moved up as child proceeds to higher grades. The SST coordinator ensures that all documents are maintained under lock and key. All psychological evaluations are identified as confidential information and shall not be readily accessible to any stakeholder.
8. The special education services division will adhere to the system's policies regarding the destruction of records (shred 27 years after birthday). Special education records will be destroyed when no longer useful and only after an effort to notify the child's parents. Selected portions of the records may be maintained without limitation.
9. The system may elect to charge a fee for photocopying special education records.

AMENDMENT OF RECORDS AT PARENT REQUEST

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

RESULTS OF A HEARING

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

CONSENT

1. The Taylor County Special Education Services personnel will receive parental consent, in writing, before disclosing personally identifiable information to any third party. **Exceptions include:**

- A.** Parents of eligible children;
- B.** School personnel, including teachers and cooperating or shared service agency representatives (The Taylor County Special Education Services personnel will maintain a list of staff members and service representatives, as well as job titles, of individuals who have access to personally identifiable information. The list will be updated annually.);
- C.** School officials from another school system or postsecondary education institution (When the district receives a request from a postsecondary education institution, the Taylor County Special Education Services personnel will notify the student’s parents of the transfer and will provide the parent with a copy of the transferring record. If the parent wishes to challenge the contents of the record, the district will conduct a hearing, allowing the parent to challenge the content of the record.);
- D.** Authorized Federal, State, or local representatives in connection with an audit or evaluation of supported education programs, as well as enforcement of or compliance with legal requirements;
- E.** Financial aid representatives for which a student has applied or has received funding, if the information is necessary to assist the student;
- F.** Organizations conducting studies for educational agencies or institutions to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction;
- G.** Accrediting organizations;
- H.** Representatives of the judicial circuit, whereby the agent has issued a judicial order or subpoena (The Taylor County Special Education Services personnel will attempt to notify the parent of the request before releasing the records, unless the judicial order or subpoena strictly prohibits disclosure to the parent.);
- I.** Health or safety emergency personnel, if the records contain information that would protect the health or safety of the student or other individuals;
- J.** Data identified as “directory information” (Prior to releasing “directory information,” the Taylor County Special Education Services personnel will release a public notice to parents and eligible students of the types of personally identifiable information that the district deems as directory information. The public notice will inform parents and students of the right to refuse any or all types of information about the student as directory information. If a parent or student refuses disclosure of directory information, the Taylor County Special Education Services Department must receive, in writing, within forty-five (45) days the request to disclose any or all types of information as directory information.);
- K.** The Office for Civil Rights; and
- L.** Officials within the Department of Human Resources, Department of Corrections, Department of Juvenile Justice, and Department of Labor for the purposes of making appropriate educational decision regarding the student’s placement.
- M.** Vocational Rehabilitation requests for records.

SAFEGUARDS

- 1.** The Taylor County Special Education Services personnel will maintain confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction states.
- 2.** Unauthorized persons are not permitted to receive personally identifiable information without parent consent. The Taylor County Special Education Services personnel will ensure that parent consent is received before releasing personally identifiable information to any third party, unless the third party serves as an exclusionary member listed under the Consent section on page 5 of this manual.

3. To ensure compliance with the collection or use of personally identifiable information, the district superintendent will assign a designee to provide annual training on the district's policies and procedures.

DESTRUCTION OF INFORMATION

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

Student Support Team

DEFINITION

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

REQUIREMENTS

1. The Taylor County School personnel shall follow the student support team (SST) procedures (forms included), as outlined in the Taylor County School District Procedures and Forms RTI / SST / Section 504 Plan Manual.
2. Before submitting a referral for supplemental or support services, the Taylor County School personnel shall ensure that an evaluation and/or assessment **Consent** form has been signed by the parent(s), guardian(s), or surrogate(s). Any prior evaluation and/or assessment, conducted for a state or federal program, shall be considered as having met the evaluation and/or assessment requirement.
3. The Student Support Team shall include, at a minimum, the referring teacher and at least two of the following participants:
 - A. Parent
 - B. Principal / Assistant Principal,
 - C. General education teacher,
 - D. Counselor,
 - E. Lead teacher,
 - F. School psychologist,
 - G. Subject area specialist / Academic Coaches,
 - H. ESOL instructor,
 - I. Special education teacher,
 - J. School social worker,
 - K. Central office personnel,
 - L. Section 504 coordinator / Special Education Director, and
 - M. Any other appropriate personnel.
4. Documentation of SST activities shall include, at a minimum, the following:
 - A. Student's name,
 - B. Names of team members,
 - C. Meeting dates,
 - D. Initial referral to SST,
 - E. Identification of student learning and/or behavior problems,
 - F. Student Background Information
 - G. Any records and results of assessments (in-school screenings), completed within a 12-month period,
 - H. SST minutes,
 - I. Education plan and implementation results (SST strategies and interventions for Tiers I – III, depending on the student's progression in the Response to Intervention process),
 - J. SST final recommendation, and
 - K. A Notice of Referral (SE-13-2).

EXCEPTIONS TO THE USE OF THE SST PROCESS

1. If school personnel and parents/guardians determine that a reasonable cause exists to bypass the SST process, the school personnel, in conjunction with the parents/guardians, shall issue a justification statement explaining the reasons for bypassing the SST process. The document must contain a statement which indicates the parents/guardians agreement with the decision to bypass SST, as well as signatures of all parties involved in the decision-making process. The student's record must, also, identify interim strategies, interventions, and modifications that will be used to aid the student.

2. Students who transfer into the district with a current Individualized Education Program or Section 504 Protection or Accommodation Plan are not required to enter the Student Support Team process.

Child Find Procedures

DEFINITION

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

GENERAL PROCEDURE

1. Semi-annually, the Taylor County Special Education Services Division will initiate an awareness campaign for the purpose of discovering those individuals who are candidates for special education and/or related services. The Taylor County Special Education Services Division personnel will post Child Find flyers in local clinics and post offices within Taylor County. Personnel will, also, publish/post an announcement of special education and related services in the local newspaper and on the Taylor County School District website.
2. For children birth through age three, the Taylor County Special Education Services Division personnel will notify a representative from Babies Can't Wait early intervention program.
3. When a child is between the ages of three and five and not yet eligible for state-funded kindergarten, the Taylor County Special Education Services Division personnel will contact the PEECH Program Director.
4. If a child is an enrolled student in the Taylor County School System, the teacher will initiate the Response to Intervention/Student Support Team processes with assistance from the Student Support Team Coordinator.
5. For highly mobile children, including migrant children, the Taylor County Special Education Services Division will contact the School Service Provider, a member of the district's Migrant Education staff.
6. If a child is detained or incarcerated in the city/county operated jail or correctional facility, the Taylor County Special Education Services Division personnel will contact a designated officer from the Taylor County Justice Center.
7. Children with disabilities parentally-placed in private or religious schools or home schooled are not entitled to a free appropriate public education (FAPE), but the district will provide services based on a proportionate share of federal funds. Annually, the Taylor County Special Education Services Division personnel will contact principals/headmasters of private schools and discuss available special education services. The two entities will sign a written agreement prior to the beginning of each school year. Subsequently, when the district receives notification of home school children, information concerning special education and related services will be forwarded to the parent.
8. In addition to the procedures listed above, GLRS and Child Serve personnel will provide further public awareness campaigns on an annual basis.
9. Prior to the beginning of school, the Taylor County Special Education Services Division will review student Individualized Education Plans and input the information into the Student Information System database.
10. Special education teachers will submit monthly data to the Taylor County Special Education Services Division. The documentation includes individual caseloads, reevaluation logs, and initial placement logs.
11. Annually, the Taylor County Special Education Services Division personnel will submit, via the Georgia Department of Education portal, accurate data concerning the eligibility of students between the

ages of three and twenty-one for special education and related services. The Taylor County Special Education Services Division personnel will utilize the timeline, provided by the Georgia Department of Education Special Education Services and Supports, to present the requested data in a timely manner.

INTERVENTIONS PRIOR TO REFERRAL

1. Taylor County School System personnel will utilize a variety of in-school screenings to identify instructional interventions or strategies to assist with the academic or behavioral concerns, exhibited by students. The in-school screenings will not be utilized to determine eligibility for special education and/or related services. District staff will utilize the Response to Intervention/Student Support Team Manual to initiate the appropriate procedures before referring a student for a psychological evaluation.

2. After completing the procedures for Tiers I – III of the Response to Intervention/Student Support Team Manual, the following documentation will be forwarded to the Taylor County Special Education Services Division:

- A.** Student's name,
- B.** Names of team members,
- C.** Meeting dates,
- D.** Initial referral to SST,
- E.** Identification of student learning and/or behavior problems,
- F.** Student Background Information
- G.** Any records and results of assessments (in-school screenings), completed within a 12-month period,
- H.** SST minutes,
- I.** Education plan and implementation results (SST strategies and interventions for Tiers I – III),
- J.** SST final recommendation
- K.** A Notice of Referral (SE-13-2)

3. If immediate evaluation and/or placement are required due to a significant disability, a student may transition immediately to Tier IV of the RTI/SST process. The eligibility team will provide clear and concise evidence, supporting the need to bypass the RTI/SST process.

Evaluations and Reevaluations

DEFINITION

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

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

INITIAL EVALUATIONS

1. The Taylor County Special Education Services Division personnel will ensure that a comprehensive psychological evaluation has been completed on a student before the student receives special education or related services.
2. Students requiring Comprehensive Speech and Language Evaluations will be referred to the attending Speech and Language Pathologists to complete the eligibility process.
3. When psychological testing is required, the special education office staff will log receipt of the 'packet' and check contents for due process compliance. The special education office staff will send, via US Mail, Consent for Evaluation (SE-13-3) and Description of Types of Evaluations (SE-13-3a) to the parent(s), guardian(s), or surrogate(s).
4. Upon receipt of signed Consent for Evaluation (SE-13-3) in the Special Education Department, the special education office staff will notify, via e-mail, the SST Coordinator the final date (sixty-days) to conduct an eligibility meeting.
5. At the completion of the psychological battery, the psychologist will provide the system with a psychological report. If further diagnostic work is required to determine special education eligibility, the psychologist will notify the Special Education Department of recommended areas to be assessed. Special Education office staff will notify school personnel of pending evaluations.
6. With evaluation procedures completed, the student's eligibility is ready for consideration by the school's Eligibility Team.
7. An Eligibility Report (SE-13-7) must be completed in the eligibility meeting. See Guidance for Eligibility Report (Appendix A) & Eligibility Report Quick Reference Guide (Appendix B) for additional information.
8. The evaluation and placement process shall be completed without undue delay; within sixty (60) calendar days from the receipt of consent from parent(s), guardian(s), or surrogate(s) for initial evaluation to the development of the IEP. Holiday periods and other circumstances when children are not in attendance for five consecutive school days shall not be counted toward the 60 day timeline, including the weekend days before and after holiday periods, if contiguous to the holidays. During the summer vacation period, when the majority of teachers are not under contract, the days will not be included in the sixty (60) day timeline for evaluation. Summer evaluations are permissible, if the Taylor

County Special Education Services Division personnel and the school psychologist are in agreement.

9. For parental consents received thirty (30) or more days prior to the end of the school year, psychological evaluations must be conducted within the sixty (60) day timeframe.

10. The PEECH pre-kindergarten director and staff will ensure that any student who turns three (3) years of age, referred from Babies Can't Wait, will receive an eligibility decision and an IEP (if appropriate) on or before the third birthday.

11. The sixty (60) calendar day timeframe for evaluations, after receiving parental consent, will apply, unless the following exceptions occur:

- A. The parent of a child repeatedly fails or refuses to produce the child for an evaluation;
- B. A child enrolls in another school district, after the relevant timeline has begun and prior to an eligibility determination meeting. (If the enrolling school is making sufficient progress to complete the evaluation process and the enrolling school personnel and parents have agreed upon a completion date, the exception does not apply.); or
- C. Extenuating circumstances (i.e. illness, unusual evaluation needs, or revocation of parent's consent for evaluation) adversely affect the timeline. The Taylor County Special Education Services Division will document the exception and maintain the record in the student's file.

PARENTAL CONSENT FOR EVALUATION

1. Before submitting a request for an evaluation to the school psychologist or licensed speech pathologist, the Taylor County Special Education Services Division will issue a consent form to the parent/guardian, requesting permission to conduct a comprehensive evaluation. The division staff will utilize communication methods, in the following order, for obtaining signed, parental consent forms:

- A. U.S. mail (two attempts),
- B. Telephone calls (two attempts), and
- C. Home or employment visit (two attempts). [The Taylor County Special Education Services Division staff will contact the parent liaisons for respective schools to provide assistance in obtaining parental consent during home or employment visits.]

2. The Taylor County Special Education Services Division staff will maintain contact logs, identifying the date and type of communication, as well as the results.

3. If a parent refuses to sign consent for an evaluation or fails to respond to a consent request, the district may pursue the initial evaluation by utilizing the mediation and impartial due process hearing procedures provided in the procedural safeguards.

4. For students who are home schooled or parentally-placed in private schools and whose parents refuse consent or fail to respond to consent requests, the Taylor County Special Education Services Division shall maintain documentation of contact attempts. Personnel will document the date and type of attempts and will indicate that no services will be provided.

5. When a student is a ward of the State and is not residing with his or her parents, parental consent is not required **for an initial evaluation** to determine if the child is eligible for special education or related services. The following stipulations shall apply:

- A. District personnel are unable to discover the whereabouts of the parents;
- B. The parents' rights have been terminated in accordance with State law; or
- C. A judge has appointed a surrogate parent to make educational decisions for the child.

6. Staff members are not required to obtain parental consent during the following circumstances:

- A. the review of existing data on a student as a part of an evaluation or reevaluation;

- B.** the administration of group tests or evaluations, unless parental consent is required for all students;
- C.** the administration of screening tools to assist with determining intervention strategies (These screening devices are not to be considered as a form of evaluation to determine eligibility for special education or related services.)

REEVALUATIONS

1. Reevaluations must be conducted once every three (3) years.
2. Exceptions to the triennial timeline include:
 - A.** an agreement between the staff members and parents that a reevaluation is not necessary at the end of the three-year period;
 - B.** a review of academic achievement and functional performance indicate that a reevaluation is necessary, prior to the end of the three-year period, to determine educational or related services needs; or
 - C.** a request by a child's parent or teacher, prior to the end of the three-year period.
3. Reevaluations may not occur more than once within a twelve month period (1 year), unless the parents and district staff agree otherwise.
4. Before submitting a request for a reevaluation to the school psychologist, the Taylor County Special Education Services Division will issue a consent form to the parent/guardian, requesting permission to conduct a reevaluation. The division staff will utilize communication methods, in the following order, for obtaining signed, parental consent forms:
 - A.** U.S. mail (one attempt)
 - B.** Telephone calls (one attempt), and
 - C.** Home or employment visit (one attempt). [The Taylor County Special Education Services Division staff will contact the parent liaisons for respective schools to provide assistance in obtaining parental consent during home or employment visits.]
5. If the parent fails to respond to the parental consent, the Taylor County Special Education Services Division staff will maintain contact logs, identifying the date and type of communication, as well as the results. The district staff will insert copies of the attempted contacts, as well as all other pertinent documents, in the reevaluation packet and will forward to the school psychologist or licensed school pathologist.

EVALUATION PROCEDURES

1. Before submitting a request for an evaluation to the school psychologist or licensed school pathologist, the Taylor County Special Education Services Division will issue a consent form to the parent/guardian, requesting permission to conduct a comprehensive evaluation. The division staff will utilize communication methods, in the following order, for obtaining signed, parental consent forms:
 - A.** U.S. mail (two attempts),
 - B.** Telephone calls (two attempts), and
 - C.** Home or employment visit (two attempts). [The Taylor County Special Education Services Division staff will contact the parent liaisons for respective schools to provide assistance in obtaining parental consent during home or employment visits.]

Conduct of Evaluation

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

A. utilize a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the child, including information provided by the parents that may assist in determining:

(i) whether the child is a child with a disability; and

(ii) the content of the child's individualized education program including information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child to participate in appropriate activities);

B. not use any single procedure as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

C. use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Other Evaluation Procedures.

1. The Taylor County Special Education Services Division shall ensure that:

A. Assessments and other evaluation materials used to assess a child under this section:

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

(iii) Are used for the purposes in which the evaluations or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(vi) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(vii) Evaluation tools and strategies are used which provide relevant information that directly assists persons in determining the educational needs of the child.

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

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

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

3. In evaluating each child with a disability under this rule, the evaluation shall be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
4. Evaluations of children with disabilities who transfer from the Taylor County School System to another LEA in the same school year are coordinated with those children's prior and subsequent schools, as necessary and expeditiously as possible, to ensure prompt completion of full evaluations.
5. The evaluation of children referred because of learning and/or behavior problems is the responsibility of a multidisciplinary evaluation team. For children who require a psychological and clinical evaluation, it must be conducted by a qualified psychological examiner.
6. If external evaluations are considered for special education eligibility, the initial evaluation must be conducted by the following:
 - A. a psychologist with a valid S-5 (or higher) certificate in school psychology,
 - B. a psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in school psychology or child clinical psychology,
 - C. a full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training, or
 - D. a Georgia Merit System employee who has a classification rating of psychologist, senior psychologist, or psychology program specialist.

ADDITIONAL REQUIREMENTS

Review of Existing Evaluation Data.

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

Requirements If Additional Data Are Not Needed

1. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the Taylor County School System:

A. Must notify the child's parents of that determination and the reasons for it and notify the parents of the right to request an evaluation to determine whether the child continues to be a child with a disability and to determine the child's educational needs;

B. Is not required to conduct such an evaluation to determine whether the child continues to be a child with a disability unless requested by the child's parents.

Evaluations before Change in Eligibility

1. Before determining that a student no long requires special education services, Taylor County School System must evaluate the student.

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

DETERMINATION OF ELIGIBILITY

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

A. An Eligibility Team, consisting of qualified professionals and the child's parents, reviews all pertinent data, including aptitude and achievement tests, parent input, and teacher recommendations, to determine whether the child is a child with a disability.

B. The Eligibility Team discusses the student's physical condition, social or cultural background, and adaptive behavior to establish the educational needs of the child.

C. A copy of the evaluation report and eligibility determination report is provided at no cost to the parents.

D. A student may not be determined a child with a disability if the evaluation report indicates a lack of appropriate reading or math instruction, limited English proficiency, or failure to meet program eligibility requirements.

E. If the Eligibility Team decides that a student has a disability that affects educational performance (academic, functional, and/or development), the student needs special education and related services. An eligibility report which documents the area of disability shall be completed and placed in each child's special education folder. The eligibility report shall provide statements for each component of the eligibility and shall be comprehensive enough to serve as the evaluation report when necessary. The special education instructor on the Eligibility Team will complete eligibility report and will develop an IEP for the student.

F. For students who are determined not eligible for special education and related services by the Eligibility Team, the eligibility report shall clearly explain the determination. A copy of the eligibility report shall be presented to the parent at no cost.

Eligibility Determination and Categories of Eligibility

DEFINITION

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

1. AUTISM SPECTRUM DISORDER (AUT).

Definition

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

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

Evaluations and Assessments

The following evaluations and assessments shall be utilized to determine the presence of the characteristics of autism spectrum disorder.

- 1.** Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior. (Please refer to page 16 of this manual and adhere to evaluation procedures.)
- 2.** Educational evaluation to include an assessment of educational performance and current functioning levels. The Taylor County Special Education instructor shall complete educational screenings which will assess educational performance and current functioning levels.
- 3.** Communication evaluation to include assessment of verbal and non-verbal communication, prosody (linguistics including intonation, rhythm and focus in speech), and pragmatic language utilizing both formal and informal measures. (Please refer to page 16 of this manual and adhere to evaluation procedures.)
- 4.** Behavioral evaluations to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder. (Please refer to page 16 of this manual and adhere to evaluation procedures.)

5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with autism spectrum disorder after age three if the characteristics of autism spectrum disorder are met. The Taylor County Special Education Services Division will ensure that the district receives all pertinent records from PEECH Pre-K.

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

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

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

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

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

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

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

2. DEAFBLIND (DB)

Definition

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

Eligibility and Placement

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

Additional Requirements

For each child who has been diagnosed as deafblind, the Taylor County Special Education Division staff will complete the Georgia Deafblind Census report.

3. DEAF/HARD OF HEARING (D/HH)

Definitions

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

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

Eligibility and Placement

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

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

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

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

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

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

Additional Requirements

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

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

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

4. The Taylor County Special Services Division shall adhere to the following procedures to ensure proper functioning of assistive amplification devices, used by children who are deaf or hard of hearing.

A. Annually, the special education instructor and paraprofessional, if assigned, will receive training from CF-RESA on the proper maintenance and techniques required to ensure proper functioning of assistive amplification devices.

B. The special education instructor and/or paraprofessional, if assigned, will test the assistive amplification devices used by children who are deaf or hard of hearing each morning before class begins.

C. The special education staff will maintain a daily log, indicating the time and date of the test and the responsible person. Logs will remain in the classroom, until the last working day of the month. On the last working day of the month, the special education teacher will forward a copy of the log to the Taylor County Special Services Division.

D. The special education teacher will advise parents to submit, in writing, verification of device checks by audiologist and will include the documentation in the submission of the monthly logs to the Taylor County Special Education Services Division.

E. During the summer, the Taylor County Special Services Division will ensure that equipment purchased by the Taylor County Board of Education receives annual testing by CF-RESA.

4. EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

Definition

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

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

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

Eligibility and Placement

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:
 - A. Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions;
 - B. Psychological and educational evaluations;
 - C. Report of behavioral observations over a significant period of time;
 - D. Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and
 - E. Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.
2. A child must not be determined to be a child with an Emotional and Behavioral Disorder if the primary factor for that determination is:
 - A. Lack of appropriate instruction in reading, including the essential components of reading instruction;

- B.** Lack of appropriate instruction in math;
- C.** Lack of appropriate instruction in writing;
- D.** Limited English proficiency;
- E.** Visual, hearing, or motor disability;
- F.** Intellectual disabilities;
- G.** Cultural factors;
- H.** Environmental or economic disadvantage; or

I. Atypical education history (multiple school attendance, lack of attendance, etc.).

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

5. INTELLECTUAL DISABILITY (ID)

Definition

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

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

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

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

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

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

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

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

8. Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.

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

- A. Lack of appropriate instruction in reading, including the essential components of reading instruction;
- B. Lack of appropriate instruction in math;
- C. Lack of appropriate instruction in written expression;
- D. Limited English proficiency;
- E. Visual, hearing or motor disability;
- F. Emotional disturbances;
- G. Cultural factors;
- H. Environmental or economic disadvantage; or
- I. Atypical educational history (multiple school attendance, lack of attendance, etc.).

Eligibility and Placement

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

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

1. Mild intellectual disability (MID) - Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55 and deficits in adaptive behavior that

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

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

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

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

6. ORTHOPEDIC IMPAIRMENT (OI)

Definition

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

This term may include:

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

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

Eligibility and Placement

Evaluation for initial eligibility shall include the following:

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

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

7. OTHER HEALTH IMPAIRMENT (OHI)

Definition

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

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

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

Eligibility

1. Evaluation for initial eligibility shall include the following:

A. The medical evaluation from a licensed doctor of medicine, or in the case of ADD and ADHD an evaluation by a licensed doctor of medicine or licensed clinical psychologist, should be considered by the child's Eligibility Team as part of the process of determining eligibility. The evaluation report shall indicate the diagnosis/prognosis of the child's health impairment, along with information as applicable regarding medications, special health care procedures and special diet or activity restrictions. The evaluation report used for initial eligibility shall be current within one year and must document the impact of the physical condition on the vitality, alertness or strength of the child. In cases of illness where the child's physical health and well-being are subject to deterioration or change, this report shall be updated as frequently as determined by the IEP Committee. A medical diagnosis does not automatically include or exclude a child from determination of eligibility.

B. A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child's educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given.

C. A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is:

- (i) Lack of appropriate instruction in reading, including the essential components of reading instruction;
- (ii) Lack of appropriate instruction in math;
- (iii) Lack of appropriate instruction in writing;
- (iv) Limited English proficiency;
- (v) Visual, hearing or motor disability;

- (vi) Intellectual disabilities;
- (vii) Emotional disturbances;
- (viii) Cultural factors;
- (ix) Environmental or economic disadvantage; or
- (x) Atypical educational history (attendance at multiple schools, lack of attendance).

Placement and Service Delivery

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

8. SIGNIFICANT DEVELOPMENTAL DELAY

Definition

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

Eligibility

1. Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1.5 standard deviations below the mean in two or more areas shall meet eligibility for SDD.
2. For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to:
 - A. Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;
 - B. Lack of appropriate instruction in math or math readiness skills;
 - C. Limited English proficiency;
 - D. Visual, hearing or motor disability;
 - E. Emotional disturbances;
 - F. Cultural factors; or
 - G. Environmental or economic disadvantage.

3. The application of professional judgment is a critical element at every stage of eligibility determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized, teacher made or other tests.
4. All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations.
5. For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation must be obtained to determine if the child also meets eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments, or orthopedic impairments. Students with sensory, physical or communication disabilities must receive services appropriate for their needs, whether or not specific eligibility is determined.

Placement and Service Delivery

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

9. SPECIFIC LEARNING DISABILITIES (SLD).

Definition

1. Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage.
2. The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequately according to age to meet State-approved grade-level standards. These achievement deficiencies must be directly related to a pervasive processing deficit and to the child's response to scientific, research-based interventions. The nature of the deficit(s) is such that classroom performance is not correctable without specialized techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This is clearly documented by the child's response to instruction as demonstrated by a review of the progress monitoring available in general education and Student Support Team (SST) intervention

plans as supported by work samples and classroom observations. The child's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility.

Exclusionary Factors

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

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

Required Data Collection

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

A. Data collected must include:

- (i) At least two current (within twelve months) assessments such as the results of the CRCT or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
- (ii) Information from the teacher related to routine classroom instruction and monitoring of the child's performance. The report must document the child's academic performance and behavior in the areas of difficulty.
- (iii) Results from supplementary instruction that has been or is being provided:
 - (a) that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;
 - (b) such instruction has been implemented as designed for the period of time indicated by the instructional strategies. If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade-level standards within a reasonable time frame;
- (iv) the interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.

2. Any educationally relevant medical findings that would impact achievement must also be included.
3. After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:
 - A. An observation by a required group member;
 - B. Documentation that the determination is not primarily due to any of the exclusionary factors;
 - C. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and
 - D. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include:
 - (i) A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months,
 - (ii) Current Response to Intervention data based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.
 - (iii) As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

1. The child who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.
2. Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence must be included documenting that the processing deficits are relevant to the child's academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the child **is** not making the expected progress toward established benchmarks. This is indicated by comparing the child's rate of progress toward attainment of grade level standards.
3. Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:
 - A. Oral expression- use of spoken language to communicate ideas;
 - B. Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels;
 - C. Written expression - ability to communicate ideas effectively in writing with appropriate language;
 - D. Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;

E. Reading comprehension-ability to understand the meaning of written language based in child's native language;

F. Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;

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

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

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

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

The SLD Eligibility Group

1. The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals that must include:

A. The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age;

B. A highly qualified certified special education teacher; and

C. A minimum of one other professional qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child's individual needs.

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

10. SPEECH-LANGUAGE IMPAIRMENT (SI)

Definitions

Speech or language impairment refers to a communication disorder, such as stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance. A

speech or language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, voice or language. Individuals may demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability or it may be secondary to other disabilities.

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

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

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

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

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

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

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

Evaluation, Eligibility and Placement

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

Evaluation

1. Documentation of the child’s response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.
2. A comprehensive evaluation shall be performed by a certified or licensed Speech- Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in determining if the child is a child with a disability. An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure.
3. A full and individual initial evaluation for each area suspected of being a disability must be provided and considered prior to the child’s eligibility for speech-language services. This may include assessments in the areas of health (e.g. ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. The evaluation is sufficient to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been referred or classified.
5. Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice impairment on the child’s educational performance.
6. A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of

the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

Eligibility

1. Determining eligibility for speech-language impaired special education services includes three components:
 - A. Presence or absence of speech-language impairment based on Georgia rules and regulations for special education, as determined by the Speech and Language Pathologist,
 - B. Documentation of an adverse affect of the impairment on the child's educational performance, and
 - C. Eligibility team decision indicating that the student is eligible for special education and needs appropriate specialized instruction to access the student's curriculum.
2. Eligibility shall be determined based on the documented results of at least two or more measures or procedures, at least one of which must be formal, administered in the area of impairment and documentation of adverse affect.
3. A speech-language disorder does not exist if:
 - A. Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or
 - B. A child exhibits inconsistent, situational, transitory or developmentally appropriate speech-language difficulties that children experience at various times and to various degrees.
4. Because children who have communication difficulties do not necessarily have speech or language impairments, the speech-language program may not be the appropriate service delivery model to adequately meet the child's educational needs. For this reason, all children who are suspected of having communication problems shall be the subject of a Student Support Team (SST) to problem solve and implement strategies to determine and limit the adverse affect on the child's educational performance.
5. For nonverbal or verbally limited children and those with autism and/or significant intellectual, sensory, or physical disabilities, a multidisciplinary team of professionals shall provide a functional communication assessment of the child to determine eligibility for speech-language services. The multidisciplinary team shall consist of professionals appropriately related to the child's area of disability.
6. A child is eligible for placement in a speech-language program if, following a comprehensive evaluation; the child demonstrates impairment in one or more of the following areas: speech sound, fluency, voice or language that negatively impacts the child's ability to participate in the classroom environment. The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, must be documented in writing and used to assist in determining eligibility.

Placement

1. Placement in the speech-language program shall be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information.
2. Children shall not be excluded from a speech-language program based solely on the severity of the disability. Cognitive referencing (i.e., comparing language scores to IQ scores) is not permissible as the only criteria for determining eligibility for speech-language impaired services.

Communication Paraprofessionals- A communication paraprofessional is an adjunct to the Speech Language Pathologist (SLP) and assists with certain duties and tasks within the speech-language program. The communication paraprofessional is under the supervision of a certified or licensed SLP.

The communication paraprofessional cannot carry their own caseload, nor do they increase the certified SLP's caseload outside of a self-contained classroom. The primary responsibility for the delivery of services, as indicated on the IEP, remains with the certified or licensed SLP. Children who receive services from the communication paraprofessional shall also receive services from the supervising SLP and/or licensed or certified SLP a percentage of the time designated in the IEP for speech-language services, but no less than one hour per month.

Procedures for Supervision of Communication Paraprofessionals

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

11. TRAUMATIC BRAIN INJURY (TBI)

Definition

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the child's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory,

perceptual and motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma.

Eligibility

1. Evaluation for eligibility shall include the following:

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

B. Verification of the TBI through the following:

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

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

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

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

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

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

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

Placement and Service Delivery

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

12. VISUAL IMPAIRMENT (VI)

Definitions

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

1. Blind refers to a child whose visual acuity is 20/200 or less in the better eye after correction or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some children who are legally blind have useful vision and may read print.

2. Visually impaired refers to a child whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction or who have a limitation in the field of vision that adversely impacts educational progress.

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

Eligibility and Placement

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

D. The length of the period of instruction and the frequency and duration of each instructional session; and

E. The level of competency in Braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used.

F. For those children in which Braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicate the absence of Braille instruction will not impair the child's ability to read and write effectively.

Private Schools

Definition

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

Requirements for Children with Disabilities in Private Schools Placed or Referred by the Taylor County School System

1. The Taylor County Special Education Service Division staff will ensure that special education and related services provided by the private school or facility is:
 - A. in compliance with the student's IEP,
 - B. at no cost to the parents,
 - C. provided an education that meets the standards provided by the Georgia Department of Education and the Taylor County School System,
 - D. provided all of the rights for a child with a disability who is served in the Taylor County School System.

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

1. The Taylor County School System is not responsible for the cost of educating a student in a private school or facility, if the district made FAPE available and the parents elected to enroll the student in the private school or facility. Parentally-placed private school students are afforded all of the rights for a child with a disability who is served in the Taylor County School System.
2. Procedural safeguards/parental rights are provided to parents of a student with disabilities, if the parents disagree with the district about the provision of FAPE, regarding the availability of an appropriate program and the financial responsibility of the district (Please refer to pages 48 and 49 of this manual and review Procedural Safeguards/Parental Rights).

Reimbursement for Private School Placement

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

Limitation on Reimbursement

1. The reimbursement costs for private school enrollment may be reduced or denied if:
 - A. the parents, at the last attended IEP meeting, failed to inform the IEP Team of the parents' rejection of the proposed placement by the district to provide FAPE and failed to verbalize the intent to enroll the child in a private facility;

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

Exception to Limitation on Reimbursement

1. The cost of reimbursement will not be reduced or denied for a parent's failure to provide written notification of intent to withdraw the student or to voice proposed placement concerns, if:
 - A.** the school prevented the parents from issuing a written notice;
 - B.** the parents did not receive parental rights notification under IDEA and were not aware of the requirement for submitting a written notice;
 - C.** the provision of notice would likely result in physical or emotional harm to the student; or
 - D.** the parents are not literate or cannot write in English.

Requirements for Parentally-Placed Private School Students with Disabilities

1. The Taylor County Special Education Services Division will locate, identify, and evaluate all private school children with disabilities, including out-of-state students, enrolled in a private school or facility located in Taylor County. (Please refer to Child Find Procedures, located on page 9 of this manual.)
2. Taylor County Special Education Services Division staff will consult with private school representatives to complete Child Find activities, comparable to the activities performed by the district for students with disabilities enrolled in public schools.
3. Taylor County Special Education Services Division staff will ensure that each parentally-placed private school student with disabilities has a service plan which indicates the special education and related services provided by the Taylor County School System.
4. Taylor County Special Education Services Division staff will maintain records of parentally-placed private school students and will provide the following information to the Georgia Department of Education:
 - A.** The number of children evaluated;
 - B.** The number of children determined to be children with disabilities; and
 - C.** The number of children served.

Expenditure Guidelines for Private School Students with Disabilities

1. For children ages three (3) to twenty-one (21), the Taylor County School System must expend a proportionate share of Title VI, Part B-IDEA Flow-through funds for students with disabilities enrolled in a private school or facility in Taylor County.
2. For children ages three (3) to five (5), the Taylor County School System must expend a proportionate share of Title VI, Part B-IDEA Preschool funding for students with disabilities, ages three (3) to five (5), enrolled in a private school or facility in Taylor County, including private facilities that operate a kindergarten program.

3. If equitable service funds are not expended by the end of the fiscal year, the Taylor County School District must utilize the carryover funds for parentally-placed private school students, receiving special education and related services.
4. Child Find activities are the responsibility of the Taylor County School System; therefore, Child Find activities shall not be included in equitable services expenditure tests.
5. Taylor County Special Services Division staff will consult with private school representatives to determine the number of private school children with disabilities in the annual count, conducted on December 1 of each year. The purpose of the annual child count on December 1 of each year is to determine the amount of funds Taylor County School System must spend on equitable services to private school children with disabilities for the upcoming fiscal year.
6. Taylor County Special Services Division staff will ensure that resources and/or equipment requested by the private school for children receiving special education and related services supplement and do not supplant. District staff will ensure that materials and equipment are secular, neutral, and nonideological.

Consultation with Private School Representatives

1. Taylor County Special Services Division staff will consult with private school representatives for the following:
 - A. Child Find procedures and activities;
 - B. Determination and calculation of proportionate share;
 - C. Consultation process and schedule;
 - D. Provisions for special education and related services, including types of services, apportionment of funds, and decision-making timeframes.
2. If service disagreements arise between the private school officials and the Taylor County Special Education Services Division staff, the district staff will provide a written explanation of the reasons the district elected not to provide services directly or through a contract.
3. After private school consultations, the Taylor County Special Education Services staff will obtain written, signed affirmation within ten (10) business days of the meeting. If the private school officials fail to submit a written, signed affirmation, the Taylor County Special Education Services staff will contact the Georgia Department of Education.
4. Failure to engage in consultation with private school officials may result in the submission of a complaint by the private school officials to the Georgia Department of Education.
 - A. The private school officials must submit the grievance through the Formal Complaint Process, as identified under Dispute Resolution on page ____ of this manual.
 - B. If the private school officials are dissatisfied with the Georgia Department of Education's decision, the private school officials may issue a complaint to the United State Department of Education, whereby the Georgia Department of Education must forward all appropriate documentation.

Equitable Services

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

2. The Taylor County School System must make the final decisions with respect to the services which will be provided to parentally-placed private school students with disabilities prior to the start of the school year.
 - A. In April of each year, Taylor County Special Services Division staff will present a draft agreement to the Taylor County School System's board attorney, concerning special education and related services for private school students with disabilities.
 - B. After the attorney's review, the Taylor County Special Services Division staff member will consult with private school officials to discuss special education and related services for private school students with disabilities.
 - C. The private school officials and the Taylor County School Superintendent will sign the agreement. Copies will remain, on file, at the Taylor County Special Services Division, the Taylor County Board of Education, and the private school facility.
3. Taylor County Special Education staff, in conjunction with private school representatives, will complete a services plan for each private school student with disabilities who will receive special education and related services provided by the Taylor County School System. The services plan becomes effective at the beginning of the school year and shall be reviewed periodically, at a minimum of one time per school term. The Taylor County Special Education staff will initiate and conduct meetings to assist in the development, review, and/or revision of all services plans. The services plan will include a description of the special education and related services, as well as supplementary aids and services, which will be provided to the student with disabilities. Taylor County Special Education staff will send meeting notifications to the private school representatives. If the private school representative is unable to attend the meeting, the Taylor County Special Education staff communicates directly or via telephone with the private school member.
4. Taylor County Special Services Division staff will ensure that instructional staff meets the same standards as personnel providing service within the school district, except the personnel will not be required to meet highly qualified status.
5. Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities enrolled in the Taylor County School System.
6. Special education and related services for private school students with disabilities may be provided by an employee of the Taylor County School System or contracted through an individual, organization, association, agency, or other entity.

Location of Services

1. Services for private school students with disabilities will be provided at the Taylor County School System sites.
2. Services may be provided at the private school, including a religious school, to the extent consistent with the law.

Transportation of Private School Students with Disabilities

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

2. The Taylor County School System will not provide transportation from the student's home to the private school or facility.
3. Transportation costs will be included in the proportionate funding calculations.

Complaints

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

Requirement That Funds Not Benefit a Private School

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

Use of Personnel

1. If special education or related services are not normally provided by the private school or facility, Title VI-B IDEA Flow-through or Federal Preschool funds may be used to provide personnel in a private school or facility in order to meet the needs of private school children with disabilities.
 - A. Personnel employed through Title VI-B IDEA Flow-through or Federal Preschool funds must complete services outside the regular hours of duty and must remain under the Taylor County School System's supervision and control.

Separate Classes

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

Property, Equipment, and Supplies

1. Taylor County Special Education Services Division will supervise the expenditures of equipment and supply requests from private schools with enrolled students who receive special education and related services. The Taylor County School System will control and administer special education and related service funding.
2. The Taylor County Special Education Services Division will maintain property inventories and requisition forms for all property, equipment, and supplies used to provide special education and related services to private school students.
3. The property, equipment, and supplies afforded to the private schools for special education and related services will remain at the facility for the period in which services are needed.
4. The Taylor County Special Education Services Division will issue to private school officials a memorandum of understanding which indicates that property, equipment, and supplies will be used for special education purposes.

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

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

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

Least Restrictive Environment

Definition

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

Requirements

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

A. The IEP Team will consider serving students with disabilities in the general education environment, as a first placement option.

B. The second placement option will include special education services in the general education environment with supplemental aids and services, as needed.

C. Separate classes, schools, or other placements whereby students are removed from the general education environment will only be considered when the IEP team determines that the nature and/or severity of the disability

Placement in the Least Restrictive Environment

LRE requires that, to the maximum extent appropriate, students with disabilities aged 3 through 21, in public or private institutions or other care facilities, are educated with children who are not disabled [34 C.F.R. §300.550 (b)(1)]. The ISBE will monitor programs and institutions that serve students with disabilities to ensure that the first placement option considered is a regular education environment, with the use of supplemental aids and services as needed. Special classes, separate schooling, or other placements by which students with disabilities are removed from the regular education environment should occur only if the student's Individual Educational Program ("IEP") team determines that the nature or severity of the disability is such that education in a regular classroom setting, even with the use of supplemental aids and services, cannot be achieved satisfactorily.

Continuum of Alternative Placements

Each responsible public or private agency must provide assurances to the ISBE that a continuum of alternative placements is available to address the needs of students with disabilities and ensure that those students receive special education and related services appropriate to their needs.

The continuum of alternative placements must include instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions and must provide for supplementary services.

The IEP team must base its placement decision on the identified needs of each student with a disability. The team must first determine how or whether the individual needs of the student can be met in the regular education classroom with individual supports and aids. It must be able to justify a more restrictive option in terms of the LRE provisions and the needs of the student.

Placements

Each public or appropriate private agency that determines educational placements for students with disabilities must assure the ISBE that:

- Placements are based on the identified needs of individual students with disabilities as documented in their respective IEPs and considered only after the goals and objectives/benchmarks have been determined.
- Decisions about the placement of students with disabilities are made by a group of persons, including the parents and other persons knowledgeable about the child, who will review and evaluate relevant data and consider placement options appropriate to each student's specific identified needs.
- Placement decisions conform to the LRE provisions referenced in state and federal laws, rules and associated regulations.
- Placements of students with disabilities are determined at least annually.
- Placements are located as close to the student's home as possible. First consideration is given to the school the student would attend if not disabled and other placements are considered only if the IEP team determines that the student's needs require a different location to ensure a free appropriate public education in the least restrictive environment.
- Full-time placement of a student with a disability in the general education setting is not appropriate where the student, despite the provisions of supplemental aids and services, is so disruptive in all or part of a general education setting that he/she significantly impairs the education of other students.
- Students with disabilities should not be removed from placement in an age appropriate regular classroom solely because modifications or supports or services may be required in the general education curriculum or for administrative convenience.
- To the maximum extent appropriate, students with disabilities are involved in the regular education curriculum. The IEP must include a statement regarding the effect of the child's disability on his or her progress and involvement in the general education curriculum.
- Each student's IEP states whether the student will participate in state and/or local district assessments, and if so, whether fully or in part, and whether any modifications or accommodations are appropriate and necessary. If the student with a disability is excluded from these assessments, the IEP team describes what alternate assessment techniques will be used and how scores will be integrated and reported (34 C.F.R. §300.138-300.139).

Nonacademic Settings

The LRE mandate also applies to nonacademic services and extracurricular activities. School districts and other agencies serving students with disabilities must ensure that these students have an equal opportunity to participate in such activities (34 C.F.R. §300.553). When a district or appropriate private agency provides or arranges nonacademic and extracurricular services/activities

(1) LRE REQUIREMENTS.

(a) Each LEA shall have policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia shall be educated with children who are not disabled. [34 C.F.R. § 300.114(a)(2)(i)]

(b) Special classes, separate schooling or other removal of children with disabilities from the regular class environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 C.F.R. § 300.114(a)(2)(ii)]

(2) DETERMINING EDUCATIONAL PLACEMENTS.

(a) In determining the educational placement of a child with a disability, including a preschool child with a disability, each LEA must ensure that the placement decision:

1. Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
2. Is made in conformity with the LRE provisions contained in this rule. [34 C.F.R. § 300.116(a)(1) – (2)]

(b) The child's placement is determined at least annually, is based on the child's IEP and is as close as possible to the child's home; [34 C.F.R. § 300.116(b)(1) – (3)]

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled; [34 C.F.R. § 300.116(c)]

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and [34 C.F.R. § 300.116(d)]

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

[34 C.F.R. § 300.116(e)]

(3) CONTINUUM OF ALTERNATIVE PLACEMENTS. 160-4-7-.07-2 LEAST RESTRICTIVE ENVIRONMENT (LRE)

- (a) Each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. [34 C.F.R. § 300.115(a)]
- (b) The above continuum must -
 - 1. Include the alternative placements listed in the definition of special education (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - 2. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. [34 C.F.R. § 300.115(b)(1) – (2)]
- (c) Preschool placements include:
 - (1) A regular education early childhood program in the public school or community (such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare), and preschool programs with special education services delivered as;
 - (i) Additional supportive services. The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.
 - (ii) Direct services
 - (I) The child remains in a regular early childhood program with direct services from special education personnel utilizing a consultative, collaborative or coteaching model.
 - (II) The child is in the regular education early childhood program but special education and related services are provided outside a regular education early childhood program.
 - 2. Placements for children not attending a regular early childhood program:
 - (i) A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;
 - (ii) A program provided at home as a natural environment;
 - (iii) A program provided through service providers in their offices; or
 - (iv) Any combination of the above and/or other settings based on the child’s IEP.
- (d) School age placements: 160-4-7-.07-3 LEAST RESTRICTIVE ENVIRONMENT (LRE)

1. General education classroom with age-appropriate non-disabled peers, if required by the IEP:
 - (i) Additional supportive services. The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP.
The services provided may be from personnel such as paraprofessionals, interpreters, or others.
 - (ii) Direct services. The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.
 2. Instruction outside the general classroom for individuals or small groups.
 3. Separate day school or program.
 4. Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations:
 - (i). A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
 - (ii) home-based services must be reviewed no less than quarterly by the IEP team; and
 - (iii) all IEPs that require home-based placements will include a reintegration plan for returning to the school setting.
 5. Residential placement in-state or out-of-state.
 6. Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. The LEA shall provide hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.
- (4) NONACADEMIC SETTINGS.**
- (a) Extracurricular services and activities, including meals, recess periods, and other services and activities, each LEA shall ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The LEA must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings. [34 C.F.R. § 300.117] 160-4-7-.07-4 LEAST RESTRICTIVE ENVIRONMENT (LRE)

(b) Each LEA must ensure the provision of supplementary aides and services determined appropriate by the IEP team in order to allow children with disabilities an equitable opportunity for participation in nonacademic and extracurricular activities.

(c) Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available (34 C.F.R. § 300.107)

(5) CHILDREN IN PUBLIC OR PRIVATE INSTITUTIONS.

(a) The LEA shall assure that no child with a disability placed by the LEA in a public or private institution is denied access to an education in the LRE, except for those students in adult prisons as described in 160-4-7-.02 FREE AND APPROPRIATE PUBLIC EDUCATION. [34 C.F.R. § 300.118]

(b) The LEA responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services. [34 C.F.R. § 300.108(d)]

(6) TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES.

(a) Each LEA must carry out activities to ensure that all teachers and administrators are fully informed about their responsibilities for implementing LRE; and

(b) Are provided with technical assistance and training necessary to assist them in this effort. [34 C.F.R. § 300.119(a) – (b)]

(7) This rule shall become effective March 31, 2010.

What are Parent's Rights in Georgia Special Education?

Parents and students over age eighteen have the right . . .

To Participate

You have the right to refer your child for special education services, to help with creating the development of the individualized education program (IEP), and to be informed of all program options and alternatives, both public and nonpublic.

To receive Prior Written Notice

You have a right to get notified in your native language when the school system initiates a change in the identification, assessment, or educational placement in special education. In Georgia, the IEP may serve as prior written notice.

To Consent

You must sign an agreement before your child is assessed or provided with any special education services. You must also provide consent before any change in special education placement occurs. In addition, you must provide consent in most situations before the school releases information about your child to others.

To Refuse Consent

You may refuse evaluation for or placement of your child in special education or the other situations described above.

To be Given Nondiscriminatory Assessment

Your child must be tested for special education in ways that are fair to your child, which means that tests cannot be discriminatory or culturally biased.

To Receive Independent Educational Assessments

You may get an independent educational evaluation for your child at the public's expense if you do not agree with the school system's evaluation. The school system must help you get a second opinion if you ask them. If the system believes that an independent evaluation is not needed, it may ask for a hearing to prove that the system's assessment is appropriate.

To Access Your Educational Records

You have the right to look at and get copies of your child's educational records.

To Stay in the Current Program if There Is a Disagreement about Placement

If you disagree with the system regarding your child's special education placement or proposed change in placement, the law requires the student to "stay put" in the current program until the disagreement is resolved.

To Be Given a Hearing Regarding Disagreements about an IEP

You have the right to file a request for Due Process Hearing related to the provision of a free appropriate public education for your child. You have the right to have an attorney, an advocate, and the student present at the Due Process Hearing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorney's fees and fees paid to nonpublic institutions by parents in the settlement of a case.

To request a Due Process Hearing or to receive a complete notice of procedural safeguards related to fair hearing, contact the Divisions for Special Education Services and Supports of your local school system.

To Participate in a Resolution Session

You have the right to be part of a resolution session that gives parents and school systems a chance to settle any issues in the due process complaint. In this way, parents and school systems may avoid a Due Process Hearing and give immediate benefit to the child. If parents and the school reach an agreement, they both must sign a legally binding agreement. If it is not settled, the parents and school may go to a Due Process Hearing.

To Receive Mediation

You are also encouraged to consider settling disagreements regarding your child's special education program through voluntary mediation, a process through which parents and systems try to find a solution to which both can agree with the help of an impartial mediator. You can seek mediation separate from due process, or you can participate in mediation prior to a Due Process Hearing. Mediation cannot be used to delay your right to a Due Process Hearing.

To File a Complaint against Your School System

If you believe that your child's school system has not complied with the laws, you may file a complaint with the Georgia Department of Education.

The Department must investigate the complaint and issue a written report of findings within 60 days of receiving the complaint.

To Be Informed of School Discipline and Alternative Placement

There are specific rules regarding suspensions and expulsions of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities.

If your child is in such a placement for more than 10 days, an IEP meeting must be held to consider the appropriateness of your child's current placement and the extent to which the disability is the cause of the misconduct. Regardless of your child's placement, the system must provide a free appropriate educational program for your child.

To Be Informed of Policies Regarding Children Who Attend Private Schools

Children who are enrolled by their parents in private schools may participate in some publicly funded special education programs. Although school systems have clear responsibility to offer a free appropriate public education to students with disabilities, recent changes in federal law have greatly lessened the school systems responsibility to provide services to students who have been enrolled in private schools.