

Special Education Supervision and Monitoring Manual

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Columbia County School District

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This manual is to be used as a guide for implementation and in conjunction with the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and its regulations, the Georgia State Department of Education Rules, and the Georgia Implementation Manuals. This Special Education Supervision and Monitoring Manual details the procedures that Columbia County School District, Director of Special Services, and School Administrators will follow to ensure compliance with state and federal regulations pertaining to educating students with disabilities. If any information in this manual conflicts with current state rules, the rules supersede.

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See also Transition Services under IEP section

AREA OF GENERAL SUPERVISION I: Identification Processes

Indicators:

- 9: *Disproportionality in Special Education*
- 10: *Disproportionality by Category*
- 11: *Child Find*
- 12: *Early Childhood Transition*

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

State Rule 160-4-7-.08

The Columbia County School District assures that all information that identifies a student as a student with a disability is kept confidential.

Components of General Supervision

- Confidential Information
- Access rights and required procedures
- Amendment of records at parent request
- Results of hearing
- Parent Consent
- Safeguards
- Destruction of confidential information

Confidential Information

All information that identifies a student as having a disability is kept confidential. This includes, but is not limited to, psychological assessments, medical records, IEP documents, progress reports on IEP goals/objectives, etc. Information will be shared with staff who have a need to know the information. All information will be kept separate from the student's permanent record that is maintained in the school vault and will be kept in a secure location, under lock and key at the school level and in a secure electronic platform at the district level.

Access Rights and Required Procedures

Parents/Guardians have a right to review all special education records. Parents/Guardians should provide a 24 hour notice to the Director of Special Services of their desire to review electronic special education records. The parents/guardians will be required to provide proper identification prior to having access to the record. Parent will be required to sign the Access to Data sheet.

Amendment of Records at Parent Request

Parents/Guardians may request that records be amended if they believe the record is inaccurate. They must notify the Director of Special Services in writing. An IEP meeting will be scheduled within five (5) school days to discuss the request. If the committee agrees to amend the record, the record will be amended. If the committee disagrees with the amendment request, the parent/guardian will be informed of his/her rights to mediation, resolution and/or due process.

Results of Hearing

Records will be amended and parents notified by the Director of Special Services of the amendment, if the hearing results indicate that the records should be amended per the request of the parent. If the hearing results do not indicate that the records should be amended, the Director of Special Services will notify the parent in writing, informing the parent of the right to place a statement in the record, of the disagreement with what is represented.

Parent Consent

Parent consent must be provided before records are released to any outside agency. A records release must be signed, with the exception of releasing records to another school system within the state of Georgia. Special education records may be released to another school system in Georgia when a student with a disability transfers.

Safeguards

Training for all special education teachers and administrators is provided at the beginning of each school year, on the Confidentiality of Personally Identifiable Information.

DESTRUCTION/METHOD TO MONITOR FOR COMPLIANCE

All records are in the Columbia County School District electronic database. Paper copies of special education records are no longer maintained. At the school level, access is given electronically to students' records on a need to know basis. Logs are maintained for anyone who requests and picks up copies of student records.

All special education records at the school level will be maintained in a locked file cabinet in the teacher's classroom or designated area.

MONITORING STAFF

System Level - Director of Special Services; Special Services Records Clerk

School Level – Principal, Special Education Specialist

STUDENT SUPPORT TEAM

State Rule 160-4-2-.32

The Columbia County School District utilizes a Multi-Tiered System of Supports (MTSS) for students who exhibit deficits with academics, behavior and/or speech/language. The Student Support Team will be initiated for students who experience challenges and who have not responded to the recommended MTSS pathway interventions.

Components of General Supervision

- Requirement for local school SST
- Student evaluation
- SST members
- Parents/guardian participation
- Steps of the SST process
- Documentation of SST Activities
- Exceptions to the use of the SST process

Definition

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

Requirements

- a. Each school shall have one SST, at a minimum
- b. SST shall include at a minimum the referring teacher and at least two of the following participants, as appropriate, to meet the needs of the student:
 - i. Principal
 - ii. General Education Teacher
 - iii. Counselor
 - iv. School Psychologist
 - v. Subject area specialist
 - vi. EL Teacher
 - vii. School Social Worker
 - viii. School Section 504 Administrator
 - ix. Speech/Language Pathologist
 - x. School SST Coordinator
 - xi. Behavior Interventionist
- c. Parents/Guardians shall be invited to participate in all meetings of their child's SST and in the development of interventions for their child.

Student Evaluation

School level SST will follow the guidance outlined on the MTSS process guide for each area of suspected disability and submit all documentation to the Department of Assessment and Student Learning Support Services (DASLSS) for review. No assessment can be administered for the purpose of determining eligibility for special education services without the informed consent of the parent/guardian. Therefore, benchmark assessments, screening assessments results etc. cannot be used as an evaluation to determine eligibility.

SST Members

SST members are listed on the process guide. All required members, per State Board Rule 160-4-2-.32 **must** participate in the SST process.

Parent/Guardian Participation

Parents/Guardians must be invited to participate in the SST process. The school level SST/MTSS administrator is responsible for inviting the parent/guardian to the meetings.

Steps of SST Process/Documentation of SST Activities

SST process and documentation of SST activities are outlined in the MTSS/SST process guide.

MTSS Guidelines



UNIVERSAL SCREENING

- All students will be screened **three times a year** according to CCBOE guidelines and screening schedule.
- Students who are within the Strategic or Intensive range will be further screened with additional **Early Reading Measures** or the **Curriculum Based Measure for Reading (CBMR)**.
- *Grade Level Data Teams* will use the *Group Screening Report* to list their students as College Pathway, Benchmark, Strategic, or Intensive.
- *Grade Level Data Teams* will use the *Reading Placement Pathway* to determine the placement test to administer to students scoring in the Intensive range.
- School/district level teams will utilize screening data to determine the effectiveness of the district systems.

DIAGNOSTICS

- Diagnostic assessment follows screening to determine why students are considered At-Risk.
- Placement Tests for the corresponding program will be given to students who are entering the Intensive Pathway. (See Placement Guidelines)
- Informal assessments will be given to students who are entering the Strategic Pathway to determine their one or two focus skills.
- When students are not considered High Risk or Some Risk based on diagnostic measures, then *Grade Level Data Teams* should review all data to determine why the students are considered At-Risk on screening measures.

GROUP PLACEMENT

Grade Level Data Teams (Assistant Principal, Instructional Specialist, Interventionist and Grade Level Teachers) will:

- Use the placement guidelines for each program to determine groups.
 - When students place out of range for their grade level, refer to the *Reading Placement Pathway* and the *Reading Program Placement Guidelines* to determine if the next program on the pathway would be appropriate to consider.
- Set a group goal. The goal and progress monitoring level will be determined by the outcome of the program the students are grouped in.
- Establish progress monitoring groups:
 - **Strategic** groups will be **progress monitored monthly** and **Intensive** groups will be **progress monitored bi-weekly**.

DATA REVIEW OF STRATEGIC GROUPS

- Assistant Principal will schedule *Grade Level Data Team* meetings.
- Required Forms:
 - Data Meeting Focus Questions Form
 - Group Data Form
 - Fidelity Walk Through Forms
- Follow the *Data Meeting Focus Questions Form* and review data, as summarized on the *Group Data Form*, to determine response to Strategic interventions.
- **If < 80% of the STRATEGIC group** are responding, evaluate the implementation of Strategic intervention (review the *Fidelity Walk Through Form* and develop a *Group Action Plan*).
- **If > 80% of the STRATEGIC group** are responding but individual students are not, then consider the following: Is the group placement appropriate for the students (phonics, fluency, comprehension)?
 - **Yes:** Implement additional supports: pre-teach, re-teach, double-dose, and/or behavioral support.
 - **No:** Move the student to the most appropriate Strategic group.

MOVING FROM A STRATEGIC PATHWAY TO AN INTENSIVE PATHWAY

- Students may enter the **INTENSIVE PATHWAY** at Benchmark periods (3x a year), as determined by performance on screening assessments.
- Students **who are demonstrating growth** on grade level benchmarks, intervention program assessments (if applicable), and FastBridge data, remain on the Strategic Pathway.

DATA REVIEW OF INTENSIVE GROUPS

- Assistant Principal will schedule data team meetings with Interventionist(s) and School Psychologist and Special Education Specialist.
- Required Forms:
 - Data Meeting Focus Questions Form
 - Group Data Forms
 - Fidelity Walk through Forms
- Assistant Principal and School Psychologist will facilitate the meeting using the *Data Meeting Focus Questions Form* and review data, as summarized on the *Group Data Form*, to determine response to Intensive interventions.
- **If < 80% of the Intensive Group** are responding, evaluate the implementation of the Intensive intervention (review the *Fidelity Walk Through Form*) and develop a *Group Action Plan*.
- **If 80%> of the Intensive Group** are responding but individual students are not, then implement additional supports such as: pre-teach, re-teach, double dose, and/or behavioral support.

MOVING FROM INTENSIVE PATHWAY TO AN INDIVIDUAL PLAN

- **When > 80% of the group** is responding to the Intensive intervention but individual students are not, then implement Student Support Team (SST). **Conduct an observation of the student in the general education environment** to determine student engagement, effects of instruction, environment, behavioral data, and motivation.
- Review all data collected from observation; in addition, review all other data sources.
- After 2 data cycles of inadequate growth, consider scheduling an SST meeting.

NOTE: Students who are responding to Intensive Intervention remain on the Intensive Pathway. Students do not move out of the Intensive Pathway throughout the year.

CRITERIA FOR INDIVIDUAL PLAN

- Students may be considered for an Individual Plan if he/she continues to show inadequate response to Intensive intervention *and*:
 - a) Additional supports have been provided for a minimum of 2 data cycles
 - b) > 80% of the Intensive Group are responding.
- If the above criteria are met, the Student Support Team implements the Individual Plan
 - Conduct an observation of the student in the general education environment to determine student engagement, effects of instruction, environment, behavioral data, and motivation.
 - Review all data collected from observation and review all other data sources to make appropriate changes for the student.
 - If the student continues to show inadequate response after the Individual Plan has been provided for a minimum of 2 data cycles, consider a referral for an evaluation.

NOTE: Students with identified disabilities are on individual plans per their IEP services, goals, and objectives

SST Bypass Process

A bypass of the SST process may be requested for students who have an obvious disability, (such as blind, deaf, physical, etc.) or for a student who is in crisis. The bypass is appropriate only if a delay in referral would be detrimental to the student. Documentation of the disability/crisis and all other relevant, available data must be submitted with the referral to the Department of Assessment and Student Learning and Support Services (DASLSS).

Only a student in crisis may warrant consideration for immediate placement in a special education setting. At times, students with significant intellectual disabilities or autism who have never attended an American public school may also fall into this category. Intervention data must be documented during the evaluation process. The Director of Assessment and Student Learning and Support Services will request bypass approval (DIRASLSS) from the Assistant Superintendent of Student Learning. The Special Services Director must be informed of these rare situations.

An evaluation report will be submitted within 60 days of receiving parental consent; however, due to the critical nature and irregularity of the placement process, it is expected that the evaluation will be expedited and prioritized, and the eligibility meeting will be set up as soon as possible after the completion of the comprehensive evaluation report.

Parent Request for Evaluation

When a parent verbally makes a request for evaluation, the school administrator should inform the parent that the request must be in writing. When the parent provides a written request to the school administrator, a copy should be sent to the school's assigned school psychologist and the special education specialist within 24 hours. The written request must be stamped and dated at the school upon receipt from the parent.

1. The school's SST/MTSS coordinator must schedule a meeting within seven (7) school days with the school level SST/MTSS team to include the school psychologist and the parent
2. The parent should be provided information regarding the MTSS process
3. The SST/MTSS team will review the following information, as applicable:
 - a. Grades
 - b. Benchmark scores
 - c. MTSS/Progress monitoring data
 - d. Disciplinary records/Educators Handbook Data
 - e. Attendance
 - f. Permanent record information
 - g. Written observations
 - h. Diagnostic data
 - i. Medical information

- j. Other information provided by team members
4. The team will develop a MTSS plan/interventions at the appropriate pathway placement to address any difficulty that the student may be exhibiting and determine if an evaluation is appropriate at this time.
 5. If the school-level team determines that an evaluation/special education referral **is appropriate:**
 - a. Implement the appropriate MTSS pathway and intervention plan and progress monitor
 - b. Submit referral packet to the Department of Assessment and Student Learning and Support Services (DASLSS) to include a current vision and hearing screening and all necessary forms, within five (5) school days. Mark the packet “Parent Request for Evaluation”.
 - c. Once packet is received in the DASLSS:
 - i. The consent for evaluation form will be sent to the school-level SST/MTSS coordinator.
 - ii. Once the SST/MTSS coordinator obtains parent consent for evaluation, the form is stamped with the date received at the school from the parent and submitted to the DASLSS.
 - iii.
 6. If the school-level team determines that an evaluation/special education referral **is not appropriate and the parent agrees:**
 - a. Implement the appropriate MTSS pathway and document in the meeting summary that the team does not recommend evaluation and the parent agrees with the recommendation and has withdrawn the request.
 - b. Send the request and a copy of the meeting summary to the Special Services Director
 7. If the school-level team determines that an evaluation/special education referral is **NOT** appropriate, **and the parent does not agree:**
 - a. Email the packet of information reviewed by the school-level SST/MTSS team, along with documentation of why an evaluation is not warranted within 24 hours of the meeting to the Special Services Director.
 - b. The Special Services Director will provide prior written notice to the parents of the district’s decision not to evaluate at the present time. This documentation will be sent to the parents within seven (7) school days.

METHOD TO MONITOR FOR COMPLIANCE

A system level team composed of the Director of Assessment and Student Learning and Support Services (DIRASLSS) the PBIS Behavior Specialist, the MTSS Specialist, and possibly a School

Psychologist, and a Speech Language Pathologist (if speech/language is an area of concern) will review all referrals from schools to determine appropriate use of interventions and data driven decision-making.

Each quarter during system-level meetings with DIRASLSS, the process will be reviewed to ensure that data-driven decisions are made and to ensure understanding of the legalities of SST. The number and types of referrals from each school will be reviewed as well as the compliance to the process and fidelity for referrals. This data will be used to determine technical assistance that is needed for schools within the district.

School level SST/MTSS administrators will monitor the process at each school by following steps in the problem solving guides for each pathway for MTSS and SST. School level SST administrators will also conduct frequent checks for implementation of interventions to ensure the correct implementation and data collection.

At least bi-annually, MTSS roundtable meetings will be held with the DIRASLSS, Special Services Director and school level SST/MTSS administrators to continually evaluate the process, review data, make changes as necessary, and provide technical assistance.

MONITORING STAFF

System Level – Special Services Director, Coordinators, Director of the DASLSS, School Psychologists, Behavior Specialist, MTSS Specialist, SLP

School Level – Principals, SST/MTSS Administrators, Special Education Specialists/ SLPs

CHILD FIND PROCEDURES

State Rule 160-4-7-.03

The Columbia County School District participates in activities so that all children with suspected disabilities, including those who are homeless, are wards of the State or are attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated.

Definition

Child Find Procedures are activities to identify children suspected of having a disability, ages 3 – 21, including those who are homeless, are wards of the State or are attending private schools, regardless of the severity of the disability, and who are in need of special education and related services, are identified, located and evaluated.

Components of General Supervision

- Annual Child Find activity is published on the district website or announced in the newspaper or other media
- Provides for screening and evaluation of all children with suspected disability ages 3-21 including:
 - Children birth through age three
 - Preschool children, ages 3-5
 - Children enrolled in the CCSD including public charter schools
 - Children who are suspected of being children with disabilities
 - Highly mobile children, including migrant children
 - Children who are detained or incarcerated in jails or correctional facilities
 - Parentally-placed private school children, including religious, elementary and secondary schools, and home school students
- Screening to determine appropriate educational strategies is not to be considered evaluation
- Student referrals must be accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate insufficient rate of progress
- Exception allowed only when evaluation and/or placement is required due to a significant disability

Annual Child Find Activity Publication/Notification

Publication of Child Find activities is on the Columbia County School District website. Additionally, information is published and distributed to local doctor offices, daycare facilities,

health department, churches, Head Start program, etc. Information is also available at each school within the Columbia County School District.

Provides for Screening/Evaluation of All Children Suspected with Disability, ages 3-7

Students ages three through seven may be eligible for special education and related services under any of the 13 categories of eligibility as defined by the Georgia Department of Special Education rules which includes the eligibility category of Significant Developmental Delay (SDD). In the area of SDD, eligibility is based on significant delays in one or more of the following areas: cognition, adaptive development, communication, physical development and social/emotional development. SDD eligibility may be established for students between the ages of three and seven. Categorical eligibility should be determined by the end of the school year in which the student turns nine.

The Columbia County School District participates in Child Find activities by working with Babies Can't Wait (BCW), the Health Department, daycare providers, local churches, physicians and families.

Referrals from BCW are processed through a transition meeting with the Preschool Caseload Manager 90 days prior to the child's third birthday. Referrals from other sources are processed using the required 60/90 day timeline for determining eligibility for special education.

Referrals for students, who are not enrolled in the Columbia County School District are processed through the Special Services Office.

Babies Can't Wait Referrals

1. Babies Can't Wait coordinator contacts the Preschool Caseload Manager at least 90 days prior to the child's third birthday.
2. A meeting is held with the BCW coordinator and the Preschool Caseload Manager to review information from BCW.
3. If additional information is necessary to determine eligibility for special education and related services according to Georgia Department of Education Rules and Regulations for Special Education, consent for evaluation is obtained from the parent/guardian and the child is scheduled for an evaluation by the evaluation team (may include the following: school psychologist, education evaluator, special education teacher, speech/language pathologist, and other related service providers, as needed). Once all information/data is gathered, an eligibility meeting is held prior to the child's third birthday to determine eligibility for special education and related services and to develop an IEP as appropriate.

Community Daycares/Columbia County Preschools/Other Referrals

Referrals are made by contacting the Preschool Case Manager at 706-541-2700. The Preschool Case Manager will schedule a screening or evaluation with the parent/guardian(s). Prior to the

screening, a screening confirmation letter, consent for screening, and a parent questionnaire are sent to the family by the preschool special education secretary.

At the screening, consent to screen and the parent questionnaire are obtained. A hearing/vision screening is conducted by the special education nurse. Parents are given a Parent/Child Resource Activity Packet. The child is screened by a team consisting of a school psychologist, speech/language pathologist, and an occupational therapist. Information is gathered using the Developmental Indicators of Assessment of Learning Fourth Edition (DIAL-4) in the areas of cognition, communication, self-help, social, and motor skills. The parent/guardian(s) completes the DIAL-4 Self-help /Social Questionnaire.

After the screening is completed, the screening team determines whether further evaluation is indicated. The Preschool Case Manager contacts the parent/guardian(s) and shares results of the screening and schedules further testing, if indicated. The evaluation team includes the parents and may include: school psychologist, education evaluator, special education teacher, speech/language pathologist, and/or other related service providers, as needed.

Once all information/data is gathered, an evaluation report is completed within 60 calendar days and an eligibility meeting is held to determine eligibility for services and to develop an IEP as appropriate.

Columbia County School District Preschool Lottery Referrals

Children enrolled in the school district's preschool lottery program are referred through the Response to Intervention team at their zoned school. The school administrator meets with the parent/guardian(s) and child's teacher to discuss concerns, implement strategies, and/or obtain consent for a referral to special education, if indicated. If a referral packet to special education is indicated, the referral packet is sent to the Preschool Case Manager to schedule for screening or evaluation with the parent/guardian(s). If further evaluation is indicated, parental consent is obtained, parental rights are given, and the evaluation is conducted by the evaluation team which includes the parents. An Eligibility/IEP meeting is scheduled with the child's parent/guardian(s), preschool teacher, and school administrator.

Provides for Screening/Evaluation of All Children Suspected with Disability, ages 7-21

Children Enrolled in the Columbia County School District, Public Charter Schools, Parentally Placed Private School Students, Homeschooled Students, and Students who are Incarcerated

Students who are enrolled in the Columbia County School District and are suspected of having a disability are referred to the SST/MTSS coordinator for the school. The MTSS process is initiated in order to provide evidence-based interventions to the student prior to making a referral for special education and related services.

Several private schools exist in Columbia County. A meeting is announced to stakeholders and held annually for Timely and Meaningful Consultation to discuss funds and services.

Children who are home-schooled are provided services for any speech/language impairment. Proportionate Share funds are used to provide this service. The parent/guardian contacts the Special Services Department or the school in which the child is zoned. The speech/language pathologist for that school will schedule a meeting to discuss concerns with the parent and to conduct an observation of the student. An evaluation is completed and if eligible, a service plan is developed for services.

For students who are incarcerated in the Columbia County Detention Center, the School Resource officer and general education teachers will be contacted by the special education specialist for the zoned high school to determine if it is suspected that the student has a disability.

Highly Mobile Students/Migrant Students

Forms are provided in the registration packet to identify migrant students. Identified students are reported to the Assistant Superintendent of Student Learning. The counselor registering the student will notify the general education teacher and MTSS coordinator for the school when it is suspected that the student is a student with a disability. The MTSS process will be followed.

Screening to determine appropriate education strategies is not considered an evaluation

No assessment can be administered for the purpose of determining eligibility for special education services without the informed consent of the parent/guardian. Therefore, benchmark assessments, screening assessment results, etc. cannot be used as an evaluation to determine eligibility.

Documentation of Scientific, Research or Evidence Based Academic or Behavioral Interventions

All referrals made as part of Child Find activities must include documentation of scientific, research/evidence based academic or behavior interventions that have been implemented with fidelity. The rate of improvement must document that the implementation of the interventions resulted in insufficient progress toward grade-level standards by the student.

METHOD TO MONITOR FOR COMPLIANCE

Monthly meetings are held with members of the SST/MTSS data team (may include school administrators, school guidance counselors, school psychologist, behavior specialist, special education specialist, and teachers) to discuss referrals to special education. Referral logs are maintained to track the number of referrals from schools and Babies Can't Wait. The number determined eligible/ineligible is recorded to ensure that all comprehensive evaluations are completed within the 60 day time frame or by the third birthday for a child referred by BCW, as required by State and Federal Rules, with exceptions noted in the State Rules Implementation

Manual. Eligibility must be determined within 10 days of the date of the report. This timeframe is a district mandate.

MONITORING STAFF

System Level - Director of Special Services, Director of the Department of Assessment Student Learning and Support Services, Preschool Case Manager, SST/MTSS Review team

School Level – Principal, SST/MTSS Coordinator, Special Education Specialist, SLP

EVALUATIONS AND RE-EVALUATIONS

State Rule 160-4-7-.04

Definition

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

Components of General Supervision

- Initial evaluation referral process
- Timeframes for evaluation
 - 60 calendar days
 - Exceptions
- Parent Consent
- Reevaluation Consideration
- Comprehensive Evaluations
 - Variety of appropriate evaluation tools
 - Administered by trained and knowledgeable staff
 - Existing data reviewed
 - Identify additional data needed
- Determination of Eligibility
 - Eligibility team
 - Documentation of evaluation results
 - Exclusionary factors
 - Determination of the disability and the need for special education (dismissal)

Initial Evaluation Referral Process

In most cases prior to referral for special education services the following data must be obtained by the SST/MTSS school coordinator and forwarded to the DASLSS. The exception is a bypass or a parent request.

- SST/MTSS documentation including evidence based interventions
- Progress monitoring data graphed to indicate the student's rate of progress during implementation of evidence-based intervention
- Two current assessments (within 12 months) such as the Georgia Milestone Assessments, norm-referenced achievement tests or benchmarks indicating performance that does not meet grade-level expectations
- Any educationally relevant medical information that would impact educational achievement

- Teacher information regarding routine classroom instruction including documentation of student's behavior in area of difficulty
- Passed vision and hearing screenings
 - If the vision and hearing screenings are not passed, the school nurse will re-screen the student after a period of two weeks. If the second screening is failed, the school nurse will contact the parents

Once the referral packet is received in the DASLSS, all information is reviewed by the district MTSS compliance review team. After the packet is accepted, Consent for Evaluation is sent to the school MTSS administrator, who then obtains consent from the parent. Once informed consent is provided by the parent/guardian, the form is returned to the DASLSS. The referral packet is then forwarded to the appropriate special services data processing clerks and to the school's special education specialist and school psychologist, as part of a multidisciplinary team.

SST Bypass Process

A bypass of the MTSS/SST process may be requested for students who have an obvious disability, (such as blind, deaf, physical, etc.) or for a student who is in crisis. The bypass is appropriate only if a delay in referral would be detrimental to the student. Documentation of the disability/crisis must be submitted with the referral to DASLSS who will inform the Special Services Director and gain approval for the by-pass from the Assistant Superintendent of Student Learning. In these cases, an individualized intervention plan should be put in place while the expedited evaluation is in process. Documentation of interventions is still needed for eligibility, but the process may begin immediately if there is an obvious disability.

Evaluation Procedures

Students referred for special education services will be evaluated in all areas related to the suspected disability(s), including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performances, adaptive behavior, motor and communicative abilities. Additionally, the multi-disciplinary team will use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent; not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child; use assessment techniques that may assess intellectual and behavioral skills in addition to physical or developmental skills; use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child; use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and select assessment methods so that, when administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement level.

When a parent verbally makes a request for evaluation, the school administrator should inform the parent that the request must be in writing. When the parent provides a written request to the school administrator, a copy should be sent to the school's assigned school psychologist and the special education specialist within 24 hours. The written request must be stamped and dated at the school upon receipt from the parent.

1. The school's SST/MTSS must schedule a meeting within seven (7) school days with the school level SST/MTSS team to include the school psychologist and the parent
2. The parent should be provided information regarding the MTSS process
3. The SST/MTSS team will review the following information, as applicable:
 - a. Grades
 - b. Benchmark scores
 - c. MTSS/Progress monitoring data
 - d. Disciplinary records/Educators Handbook Data
 - e. Attendance
 - f. Permanent record information
 - g. Written observations
 - h. Diagnostic data
 - i. Medical information
 - j. Other information provided by team members
4. The team will develop a MTSS plan/interventions at the appropriate pathway placement to address any difficulty that the student may be exhibiting and determine if an evaluation is appropriate at this time.
5. If the school-level team determines that an evaluation/special education referral **is appropriate:**
 - a. Implement the appropriate MTSS pathway and intervention plan and progress monitor
 - b. Submit referral packet to the Department of Assessment and Student Learning and Support Services (DASLSS) to include a current vision and hearing screening and all necessary forms, within five (5) school days. Mark the packet "Parent Request for Evaluation".
 - c. Once packet is received in the DASLSS:
 - i. The consent for evaluation form will be sent to the school-level SST/MTSS chairperson.
 - ii. Once the SST/MTSS chairperson obtains parent consent for evaluation, the form is stamped with the date received at the school from the parent and submitted to the DASLSS.
6. If the school-level team determines that an evaluation/special education referral **is not appropriate and the parent agrees:**

- a. Implement the appropriate MTSS pathway and document in the meeting summary that the team does not recommend evaluation and the parent agrees with the recommendation and has withdrawn the request.
 - b. Send the request and a copy of the meeting summary to the Special Services Director
- 7. If the school-level team determines that an evaluation/special education referral is **NOT** appropriate, **and the parent does not agree:**
 - a. Email the packet of information reviewed by the school-level SST/MTSS team, along with documentation of why an evaluation is not warranted within 24 hours of the meeting to the Special Services Director.
 - b. The Special Services Director will provide prior written notice to the parents of the district's decision not to evaluate at the present time. This documentation will be sent to the parents within seven (7) school days.

Multidisciplinary Evaluation Team

When a referral for special education evaluation is made, the comprehensive evaluation will be conducted by a multidisciplinary team. This team may consist of the school psychologist, educational diagnostician, special education teacher, general education teacher, speech-language pathologist, occupational therapist and/or physical therapist, and others as appropriate to the evaluation. The child's parents are considered members of this team. The team is responsible for assessing the student in all areas related to any suspected disability and in any other areas deemed relevant. It is recommended that the student be given a hearing and vision screening during the SST or other pre-referral process and that such results be no older than one calendar year. The parents will be asked to provide input during the evaluation process. Their information is valuable in developing the total picture of the child.

Impact on Educational Performance

Prior to special education eligibility, a number of interventions must have been provided to the child who is at risk for school failure. Frequently, but not always, these students are those whose performance on statewide assessments is in the lowest performance level. The interventions provided through general education are in addition to the traditional instruction that all students receive and may vary in duration and intensity of support. In addition to the actual interventions, data must be analyzed to determine the amount of progress the child is making with the evidence-based interventions. This data is collected through progress monitoring such as curriculum-based measurements. The objective is to determine whether the child receiving interventions is making progress toward the established benchmark of performance.

Benchmark performance is determined by mastery of the standards and elements identified for a specific grade level. Once sufficient data is collected (for SLD, there must be a minimum of 4

data points collected from the progress monitoring over a minimum of 12 weeks of interventions), the team will analyze the information to determine what support is required for the child to succeed in the general education curriculum. For some children, core instruction in the curriculum combined with other interventions provided by the general education staff will be ample support for the child to make progress toward meeting the standards. Some children, despite the interventions, will continue to fall behind their peers. For these select children, the progress monitoring data must be reviewed to determine the level of progress being made. A child whose rate of learning is comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance. General education interventions should continue to be made available, possibly increasing in their intensity or duration. On the contrary, a child whose rate of learning is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. For these children, special education support may be necessary.

In a comprehensive evaluation, the Columbia County School District will do the following:

- assess all areas related to any suspected disability, including vision and hearing, and, if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- use a variety of evaluation tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parent;
- not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child;
- use assessment techniques that may assess intellectual and behavioral skills in addition to physical or developmental skills;
- use evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
- use assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and
- select assessment methods so that, when administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement level.

Typical Steps in the Evaluation Process

1. A request for an evaluation is made by either the school or the parent. A parental consent for evaluation is received from the parent. The 60 calendar day timeline is begun upon receipt of the signed consent by the school or other Columbia County employee.

2. If the child has not had a vision and hearing evaluation, those screenings will be conducted by the school. If the child does not pass, the parent will be informed, and the district and the parent will work together to clear up the hearing and vision issue. Some vision and hearing issues require medical evaluations and/or interventions. Once clearance is received, the evaluation process continues.
3. The interventions that occur during the SST/MTSS process are analyzed. If no interventions have been provided or documented prior to the referral, interventions are immediately implemented and progress data noted. It is not necessary to wait for vision/hearing screening results.
4. The other data available about a student, which include the permanent record, current classroom assessment and progress, previous results of statewide assessments, attendance data, and disciplinary history, are all reviewed.
5. Classroom observations are conducted to determine current performance and to look for specific causes or reasons why the student is not learning or behaving at the expected levels. The observations are conducted by a member of the eligibility team.
6. The current and previous teachers of the student may be interviewed. The focus of the interviews is to determine whether the problems cited as the reason for the evaluation are new issues or recurring issues. In addition, the interviews will provide information on any interventions or strategies that have been previously tried.
7. The parent is interviewed as part of the evaluation process. If the parents have any independent evaluations or medical information they have not provided to the district, they should provide this information now. Information the parents have about learning at home, such as how long it takes the student to complete his or her homework and how much help the student requires, all assist in the evaluation. Often the behavior of the student at home is also discussed to determine whether the parent sees the same behaviors as the school sees, what kind of interventions work at home, and how frequently certain behaviors occur. In addition, many times the district needs to screen for adaptive behavior, so it may ask questions about household chores or tasks, about money management, and about other things that do not always feel educational to the parent. This information contributes to the whole picture of the child.
8. All previous information and data on the student is reviewed (e.g., previous evaluations, medical reports, psychological evaluations, and independent evaluations). This helps the team determine which evaluations to administer for the current evaluation.
9. Many evaluations include the administration of surveys or questionnaires. These are usually published forms of questionnaires or surveys that gather information about the typical day to day behavior of the student. The questionnaires or surveys are often completed by multiple people who know the student in order to provide a comprehensive view that encompasses school, home, and the community.
10. As all this information is received, the multidisciplinary evaluation team begins to review the information and determine what individual assessments are needed to provide more

in-depth information. The needed assessments are then conducted and may include a variety of instruments that look at learning, listening, speaking, behavior, sensory, motor, or academics.

11. As these assessments are administered, other areas of concern may arise that need to be evaluated and additional assessments will be conducted as necessary. For example, fine motor skills may not have been a concern when the evaluation was requested; but information from the assessments and observations may indicate a concern that warrants an evaluation of the fine motor skills as a component of the comprehensive evaluation.
12. All instruments are scored, and the results are analyzed and interpreted by the professionals who administered the instruments.
13. The summary of the information learned from the evaluation is developed.
14. The person coordinating the evaluation discusses the results of the evaluation with the parent and educators, with or without an accompanying written report at this time. Occasionally, this discussion occurs at the same time as the eligibility meeting.
15. An eligibility meeting is conducted. The eligibility meeting determines whether a disability exists and what the impact is on the education of the student. If there is a significant impact, the team may determine that the student is a student who requires special education and related services. An eligibility report is created regardless of whether the student is determined eligible or ineligible.

All components of the evaluation process should be completed within 60 days of consent for evaluation, with a copy of the evaluation report. The district requires that the eligibility meeting be held within 10 days of completion and submission of the evaluation report.

The timeline is adjusted when school is closed for five (5) consecutive days.

PARENTAL CONSENT FOR EVALUATION

The parent/guardian must provide informed Consent for Evaluation to the Columbia County School District prior to any individual evaluation of a student suspected of having a disability. The school SST/MTSS Chairperson will contact the parent/guardian and provide notification of the intent of the school district to evaluate the student and obtain informed Consent for Evaluation.

If the parent/guardian fails to respond within five school days, the SST/MTSS Chairperson shall further initiate and document at least two additional attempts to obtain parental Consent for Evaluation. When three attempts to contact the parent/guardian have been unsuccessful, the school SST/MTSS administrator should contact the School Social Worker for assistance. Detailed records of reasonable attempts to contact the parents must be kept by the SST/MTSS administrator and the School Social Worker.

If the parent/guardian still refuses to allow the proposed testing, the SST/MTSS Chairperson should contact the Director of Special Services to discuss and decide further due process procedures.

Timeframe for Evaluation

The evaluation will be completed within 60 calendar days from the date that the district receives signed Parent Consent for Evaluation. The winter and spring holiday period, when students are not in attendance for at least five consecutive days, shall not be counted toward the 60 calendar day timeline. This includes summer vacation days when teachers are not under contract.

If extenuating circumstances affect this timeline, such as illness, unusual evaluation needs, revocation of parent(s)/guardian(s)/surrogate's consent for evaluation, the Student Services Department shall document the exceptions. This documentation must be filed as a part of the student's special education record.

The Special Education (SPED) Specialist should receive a copy of the psychological and/or other evaluations at least by the 60 day deadline. The SPED Specialist will arrange an Eligibility/Placement meeting within 10 days of receiving the report, and notify the appropriate members of the eligibility/Individualized Education Program (IEP) team. Parents should be notified at least seven to ten days prior to the meeting.

Determination of Eligibility

The SPED Specialist will coordinate dates for the eligibility meeting with the multi-disciplinary team and notify the parent. The parent will be provided a seven to ten day notice of the meeting. A copy of parent rights will be sent to the parent, along with the meeting notice, or be provided to the parent at the meeting.

Eligibility determination is made by a team of people knowledgeable of the student. This includes, at minimum:

- School Psychologist
- LEA
- General Education Teacher
- Special Education Teacher
- Parent/Guardian/Student if age 18 or older

Results of the evaluation must be documented on the state eligibility form. These results should be presented in terms that are easily understood by the parent/guardian. Documentation of applicable exclusionary factors are required. *Possible Exclusions*

- Lack of appropriate instruction in reading, math or writing
- Limited English Proficiency

- Atypical educational history
- Environmental or economic disadvantage
- Cultural factors

A child must *not* be determined to be a child with a disability if the determinant factor for that eligibility is the lack of appropriate instruction in reading, math, or writing, or limited English proficiency, or if the child may have cultural factors, environmental or economic disadvantages, or atypical educational history (multiple school attendance or lack of attendance). Eligibility determination must be summarized as part of the eligibility process. This must clearly state if the student is eligible or non-eligible for special education and related services.

Eligibility determination should be made no later than 10 school days after having the completion of the psychological report. The parent will be provided a copy of the psychological report and a copy of the eligibility report. Consent for placement will be obtained after the IEP is developed, presented and services are agreed appropriate.

Reevaluation & Dismissal Consideration

The LEA must evaluate a child with a disability before determining that a child is no longer a child with a disability. The evaluation does not have to include formal measures.

1. The revised Reevaluation one page form for CCSD will be used by the IEP team to:
 - a. Determine need for testing for reevaluation or
 - b. Determine continuation of eligibility without the need for further assessment.
 1. Data reviewed must be submitted along with the form for documentation (report card, benchmark graphs, IEP progress reports, Work Samples)
 2. Data stored in Doc-e-View does not need to be resubmitted

The use of the one page revised Reevaluation form is no longer allowable for dismissal documentation.

2. The full eligibility form will be used for
 - a. Initial Eligibility
 - b. Reevaluation meeting to add eligibility area(s)
 - c. Reevaluation meeting for dismissal of an area(s) or complete dismissal

Guidance provided from GaDOE- August 6, 2018 Reevaluation & Dismissal

Frequently Asked Questions:

Does a child's eligibility for special education expire after three years?

No. A child's eligibility for special education does not expire. However, the data used in the child's last eligibility report may be outdated or no longer valid. In such cases, a comprehensive

reevaluation, formal or informal, is warranted. Additionally, a reevaluation, which can include only a review of existing evaluation data, must occur at least once every three years.

If a child is being considered to be dismissed from special education, must an evaluation and eligibility form be completed?

Yes. An LEA must conduct a comprehensive evaluation of a child before determining that the child is no longer a child with a disability. This does not apply to children whose eligibility is terminating due to graduation with a regular diploma or due to exceeding the age of eligibility for FAPE.

Reevaluation Scenario Examples with Process:

- I. A student that is eligible for Specific Learning Disability (SLD) and Speech-Language Impairment (SI) (School Staff is indicating the student may no longer require SLI services)

Revised Reevaluation Form Process

The *Special Education Case Manager* will obtain parental consent to screen hearing and vision and make sure the student has passed the screening prior to the meeting.

The team will meet and use the revised one page form to document that testing is needed. The service request will be submitted by the SPED Specialist for documentation on Special Services Department log.

Indicate on the Reevaluation form:

- a. “Whether the student continues to need special education and related services?” Yes
- b. Check “Refer for reevaluation in order to determine continued eligibility”
 - i. List eligibilities: SLD and SLI
 - ii. Evaluation in the following area(s) is recommended: Speech Language Assessment Only
- c. Check that Reevaluation will be made after additional information/data is obtained.

Additional Forms:

- d. Parent signs consent for evaluation at the meeting.
- e. Specialist submits the service request to Coordinator for approval signature. Form indicates Speech Pathologist will complete testing

The comprehensive evaluation in this particular scenario could include: IEP goal progress, academic benchmarks, report cards, standardized testing, work samples, classroom observation, teacher input, and parent input at a minimum. The SLP will do the articulation/language assessments.

Completing the Full Eligibility Form for Reevaluation

The SPED Specialist will complete the long form using updated information. Verify that the original most recent comprehensive eligibility document is in Doc-e-view prior to writing over the IC document. The SPED Specialist may open most recent eligibility document in IC, adjust the dates, and add information to the document. Once the IC eligibility form is opened add in updated documentation:

- a. Progress monitoring section completed with current IEP goal progress
- b. Documentation from previous evaluation is needed for processing deficits, intellectual functioning, and developmental history (may be copied from Doc-e-View documents if a transfer student- get confidential questionnaire completed by parent)
- c. The updated information should also be added: benchmarks and report cards support academic functioning, teacher input and parent input support behavioral, adaptive, sensory processing, and social information.
- d. The SLP will enter updated articulation/language assessments into the eligibility report.

When all necessary assessment(s) are completed the team will meet to review results. The team will automatically determine yes for reevaluation for SLD based on previous and updated information, and continued SLD will be documented in the rationale. The team will then decide yes or no for reevaluation in the area of SLI and include in the rationale. The language impairment could be related to the student's primary eligibility not requiring a Speech-Language Impairment secondary eligibility. *This meeting date becomes the new eligibility date for all areas determined.

II. A student who is eligible in the category of *Speech-Language Impairment only*.

Revised Reevaluation Form Process

The *Speech Language Pathologist* will obtain parental consent to screen hearing and vision and make sure the student has passed the screening prior to the meeting.

The team will meet and use the revised one page form to document that testing is needed. The service request will be submitted for documentation on Special Services Department log. Indicate on the Reevaluation form:

- a. "Whether the student continues to need special education and related services?" Yes
- b. Check "Refer for reevaluation in order to determine continued eligibility"
 - i. List eligibilities: SI
 - ii. Evaluation in the following area(s) is recommended: Speech-Language Assessment Only
- c. Check that Reevaluation will be made after additional information/data is obtained.

Additional Forms:

- d. Parent signs consent for evaluation at the meeting.
- e. Specialist submits the service request to Coordinator for approval signature. Form indicates Speech Pathologist will complete testing

The comprehensive evaluation in this particular scenario could include: IEP goal progress, academic benchmarks, report cards, standardized testing, work samples, classroom observation, teacher input, and parent input at a minimum. The SLP will do the articulation/language assessments.

Completing the Full Eligibility Form for Reevaluation

The SPED Specialist will complete the long form using some information from the previous most comprehensive evaluation. Verify that the original most recent comprehensive eligibility document is in Doc-e-view prior to writing over the IC document. The SPED Specialist may open most recent eligibility document in IC, adjust the dates, and add information as IC is not the district's student records program. Once the IC eligibility form is opened add in updated documentation:

- a. Progress monitoring section completed with current IEP goal progress
- b. Documentation from previous evaluation is needed for processing deficits, intellectual functioning, and developmental history (may be copied from Doc-e-View documents if a transfer student- get parent confidential questionnaire completed)
- c. The updated information should also be added: benchmarks and report cards support academic functioning, teacher input and parent input support behavioral, adaptive, sensory processing, and social information.
- d. The SLP will enter updated articulation/language assessments into the eligibility.

When the necessary evaluation is completed the team will meet to review results. They may determine reevaluation for SLI based on previous information and updated information as documented in the rationale. * This becomes the new eligibility date.

Or

The team may determine "no" for eligibility in the area of SLI. If 'no' is the outcome, a thorough explanation as to why also must be included.

III. A student is eligible in the category of Significant Developmental Delay and is turning 9 this school year.

Revised Reevaluation Form Process

The *Special Education Case Manager* will obtain parental consent to screen hearing and vision and make sure the student has passed the screening prior to the meeting.

The team will meet and use the revised one page form to document that testing is needed. The service request will be submitted for documentation on Special Services Department log.

Indicate on the Reevaluation form:

- a. “Whether the student continues to need special education and related services?” Yes
- b. Refer for reevaluation in order to determine continued eligibility
 - i. List eligibilities: SDD
 - ii. Evaluation in the following area(s) is recommended: Comprehensive Evaluation (may also include Speech Language if team determines)
- c. Recommendations Section
 - i. If the student’s eligibility will be less than three years old by the time the all assessments are completed, check that *Reevaluation will be made after additional information/data is obtained.*
 - ii. If the student is not yet 9 BUT the eligibility date will be greater than three years by the time the assessments are completed- Check BOTH 1.*Student continues to meet eligibility for* and list all current eligibility areas with SDD - & 2.*Reevaluation will be made after additional information/data is obtained*

Additional Forms:

- d. Parent signs consent for evaluation at the meeting.
- e. Specialist submits the service request to Coordinator for approval signature. Form indicates School Psychologist and Speech Pathologist will evaluate (if determined by team)

The comprehensive evaluation in this particular scenario would include: IEP goal progress, academic benchmarks, work samples, classroom observation, parent and teacher input, tests selected by the school psychologist and speech language pathologist (if determined) and possibly a medical certification request.

Completing the Full Eligibility Form

The SPED Specialist will complete the long form using the information provided by the school psychologist and/or speech language pathologist or other provider. Developmental History may be previously documented on parent confidential questionnaire in Doc-e-View or case manager may need to request that the parent complete a new form.

- a. Progress monitoring section completed with current IEP goal progress.
- b. Additional information should also be added: benchmarks and report cards, work samples, classroom observation, teacher input, parent input, and medical if appropriate.
- c. The SLP will enter updated articulation/language assessments into the eligibility if requested.

Once evaluation is completed the team will meet to review results and establish eligibility in new category(s).

Additional Guidance:

Speech can be considered as a Related Service for students with an Initial & Reevaluation eligibility in the categories of Autism, Intellectual Disabilities, and/or Specific Learning Disability.

*“*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*”

Communication is a component of the eligibility consideration for Autism.

*“*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.*” **Communication deficits are tied to cognitive deficits.**

*“*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.*” **Communication is a component of the eligibility consideration for Specific Learning Disability.**

*160-4-7-.05-11 ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

When deficits in language are noted in the primary eligibility determination for AU, ID, or SLD the team may consider the *relationship* of the language deficits to the primary eligibility category. If the language deficits are *related* to the primary disability area, a secondary speech language eligibility is unnecessary. The final rationale would then state that language deficits *are related* to the primary disability. *The IEP team will consider if speech related services are needed for the student to make progress in the general curriculum.*

METHOD TO MONITOR FOR COMPLIANCE

A timeline log will be maintained for all evaluations, including reevaluations, in order to track compliance.

MONITORING STAFF

System Level – Director of Special Services, Coordinators, School Psychologists; data clerk, records clerk

School Level – Administrators, Special Education Specialists, Special Education Teachers

ELIGIBILITY DETERMINATION AND CATEGORIES OF ELIGIBILITY

State Rule 160-4-7-.05

Definition

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

Components of General Supervision

- Definitions for areas of disability for children aged 3 to 21:
 - Autism Spectrum Disorder
 - Deafblind
 - Deaf/Hard of Hearing
 - Emotional and Behavior Disorder
 - Intellectual Disability (mild/moderate/severe/profound)
 - Orthopedic Impairment
 - Other Health Impairment
 - Significant Developmental Delay
 - Specific Learning Disability
 - Speech-Language Impairment
 - Traumatic Brain Injury
 - Visual Impairment
- Determination of eligibility by Eligibility Team (qualified professionals and parents)
- Exclusionary factors for eligibility
- Documentation of eligibility/ineligibility: variety of appropriate sources and well documented
- Evaluation Report and Determination provided to parents

Definitions for areas of disability for children aged 3 to 21

Initial eligibility is determined for students, aged 3 through 21, when Child Find activities have been completed and an evaluation has taken place. Children are determined eligible/ineligible, based on a preponderance of evidence presented to the eligibility team members. Eligibility team members determine if the evidence supports eligibility based on definitions of each eligibility category set forth by the Georgia Department of Education. (See Implementation Manual at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Implementation-Manual.aspx>)

Determination of Eligibility by Eligibility Team (qualified professionals and parents)

Eligibility team members are those who are knowledgeable of the student, the evaluations, the curriculum and those who can allocate resources. The eligibility team should consist of the following:

- Parent/Guardian
- General Education Teacher
- Special Education Teacher
- School Psychologist
- Speech/Language Pathologist (when considering speech/language deficits)
- Local Education Agency Representative (SPED Specialist/School Administrator)
- Additional committee members as necessary

The meeting is scheduled by the SPED Specialist at a time convenient for the parent at least 10 days prior to the meeting date. The other committee members are notified by the SPED Specialist. The meeting notification is sent to the parent, along with a copy of parental rights, to the school by the school's SPED Specialist. The SPED Specialist along with the general education and special education teacher prepares a draft IEP to be presented at the eligibility meeting, based on the psychological report and/or eligibility report. This draft IEP is ready to be presented to the committee should the student meet eligibility for special education and related services. In cases where time prohibits the committee from determining eligibility and IEP services, the IEP shall be developed within 30 calendar days of eligibility determination. **Consent for placement is signed AFTER the committee agrees to the IEP for services.**

No person shall participate in the eligibility/IEP meeting if he/she is not listed on the meeting notice, unless explicit permission is provided by the parent/guardian. This permission must be documented in the meeting summary.

THE ELIGIBILITY MEETING

- Introductions are made
- Parental Rights are given to the parent and reviewed by the LEA.
- The parent/guardian will be provided with a signed copy of the psychological report at the beginning of the meeting, with the exception of preschool children. Due to the comprehensive nature of the state-developed eligibility report, the district has elected to use this form to document all assessment information for preschool students.
- Committee members will be provided a copy of the draft eligibility report
- The multidisciplinary team will review results of the comprehensive evaluation at the beginning of the meeting
- The committee will review and discuss all information in the draft eligibility report. This report will include all descriptions of academic challenges, formal and informal

assessments, medical information, progress monitoring data, social history, classroom observations, teacher and parent input and any additional information deemed necessary.

- All exclusionary factors will be reviewed and discussed
- The disability must adversely impact progress in the general education setting
- All team members must sign the eligibility form after determination is made

IEP PORTION OF THE MEETING

- The special education teacher will present the draft IEP
- The parent/guardian should be provided a copy of the draft IEP to review along with the committee
- The committee will review each section of the IEP and agree that it is appropriate
 - Identifying information
 - Present Level of Academic Performance and Functional Performance
 - Consideration Special Factors
 - If it is deemed that a Behavior Intervention Plan is warranted, a Functional Behavior Assessment must be conducted prior to writing the BIP, in most cases
 - Develop long-term goals/short-term objectives (if GAA)
 - Determine appropriate instructional accommodations/supplementary aids and services/classroom testing accommodations
 - Determine appropriate statewide assessment/accommodations (accommodations MUST also be a classroom accommodation)
 - Special Education Services (inside and outside of general education)
 - Extended School Year (this is rarely recommended at the initial IEP meeting due to a lack of data collected on the IEP objectives)
- A brief summary of both meetings will be written and then reviewed at the end of the meeting.
- Finalized paperwork should be provided to the parent within 5 calendar days of the meeting.

SAMPLE MEETING AGENDA

1. Introduce Team Members
2. Provide parent/guardian a copy of parental rights and review them with the parent/guardian to ensure understanding
3. State the purpose of the meeting
4. Review rationale for referral:
 - a. Case History
 - b. Summary of Interventions
 - c. MTSS data/progress monitoring data
 - d. Benchmark assessments and other state-wide assessments

5. All other information required to determine eligibility
6. Review exclusionary factors
 - a. Attendance
 - b. Vision/Hearing
 - c. Atypical educational history
 - d. Cultural differences or economic disadvantage
7. Summarize findings:
 - a. Determine eligibility for services within appropriate category
 - b. Provide explanation in summary for the reason the student is eligible for services via the areas determined by the eligibility report.
8. All committee members sign the eligibility report
 - a. For SLD, all members must check if they agree/disagree
 - b. For SLD, any member who disagrees with the decision of the team must provide an explanation in writing.
9. Adjourn OR move into the IEP portion of the meeting
 - a. If meeting adjourns, the IEP meeting **MUST** be held within 30 days of eligibility determination.

METHOD TO MONITOR FOR COMPLIANCE

System-level compliance review coordinator will review all initial eligibility paperwork for compliance with State Rules and Regulations.

MONITORING STAFF

System Level – Director of Special Services, Compliance Coordinator, School Psychologists, data clerk, records clerk

School Level – School Administrators, Special Education Specialist, Special Education Teachers

PRIVATE SCHOOLS

State Rule 160-4-7.13

Definition

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

Components of General Supervision

- LEA privately placed or referred students
- Parental placement in private school and LEA offer of FAPE
- Provision of written notice by parent to place in private school
- Reimbursement and limitation on reimbursement for private school placement
- Home schooled students
- Child Find process and children in private schools
- Part B and Related Services for private school students
- Provision of IEPs and Service Plans to privately placed students
- Consultation with private schools for child count
- Private school representatives at IEPs
- Equitable services determination and limitations of services
- Materials provision: secular, neutral, non-ideological
- Location of services and transportation
- Provision of property, equipment and supplies to private schools

Private Schools

Private school placement may occur under three circumstances: First, when the public school determines that it cannot provide free and appropriate public education (FAPE), the public school must identify and pay for a private school to provide services. This is at no cost to the parent. Second, a parent may remove the child from public school at any time and enroll the child in private school.

Under certain circumstances, the parent may request reimbursement from the school district to pay for the private placement.

The parents must tell the IEP team they disagree with the proposed IEP and placement and want the school district to reimburse them. The parents must notify the school district in writing, at least 10 days prior to removing the child from public school, that they disagree with the IEP and placement and want the school district to reimburse them for the private school tuition. If the public school asks to evaluate the child during the 10 day period and the parents refuse, then

reimbursement may be denied. If the parents want to be reimbursed for all the costs of private school and the district does not agree to it, the parties must go before a due process hearing officer to determine whether the public school provided FAPE.

The parent may choose to use a private school instead of a public school at the parent's expense, in which case, FAPE is not an issue.

When the student is in private school or home school by parent choice, the Columbia County School District may offer speech and language services to students who are eligible for this program. The speech and language pathologist (SLP) will maintain a current Individualized Service Plan (ISP) for these students. Services will be provided by the SLP in the zoned school or by the SLP in the public school closest to the private school. Proportionate share costs will be used for this service. Documentation of attendance and student progress on goals will be maintained by the SLP.

If the Individualized Education Program (IEP) team, including the parent, decides that the most appropriate placement for a student is in a private school, the district that places the student in the private school continues to be responsible for making sure that the student receives the special education and related services included in the student's IEP and that those services are provided at no cost to the parent. The district should make sure that the education provided at the private school meets the standards that apply to other students with disabilities and that the student and parent continue to have all the same rights that other students with disabilities and their parents have. A district representative must visit the private school at least annually. Ultimately, the district remains responsibility for ensuring free appropriate public education (FAPE) when the student is placed in the private school. The IEP team, with all of the appropriate members including the parent, private school or facility staff, and district representative will develop the IEP for the child. IEP team members may participate in the meeting through a conference call or other means. The district will ensure that the parent can attend at no cost to the parent. Districts may apply for grant funds if the child is placed in a private school or facility that is approved by the Georgia Department of Education (GaDOE). If the private school is out of the state, it must be on the approved list of the state where the school is located.

Children with Disabilities Placed in Private Schools by the Parent

Children who are home-schooled within the boundaries of the district are considered parentally-placed private school children for the purposes of special education.

Child Find

The district is required to carry out Child Find activities to locate, identify, and evaluate children attending the private schools within the jurisdiction of the district. The district must consult with

representatives of private schools to complete Child Find activities. These activities must be similar to activities undertaken for the children in the district and must be completed in a timely manner comparable to other children attending the district.

Child Find activities include any parentally-placed children who attend a private school *within the jurisdiction of the district*, even if the student resides in a different district or in a state other than Georgia.

Consultation Process

The consultation process is important to ensure the provision of equitable services. Consultations with the representatives of private schools, parents of private school students, and parents of home-schooled students must be timely and meaningful. Consultation requirements include the following:

- how parentally-placed private school children suspected of having a disability can participate equitably in the Child Find process
- how the parents, teachers, and private school officials will be informed of the Child Find process;
- how the determination of the proportionate share of federal funds available to serve the children with disabilities was calculated
- how the process will operate throughout the school year
- how, where, and by whom the special education and related services will be provided
- how funds will be apportioned if funds are insufficient; • how and when those decisions will be made
- how the district will provide to the private school officials a written explanation of the reason why it chose not to provide services directly or through a contract. The district must obtain a written affirmation signed by the representatives of the participating private schools as documentation of the consultation process and must be prepared to submit this documentation to the GaDOE upon request. If the private school officials believe that the district did not engage in the consultation in a meaningful or timely manner or did not consider the views of the private school officials, it may submit a complaint through the Formal Complaint Process to the GaDOE. If the private school is not satisfied with the decision of the GaDOE, they may submit the complaint to the United States Department of Education (USDOE).

Equitable Services Determined

No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the district. The district only has an obligation to provide these children an opportunity for equitable participation in the services funded with Federal Part B dollars that the district has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. The district will make the final decisions regarding services to be provided prior to the start of the school year.

If a disability is suspected for a student who is parentally-placed in a private school located in Columbia County, then it is the responsibility of the district to conduct an evaluation and consult with the private school regarding the interventions, and academic and behavioral progress of the student. This is done with the support of the Columbia County Department of Assessment and Student Learning Support Services. They can be reached at 706-541-2723 x5315. Children who are home-schooled within the boundaries of the district are considered parentally-placed private school children for the purposes of special education.

If a speech-language disability is suspected then the parent will contact the zoned school and request a meeting with the Speech Language Pathologist (SLP) and the Assistant Principal. The SLP will provide interventions to use; the parent will sign consent for evaluation and the process for eligibility determination in the area of speech/language will move forward. There is a 60 day deadline for the completion of the evaluation report and all initial eligibility determinations should be made within 10 days of the completion of the evaluation.

If the evaluation and any available additional data and diagnoses indicate that the student meets eligibility for special education then the parent has the option of **enrolling the child in the county of residence** in order to receive a free appropriate public education, also known as FAPE, or continuing in private school and receiving whatever services have been determined available through the IDEA part B proportionate share requirement by Columbia County.

- For Columbia County, we have determined that these funds would be used to provide speech-language services, as it makes the greatest impact for the largest amount of children.
- If the child is eligible for speech services, it would be the responsibility of Columbia County to develop an independent service plan, or ISP, and provide services. Services are typically provided at the elementary school located closest to the private school, or the student's residence, if the student is home-schooled. The ISPs are to be reviewed at the beginning of each school year. Services and data are maintained by the providing SLP.

NOTE: An Individualized Education Program is developed by the county of residence zoned school only if the parent intends to enroll the child in the district.

(Eligible>Enrollment >IEP Development>FAPE) or Eligible>Private School>ISP)

Service Plans

A Service Plan will be developed and implemented for each private school child (K12) with disabilities who will receive services from the district. The district will initiate and conduct the meetings to develop, review, and revise a service plan. It will ensure that a representative of the private school attends each meeting. As with IEPs, in-person participation in the meeting is encouraged, but participation may be through conference call or other means. Services provided to private school children must be provided by district personnel who meet the same standards as personnel providing the services in the district, except they do not have to meet the highly qualified special education teacher requirements. Services may be provided at the private school, or children may be transported to the public school or community setting to receive services. Transportation may be provided by the district, but it cannot transport the child from home to the private school.

A Service Plan

A service plan must contain the following information:

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

All services provided by the SLP must be documented. This includes session attendance and data related to progress monitoring on the identified weakness.

Costs will be included in calculating whether the district has met the requirements of proportionate funding. The district may provide materials, equipment, and property purchased to implement the services to the children with disabilities in the private school; but these must be used only for those purposes and must be returned when no longer needed. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The district may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school, or the general needs of the children in the private school.

Expenditures

To meet the requirements for provision of services to parentally-placed private school children, the district must follow these guidelines:

- For children ages 3-21, the district must expend an amount that is the same proportion of the district's total Part B of the IDEA flow-through funding as the number of private school children with disabilities, ages 3-21, attending private and home schools in its jurisdiction is to the total number of children with disabilities in its jurisdiction.
- For children ages 3-5, the district must expend an amount that is the same proportion of the district's preschool funding as the number of private school children and home-schooled children with disabilities, ages 3-5, attending private and home schools in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.
- If the district has not expended all of the funds required by the end of the fiscal year, the district must carry over funds for a period of one additional year to be used for proportionate share.
- The district must consult with representatives of the private school in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.
- The district must ensure that the child count is done on October FTE-1 of each year since this count is used to determine the amount the district must spend in the following fiscal year.

Parentally-placed private school provisions are to be applied to preschool-aged children only when these children who are eligible for a service plan attend private nonprofit elementary school (grades K and higher). Preschool students who attend private preschools within their district of residence are served by the district through an IEP. Parentally-placed private school preschool students who attend private preschools (that are not considered elementary or secondary schools) outside their residential district are not entitled to services from that district.

Placement of Children by Parent

When FAPE is at issue, sometimes a district will make free appropriate public education (FAPE) available to a child but the child's parent decides to place the child in a private school or facility. The district is not required to pay for the cost of the education for this child at the private school. When the district and the parent disagree regarding the availability of an appropriate program for the child, due process hearing procedures may be initiated by the parent. An administrative law judge (ALJ) may find that the district had not made FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost of the private school. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or the district. When FAPE is at issue between the parent and the school district, and the parent determines that he or she is going to place the student in a private school at public expense, the parent must notify the district in writing at least 10 business days prior to the removal of the child or at an IEP meeting prior to

the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced.

Each District must maintain records and report to the GaDOE the following information related to parentally-placed private school children:

- the number of children evaluated
- the number of children determined to be children with disabilities
- the number of children served.

The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the district prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English, or the notice requirement would result in serious emotional or physical harm to the child.

METHOD TO MONITOR FOR COMPLIANCE

Sign in sheets, agenda and meeting notes for annual collaboration meeting. Data and documentation maintained by the SLP regarding services provided and student progress

MONITORING STAFF

System Level – Director of Special Services, Director of Federal Title Programs, Director of Assessment; Compliance Coordinator; Chief Finance Officer; Title VIB grant supervisor

School Level – Principals, Assistant Principals, Special Education Specialists, Speech Language Pathologists, Service Providers

AREA OF GENERAL SUPERVISION II: Services and Supports

Indicators:

4a & 4b: Suspension and Expulsion

5: LRE

LEAST RESTRICTIVE ENVIRONMENT

Rule 160-4-7-.07

Definition

The Least Restrictive Environment (LRE) is a term used to ensure that all students have a right to an education under the IDEA and are educated, to the maximum extent appropriate, with non-disabled 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.

Placement Rule

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 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 must be thoroughly reviewed by qualified professionals, and the decision must be made in conformity with the following LRE provisions:

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

Components of General Supervision

- LRE Requirements: Written policies and procedures exist
- Annual IEP placement determination
- Full continuum of alternative placements

- Location of services
- Preschool placements and services
- School age placement and services
- Non-academic and extracurricular settings

LRE Requirements: Written Policies and Procedures Exist

The Columbia County School District policy IDDF ensures that students receive a Free Appropriate Public Education (FAPE), in the least restrictive environment, as determined by the student’s IEP committee.

Annual IEP Placement Determination

Through this General Supervision manual, steps are listed for IEP committees to follow in order to determine LRE for students. IEP’s are reviewed at least one time annually, prior to the expiration date of the current IEP.

1. Document the student’s current level of academic and functional performance
2. Develop goals/objectives based on student’s current functioning levels (academic, behavior, emotional, communication/language/pragmatic language, motor, sensory) to address the student’s learning needs
3. Determine which goals/objective can be taught in the general education settings, considering:
 - a. Age-appropriate and content appropriate settings available
 - b. Modifications to activities, materials, instructions and/or environments necessary
 - c. Personnel support for the student, teacher, and/or class
4. For those goals/objectives which cannot be met in a general education setting, determine which special education goal/objective will be taught
5. Determine settings or activities to provide additional opportunities for interaction with non-disabled peers
6. Determine a method to evaluate the appropriateness of the LRE decision through ongoing assessment of student learning

Personnel Support (from the GaDOE Special Education Implementation Manual, pg 95)

| PERSONNEL SUPPORT | DESCRIPTION OF SERVICE |
|-------------------|--|
| GENERAL EDUCATION | Students with disabilities are served in the general education class with no additional personnel support. |

| | |
|------------------------|---|
| CONSULTATION | Students with disabilities receive at least one segment per month of direct service from the special education teacher. |
| SUPPORTIVE INSTRUCTION | Students with disabilities receive service from personnel other than a certified teacher in the general education classroom (i.e., a paraprofessional, interpreter, or job coach). |
| COLLABORATION | A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom (less than full segment daily). |
| CO-TEACHING | The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment every day). |
| ALTERNATIVE PLACEMENT | The special education teacher provides instruction to students with disabilities in a separate classroom, special schools, home environment, hospitals, or institutions. |

Location of Services

All services are provided within the student’s home school, with the exception of the students who may be served in a program outside of their zoned school. Examples of these programs are programs for significant autism, emotional/behavioral disorder, intellectual disabilities, and preschoolers with special needs.

Classes are placed on halls with typically developing peers and are not segregated to a section of the building or in a portable.

Preschool Placements and Services

Full continuums of services are considered by IEP committees and provided to students who are three – five years old. Students are provided an opportunity to be educated with same-age peers, as appropriate. Students are served in community preschool programs, daycare settings, Head

Start, in their homes, or in a Columbia County school, as appropriate and determined by the IEP team.

School Age Placements and Services

A full continuum of services is considered by IEP committees. Options considered are:

- General education setting with no support
- General education setting with support
- Collaborative Model
- Co-Teaching Model
- Separate class part of the school day (resource)
- Separate class most of the school day (self-contained)

LRE Frequently Asked Questions (GaDOE Special Education Implementation Manual pgs 96-97)

What is the Least Restrictive Environment?

The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities, to the maximum extent possible, are educated with students who are not disabled. This requirement includes children who are publicly placed in public or private institutions or psychiatric care, group homes, or state-operated hospitals in Georgia. Only when the nature or severity of the disability is such that education in general education classrooms with supplementary aids and services cannot be satisfactorily achieved can students with disabilities be moved to other settings such as special classes or separate schooling. Regardless of where services are being provided, students with disabilities are expected to continue to have access to the performance standards for their grade level, and teachers are expected to maintain high expectations for student performance in meeting the standards (Georgia Rule 160-4-7-.07).

Who decides what placement is the least restrictive environment for a student with a disability?

The IEP team determines the least restrictive environment, which includes the services and supports needed for each eligible student with a disability. The IEP team makes the placement decision in accordance with the Georgia Department of Education (GaDOE) Special Education Rules. The student's placement must be based on the IEP and be reconsidered at least annually by the IEP team. The student attends the same school that he or she would attend if nondisabled unless the IEP indicates that some other arrangement is necessary. The IEP team must consider any potential harmful effects on the student or on the quality of services needed when selecting the least restrictive environment for each individual student with a disability. Districts are to ensure that a full continuum of alternative placements is available to meet the special education and related service needs of students with disabilities.

The IEP team may not make placement decisions based only on the category of the student's disability, the severity of the disability, the placement options currently available, the availability of educational or related services, space available, or administrative convenience.

The law is also clear that students with disabilities have a right to an equal opportunity to participate in nonacademic and extracurricular services and activities. Districts must provide these activities in such a way that students with disabilities have an opportunity to participate in general school activities such as lunch, counseling services, athletics, transportation, health services, recreation activities, clubs, or employment opportunities.

What types of support must be considered by the IEP team for a student with a disability to stay in the general classroom?

The IEP team, which includes the parent and the district personnel, must carefully consider accommodations, modifications, personnel supports, and possible changes to the physical environment that will enable the student with a disability to be educated in general education settings.

In a co-taught classroom who is responsible for providing special education services? In a co-taught classroom the special education teacher is responsible for providing special education services and should be listed as the service provider on the IEP.

Why is the option of general education with no support not included on the IEP?

Students with disabilities are in general education settings except for what is specified in the IEP, so this does not need to be reiterated. Districts may choose to develop IEP forms that require the listing of general education classes.

On the IEP, where should it be documented that the setting of general education with no support has been considered?

The basis of the student's educational program is the general education classroom with no special education supports. Therefore, the IEP should only document those things that constitute a change in the student's educational program.

What are accommodations?

Accommodations are changes in how instruction is provided, how the student is expected to respond, how the student participates in classroom activities, and in the kinds of instructional materials and how they are used. For example, a student might listen to portions of a text on tape rather than reading it, answer questions orally or use a computer keyboard instead of writing with a pencil, use large print text books, watch video with captions, participate in a discussion in a biology class with a sign language interpreter, or have a peer take notes on carbon paper so a copy of the notes can be easily shared.

Accommodations provide students with disabilities a variety of ways to access the GPS so that their disabilities are not barriers to achievement. Students with accommodations are still expected to meet the same grade level GPS as their peers without disabilities. Accommodations must be appropriate and specific to the student's needs. Too many accommodations or unnecessary accommodations can hinder achievement or lower expectations. On the other hand, a lack of needed accommodations in the classroom can prevent a student from meeting the standards that may have been possible with the right accommodations implemented well. Accommodations offer the opportunity for success, but they cannot guarantee that the student will be successful.

What are program modifications?

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

What are related services?

Related services are those services that are required to assist a student with a disability in benefiting from special education. The IEP team determines the related services needed for each individual student. Related services may include audiology, interpreting, psychological services, physical and occupational therapy, speech therapy, recreation, counseling, rehabilitation counseling, orientation and mobility services, medical services (diagnostic or evaluation services only), school health services, school nursing services, school social work, and parent counseling and training. Related services do not include optimization, maintenance, or replacement of surgically implanted devices, including cochlear implants.

What is an assistive technology device?

Many people think of technology as equipment such as a wheelchair or an expensive computer-based communication device. In fact, most assistive technology devices are simple and inexpensive. The definition of an assistive technology device is very broad in the IDEA. The definition of assistive technology services is also general. IEP teams must consider each student's need for assistive technology in the development, review, and revision of the student's IEP. When the team determines that assistive technology is required, the assistive technology devices and services should be clearly specified in the student's IEP and provided in a timely manner. The student, school staff, and student's family, if appropriate, should receive training in the use of the device.

What is the continuum of alternative placements?

The continuum of alternative placements includes options that must be available such as general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Provisions for supplementary aids, services, and supports such as resource rooms or specialized instruction in small group and/or instruction from itinerant teachers who provide services in several schools must be made available.

What are the placement options for preschool age students with disabilities?

A variety of placement options are available for preschool students with disabilities. The IEP team should consider the full continuum of options when making the placement decision for a preschool child with a disability.

Options include:

- participation in general early childhood programs in the public school or in the community, Head Start, Bright from the Start Pre-Kindergarten, public or private child care/day care, and preschool programs; placement in a separate special education program housed in the public school or in a community-based setting;
- placement in separate school or residential facility, if necessary;
- services in the home as the natural environment for a young child;
- services at the office of a service provider; or
- a combination of the above based on the child's IEP.

What are the placement options for school-aged students with disabilities?

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

Support in General Education settings

Support Services

- Personnel supports from paraprofessionals, interpreters, or others
- Support from itinerant teachers

Direct special education services

- Consultative services
- Collaborative services
- Co-teaching services
- Support from an itinerant teacher

Other placement options, including

- Special education pull-out classes
- Special schools
- Private schools
- Home instruction
- Hospital/homebound
- Residential services

Consultative services involve special education or related service providers consulting with the classroom teacher and working directly with the student for at least one segment a month.

Collaborative or co-teaching services call for special education or related service providers to collaborate in the general classroom with the classroom teacher for a portion of a class period or for the full class period.

Does the full continuum of placements apply to all areas of disabilities?

The full continuum of services applies to all areas of disabilities.

Can the departmentalized model still be used?

When a student is served through the departmentalized model, the student must receive at least one segment per month from a teacher certified in a student's primary area of disability. The departmentalized model involves the student receiving special education or related services from a certified teacher, but one who is not certified in the student's area of disability. For example, a student who is deaf/hard of hearing may receive specialized instruction in mathematics, but from a teacher highly qualified in mathematics and not certified in deaf/hard of hearing. When this model is used, the district has the responsibility to make sure that all of the student's needs are met. The departmentalized model is not appropriate for every student.

When serving students with sensory impairments and speech and language impairments, the IEP team should include all required services on the IEP, along with all required personnel, to meet the student's needs. The IEP may call for instruction outside of the general classroom or for a separate day school or program. Home instruction may be used as a short term placement option when the parent and the district agree that it is necessary. Residential placements either in Georgia or out of state may be considered when the nature and severity of the disability indicate a need.

The IEP team must document the placement options that were considered. The more restrictive the placement, the more important it is to document the reasons the more restrictive environment was selected. Documentation must include all options the IEP team considered and rejected when making the decision.

How is the need for hospital/homebound services determined?

Hospital/homebound instruction may be used for students who have a medically diagnosed condition that will significantly interfere with their education and that requires them to be restricted to home or a hospital for a period of time. The district provides hospital/homebound instruction only when the district has received a completed medical referral form signed by the treating physician. The form must state that it is anticipated that the student is unable to participate in instruction and will be absent for at least ten consecutive school days or has a chronic health condition that will cause absences over an intermittent time period. When that situation occurs, the IEP team meets to review the IEP, consider the medical referral, and make necessary changes to the IEP as appropriate.

When the IEP team considers hospital/homebound services, it is important to note that the final determination of services, the setting, and delivery method rests with the IEP team. The medical referral provides a medical opinion on the student's treatment; however, the referral is not a guarantee that hospital/homebound services will automatically be provided. The medical opinion must be considered by the IEP team as part of determining the services and setting(s) for the student. If the IEP team places the student in the hospital/homebound setting, it should also include a plan in the IEP for reintegrating the student into the school setting in the future.

If a student with a disability is hospitalized outside of his or her home-school district, the responsibility for the student's hospital/homebound services remains with the school district in which the student lives. The district where the student lives may contract with the hospital to provide instructional services, contract with the district in which the hospital is located, or contract directly with appropriately certified teachers in that geographic area. Many times it is very helpful to the team to have the practitioner who provided the hospital/homebound referral participate via a conference call in the IEP team meeting.

What are home-based services?

Home instruction or home-based services may be used as a short term placement option on occasions when the parent and district agree at an IEP team meeting and FAPE is provided. When deciding on home-based services as a placement option, the IEP team should write an appropriate transition plan to incorporate the student back into the school setting. During the time the student is being served in the home-based setting, access to the general education curriculum, as well as IEP services, should be provided.

How are home-based services different from hospital/ homebound services?

The basis for hospital/homebound services is a medical condition that requires medical documentation and the recommendation by the IEP team. Home-based services are provided for reasons other than medical concerns, and the IEP team determines that the home is the most appropriate setting. Both are viewed as temporary placements with the expectation that the student will be transitioned back into the school setting as quickly as possible and with a

transition plan that specifies the support necessary to enable the student's reintegration back into the school-based setting.

How does LRE apply in nonacademic settings?

The LRE requirements also apply to nonacademic and extracurricular services and activities such as meals, recess periods, sports participation, participation in clubs, and field trips. Students with disabilities are to participate with their nondisabled peers in these kinds of activities to the maximum extent appropriate based on the child's needs. The IEP team decides what supplementary aids and services are appropriate and necessary for the student to participate in these activities.

What administrative issues impact the provision of LRE?

In the Georgia Rules, information is provided for districts on certain requirements for recruiting, hiring, training, and retaining an adequate supply of highly qualified (certified or licensed) speech/language pathologists, special education teachers, related service providers, occupational and physical therapists, and educational interpreters. The rules also specify the requirements for appropriate classroom space and list the maximum class sizes for preschool and school-aged students with disabilities.

METHOD TO MONITOR FOR COMPLIANCE

System-level compliance coordinator will review all IEP paperwork, using a rubric, to determine compliance with the LRE rule and to determine the need for technical assistance.

MONITORING STAFF

System Level – Director of Special Services, Directors of Assessment, Coordinators

School Level – Principals, Assistant Principals, Special Education Specialist

DISCIPLINE

State Rule: 160-4-7-.10

Components of General Supervision

- Relationship of general code of conduct to the IEP
- Behavior Intervention Plans (BIP)
- Removals
 - ISS
 - OSS
 - Functional Behavioral Assessments and BIPs
- Special Circumstances: weapons, illegal drugs, injury
- Manifestation determination
- Interim alternative settings and 10-day rule
- Provision of notification of change of placement
- Appeal process
- Placement during appeal
- Protections for children not yet eligible
- Referral to law enforcement and judicial authorities
- Change in placement due to disciplinary removal

Relationship to General Code of Conduct to IEP

The general code of conduct for the district is updated annually. Parents/guardians and students confirm access and understanding of the code of conduct each year. All students are required to follow the code of conduct unless the student's IEP states differently. If different, this may be addressed through the goals and objectives of the IEP or a **behavior intervention plan (BIP)**. A BIP defines the behavior that is not acceptable, defines a new behavior that is acceptable, and describes positive actions or steps to teach the student the new behavior and prevent the undesired behavior. A BIP may also describe the actions the school will take if the undesired behavior occurs even when all the other steps in the BIP have been followed.

It is recommended that each school have a designated special education administrator to know the students with disabilities and to be familiar with the IEP and BIP.

Removals

ISS

- When a student with a disability experiences behavior challenges that result in removal from class through **in-school suspension** for five days:
 - Schedule an IEP meeting to include the following members:

- Parent
- Student (if 16 years old or older)
- Special Education (SPED) Specialist
- Special education case manager
- Teacher(s) of the class(es) in which the behavior occurs (general education teacher)
- Special education administrator (principal/assistant principal)
- Review:
 - The student's IEP to include the following:
 - Current services, goals/objectives
 - Progress monitoring data for goals/objectives
 - Behavior intervention plan, if applicable
- Discuss the behavior that is resulting in ISS
- Consider the need for a Functional Behavior Assessment (FBA)
- Discuss academic/behavioral strategies that may be needed to correct behavior
- Amend IEP as necessary; to reflect updated strategies/goals/objectives to address the behavior
- Implement the updated strategies and collect data
- Continue to provide access to the general curriculum and to special education and related services while student is assigned to ISS

OSS & FBA/BIP

- When a student with a disability experiences major behavior challenges that result in the removal from school through **out of school suspension reaching 5 days**, complete the following:
 - Schedule an IEP meeting to include the following members:
 - Parent
 - Student (if 16 years old or older)
 - SPED Specialist
 - Special education case manager
 - Teacher(s) of the class(es) in which the behavior occurs (general education teacher)
 - Special education administrator (principal/assistant principal)
 - Review the IEP to include the following:
 - Current services, goals/objectives
 - Progress monitoring data for goals/objectives
 - Behavior intervention plan, if applicable
 - All disciplinary information pertaining to the student
 - Attendance, grades

- Consider the need for a Functional Behavior Assessment (FBA). If warranted, get consent for evaluation
- Begin completing a Functional Behavior Assessment
- Amend IEP to reflect updated strategies/goals/objectives to address the behavior
- Implement the updated strategies and collect data
- After completion of the FBA:
 - Schedule IEP meeting to include the following:
 - Parent
 - Student (if 16 years old or older)
 - SPED Specialist
 - Special education case manager
 - Teacher(s) of the class(es) in which the behavior occurs
 - May also include any of the following, as needed:
 - School psychologist
 - School social worker
 - Special Services Coordinator
 - School Counselor, Graduation Coach, Other
 - Develop/revise BIP based on information from FBA

Special Circumstances: weapons, illegal drugs, serious bodily injury

Student violation of the code of conduct that involves weapons, illegal drugs, or serious bodily injury should be reported to school administrators, school resource officers and local law enforcement. Each case will be handled individually to determine the correct course of action. In each case, the student may be assigned an alternate educational setting for up to 45 days in order to maintain a safe learning environment for all students. A manifestation meeting should be held.

Provision of Notification of Change of Placement

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability due to the violation of the code of conduct, the parents will be notified and will provided a copy of the procedural safeguards described in Rule 160-4-7-.09.

Manifestation Determination

When behavior is exhibited that results in a referral to the hearing officer/tribunal, a manifestation determination meeting must be held.

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days, or that constitutes a pattern of removals (**a change in placement**), the student’s IEP team must meet to determine whether the conduct in question was caused by, or had a direct and

substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP. These steps are referred to as a 'manifestation determination'.

Compensatory services **MUST** be provided in order to be in compliance with federal and state regulations when a student receives more than 10 days of OSS.

If the IEP committee determines that the behavior is a manifestation of the disability, a Functional Behavior Assessment and Behavior Intervention Plan should be completed. The student will return to the previous placement, unless the behavior involves weapons, illegal drugs or serious bodily injury, or the IEP team determines otherwise.

Interim Alternative Settings and 10-day Rule

If the IEP committee determines that the behavior is not a manifestation of the disability, regular disciplinary procedures apply. Should the student be suspended out of school for greater than 10 days, services will be provided in order that the student can continue to make progress toward grade level standards and IEP goals/objectives.

Appeal Process/Change of Placement during Appeal

The parent may appeal the manifestation determination decision and the selection of an interim alternative education setting unless it involves the issues of weapons, illegal drugs or controlled substances, or serious bodily injury. If the parent disagrees with the recommendation of the IEP committee, the Special Services Facilitator will inform the parent of his/her right to resolution, mediation, and due process. The parents should contact the Student Services Director regarding disagreement with the committee. They will be informed that they may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request pursuant to Rule 160-4-7-.12. Dispute Resolution.

Placement for the student during the appeals process will not change and the student will continue with current services prior to the incident. An exception is if the violation of the code of conduct involves weapons, illegal drugs and/or serious bodily injury. In these cases, the alternate educational setting may be utilized for up to 45 days.

Referral to Law Enforcement and Judicial Authorities

Students committing chargeable offenses must be reported to local law enforcement and judicial authorities regardless of disability or special education status.

Protections for Children not yet Eligible

If a student has not been determined eligible for special education and related services and has violated a code of student conduct, but the school district had knowledge before the behavior

occurred that child was a child with a disability, then the student is afforded the same protections as a student who has been identified as a student with a disability.

A school district has knowledge that the child may be a student with a disability if:

- The parent of the child has expressed concern in writing that the child is in need of special education and related services to the child's teacher or administrator
- The parent requested an evaluation related to special education eligibility
- The child's teacher or other district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the district's director of special education or school administration.

The district does not have knowledge if:

- The child's parent has not allowed an evaluation of the child, has refused special education and related services, or has revoked consent for the delivery of special education and related services; or
- The child has been evaluated and determined not to be a child with a disability eligible for services under the IDEA.

METHOD TO MONITOR FOR COMPLIANCE

Special Education Specialists will review the discipline reports of all assigned schools at least monthly. Special Services Coordinators will review ISS/OSS data for SWDs at a minimum of one time per month. School administrators will be alerted to patterns and trends regarding identified students with disabilities.

For Middle and High School students: The SPED Specialist, AP over SPED and the case manager will meet quarterly and review all SWD report cards, IEP progress reports, discipline, and attendance. The meetings should be documented on the caseload form and include any follow up action that will occur, such as an IEP meeting to address the concern.

MONITORING STAFF

System Level – Director of Student Services, Special Education Coordinators

School Level – Principals, Assistant Principals, Special Education Specialists

Individualized Education Programs

IEP Overview

An Individualized Education Program (IEP) is a written statement for each child with a disability that is developed, reviewed, and revised at least annually in a meeting with required participants.

This IEP becomes the important document that ensures the special education student is provided appropriate educational services based on his/her unique needs. The IEP document is an assurance to the student with a disability and to the parent that the school system will provide the special education and related services as outlined in the IEP. Any change in the special education services for a student must be documented in the IEP.

Changes to the IEP

- After the annual IEP meeting, the IEP may need to be changed. This can be done either by reconvening the IEP team to amend it or by mutual agreement between the parent and district to make changes to the written document without a meeting. The parent always retains the right to request a meeting for any and all changes or amendments to the IEP. Regardless of the method of changing the IEP, the parent must be provided with both a copy of the changes and an explanation of those changes in a timely manner.

In compliance with State Rule 160-4-7-.06 Individualized Education Program (IEP) and federal law and regulations, the IEP must include the following:

- A statement of the child's present levels of academic achievement and functional performance, including:
 - How the child's disability affects the child's involvement and progress in the general curriculum;
 - For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - Strengths of child;
 - Concerns of parents for enhancing the education of their child;
 - Results of the initial or most recent evaluation of the child assessment summary;
 - Results, as appropriate, of the child's Statewide or district wide assessments;
 - The academic, developmental, and functional needs of the child.
- A consideration of special factors

- In the case of a child whose behavior impedes the child’s learning or the learning of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior in the IEP or a behavior intervention plan (BIP);
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille or the use of Braille unless the IEP determines, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media, that instruction or the use of Braille is not appropriate for the child;
- In the case of a child who has communication deficits, consider the communication needs of the child;
- In the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode:
 - Consider whether the child needs assistive technology devices and services.
- A statement of measurable annual goals, including academic and functional goals designed to:
 - Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
 - Meet each of the child’s other educational needs that result from the child’s disability.
- Beginning not later than entry into ninth grade or by age 16, whichever comes first, or younger if determined appropriate by the IEP Team and updated annually, the IEP must include:
 - Appropriate measurable postsecondary goals and measurable transition IEP goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills
 - The transition services and activities appropriate (including courses of study) to assist the student in reaching those goals
- For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
- A description of:
 - How the child’s progress toward meeting the annual goals will be measured
 - When periodic reports on the progress the child is making toward meeting the annual goals will be provided to the parents
- A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the

child, or on behalf of the child, and a statement of the accommodations, program modifications, or supports for school personnel that will be provided for the child:

- To advance appropriately toward attaining the annual goals;
 - To be involved in and progress in the general curriculum and to participate in extracurricular and other nonacademic activities;
 - To be educated and participate with other children with disabilities and with non-disabled children in academic, nonacademic and extracurricular activities
- An explanation of the extent, if any, to which the student will not participate with non-disabled children in the general education class and in nonacademic and extracurricular activities.
- A statement of any individualized appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and District wide assessments.
 - If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or District wide assessment of student achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternative assessment selected is appropriate for the child. In addition, the parents of the child must be informed that the child is being assessed against alternate or modified achievement standards and any consequences of such assessments.
 - IEP Teams must select for each assessment only those accommodations that do not invalidate the score according to state standards.
- The projected date for the beginning of services and program modifications and the anticipated frequency, location, and duration of those services and program modifications.
- A determination of whether or not Extended School Year Services are necessary to provide FAPE to the child, given the individual needs of the child
 - If ESY services are necessary:
 - Indicate the goals that are being extended or modified to deliver FAPE
 - State the specific services needed, the amount of time for each service, the beginning and ending dates for the services, and the service provider and location
- Beginning not later than one year before the student reaches age 18; the IEP must include a statement that the student has been informed of the student's rights, if any, which will transfer to the student on reaching age 18.

The IEP Team

The IEP team is composed of:

- the Parent(s), Guardian(s) or Surrogate of the child with a disability;
- not less than one Regular Education Teacher of the child;
 - to develop appropriate positive behavioral interventions and supports and other strategies for the child
 - to develop supplementary aids and services, accommodations, program modifications, and supports for school personnel
- not less than one Special Education Teacher or provider of the child's services;
- a Representative of the Local Education Agency who
 - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities,
 - is knowledgeable of the general curriculum, and
 - is knowledgeable of the availability of resources of the local education agency;
- an individual who can interpret the instructional implications of evaluation results;
- at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child;
- when appropriate, the child with the disability

Transition Services Participants

- The LEA must invite the student with a disability to attend the student's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals.
 - If the student does not attend the IEP Team meeting, the LEA must take other steps to ensure that the student's preferences and interests are considered.
- To the extent appropriate, with the consent of the parents or the adult student who has reached the age of 18, in implementing the transition requirements, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Excusal from the IEP Meeting for Required IEP Team Members (Two Circumstances)

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

- Member of IEP Team may be excused from an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if:
 - The parent, in writing, and the LEA consent to the excusal, and
 - The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

The Summary of Performance (SOP)

- For a student whose eligibility terminates due to graduation with a regular diploma or to exceeding the age requirements, the district must provide the student with a summary of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals. Although not required by the state, in Columbia County the SOP is developed and reviewed at the student's IEP meeting before exiting public school as a senior. This includes those who have not earned a regular diploma. The purpose of the SOP is to provide strategies for successful transition with needed supports. The SOP and directions for completing the SOP are available on the GaDOE Special Education web page.

Parent Notification and Participation

- Each Case Manager shall take steps to ensure one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and scheduling the meeting at a mutually agreed upon time and place.
- The invitation to the IEP Team meeting shall indicate the purpose, time, and location of the meeting and the participants who are invited to be in attendance and shall inform the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel.
- For a student with a disability who meets criteria stated above for transition services, the invitation must indicate that a purpose of the meeting will be to consider transition services for the student.
- If neither parent can attend an IEP Team meeting, the Case Manager must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents in attendance if the Case Manager is unable to convince the parents that they should attend. In this case, the Case Manager must keep a record of attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records and results of visits made to the home or place of employment and the results of those visits.

- The Case Manager must take whatever action is necessary to ensure that the parents understand the proceedings of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English.
- The parent shall receive a copy of the IEP at no cost.
- The Case Manger shall ensure that the parents of each child with a disability are invited to be members of any group that makes decisions on the child's educational placement.

Accessibility of Child's IEP to Teachers and Others

Each LEA/Case Manger must ensure that:

- The child's IEP is accessible to each general education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- Each teacher and provider is informed of:
 - His or her specific responsibilities related to implementing the child's IEP; and
 - The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

Placement Options

- Special education is a service and *not a place*. After the IEP team has reviewed all required information and developed an IEP, it must make the decision as to where services need to be delivered in order to enable the student to receive a free appropriate public education in the least restrictive environment. Placement decisions should start with the expectation that services will be provided in the general education setting and should be made on a subject-by-subject basis. The placement decision should be fully supported by the present levels of academic achievement and functional performance and by the level of supports and accommodations/modifications the student requires to access the curriculum.

Common Mistakes to Avoid with IEPs

Invitation-

Required people must be listed on the invitation

SLP, OT/PT, VI, HI service providers must be included anytime services are being reviewed

High Schools- Students must be on the invitation;

Outside agencies must be invited when talking about transition services

Dates-

Form Date and Date of Meeting should match for Annual Reviews

IEP end date is exactly one day less than 1 year from the Annual Review Date
School Year is the year that you are meeting.

Amendments change the implementation date but **NOT** the end dates

Parent Concerns-

Must put something in this area- Cannot leave blank
Contact the parent prior to the meeting so he/she is prepared-
Cannot indicate “no concerns”

Goals-

Indicate grade level if academic goal
Indicate progress expectation- from..... to
Must be measurable- can you see/rate this behavior?

Annual Review (AR)/Eligibility Reevaluation (ER)-

a. Annual Reviews

Must be new IEPs- not same information carried over from previous year
Must be held prior to expiration date
All services must indicate IEP, not amendment, on the service page- delete any
services generated from Amendment and re-entered

b. Eligibility Reevaluations

School Psychologist must be present if team is requesting testing
Must be completed every three years prior to expiration date

Speech eligibility/related services-

Be careful with transfer students- other categorical eligibility- speech is often a
related service, not an eligibility category

https://screencast-o-matic.com/u/hest/IEP_Tutorials

Please see IC IEP Resources for Detailed Guidelines and Screen Shots.

Meeting Review and Compliance Document

Elementary-

Specialist is LEA unless absent/other circumstance prevents attendance

Specialist completes the Meeting Review and Compliance forms and sends to their Coordinator- if not present ask the teacher for the forms. Complete Compliance and then send to Coordinator

Teacher locks completed correct IEP in IC and sends SDR to Data Clerk (Lacrecha Scott)-

If Specialist not present, give meeting review & compliance document to specialist

Teacher scans documents outside of the IEP to Records Clerk (Keri) and Data Clerk (Lacrecha)

[See Submission of Paperwork](#)

Middle and High School

LEA completes only the meeting review (if not the specialist)

The teacher will send the compliance and meeting review to the Specialist the day of the meeting and sends the SDR to Data Clerk (Lacrecha).

The Specialist reviews the paper work:

a. if appropriate notify the teacher to scan the documents outside of IEP to Records Clerk (Keri) and Data Clerk (Lacrecha) and lock IEP

or

b. send the document back to the **teacher to make corrections within 2 days** and tell the teacher to scan documents outside of IEP to Keri and Lacrecha once the corrected IEP is locked (**within 2 days**)

c. Completed Compliance Review sent to Coordinator

Teacher scans documents outside of the IEP to Keri and Lacrecha

[See Submission of Paperwork](#)

IEP documents will be uploaded from IC

Compliance Forms Follow:

Meeting Review: School: _____ Date: _____

Completed by LEA: _____ Special Education Teacher: _____

Student's Name : _____

Meeting Checklist: Yes No N/A

| | | | |
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| Beginning of the Meeting Purpose established, introductions, Parental Rights, | | | |
| Required participants: Minimal -LEA, Gen, Sped, Parents, Possible Additional- Student (transition) , Related Services (SLP, OT, PT), Psychologist Attendance Signed Meeting Notice signed/returned | | | |
| Review of Progress on Goals Data on mastery/non-mastery of goals & objectives shown to the team | | | |
| Present level- Recent assessments discussed, benchmarks, grades Strengths and Needs clearly stated Parental Concerns Addressed Impact on General Education | | | |
| Special Factors- Behavior Plan?, Communication Needs, Assistive Technology | | | |
| Annual Goals- Based on needs section of present level Measurable- baseline and grade level indicated Behavior goals if behavior indicated yes but no to BIP | | | |
| Accommodations- needed in general education and different than all peers | | | |
| Supplemental Aids/Supports for school personnel | | | |
| Special Services /Options Least Restrictive Environment (LRE) | | | |
| Extent to which student will not participate with peers (LRE) | | | |
| ESY- Data is available to the team to make decision | | | |
| Behavior Intervention Plan Has FBA been completed or in progress? Clearly defined target behavior and Function identified Intervention Strategies, Reinforcers, and Action Plan discussed | | | |
| Transition Plan- Agency Invited/Assessment discussed in preferences | | | |
| General Information presented clearly to the parent/student Efficient use of time Parent/student input solicited Parent/student treated with respect | | | |

Comments

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Compliance Review Checklist

| | | | | |
|---------------|--|----------------------------------|---------------|--------------|
| Student Name: | Date of Meeting: | Type of Meeting: | Case Manager: | Specialist: |
| | Date Paperwork Sent to Special Services: | Date Paperwork Given to Parents: | | School Name: |

| Eligibility Categories: | Behavior Intervention Plan | | Parent Attended Meeting | | Student Attended Meeting | |
|-------------------------|----------------------------|----|-------------------------|----|--------------------------|----|
| | Yes | No | Yes | No | Yes | No |

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| <ul style="list-style-type: none"> Original Meeting Notice: Date Sent _____ (must be at least 7-10 days prior to meeting) Original Attendance Page with all required signatures Meeting Summary Page for ALL meetings (must include documentation of Parental Rights given and explained or that they are sent home with IEP if parent didn't attend.) Excusal Form Graphs and Progress Reports from active IEP ESY Form attached Transition Plan Original Re-eval Review Form Original Consent to Place Original Consent to Evaluate | | | |
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| <p>Student Information</p> <ul style="list-style-type: none"> Correct Meeting Date entered Purpose of IEP meeting stated Most recent eligibility dates provided (start date- end date): _____ IEP Implementation date: _____ IEP Ending Date: _____ (exactly 1 year minus 1 day from meeting) Required and Additional Members Listed on IEP and matches the signature page | | | |
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| <p>PLAAFP: Evaluation and Assessments</p> <ul style="list-style-type: none"> • Brief summary of student (age, grade, current disability, when first eligible, etc.) • Includes an explanation/ summary of eligibility results (not just scores) • Includes results of county assessments (Star, benchmarks, county facts, progress monitoring data) • Includes results of state assessments (Gkids, GAA, GMAS) • Current Report Card Grades (not progress report) <p>PLAAFP: Strengths and Needs</p> <ul style="list-style-type: none"> • Academic strengths and needs addressed. (Specific details for goal development. Skills the student must learn) • Developmental strengths and needs addressed (Specific data for goal development) • Functional strengths and needs addressed (Specific data for goal development) • Behavioral strengths and needs addressed (Specific data for goal development) <p>PLAAFP: Parental Concerns</p> <ul style="list-style-type: none"> • Parental concerns documented (drawn from communication over the year) cannot report “no concerns” <p>PLAAFP: Impact of Disability</p> <ul style="list-style-type: none"> • Explains/shows how the individual characteristics of the student’s disability impacts classroom activities | | | |
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| <ul style="list-style-type: none"> • A statement is included to explain any special factor which is checked “YES” • If a behavior is listed in the functional needs section then special factor MUST indicate that behavior impedes learning • If a behavior is a special factor that impedes learning then a behavior goal is developed or a FBA/BIP is developed and attached • Full consideration of assistive technology is documented (matches AT page) • Large print or other materials needed are documented in the Alternative Formats for Instructional Materials | | | |
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| <ul style="list-style-type: none"> • There is at least one goal for every Functional Need stated in the PLAAFP • Goals are written in measurable terms based on data from PLAAFP • Goals include current level and criteria for mastery • If short term objectives are written, the criteria for mastery of the goal must match the criteria of short term objectives written • Method of evaluation for each goal is clearly stated | | | |
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| <p>Instructional Accommodations:</p> <ul style="list-style-type: none"> • Accommodations listed are specific to the student and match the PLAAFP • Accommodations listed are needed to access the general education setting <p>Classroom Testing accommodations:</p> <ul style="list-style-type: none"> • Classroom Testing Accommodations meet the individual needs of the student • All Standardized Testing Accommodations are used as Classroom Testing Accommodations <p>Supplemental Aids and Services are clearly listed (tutoring, adult assistance, note-taking, peer helper, pre-teaching/re-teaching or reinforcing concepts, behavior intervention plan, point sheet, assigned seating, etc.)</p> <p>Supports for school personnel are listed (training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc.)</p> <p>Standardized Testing</p> <ul style="list-style-type: none"> • GAA indicate and explanation provided • State Mandated Testing is considered for each subtest and each assessment • State Mandated Testing grid is completed aligns with classroom testing | | | |
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| <p>Instruction/Related Services in General Education Setting</p> <ul style="list-style-type: none"> • Services are directly related to the needs outlined in the PLAAFP • All options considered are checked on the IEP (check off in order from least restrictive to more restrictive to indicate consideration) • All Boxes filled in on service grid (dates cannot start before or extend past IEP implementation and ending date) <p>Instruction/Related Services Outside the General Education Setting:</p> <ul style="list-style-type: none"> • Services are directly related to the needs outlined in the PLAAFP • All options considered are checked on the IEP (check off in order from least restrictive to more restrictive to indicate consideration) • All Boxes filled in on service grid (dates cannot start before or extend past IEP implementation and ending date) | | | |
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| <ul style="list-style-type: none"> • Reason for Instruction/Related Services Outside the General Education Setting is fully justified (Not a generic statement) | | | |
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| <ul style="list-style-type: none"> • Consideration for ESY is fully documented at meeting (ESY Checklist) • Goals and service grid completed if ESY is recommended | | | |
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| <ul style="list-style-type: none"> • All three contacts are noted in IEP- date, type of contact, and person • Documents provided to parents are checked in IEP | | | |
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| <p>Transition Service Plan</p> <ul style="list-style-type: none"> • Student Preferences includes age, grade, area(s) of interest and transition assessment documented. • Course of study- General Diploma, Transition or Access Curriculum • Post-Secondary Outcome Goals- Education & Employment required, GAA/ID must include Independent living too. • Transfer of Rights dates indicated if 17 or 18 during life of IEP <p>Transition Goals</p> <ul style="list-style-type: none"> • Education and Development of Employment Goals | | | |
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| <ul style="list-style-type: none"> • GAA/ID must also include Independent Living • Goals start “After high school graduation” • Goals written in measurable terms (i.e. 2 out of 3 activities) • Activities are relevant to individual student and not tasks all students | | | |
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Notes

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Teacher:

Completed Compliance Review Checklist: Yes No File ready for Special Services: Yes No Date: _____

File Rechecked by SPED Specialist: Date: _____ Sent to Special Services _____
or
Sent back to Teacher: _____

Compliance Coordinator:

File received: Date: _____ Received within **7 days of meeting:** Yes No

PERSONNEL, FACILITIES, AND CASELOADS

State Rule: 160-4-7-.14

Definition

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

Components of General Supervision

- Maintenance of credentials for professional employees
- Classroom size and appropriateness
- Maximum class size and caseload by eligibility category

Maintenance of Credentials for Professional Employees

The District makes every effort to recruit, hire and retain highly qualified special education teachers and speech/language pathologists. The Special Services Director works with the Human Resources Director as well as principals to ensure that certified personnel are highly qualified to be the teacher of record for students with disabilities.

Classroom size and appropriateness

Each class for students with disabilities has a minimum of 38 square feet per student, with consideration given to special equipment and personnel. The Special Services Director, the Director of Facilities & Maintenance, and Principals work in collaboration to ensure this is provided and to resolve any discrepancies.

Maximum class size and caseload by eligibility category

The Columbia County School District follows the class size and caseload regulations set forth by the Georgia Department of Education. Each school's SPED Specialist reviews segments at least monthly to ensure that the District is in compliance with this rule.

METHOD TO MONITOR FOR COMPLIANCE

The Human Resources Director will maintain certification for all special education personnel and will notify the School Administration and Special Services Director of any certified staff working with students with disabilities who are not appropriately certified.

The facilities' plan is reviewed annually with the Superintendent, the Board of Education, and all other appropriate personnel and stakeholders.

Principals and SPED Specialists will monitor class size and caseloads.

MONITORING STAFF

System Level - Director of Special Services, Human Resources Director, Director of Facilities & Maintenance, Coordinators

School Level – Principals, Special Education Specialists

AREA OF GENERAL SUPERVISION III: Student Progress

Indicators:

3: *Assessment*

7: *Preschool Outcomes*

State Rule: 160-4-7.02

FAPE Inclusive for students age 3-21: Full Educational Opportunity

All students with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). This includes children who are eligible for special education from the ages of three (3) through twenty-one (21).

FAPE for Students at 22

Children are entitled to continue to receive special education and related services through their 21st year (or until they turn 22) if they remain eligible for special education and they have not graduated with a regular high school diploma. Entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first. The county policy Policy IHF, page 6 (also attached) states that

“Students with significant cognitive disabilities may graduate and receive a regular high school diploma when the student’s IEP team determines that the student has fulfilled the following requirements:

1. Completed an integrated curriculum based on the GPS that includes instruction in Mathematics, English/Language Arts, Science and Social Studies as well as career preparation, self-determination, independent living and personal care to equal a minimum of 23 units of instruction, and
2. Participated in the GAA during middle school and high school and earned a proficient score on the high school GAA test, and
3. Reached the 22nd birthday or has transitioned to an employment/education/training setting in which the supports needed are provided by an entity other than the local school district.

Authority O. C. G. A. § 20-2- 131; 20-2-140; 20-2-142; 20-2-150(a); 20-2-151(a), (b); 20-2-154(a); 20-2-160; 20-2-161.1; 20-2-161.2; 20-2-281(a), (c).

If a student graduates with a diploma prior to age 22, the student will be ineligible to re-enroll.

FAPE Provision by 3rd Birthday

Students are entitled to FAPE when they are determined eligible for special education and related services. This can be as early as 3 years of age. If a child is receiving services prior to age 3 through the Babies Can't Wait (BCW) program, then both the BCW program and the Columbia County School District have an obligation to work together to transition the child to the public school program by the child's 3rd birthday. Children should have eligibility for special education determined and an IEP developed and in place by age three if they were previously receiving services.

FAPE for Incarcerated Students

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) must receive their educational programs. Each of these agencies provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ and DOC are public schools and should be treated as other public schools when providing records in an expeditious manner. Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE. A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. Districts need to work closely with the local jail in order to gain access to the student and to deliver services.

Definition of a Regular High School Diploma

A regular high school diploma in Georgia is the document awarded to students certifying that they have satisfied attendance requirements, unit requirements and the state assessment requirements as referenced in Rule 160-3-1-.07

Delay of Services Not Allowed

FAPE will not be delayed through any policies of screening, identification, referral, evaluation, and placement. In certain situations, as determined by the multidisciplinary committee, diagnostic placements in special education are warranted while the comprehensive evaluation occurs. Additionally, when a parent requests an evaluation, especially to look at a Specific

Learning Disability (SLD), interventions may occur after consent to evaluate from the parent is obtained and while other components of the comprehensive evaluation are conducted. Districts and states may use whatever federal, state, private, or other sources of funds that are available to provide services to students under FAPE. Districts must not delay the delivery of services required by an IEP until the funding source is located or secured.

Medicaid Payment Allowances and Limitations

The Columbia County School District does not bill for Medicaid.

Residential Placement

If placement in a residential facility, either public or private, is necessary for the student to receive FAPE, then the placement is at public expense, usually paid for by the local district. Districts should not consider placement in residential facilities unless they have exhausted the nonresidential resources. The Georgia Department of Education (GaDOE) has tuition grants to assist local districts if they place a student in a residential facility.

Provision of Accessible Instructional Materials

The Columbia County School District provides print instructional materials in an accessible format to students who are blind or other print disabled. These materials must be provided in a timely manner, usually about the same time as the traditional materials are received by other students, unless unusual circumstances exist. Accessible formats include braille, audio, or digital text, but do not include the altering of the content. Additional information on accessible instructional materials can be found by contacting the Teachers of the Visually Impaired in the Special Services Department.

Provision of Assistive Technology

IEP teams must consider each student's need for assistive technology devices and services at every annual review. This may be documented through the Assistive Technology Checklist, especially when a referral to the Assistive Technology Team is being considered or the team determines an AT device is needed for the child to receive FAPE. When the IEP team determines that a student requires assistive technology devices or services, this should be clearly documented in the IEP, and the assistive technology should be provided to the student in a timely manner. The provided assistive technology should be integrated into instructional activities, and data should be collected on the use of the technology.

Assistive Technology Evaluations

Comprehensive Assistive Technology evaluations are available in the Columbia County School District. *The purposes of the assessment are*

- To identify required assistive technology devices
- To identify required assistive technology services, including training

When is an assessment conducted?

- When the current student cannot perform tasks within his or her curriculum independently or with accommodations, modifications, or assistive technology that is currently in place and the student's IEP team cannot identify any devices that would meet his or her needs
- Upon parent request

What will happen when the child is evaluated?

- Assigned persons knowledgeable in AT as well as the unique needs of the child will evaluate the need.
- Team members will generate and prioritize intervention solutions
- Identify potential tools and strategies to meet student's needs
- Focus on the features of required tools not the names of tools
- Provide for extended trial use if needed
- Develop an assistive technology intervention action plan
- Determine what needs to be done
- Determine who will be responsible for doing it
- Determine how effectiveness will be monitored
- Implement the assistive technology intervention plan
- Monitor effectiveness of the intervention(s)

How to Make a Referral

Prior to a referral for an AT Evaluation, the Assistive Technology Consideration Checklist must be completed by the IEP Committee.

Home Use of Assistive Technology

If the IEP team determines that the student requires school purchased assistive technology at home or in other settings to receive FAPE, the assistive technology must be provided to the student at no cost to the parent. The student, staff, and family, if appropriate, should be trained in the use of any assistive technology made available to the student.

FAPE and Extended School Year

Each district must provide extended school year (ESY) services to students who need such services to receive FAPE. ESY services are those services a student requires beyond the normal school year of the district and are not limited to only the summer months. The IEP team makes the determination regarding whether a student needs ESY and, if so, what services will be provided. This includes determining the details of ESY, such as what services will be provided, when and where the services will take place, and the frequency and the duration of the services. Any services provided as ESY must meet the requirements of FAPE. A district must not state that ESY is only for certain groups of students or say it is for all of a certain group. Likewise, a district may not limit ESY services to a certain time period or type of activity. When there is a likelihood ESY will be needed, a special education administrator must serve as the LEA Representative for that meeting. The ESY checklist is used as a guide to determine the need for extended school year services.

All students with IEPs must be considered for ESY. However, ESY is not for every student.

- An IEP meeting, which includes the parent, general education teacher, special education teacher, LEA, and others, as appropriate, must be held to review the current IEP goals and objectives in the IEP and determine which were mastered and which were not. The ESY checklist is used as a guide in determining eligibility for ESY services.
- Using records (data collection), not opinion, but facts, based upon data the educator has collected throughout the school year, the IEP team must report data on the IEP goals and objectives that were met and those that were not met.
- Using records (data collection), the IEP team must determine if the student has regressed during long periods of time when school is out of session. Does it take the student a long period of time to recoup the information he/she has lost?
- Once the IEP team has identified goals and objectives that were not mastered or the student has emerging skills in, the IEP team will decide why the student did not master them. (i.e., the lack of progress is due to truancy, lack of effort, illness or non-compliance, then the student would not be eligible for ESY services).
- To be eligible for ESY services, the IEP team must have determined that if the student did not receive some type of intervention over the summer months, the student will suffer irreparable harm in their educational progress that without intervention they would experience significant regression of what they had learned over the current school year, and/or it would take so much time at the beginning of the next school year to re-teach the student what they may have lost through the normal regression, that all students experience during the summer.

- If the IEP team determines the student needs some type of ESY service, they must decide how much, how often, and what type of intervention is needed.
- If the teacher has a student that will be receiving ESY, he/she will prepare a copy of the ESY IEP minutes indicating goals and objectives needed to be worked on, the amount of service time and any materials the ESY teacher may need to work with the student.

Extracurricular Activities Accessibility

FAPE can also include nonacademic and extracurricular services. Districts must consider supplementary aids and services necessary to provide students with disabilities the equal opportunity to participate in nonacademic and extracurricular activities. This may include, but is not limited to, participation in clubs, referral to agencies that provide services, special interest groups, employment assistance, counseling, health services, or athletics. An IEP does not negate eligibility requirements such as having to try out for the team or having an “A” average to be in Spanish Club.

Access to Physical Education and Specially Designed Physical Education

IDEA also defines physical education as a direct service, which includes instruction in physical fitness; motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance and individual and group games and sports (including intramurals and lifetime sports). As mentioned in IDEA, service delivery options can take place in a variety of settings, ranging from instruction in the home or hospital to inclusion in a general education class. The setting should always be based on a student’s individual needs. Removing children with disabilities from the general physical education environment should occur only if the nature or severity of the disability is such that education in the regular classes, with the use of supplementary aids and services, cannot be performed satisfactorily. In the event that specially designed physical education services are prescribed, the IEP team should include adapted physical education goals and objectives in a child’s IEP, as well as statements that describe:

The student’s current level of performance, measurable goals and objectives.

Placement options available for implementing the education program.

Assessment procedures used to determine when the goals and objectives are achieved.

The accommodations to be provided so that the student can participate in physical education safely and successfully.

Services to Public Charter Schools that are not LEAs

Children who attend public charter schools and their parents retain all the rights given to them in the public school under the IDEA. In general, two types of charter schools are present in the state: public schools or public school districts that operate according to the terms of a charter or contract that has been approved by a local board of education and the State Board of Education; and state chartered special schools that operate according to the terms of a charter or contract that has been approved by the State Board of Education. Charter schools must make available the services needed to provide education for students with IEPs. The charter that is part of a district has, as part of its resources, the full continuum of services and supports within the district. At times, a student's IEP may determine that a specific setting is needed that may not be available at the charter, but that is available at another school within the district. The charter that is part of the district may not, however, decline to serve students with IEPs. Currently, there are no charter schools under the jurisdiction of the Columbia County School District.

Programming Options and Equal Access

The appropriate services and programs will be based upon the child's individual special education needs, which are based on an assessment of all areas of the suspected disability. The planning of the child's program and services is done by the Individualized Education Program (IEP) team. The parent is an important member of this team. A continuum of services is offered. The child is served in the Least Restrictive Environment where the goals and objectives of the IEP can be delivered.

All children in Columbia County School District have access to the same education and services that all other children have within the district, based on the IDEA concept of full educational opportunity.

Hearing Equipment Checks

The Columbia County School District Department for the Deaf and Hard of Hearing documents checks on the functioning of hearing aids and cochlear implants. The district is not responsible for programming such devices or providing post-surgery maintenance.

Prohibition of Mandatory Medication

Districts may not require medication as a condition of attending school, receiving an evaluation, or receiving services. Parents make the decisions regarding their children and any medication they administer or do not administer. Districts should not make medical decisions that require medication. Nothing prohibits a district, however, from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of the student's behavior and academic performance when taking or not taking medication. If a district believes a student is not receiving medication that is essential for his or her health or education, it may refer the family to the Department of Family and Children's Services for assistance.

MONITORING STAFF

System Level – Director of Special Services, Coordinators

School Level – Principals, Assistant Principals, Special Education Specialists

AREA OF GENERAL SUPERVISION IV: Parent Engagement

Indicators:

- 8: *Parent Involvement*
- 16: *Complaint Timelines*
- 17: *Hearing Timelines*
- 18: *Resolution Session*
- 19: *Mediation*

PROCEDURAL SAFEGUARDS AND PARENT RIGHTS

State Rule 160-4-7-.09

The Columbia County School District assures that *The Parent Rights in Special Education* (Parental Rights), which provides the foundation for ensuring that a child with a disability has access to a free and appropriate public education (FAPE), are provided to parents in their native language. *The Georgia Parental Rights* document can be accessed in English and other supporting translations at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Parent-Rights.aspx>

When Parent Rights must be provided to parents

The Parental Rights notice provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. This document will also help to facilitate communication between parents and district employees. The Columbia County School District's policy to provide The Parental Rights brochure at a minimum of one time per year and:

1. Upon Initial referral or parental request for evaluation (before signing Consent to Evaluate)
2. Upon Initial IEP placement (prior to signing Consent to Place)
3. Prior to starting ALL IEP meetings (If parent does not attend the meeting, The Parental Rights brochure will be sent home along with IEP meeting documents)
4. Upon receipt of the first state complaint in a school year
5. Upon receipt of the first request for a due process hearing in a school year
6. Upon notification by the LEA to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct
7. Prior to accessing a child's or parent's public benefits or insurance for the first time
8. Upon Parent request

Content of Parental Rights

The content of the notice includes a full explanation of all the procedural safeguards available relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to education records;
5. Opportunity to present and resolve complaints through the State complaint procedures and a due process hearing including:
 - (i) The time period in which to file a complaint or due process hearing;
 - (ii) The opportunity for the agency to resolve the complaint; and
 - (iii) The difference between the due process hearing and the state complaint process, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
6. The availability of mediation;
7. The child's placement during the pendency of any due process hearing;
8. Procedures for children who are subject to placement in an interim alternation education setting;
9. Requirements for unilateral placement by parents of children in private school at public expense;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Appeals of due process hearings, including the time period in which to file those actions;
12. Attorneys' fees; and
13. Notice provided in a language understandable to the parents in a language understandable to the parents.

Parental Opportunity to Review Records

It is the Columbia County School District's policy to provide parents, the student at age 18, or his/her representative, with the opportunity to review all education records relating to your child without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP), or due process hearing, or resolution session, and in no more than 45 days after the request has been made. The Columbia County School District provides an opportunity for the parents of a child with a disability to:

- 1) Inspect and review all education records relating to the identification, evaluation, educational placement and provision of FAPE to the child. These rights include the right to a response from the local education agency to reasonable requests for explanations and interpretations of the records, the right to request the local education agency to provide copies of the records and the right to have a representative of the parent to inspect and review the records. The local education agency may presume that the parent has these rights unless the school system has been advised that the parent does not have the authority due to State law governing, guardianship, separation and divorce.

- i) At the age of 18 all rights of parents to examine education records shall transfer to the student. The student will participate in meetings with respect to the identification, evaluation, and educational placement and the provision of a free appropriate public education (FAPE).
- 2) Obtain an independent educational evaluation of the child.

The Columbia County School District ensures that parents:

1. Receive notice before the school initiates or changes (or refuses to initiate or change) the identification, evaluation, educational placement of the child, or the provision of FAPE to the child.
2. Receive notice of places to contact for assistance in understanding the procedural safeguards/parents' rights.
3. Receive procedural safeguards notice and a full explanation of the procedural safeguards

Parental Participation in Meetings

The parents of a child with a disability are afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of a FAPE to the child.

1. A meeting does not include informal or unscheduled conversations involving local education agency personnel and does not include conversations on issues such as teaching methodology, lesson plans, or coordination of service provision.
2. A meeting also does not include preparatory activities that local education agency personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting.
3. Each local education agency shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
 - (i) If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local education agency shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
 - (ii) A placement decision may be made by a group without the involvement of the parent(s) if the local education agency is unable to obtain their participation in the decision. In this case, the local education agency must have a record of its attempts to ensure their involvement, including information that is consistent with State Board of Education Rule 160-4-7-.06 *Individualized Education Program*. The local education agency makes reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Independent Educational Evaluations

When a parent of a student with a disability disagrees with an evaluation conducted by the Columbia County School District, the parent has the right to request that Columbia County School District fund an independent educational evaluation. An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not an employee of the School District. Any results obtained through this independent evaluation must be considered by the School District in any eligibility or placement decision. School-level administrators and teachers are asked to notify the Director of Special Services *IMMEDIATELY* upon request of an independent educational evaluation by a parent. The District is under strict time constraints once a parent makes this request. The parent(s) has/have the right to an independent educational evaluation at public expense if the parent(s) disagree(s) with an evaluation conducted/obtained by the local education agency, subject to the conditions in paragraphs described below:

1. If a parent requests an independent educational evaluation at public expense, the local education agency must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless the local education agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
2. If the final decision is that the local education agency's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.
3. If a parent requests an independent educational evaluation, the local education agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the local education agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the local education agency's evaluation.

The Columbia County School District will provide to the parents, upon request, information about where an independent educational evaluation may be obtained and the local education agency's criteria applicable for independent educational evaluations. If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

1. Shall be considered by the local education agency, if it meets state and local education agency criteria, in any decision made with respect to the provision of a FAPE to the child; and
2. May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child. If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense. Whenever the state or local education agency pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the state or local education agency uses when it initiates an evaluation. Except for the criteria described in this Rule, a local education agency may not impose conditions or timelines related to obtaining an independent

educational evaluation at public expense. A parent is entitled to only one independent education evaluation at public expense each time the local education agency conducts an evaluation with which the parent disagrees.

Parental Consent

At a minimum, informed parental consent is obtained before:

1. Conducting an initial evaluation to determine if the child qualifies as a child with a disability;
2. Conducting any reevaluation of a child with a disability;
3. Providing initial special education and related services to a child with a disability;
 - (i) Consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE.
 - (ii) Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.
4. Disclosing personally identifiable information under conditions.
5. Accessing a child's or parent's public benefits or insurance for the first time as described in State Board of Education Rule 160-4-7-.02.

Parent Refusal for Consent/Revocation

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

- The parent is not allowed to revoke "partial" consent for only some of the services provided by the IEP. If the parent and the Columbia County School District disagree about whether a Free and Appropriate Public Education (FAPE) would be provided with or without the provision of a service, the parent may use the due process procedures outlined in *Special Education Parental Rights* to obtain a ruling regarding the services. Consent for services is for consent for special education.

Parent Consent not Required

The Columbia County School District makes reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability. For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the Columbia County School District is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

1. Despite reasonable efforts to do so, the local education agency cannot discover the whereabouts of the parent of the child;
2. The rights of the parents of the child have been terminated in accordance with

- State law;
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Parent Training

Parents may be provided assistance:

- 1) To understand the special needs of their child and information about child development; and
- 2) To acquire the necessary skills to support the implementation of their child's IEP if determined by the IEP Team as a related service.

MONITORING STAFF

System Level – Director of Special Services, Coordinators

School Level – Principals, Assistant Principals, Special Education Specialists

SURROGATE PARENTS

State Rule 160-4-7-.11

Components of General Supervision

- Efforts to locate parents
 - Ward of the state
 - Homeless youth
- Appointment of surrogate
 - LEA determines need
 - LEA maintains list
- Criteria for Surrogate parent selection
- Surrogate parent responsibilities

SURROGATE PARENTS

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

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

Children who are in the custody of the Department of Family and Children's Services (DFCS) and the Department of Juvenile Justice (DJJ) are considered "*wards of the state*" or in Georgia the term most often used "*in state custody*". Children in the custody of DJJ or DFCS that are residing in group homes, residential facilities, or emergency shelters may all qualify as wards of the state that need a surrogate parent. Children in the custody of DFCS who reside with a foster parent are also wards of the state; however, the **foster parent** can fit the definition of parent under the 2004 Individuals with Disabilities Educational Act (IDEA). Therefore, a foster parent can sign **Consent to Evaluate** and to **Place in Special Education** without getting a surrogate parent or requiring that the foster parent attend training prior to signing.

Best practice in Columbia County will continue to be to *offer* the training to foster parents before they are asked to sign a Consent for Evaluation, Consent for Placement, or make educational decisions in an IEP meeting. However, the training will *not* be mandatory for the foster parents, but strongly encouraged. Columbia County also encourages the use of surrogates if the foster placement is projected to be a very short placement or if the foster parent has not had

the child for a reasonable amount of time to make educational decisions without some guidance in special education terminology, etc.

APPOINTMENT OF SURROGATE PARENT

If the child is in the custody of a State agency (DFCS), then the child is a ward of the state. If the child is a ward of the state, then the following question must be asked to determine whether a surrogate is needed or not. If the child is in the custody of DFCS, then ask the person enrolling the child if the child resides with a foster parent. If the answer is YES, then the foster parent may sign the legal forms. If the answer is NO, then the school system will assign a surrogate parent to the case. The Special Education Director is responsible for assigning surrogate parents to specific cases.

METHOD TO MONITOR FOR COMPLIANCE

The Special Education Director will maintain a list of all trained surrogate parents. The director will also provide training to the surrogate parents.

MONITORING STAFF

System Level - Director of Special Services

School Level – Principal, Special Education Specialists

DISPUTE RESOLUTION

State Rule 160-4-7-.12

Definition

A resolution in a dispute with a district over the rights and services afforded to students with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration in the district. The special education director can often assist a family in working out the differences with minimal time and conflict. When a resolution cannot be worked out locally, other processes are guaranteed to students with disabilities under the Individuals with Disabilities Education Act (IDEA). These include (1) formal complaints, (2) mediation, and/or (3) a due process hearing.

Components of General Supervision

- Facilitated Individualized Education Programs (FIEPs)
 - Complaint Process
 - Mediation Process
 - Impartial Due Process Hearings

FACILITATED IEPS

The Columbia County School District partners with the Georgia Department of Education (GADOE) in an effort to provide parents with the opportunity to request additional support from the GADOE through the facilitated IEP process. The goal is to successfully work together to agree on an appropriate plan for the student without moving into the formal complaint process.



Facilitated Individualized Education Program Team Meetings

A Collaborative Dispute Prevention & Resolution Option

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FACILITATORS

In 2014, the GaDOE, Division for Special Education Services and Supports joined a national technical assistance workgroup for IEP facilitation. After training and collaborating with other states who have implemented IEP Facilitation, the GaDOE surveyed Georgia’s parents, local school district staff, advocates, attorneys, and others to gain their input on the benefits of IEP Facilitation in Georgia. The survey results indicated that the overwhelming majority of respondents believed that IEP facilitators would be beneficial in Georgia. Next, the GaDOE convened a team of internal stakeholders from the Legal Department and Special Education Compliance, Professional Learning, and Dispute Resolution units to start the initial planning phase of the IEP Facilitation project. Then, a diverse group of external stakeholders convened to provide input on various aspects of the project, including the selection of pilot districts, FIEP processes and procedures, public awareness and outreach, and facilitator qualifications and solicitation. In March 2016, the GaDOE began offering FIEP Team meetings in four pilot school districts. Internal and external stakeholder input is ongoing.

Our facilitators represent a diverse group of individuals with backgrounds including:

- ✓ **parents of students with disabilities**
- ✓ **attorneys**
- ✓ **mediators**
- ✓ **former special education teachers and administrators**
- ✓ **college professors**

All facilitators participated in an intense three-day professional training on Conflict Prevention and Resolution through the IEP Team Meeting Facilitation process developed and facilitated by **Doug and Joyce Little of Key2Ed, Inc.** IEP Facilitators also participated in additional days of training by the GaDOE on IEP process and development, GaDOE required assessments, Georgia Standards of Excellence, Individuals with Disabilities Education Act (IDEA), Georgia’s Special Education Rules, and more.



- ↘ Parents or district personnel may initiate the process by completing an IEP Team Meeting Facilitation Request form located on a participating district’s website*
- ↘ Both the parties (district and parents or student, if 18 years or older) must agree to participate
- ↘ A complete and signed request form and notice of meeting must be submitted to the GaDOE
- ↘ Upon approval, a facilitator will be provided at no cost to the parent or district



*A list of school districts participating in the GaDOE’s IEP Team Meeting Facilitation program is located at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/IEP-Facilitation.aspx> .

For additional information, please contact: **Nykia Burke, Program Specialist, Family Engagement & Dispute Resolution, Division for Special Education Services and Supports, 1870 Twin Towers East, 205 Jesse Hill Jr. Drive SE, Atlanta, Georgia 30334 Office: (404) 844-8741 Email: nburke@doe.k12.ga.us**

COMPLAINT PROCESS

An organization or individual, including an organization or individual from another state, may file a signed, written complaint regarding allegations of substance. The complaint shall include a statement that the Columbia County School District has violated requirements of the *Individuals with Disabilities Education Act* (IDEA) and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.

(a) The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received.

(b) The party filing the complaint must forward a copy of the complaint to the local education agency at the same time the party files the complaint with the Georgia Department of Education (GaDOE).

(c) The complaint shall be reviewed and investigated as necessary and appropriate action taken within 60 calendar days of its receipt by the Georgia Department of Education (GaDOE).

(d) If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of that hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing shall be set aside pending the conclusion of the hearing.

(e) If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on that issue, and the complainant shall be so informed by the Georgia Department of Education (GaDOE). However, a complaint alleging the local education agency failure to implement an impartial due process hearing decision shall be resolved, following the time limit and procedures described in this rule.

(f) Through activities of the Georgia Department of Education (GaDOE) and the local school system, the state complaint procedures will be widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

(g) The complaint procedure is as follows:

1. Complaints from any organization or individual shall be signed and addressed in writing to:

***Director, Division for Special Education Services
Georgia Department of Education
1870 Twin Towers East***

Atlanta, Georgia 30334-5010

2. The party filing the complaint must forward a copy of the complaint to the local education agency serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent and/or Special Services Director of the Columbia County School District.

3. The complaint shall include a statement that the State or school system has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) and the facts on

which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.

4. The Divisions for Special Education Services and Supports shall address the issue with the school system in writing and request a response within 10 business days from the public agency directly involved.

(i) The Columbia County School District shall then respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.

(ii) Copies of all correspondence shall be sent to the parties involved that include the complainant, the Georgia Department of Education (GaDOE) and the school system. In some cases, where the parent of the child is not the complainant, the parent shall also receive copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.

5. The parent who files the complaint and the school system shall have the opportunity to voluntarily engage in mediation to resolve the issues within the complaint.

6. Upon receipt of the first State complaint from a parent in a school year, the school system involved shall provide the parent with a copy of procedural safeguards available to the parents of a child with a disability.

7. The Divisions for Special Education Supports and Services shall review the School District's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Division for Special Education Supports and Services shall be assigned to carry out an independent investigation, including an onsite visit, if necessary, to clarify the issue.

8. The on-site complaint team shall gather information to determine whether there has been a violation of state rules and/or Part B of the Individuals with Disabilities Education Act (IDEA). The on-site review may include examination of records, interviews and classroom visits.

9. The Division for Special Education Supports and Services shall give the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint.

10. The Division for Special Education Supports and Services shall review all relevant information and make an independent determination as to whether the school system is violating a requirement of Part B of the Individuals with Disabilities Education Act (IDEA).

11. The Division for Special Education Supports and Services shall issue a written decision to the school system and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision.

(i) The Division for Special Education Supports and Services shall include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification shall include specific requirements and timelines that shall be met in order to continue to receive IDEA federal funds or state special education funds.

(ii) If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how the school system is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities.

(iii) The Georgia Department of Education (GaDOE) must not make any final determination that the school system is not eligible for assistance under part B of the Act without first giving the school system reasonable notice and an opportunity for a hearing.

(h) Complaints that the school system has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding Child Find are to be filed with the school system in which the private school is located and a copy forwarded to the Georgia Department of Education (GaDOE).

MEDIATION PROCESS

The Columbia County School District ensures that procedures are established and implemented to allow parties to disputes involving any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process.

(a) The mediation process shall be available on request of either party to resolve disputes.

(b) Mediation shall be available and offered upon each receipt of a complaint or a due process hearing request.

(c) The procedures shall ensure that the mediation process:

1. Is voluntary on the part of the parties;

2. Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA; and

3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(d) The school district may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State who would explain the benefits of and encourage the use of the mediation process to the parents.

(e) The Georgia Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational or other impartial basis.

1. An individual who serves as a mediator may not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child; and

2. Mediators must not have a personal or professional interest that conflicts with the person's objectivity.

(i) A person who otherwise qualifies as a mediator is not an employee of the school system, or a State agency solely because he or she is paid by the Georgia Department of Education to serve as a mediator.

(f) The State shall bear the cost of the mediation process

(g) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(h) If the parties resolve a dispute through the mediation process, they shall execute a legally binding agreement that sets forth the resolution and states that:

1. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings; and

2. Is signed by both the parent and a representative of the school system with the authority to bind the school system;

3. The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process.

IMPARTIAL DUE PROCESS HEARINGS

The impartial due process hearing is designed to provide a parent or school system an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a free and appropriate public education (FAPE) to a child with a disability.

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

1. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or

2. The school district's withholding of information from the parent that was required to be provided to the parent.

(b) Due process hearings are provided at no cost to either party; however each party is responsible for his, her, or its costs associated with hiring legal counsel or expert witnesses unless a court awards the recovery of such costs to the prevailing party

(c) The school system must inform the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the school system.

(d) Due Process Request Procedures are as follows:

1. The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not the school system, the party must provide a copy to the Superintendent of the Columbia County School District at the same time it provides it to the State.

2. Either party, or the attorney representing either party, may file the due process hearing request.

3. The state and the parties shall keep the content of the due process request confidential.

4. The content of the complaint must include:

(i) The name of the child;

(ii) The address of the residence of the child;

(iii) The name of the school and the school system the child is attending;

- (I) For a homeless child, the contact information for the child and the name of the school and school system the child is attending;
 - (iv) A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement or provision of a free appropriate public education (FAPE) including the facts relating to the problem;
 - (v) A proposed resolution to the problem to the extent known and available to the party at the time.
5. A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements stated above.
6. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above.
- (i) Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination.
7. A party may amend its due process request only if:
- (i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
 - (ii) The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing
 - (iii) If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begin again.
8. The school system's response to a due process hearing request:
- (i) If the school system has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, the school system must within ten days of receiving the due process hearing request, send to the parent a response that includes:
 - (I) An explanation of why the school system proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the school system used as the basis for the proposed or refused action; a description of the other factors that are relevant to the school system's proposed or refused action.
9. The school system's response does not preclude the system from asserting that the parent's due process request is insufficient.
10. Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically addresses the issues raised in the due process hearing request.
- (e) Resolution process: Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the school system must convene a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:
 - 1. Includes a representative of the school system who has decision-making authority on behalf of the school system; and
 - 2. May not include an attorney for the school district unless the parent is accompanied by an attorney.

3. The parent and the school system determine the relevant members of the IEP Team to attend the meeting.
 4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the school system has the opportunity to resolve the dispute that is the basis of the request for a due process hearing.
 5. The resolution meeting need not be held if the parent and the school system agree in writing to waive the meeting; or the parent and the school system agree to use mediation to attempt to resolve the due process hearing request.
- (f) The resolution period: If the school system has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.
1. The failure or refusal of the parent to participate in the resolution meeting shall delay the timelines for the resolution process and the due process hearing until the meeting is held, unless the parties have agreed to waive the resolution meeting or to participate in mediation.
 2. If the school system is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in the State Board of Education rule, the school system administrative law judge or hearing officer dismiss the parent's due process hearing request.
 3. If the school system fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline.
- (g) The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is necessary.
1. The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
 - (i) Both parties agree in writing to waive the resolution meeting;
 - (ii) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;
 - (iii) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or school system withdraws from mediation.
 - (h) If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of the school system who has the authority to bind the school system.
 1. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process.
 2. If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution.
 - (i) The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:
 1. Must not be an employee of the Georgia Department of Education or the school system that is involved in the education or care of the child;
 - (i) A person who otherwise qualifies to conduct a hearing is not an employee of the Georgia Department of Education or its representatives solely because he or she is paid by Georgia Department of Education to serve as an administrative law judge or hearing officer.

2. Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
3. Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;
4. Must not be previously personally familiar with the specific program or services of the school system at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific school system or family, including the education or employment of the administrative law judge's family shall impair that particular individual's impartiality in the particular case;
5. When any factor or event may impair or appear to impair the impartiality of the administrative law judge, such factors shall be timely disclosed to all parties.
6. Must possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts;
7. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
8. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
9. The Georgia Department of Education or its representatives must keep a list of the persons who serve as administrative law judges or hearing officers. The list must include a statement of the qualifications of each of those persons.
 - (j) Subject matter of due process hearings. The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process hearing request, unless the other party agrees otherwise.
 - (k) Timeline for requesting a hearing. A parent or agency must request an impartial hearing on their due process hearing request within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process request.
 1. Exceptions to the timeline. The timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to specific misrepresentations by the school system that it had resolved the problem forming the basis of the due process hearing request; or the school system's withholding of information from the parent that was required to be provided to the parent.
- (l) Any party to a due process hearing has the right to:
 1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
 3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
 4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing;
 5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.
 6. Disclosure by each party to the other party at least five business days prior to a hearing all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

(i) An administrative law judge or hearing officer may bar any party that fails to comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

7. The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act.

8. Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

(m) The parties may agree to settle the matters in dispute at any time where upon the ALJ, upon written request, shall enter an order dismissing the matter.

1. A party may file a motion for voluntary dismissal at any time, up until five days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time.

2. Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dismissal.

3. Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal.

4. If the ALJ determines that the motion has been made for good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations.

5. If the ALJ determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing, or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.

(n) The party seeking relief shall bear the burden of persuasion with the evidence at the administrative hearing. The administrative law judge or hearing officer shall retain the discretion to modify and apply this general principle to conform with the requirements of law and justice in individual cases under unique or unusual circumstances as determined by the administrative law judge or hearing officer.

(o) Parents involved in hearings must be given the right to:

1. Have the child who is the subject of the hearing present;

2. Open the hearing to the public; and

3. Have the record of the hearing and the findings of fact and decisions provided at no cost to parents.

(p) An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds.

1. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a free and appropriate public education (FAPE) only if the procedural inadequacies:

(i) Impeded the child's right to a free and appropriate public education

(ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free and appropriate public education to the parent's child; or

(iii) Caused a deprivation of educational benefit.

(I) Nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering the school system to comply with procedural requirements.

q) Nothing in this Rule shall be construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

(r) The Georgia Department of Education, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public.

(s) A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph(s) below.

(t) The Georgia Department of Education must ensure that not later than 45 days after the expiration of the 30-day resolution period or the adjusted resolution time periods that:

1. A final decision is reached in the hearing; and

2. A copy of the decision is mailed to each of the parties.

3. An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided

4. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved

(u) Civil Action. Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

1. The party bringing the action shall have 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action.

2. In any civil action, the court:

(i) Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;

(ii) Hears additional evidence at the request of a party;

and

(iii) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate.

(iv) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy.

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

(x) Attorneys' fees. In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or (y) To a prevailing party who is the Georgia Department of Education or the school system against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

(z) To a prevailing Georgia Department of Education or school system against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

(aa) Funds under Part B of the IDEA may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA.

(bb) If a court awards reasonable attorneys' fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph.

(cc) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under the due process hearing provisions of IDEA for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of administrative proceeding, at any time more than 10 days before the proceeding begins;
2. The offer is not accepted within 10 days; and
3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(i) An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(dd) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation.

(ee) A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section

(ff) The court may reduce the amount of the attorneys' fees awarded, if the court finds that:

1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
2. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or The attorney representing the parent did not provide to the local education agency the appropriate information in the due process hearing request notice.

(gg) The provisions of paragraph (dd) of this section do not apply if the court finds that the State or local education agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA.

(hh) Child's status during proceedings. Except as noted in the State Board of Education Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, unless the State or school system and the

parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.

(ii) If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

(jj) If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the school system is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents **to the initial provision of special education and related services**, the school system must provide those special education and related services that are not in dispute between the parent and the school system.

(kk) If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the school system and the parents.

GENERAL OVERVIEW OF THE COMPLAINT PROCEDURES

(From the Georgia Department of Education Implementation Manual, 2011)

Complaint Process

Parents are encouraged to contact their child's teacher and, if necessary, building level administrators when a concern arises. If concerns cannot be satisfactorily addressed at the school level, parents should contact the district's special education director.

Parents may file a formal complaint with the Georgia Department of Education (GaDOE) when they believe a violation of the IDEA has occurred. A formal complaint investigation is a procedure to determine whether the district is complying with federal or Georgia laws and/or regulations regarding the provision of special education and related services to children with disabilities. This investigation is conducted by the GaDOE.

In addition to filing a complaint with the GaDOE, the party filing the complaint must forward a copy of the complaint to the district serving the child. The party filing the complaint will address the complaint with the district in writing and will request a response from the district within 10 business days. The parent who filed the complaint will have an opportunity to engage voluntarily in mediation with the district to resolve the dispute.

Mediation Process

Mediation is a way to discuss and resolve disagreements between the parent and the district with the help of a trained, impartial third person. Mediation should be offered to either party to resolve disputes. Although this process is voluntary for each party, both parties must agree to mediation. Discussions during the mediation process are confidential and may not be used as evidence in any due process hearings or civil proceedings. The GaDOE contracts with a number of qualified mediators and will assign a mediator when mediation is requested. If an agreement is reached during mediation, the agreement is legally binding in a State or District Court. The failure to carry out an agreement may also be the subject of a State complaint.

Impartial Due Process Hearing

Parents or the district may request a due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of special education and related services to the child.

A resolution can be reached through several ways in a dispute with a district over the rights and services afforded to students with disabilities and their families. The quickest and most efficient method is to contact the special education administration in the district. The special education director can often assist a family in working out the differences with minimal time and conflict. When a resolution cannot be worked out locally, specific processes are guaranteed to families of students with disabilities under the Individuals with Disabilities Education Act (IDEA). These include: (1) formal complaints, (2) mediation, and/or (3) a due process hearing. Please refer to the dispute resolution chapter in this manual for a full description of the dispute resolution process.

METHOD TO MONITOR FOR COMPLIANCE

The Superintendent and the Special Services Director will receive complaints and follow the process.

MONITORING STAFF

System Level – Superintendent, Assistant Superintendent, Director of Special Services

School Level – Principal, Special Education Specialist

AREA OF GENERAL SUPERVISION V: Readiness for College and Career

Indicators:

- 1: *Graduation Rates*
- 2: *Dropout Rates*
- 13: *Secondary Transition*
- 14: *Post School Outcomes*

State Rule 160-4-7-.06

The Columbia County School District assures that each child with a disability has a written IEP, that is developed, reviewed, and revised in a meeting in accordance with this rule.

Components of General Supervision

- Sixth, seventh and eighth grade students receive:
 - Counseling
 - Regularly scheduled advisement
 - Career interest inventories
 - Information to assist students in evaluating their academic skills and career interests
- Individual Graduation Plan for 8th grade students
- High School students receive:
 - Career counseling
 - Career guidance
 - Regularly scheduled career advisement
 - Information to enable students to successfully complete their individual graduation plans

Definitions

Graduation Rates- percentage of students with IEPs graduating from high school with a regular diploma

Dropout Rates- percentage of students with IEPs dropping out of school

Secondary Transition- percentage of students with IEPs aged 16 and up with an IEP that includes:

- A. Appropriate measurable postsecondary goals that are annually updated based upon age appropriate transition assessment
- B. Transition services, including courses of study, that will reasonably enable student to meet the goals

- C. Annual IEP goals related to the student's transition services needs
- D. Includes evidence that the student and appropriate representatives from participating agencies were invited with the prior consent of the parent or student who has reached the age of majority

Post School Outcomes- percentage of youth who are no longer in secondary school, had IEPs in effect at the time they left and were (one year after leaving high school):

- A. enrolled in higher education (HE)
- B. enrolled in HE or competitively employed (CE)
- C. enrolled in HE or other postsecondary education or training program or CE or other employment

Sixth, seventh and eighth grade students receive:

According to the State House Bill 400 (Bridge Law) students in the sixth, seventh, and eighth grades shall be provided counseling, advisement, career awareness, career interest inventories, and information to assist them in evaluating their academic skills and career interests.

Individual Graduation Plan for 8th grade students

According to the State House Bill 400 (Bridge Law), before the end of the second semester of the eighth grade, students shall develop an individual graduation plan in consultation with their parents, guardians, or individuals appointed by the parents or guardians to serve as their designee.

High School students receive:

According to the State House Bill 400 (Bridge Law), high school students shall be provided guidance, advisement, and counseling annually that will enable them to successfully complete their individual graduation plans, preparing them for a seamless transition to postsecondary study, further training, or employment.

In Columbia County, students who are served in low incidence programs and who are assessed on the GAA will have a transition binder in place at the beginning of the 9th grade year. This binder will contain all assessments and documentation of activities and agency contacts, as outlined in the student's transition plan, and in accordance with the Bridge Law.

METHOD TO MONITOR FOR COMPLIANCE

Special education teachers, SPED Specialists, Coordinators, Director

MONITORING STAFF

System Level - Director of Special Services, Coordinators

School Level – Principal, School Counselors, Special Education Specialists

Georgia Continuous Improvement Monitoring Process

Compliance Rubric

Evidence of Written Procedures: Fully Operational

There are thorough written procedures that address all measurable indicators and important processes that support the provision of FAPE and the appropriate use of federal, state, and local resources. Stakeholders have participated in developing these written procedures

Accessibility of Written Procedures: Fully Operational

Written procedures are updated as needed and are readily available in multiple formats to district personnel, local school administration, and classroom teachers.

- This Special Education Supervision and Monitoring Manual is located in the Teacher Resource Guide in google docs and is shared with all special education staff in the county. The manual is also posted on the Special Services website and is distributed to staff and administration by email. A hard copy of the manual may be printed by the special services department and provided to any staff member, as requested.

Evidence of Professional Learning: Fully Operational

Professional learning in order to support implementation of compliant practices is provided to all appropriate staff to include administrators, classroom teachers and support staff. Provisions are made for newly entering staff to have this same level of professional learning. All staff receive annual updates on any revisions or changes in procedures.

- Training on the information found in this manual is provided at the school level (for all relevant staff) by the assigned special education specialist. Specialists are trained together at the district level several times per month regarding anything relevant to compliance and the identification, evaluation, placement, and the provision of appropriate services for students with disabilities. Frequently, short videos are made to support consistent understanding of the information. Observations of the training and of the implementation of the compliant practices are made by district level coordinators and the special education director. Sign-in sheets, agendas, and materials are maintained by the director for the compliance training that occurs each year.

Monitoring of Compliance with Procedures: Fully Operational

Staff self-monitor compliance by means of procedural checklists, data collection, and/or peer review instruments that are then submitted to administrators for review. Staff is held accountable for the accuracy and compliance of these submissions through a monitoring process that provides feedback to improve compliance.

- Checklists for IEP documentation are provided to the SPED specialist to review for each meeting. This documentation is submitted to and randomly reviewed by the assigned coordinator. The

coordinator maintains a google document to demonstrate what was reviewed and what action was needed. The director periodically reviews the coordinators' google docs.

- Individual 'Tier 4' student folders are maintained in the case manager's locked file cabinet. Ongoing student data and work samples, the current IEP and eligibility, AT, transition, and behavioral data are also maintained in these Tier 4 folders. The folders are reviewed at least 2 times each year by the specialist in collaboration with the supervising coordinator. Checklists are used for evaluation and feedback purposes. Unsatisfactory performance must be corrected and reviewed again.

Effective Outcomes Related to Procedures and Practices: Operational (need to work on this)

Data is collected and reviewed for improved performance on measurable indicators based on the state targets. Data meets state targets and is used to improve practices and procedures.

- There is a quarterly review process where the school SPED administrator, the SPED specialist, the SPED teacher/SLP case manager sit down and review each student's report card grades, discipline, and attendance, and any other issues that may have come up in the preceding 9 weeks which are impacting the student's progress in school. If the student is not being successful then there must be a plan of action developed and implemented.