Special Education Procedures Manual

Georgia Department of Juvenile Justice School District
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Edition

Office of Special Education

3408 Covington Highway
Decatur, GA 30032
Phone: 404.508.6588 * Fax: 404.508.7299

Special Education Department Personnel

Zane Shelfer, Deputy Superintendent
of Schools zaneshelfer@djj.state.ga.us - 404.987.9934

Dr. Beverly Harris-Coleman, Special Education Curriculum
Specialist beverlyharris-coleman@djj.state.ga.us
404.782.4463

***

Mrs. Natalie Givens, Special Education Curriculum Specialist
natalie.givens@djj.state.ga.us - 404.217.5154

***

Dr. Marco Hicks-Brown, Special Education Curriculum Specialist
marcohicks-brown@djj.state.ga.us - 470.755.1171

***

Mrs. Jody Blakley, Special Education Curriculum Specialist
jody.blakley@djj.state.ga.us - 404.788.8143

***

Ms. Doricia Thompson, Parent Mentor
doriciathompson@djj.state.ga.us – 404.508.6663

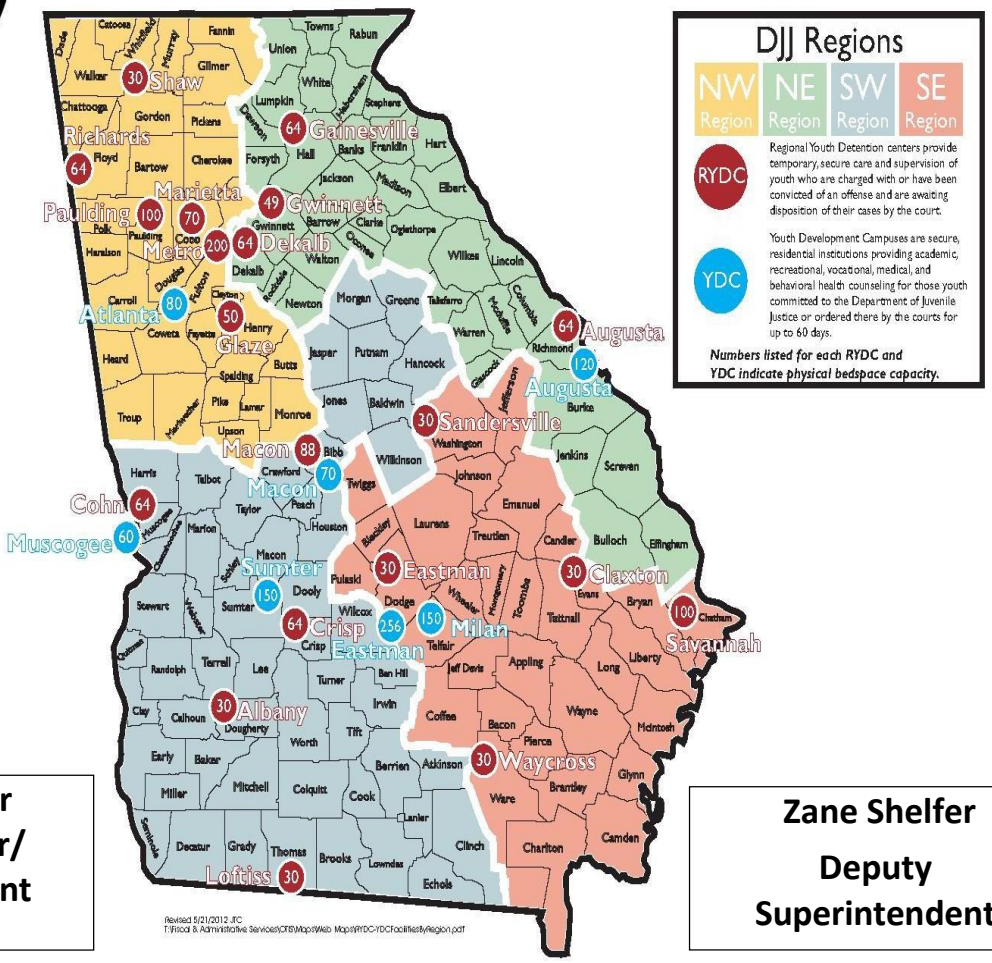
***

Dr. Letunya Walker, Assistant Deputy
Superintendent letunyawalker@djj.state.ga.us -
404.291.2913

***

Ms. Winifred Pierce, Special Education Director
winifred.pierce@djj.state.ga.us - 404.508-6663

DJJ Youth Development Campuses & Regional Youth Detention Centers by Region



Tyrone Oliver
Commissioner/
Superintendent

Zane Shelfer
Deputy
Superintendent

Beverly Harris-Coleman	Natalie Givens	Marco Hicks-Brown	Jody Blakley
Atlanta YDC	Bob Richards RYDC	Cadwell RYDC	Dekalb RYDC
Augusta RYDC	Elbert Shaw RYDC	Claxton RYDC	Eastman YDC
Augusta YDC	Gainesville RYDC	Crisp RYDC	Macon RYDC
Metro RYDC	Marietta RYDC	Loftiss RYDC	Macon YDC
Milledgeville YDC	Martha K. Glaze RYDC	Savannah RYDC	Muscogee YDC
Washington-Wilkes RYDC	Rockdale RYDC	Terrell RYDC	Aaron Cohn RYDC
		Waycross RYDC	

Curriculum Specialists' Site Assignments

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Special Education Procedures Manual

INTRODUCTION

The Georgia Department of Juvenile Justice School District is pleased to present this manual of procedures for the implementation of IDEA Regulations, the Georgia Rules for Special Education, and the Georgia Department of Juvenile Justice's Special Education Policies. The purpose of this manual is to provide practical and simplistic steps and best practice information to facilitate your site's compliance with IDEA Regulations, Georgia's Rules for Special Education and the Department of Juvenile Justice's Policies.

The intended audience of this manual includes all the parties involved in the delivery and receipt of special education. This includes:

- Central Office Administrators;
- Principals, Education Supervisors, Lead Teachers;
- Regular (General) Education Teachers;
- Special Education Teachers;
- Related Services Providers;
- Parents; and
- Students with Disabilities.

The publication of this procedures manual ensures that all parties to the special education process have access to the same information. The development and delivery of special education is more efficient and effective when all individuals work from the same base of knowledge.

This procedures manual does not cover every aspect of each of the rules for Special Education; however, it does cover many of the topics about which questions are frequently asked.

Users who have questions about a topic not contained in this document are encouraged to contact the Georgia Department of Juvenile Justice School District, Office of Special Education. The phone number is 404-508-6663. The director for the Office of Special Education may also be contacted via email at winifred.pierce@djj.state.ga.us.

The Georgia Department of Juvenile Justice School District acknowledges and thanks all who assisted with the development of this manual. Their input, feedback and service were invaluable.

CHAPTER ONE: PARENTS

Overview

Family, school, and community partnerships are defined as parents, children, families, school personnel, and community members communicating and sharing responsibilities to ensure the success of all students. Meaningful partnerships recognize the family as the most important and enduring resource in a student's life. It is especially important for families of students with disabilities to be involved in the educational process that includes planning and reviewing the Individualized Education Program (IEP).

The benefits of partnerships are numerous and much research exists in the area of parent engagement. Parent engagement in a child's education results in:

- Improved school attendance;
- Fewer antisocial behaviors;
- A decrease in alcohol use and violent behavior;
- Greater self-confidence, a more positive attitude about school, and betterperformance in school;
- Higher grade point averages and better scores on standardized testing;
- Participation in more challenging school programs and more regular completion of homework;
- Better transitions, higher quality work, and the development of more realistic future plans for high school students; and
- Higher graduation rates and increased participation in postsecondary educationalprograms.

Definition of Parent

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

- "Parent" means a biological parent, an adoptive parent, a person acting as aguardian, a legal guardian, a surrogate parent, or a foster parent.

- "Person acting as a guardian" means a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of a child.

- "Surrogate Parent" means an individual appointed by the district to make educational decisions regarding the free appropriate public education (FAPE) of a child with a disability.

- Legal Guardian means a person authorized to act as the child's parent and/or to make educational decisions.

Surrogate Parents

The parents of children with disabilities have the opportunity to participate actively in the educational decision-making process. Unfortunately, some children with disabilities do not have parents who can fulfill this very important role, thus leaving their educational planning solely to a representative. Federal law, the IDEA, Georgia Rules, regulations, and minimum standards require that an individual must be appointed by the district as a surrogate parent to make decisions regarding the FAPE of a child with a disability.

A surrogate parent is needed when:

- No parent (as defined by IDEA) can be identified;
- The public agency, after reasonable efforts, cannot locate a parent;
- When the child is assigned to the foster parent on a short-term or temporary basis;
- The child is a ward of the State; or
- The child is an unaccompanied, homeless youth as defined by the McKinney-VentoHomeless Assistance Act.

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

- Be trained by the school district;
- Protect the child's rights in the educational and decision-making processes,including the identification, evaluation, and placement of the student;
- Follow confidentiality requirements of Georgia Rules and federal law;
- Use discretion in the sharing of information;
- Participate in developing the student's IEP;
- Exercise other rights given to parents under the IDEA and Georgia Rules;
- Not be an employee of the State, the district, or any other agency that is involved inthe education or care of the child;
- Have no interest that conflicts with the child he or she represents ; and
- Have the knowledge and skills that ensure adequate representation of the child.

Parent Participation

Parents are to be included as members of any decision-making team for their child. Parent participation includes decisions about:

- Eligibility
- Initial evaluation
- Reevaluation
- Development of the IEP
- The provision of FAPE
- Educational placement

If the parent cannot be present in a meeting concerning educational decisions for a child, the district must use other methods to ensure parent participation. These methods could include individual/conference telephone calls or video conferencing.

If the district cannot reach the parent, after several documented attempts to include the parent in the meeting, the meeting can be held without the parent. The district must make and document reasonable efforts to ensure the parent's involvement. Such efforts are defined as:

- Detailed records of phone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to a parent's home or place of employment and the results of those visits.

A best practice would be to document at least two attempts by two methods to reach the parent.

Parent's Rights and Responsibilities Summary

Records: Parents have the right to…

- look at their child's education records;
- have the records interpreted or explained to them;
- request to have something in the record changed or removed if they feel it shouldnot be in their child's record;
- add information, comments, data, or any other relevant written material to their child's record;
- ask for and receive copies of the IEP and/or any of their child's records;
- have a person acting on their behalf inspect and review the records.

Evaluation Procedures: Parents have the right to ...

- a full and complete evaluation to determine if their child has a disability and is inneed of special education and/or related services;
- have their child assessed in all areas of the suspected disability;
- have their child tested according to procedures outlined in the IDEA and GeorgiaSpecial Education Rules;
- an evaluation that consists of more than one test, and those tests must be given inthe language that the child normally uses, unless the parent and school agree otherwise, and at least once every three years; and
- be involved in the decision about eligibility and what programs and services theirchild needs during the reevaluation.

Least Restrictive Environment (LRE):

- Parents have the right to have their child taught in classrooms and participate in all school programs and activities with other children without disabilities, of the same age and grade, to the greatest extent appropriate for their child.
- School district personnel must make accommodations and modifications so that thechild can participate in all school programs and activities to the greatest extent appropriate.

Surrogate Parents:

- When the school cannot find the child's parents or the child is a ward of the state, theschool district will assign a surrogate (substitute) parent who will represent the child regarding the child's rights and interests for any evaluation, meeting, or educational decisions for special education services.
- Surrogate parents will receive special training and will act as the parent by giving consent and participating in IEP Team/other meetings.
- The surrogate parent has the same rights and responsibilities as a parent in special education in matters relating to a student.

Complaints, Mediation, Hearings:

- Parents have the right to ask for mediation or a due process hearing if they disagreewith what the school has planned for their child.
- The school district can also ask for mediation or a due process hearing.
- The parent and the school district must both agree to try mediation beforemediation will be scheduled.
- When parents request a due process hearing, they have the right to participate in a resolution session that provides an opportunity for parents and school districts to resolve any issues in a due process complaint so that the parents and districts can avoid a due process hearing and provide an immediate benefit to the child.

- When parents request a due process hearing, they have the right to an impartial due process hearing conducted by an administrative law judge (ALJ)/hearing officer.
- When parents request a due process hearing, they have the right to legal counsel during the due process hearing.
- After an ALJ/hearing officer renders a final decision in a due process hearing, parents have the right to appeal the decision in a state or federal court within 90days of the date of the decision.
- Parents may file a formal written complaint with the Georgia Department of Education to conduct an investigation about any concerns, problems, or disagreements related to the IDEA or Georgia Special Education Rules. The complaint can be faxed to the Division for Special Education Services and Supports at 404-651-6457 (fax) or mailed to the division at 1870 Twin Towers East, 205 JesseHill Jr. Drive SE, Atlanta, GA 30334.

Discipline Procedures and Rights:

- The school district must follow certain procedures when students with disabilities exhibit behaviors that cause the IEP Team to find other settings and/or ways to educate the child.
- Schools may remove students to alternative programs when there is a potential danger to the child, students, or school personnel.
- Regardless of the setting, the school district must continue to provide FAPE for the child.
- The setting must enable the child to continue to receive services that will allow him/her to meet the goals and objectives in his/her IEP.
- Disciplinary actions occur for violations involving drugs, alcohol, weapons, or other school rules violations.
- These rights protect the parent, the child, and the school district.

Contacts:

- When parents have concerns about their child's education, it is important to tell the school principal or special education coordinator.
- If parents need further help, there are parent or advocacy groups from whom they may obtain help. Ask the school for information or a list of names. Parents also cancontact Parent to Parent of Georgia which keeps an active list for referrals or other information. Call 1-800-229-2038 or go to www.p2pga.org.
- Parents may also contact the Division for Special Education Services and Supports at 404-656-3963 or 1-800-311-3627 or go to the Georgia Department of Education website at www.gadoe.org to help find other helpful resources.

Confidentiality of Information: Parents have the right to ...

- ensure that their child's educational records are private;
- ask to have copies of only their child's records;
- know that school employees involved with their child may see their child's recordsand do not require their permission;
- know that no one else may see the results of their child's records without their permission.

Independent Evaluation: Parents have the right to ...

- disagree with the school's evaluation and have their child tested by a professional evaluator not employed by the school district, at public or private expense;
- get a list of independent evaluators upon their request so that they may choose one to test their child;
- know that the school district must consider the results of an independent evaluator;
- know that the IEP team uses the results of the test to determine if their child has a disability or needs special education.

Notice/Parent Participation: Parents have the right to ...

- be notified of their parental rights;
- be invited to attend meetings about their child such as eligibility, reevaluation, orIEP Team meetings;
- receive copies of all documents about their child's education program and can havethem explained to them;
- receive copies of information in their native language, Braille, or explained in sign language. If needed the school district will provide a translator or interpreter;
- be given opportunities to participate in any decision-making meeting regardingtheir child's special education;
- be invited to any meeting that is held to discuss their child's disability, evaluations, reevaluations, placement of their child, and his/her IEP and its contents;
- have IEP Team meetings held at a time and place mutually convenient to them andother members of the IEP Team;
- excuse or not to excuse a member of their child's IEP Team from attending an IEP Team meeting. The school district cannot excuse a required member without theparent's permission.

Consent:

- The school cannot test/evaluate or reevaluate a child without parental permission/consent.
- The school cannot place a child in special education or change a child's program placement without parental permission/consent.

- The school district cannot release a child's records without parental permission/consent except to certain individuals identified in law.
- Parents have the right to not give their permission/consent.
- Parents have the right to take away their consent to special education and related services once they have given permission; parents must do this in writing. Revoking consent means the child will no longer receive any special education services.

Private School Placement:

- If a parent decides to place their child in a private school, the parent must informschool officials at the last IEP Team meeting of their intent and explain their concerns about the public program.
- The school district is not required to pay for the private school if the school district offered FAPE to meet a child's educational needs that have been identified throughthe educational evaluation and are included in the IEP.

Transfer of Rights

At age 18, students become their own educational decision makers, unless a court decides they are not able to make these decisions. On or before a student's 17th birthday, the district is to inform the parents and the student that, at age 18, the student attains the age of majority in Georgia and will become his or her own educational decision maker. Districts may also inform parents of other options or about where to get more information about guardianships, powers of attorney, and any other options.

Beginning at age 18, the district is to send all notices to both the parent and the student, but the student will provide informed written consent for any action requested by the district. When the student turns 18, he or she becomes the education decision maker; but, while the student is eligible under the IDEA, the parents retain the rights to all notices of meetings, notices of changes in program or placement, and notices of evaluations.

CHAPTER TWO: FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Overview

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice must receive their educational programs. All students with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). "Appropriate" is a minimal standard that assures the student has the opportunity to make educational progress.

Special education and related services are services that are provided so eligible students can make progress toward and/or meet the educational standards of Georgia. All students will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual student and his or her disability.

Students are entitled to FAPE when they are determined eligible for special education and/or related services. Children are entitled to continue to receive special education and/or 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.

Adult students who are between the ages of 18 and 21 who did not have an IEP the last time they attended school are the exception. These students do not have an entitlement to FAPE.

Funding Sources and Insurance

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 is a federal/state insurance program for which students may be eligible. The Medicaid agency encourages districts and states to access the public benefits available through Medicaid when students are eligible.

The IDEA clearly states that districts must notify parents each time they propose to access the student's insurance and must have parental consent before accessing these funds. Districts must inform parents of their right to refuse the district the access to the insurance benefits and of the fact that such refusal does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.

If the district is going to access benefits, it should seek written consent from the parent and inform the parent about the amount of benefits it plans to access. This can be done as part

of the annual IEP process. The IEP will define the frequency of any service. If the district exceeds the amount in the IEP or amends the IEP to provide a different level of service, a new consent must be obtained.

Applicable Rules

Topic	Authority	Rule Identification Number or Policy Number
FAPE	Georgia	160-4-7-.02
Special Education Procedures	DJJ OCI	Standard 4.7 #1, #2
IEP Development and Procedures	DJJ OCI	Standard 4.8 #1-#9
Educational Services	DJJ OCI	Standard 4.13 #1
Education Records	DJJ OCI	Standard #3
Class Exclusion	DJJ OCI	Standard 4.18 #1-#3

CHAPTER THREE: CHILD FIND (Identification and Referral)

Overview

Child find is a process used to identify, locate, and evaluate all children, up to age 21, who are suspected of having disabilities that may result in a need for special education and/or related services.

Each DJJ center is responsible for maintaining documentation that shows that required intake and assessment procedures are provided for all students who are admitted to the center.

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) will continue to receive services. DJJ has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. DJJ will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ is a public school and should be treated as other public schools when providing records in an expeditious manner.

- Annual Child Find activity is announced through parent newsletter twice annually, once first semester and once second semester.
- DJJ provides screening and evaluation for all students with suspected disability ages 11-21.
- DJJ has Child Find responsibility for all children within its jurisdiction suspected of having disabilities, regardless of the severity of their disabilities. This includes: preschool children, ages 3 through 5, who may not be enrolled in a Georgia-funded prekindergarten and kindergarten, including children who are parentally placed in private preschools or daycare centers outside the LEA;
- DJJ serves middle and high school students only. DJJ does not serve children birth through age three nor do we serve preschool children, ages 3-5.
- We provide child find for all students enrolled in DJJ through MTSS.
- Department of Juvenile Justice serves all incarcerated students in the state of Georgia.

Child Find via the Multi-tiered System of Supports (MTSS)

The Georgia Student Achievement Pyramid of Interventions is a four-tiered process that relies heavily on frequent progress monitoring to assess student progress in the curriculum. When students do not respond to the academic, behavior, or communication expectations of the school, educators must use a consistent, step-by-step problem-solving process to identify problems and evaluate the effectiveness of interventions prior to classifying a child as having a disability. The following chart explains what each Tier requires.

Tier 1	1. Universal screening FastBridge or benchmarking is conducted. 2. Evidence-based curricula and strategies are in place for all students. 3. Differentiation is documented by general education teachers throughthe general education environment. 4. At-risk students are identified in an area of instructional delay (language, academics, behavior). 5. Data are analyzed by classroom general education teachers for decision making. 6. Weekly progress monitoring. 7. Parent is notified that additional small group instruction may be needed for student. 8. Parent is contacted concerning strategies to be attempted. 9. Small group instruction is provided in addition to the core curriculum. 10. Progress monitoring is administered weekly to determine whether change in delivery of strategy is required. 11. Data are analyzed by classroom general education teachers for decision making.
Movement is fluid and flexible. Adequate time should be given for the Tier 1 instructional program to be implemented before determining whether Tier 2 support is needed. **After the appropriate amount of time (time in weeks dependent on the intervention), the data team should assess student progress and determine whether continued support through Tier 2 is required, additional Tier 2 interventions are required, or Tier 3 support, in addition to Tier 1 and Tier 2, is required.**	
Tier 2	1. Baseline and progress monitoring data from Tier 1 are analyzed to create specific goals for student improvement. 2. The Multi-tiered System of Supports (MTSS) may determine the need for additional information on a student including the use or administration of informal or formal measures to gather individual data in the area(s) of concern. 3. The interventions are continued if the student is making progress using the MTSS interventions; however, if progress toward the goal is minimal, MTSS members will revise or change the intervention. 4. Note: Students for whom a specific learning disability (SLD) is suspected, supplemental instruction must be provided for a minimum of 12 weeks to show the effect of the intervention, unless the intervention specifies a period of time for implementation. (Georgia Rule 160-4-7-.05-19,(iii)

The MTSS may make a referral to special education (Tier 3) if the intervention plan and its revisions are not successful in helping the student meet the goals identified by the MTSS.	
Tier 3 Special Education	Specialized Instruction, Monitoring per IEP

MTSS and Special Education Eligibility Decision Making

Once MTSS Teams determine that a child is suspected of having a disability, a full and individual evaluation shall be provided to the student being considered for special education categorical eligibility. However, an eligibility determination cannot occur until the existing data is reviewed to determine whether exclusionary factors related to specific eligibility categories are present.

All categories include the following exclusionary factors:

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

Moreover, eligibility determination for special education services occurs only when a student's response to both core instruction and supplemental interventions does not result in movement toward achieving benchmarks resulting in grade level performance. Likewise, a student may be considered for special education if the individual response to intensive interventions produces meaningful growth, but that growth requires significant and ongoing resources to maintain.

Eligibility determination must be made using the convergence of data from multiple sources to document each of the following:

- **Grade level difference**, such as large performance difference compared to peers and benchmark expectations in specific areas (data from statewide testing, district level benchmarks, etc.);

- **Rate of learning difference**, such as large difference in rate of learning comparedto the trajectory toward the benchmarks when provided with high-quality interventions implemented over a significant period (CBM, progress monitoring,tiered support);

- **Adverse educational impact**, such as a review of the individual student qualitative and quantitative data that indicates the need for specially designed instruction;

- **Exclusion factors**, such as those that rule out more significant impairments and absence of meaningful instructional opportunities.

    - Exceptions allowed only when evaluation and/or placement is required due to significant disability.

Guidance on Determining More Significant Impairments

In most cases, student performance will be reviewed by the MTSS prior to determining that areferral to special education is warranted. However, for students exhibiting the most significant disabilities, ongoing interventions through MTSS may not be appropriate due to the unique learning needs of the population; therefore, the MTSS may request an expedited special education evaluation process for students exhibiting these characteristics.

Applicable Rules

Topic	Authority	Rule Identification Number or Policy Number
Child Find	**Georgia**	**160-4-7-.03**
Student Support Team Bypass Procedure	**Georgia**	**160-4-2-.32**
MTSS and Suspicion of SLD	**Georgia**	**160-4-7-.05-19,(iii)**
Special Education Procedures	**DJJ OCI**	**Standard 4.7 #1 and #2**
IEP Development and Procedures	**DJJ OCI**	**Standard 4.8 #1, #2, #3**
Georgia Pyramid of Interventions	**DJJ OCI**	**Standard 4.9 #11, #15, #16**
Educational Services	**DJJ OCI**	**Standard 4.13 #1**
Education Records	**DJJ OCI**	**Standard 4.14 #3, #4, #5, #6**

- DJJ has a highly transient population of students in that we have 19 Regional Youth Detention Centers that are short term facilities. Students may remain in a RYDC overnight, one week, three months or until sentencing. The population is constantly changing in the RYDCs. Once a student is sentenced, he is moved to the YDC. We currently have 6 long term facilities (Youth Development Center). Students remain at DJJ until student reaches age 17, then he or she is moved to the Department of Corrections to complete appointed time.

- It is the responsibility of the Special Education Director to coordinate with Public Safety Training Instructor in order to complete BCST Program Training at 1000 Indian Springs Drive, Forsyth, GA six times annually. The director will provide an overview of Special Education within DJJ and Child Find. The group size is usually between 14 to 20 adults. The adults are very interested in Child Find.

DJJ CHILD FIND PROCEDURES CHECKLIST

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Intake Interview (student is asked if he/she was enrolled in special education)	Within 24 Hours of Admission	Admitting Officer	DJJ Interview Form
2	Educational status must be confirmed; it involves gathering records from: previous school system; previous DJJ center and staff; parents; and community service providers. Records are reviewed to determine if there is an indication that the student may have a disability.	Within 48 Hours of Admission (2 business days)	Education Clerk; School Counselor	Educational Records (MTSS; IEP; etc.); Medical Records; Psychiatric Records; Family History Information
3	Review records to determine if MTSS Tier 2 data is available. Tier 2 progress monitoring data should indicate lack of progress with the interventions implemented. These students may be referred for an evaluation to determine eligibility for special education and/or related services.	Within 48 Hours of Admission (2 business days)	School Leader and/or MTSS Team	MTSS Tier 2 Progress Monitoring Data Referral for Comprehensive Evaluation
4	If an IEP is not available when the student enters the DJJ center, telephone contact must be made to: previous school system and/or previous DJJ Center.	Within 48 Hours of Admission (2 business days)	Education Clerk	Telephone Verification Form
5	Document all efforts to obtain educational records.	With each contact	Education Clerk	Contact Log
6	Place the student into appropriate, comparable educational services.	Within 72 Hours of Admission	School Leader & /or School Counselor	Infinite Campus Schedule
7	The assigned Special Education Curriculum Specialist is contacted by the case manager to obtain related services that must be contracted with non-DJJ employees, like speech services.	Within 7-10 Days of Admission	Case Manger	Contact Log
8	Document all delays in the provision of services.	At least weekly	Case Manager	Contact Log
*	**Timelines refer to business days and do not include weekends or official holidays.**			
*	**Timelines for completion refer to the students' admission to the facility and not enrollment into school.**			
*	**Items in the Documentation Column are to be filed in the student's educational file.**			
*	**Parents maintain their due process right to request an evaluation. However, eligibility for special education should not be considered without documentation of prior instructional interventions. A Student Support Team bypass procedure does exist for rare cases or extreme circumstances. Refer to Georgia Rule 160-4-2-.32**			

Dealing with the Issues of Hearing and Vision

Professional ethics require that a diagnostic evaluation to determine eligibility for special education not proceed until it is documented that the student has acceptable levels of vision and hearing. The district must have documentation that the child's hearing and vision abilities are not interfering with performance. Failure to do this would render test results invalid and might prevent discovery of vision and/or hearing problems as the primary or contributing source of the student's problem(s). Therefore, hearing and vision should be routinely screened during the MTSS process, and the results can be no older than one calendar year when being applied to an evaluation.

Hearing and vision acuity should be determined to be adequate before the formal assessment of the student begins. If problems with the student's hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the district must make sure that these devices and services are made available to the student.

If eyeglasses are needed for the district to provide FAPE to a student, then the district must provide them.

CHAPTER FOUR: ELIGIBILITY PROCEDURES

Overview

The Individuals with Disabilities Education Act (IDEA) requires that before a student can receive special education services, the district must determine whether the student meets eligibility requirements for special education and needs special education services. The district must conduct a comprehensive evaluation that:

1. Provides sufficient data to determine whether the student is a student with a disability;

2. Documents how the disability affects the student's academic or behavioral performance in school; and

3. Provides appropriate information for the development of an IEP, if eligible. Once

the evaluation is completed, the eligibility team, including the parent, will decide whether the student is eligible for special education services.

In order to be eligible to receive special education services, the student must meet the requirements of one or more of the following categories:

- Autism Spectrum Disorder (AUT)
- Deaf-Blind (D/B)
- Deaf/Hard of Hearing (D/HH)
- Emotional/Behavioral Disorder (EBD)
- Mild, Moderate, Severe, or Profound Intellectual Disability (MID, MOID, SID, or PID)
- Orthopedic Impairment (OI)
- Other Health Impairment (OHI)
- Significant Developmental Delay (SDD)
- Specific Learning Disability (SLD)
- Speech-Language Impairment (SI)
- Traumatic Brain Injury (TBI)
- Visual Impairment, including Blindness (VI)

The 12 Disability Categories and Eligibility Criteria

IDEA provides definitions of the 12 disability categories listed above. Federal definitions guide how states define who is eligible for a free appropriate public education under IDEA. The definitions are as follows:

AUTISM SPECTRUM DISORDER (AUT)

Definition

Autism spectrum disorder is a developmental disability generally evident before age three that adversely affects a child's educational performance and significantly affects developmental rates and sequences, verbal and non-verbal communication and social interaction and participation. Other characteristics often associated with autism spectrum disorder are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior.
[34 C.F.R. § 300.8(c)(1)(i)]

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

Evaluations and Assessments

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

1. Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.

2. Educational evaluation to include an assessment of educational performance and current functioning levels.

3. Communication evaluation to include assessment of verbal and non-verbal communication, prosody (linguistics including intonation, rhythm and focus in speech)), and pragmatic language utilizing both formal and informal measures.

4. Behavioral evaluations to include assessment of social interaction and participation, peer and adult interactions, capacity to relate to others, stereotypical behaviors, resistance to change, atypical responses to sensory stimuli, persistent preoccupation with or attachment to objects and other behaviors often associated with autism spectrum disorder.

5. Developmental history to include developmental differences and delays and age of onset, which is typically before the age of three. A child may be diagnosed as a child with autism spectrum disorder after age three if the characteristics of autism spectrum disorder are met.

Eligibility and Placement

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

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

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

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

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

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

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

DEAFBLIND (DB)

Definition

Deafblind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. [34 C.F.R. § 300.8(c)(2)]

Eligibility and Placement

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

2. Children who are deafblind may receive educational services in classes with other disabled children; however, the class-size ratio for deafblind shall be maintained.

Additional Requirements

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

DEAF/HARD OF HEARING (D/HH)

Definitions

A child who is deaf or hard of hearing is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the normal development of speech, language, and academic achievement and, therefore, adversely affects a child's educational performance. [*See*34 C.F.R. § 300.8(c)(3) & (5)]

1. A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66-90+ decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.

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

Eligibility and Placement

1. The eligibility report shall include audiological, otological and educational evaluation reports.

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

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

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

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

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

Additional Requirements

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

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

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

4. Each LEA shall have written procedures to ensure the proper functioning of assistive amplification devices used by children who are deaf or hard of hearing. These procedures shall include the designated qualified responsible personnel, daily and ongoing schedules for checking equipment, as well as follow-up procedures.

EMOTIONAL AND BEHAVIORAL DISORDER (EBD)

Definition

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

(i) An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. For preschool-age children, this would include other care providers.

(ii) An inability to learn which cannot be adequately explained by intellectual, sensory or health factors.

(iii) A consistent or chronic inappropriate type of behavior or feelings under normal conditions.

(iv) A displayed pervasive mood of unhappiness or depression.

(v) A displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. [34 C.F.R. § 300.8(c)(4)(i)(A – E)]

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

Eligibility and Placement

1. A child may be considered for placement in a program for children with EBD based upon an eligibility report that shall include the following:

(i) Documentation of comprehensive prior extension of services available in the regular program to include counseling, modifications of the regular program or alternative placement available to all children, and data based progress monitoring of the results of interventions

(ii) Psychological and educational evaluations

(iii) Report of behavioral observations over a significant period of time;

(iv) Appropriate social history to include information regarding the history of the child's current problem(s), the professional services and interventions that have been considered or provided from outside the school; and

(v) Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.

2. A child must not be determined to be a child with an Emotional and Behavioral Disorder if the primary factor for that determination is:

a. Lack of appropriate instruction in reading, including the essential components of reading instruction;

b. Lack of appropriate instruction in math;

c. Lack of appropriate instruction in writing;

d. Limited English proficiency;

e. Visual, hearing or motor disability;

f. Intellectual disabilities;

g. Cultural factors;

h. Environmental or economic disadvantage; or

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

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

INTELLECTUAL DISABILITY (ID)

Definition

Intellectual disabilities refer to significantly sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. [34 C.F.R § 300.8(c)(6)] Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent and/or inadequate educational programming.

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

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

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

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

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

(1) The child demonstrates significantly sub-average adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive

behavior shall be established through the use of standardized adaptive behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive behavior are operationally defined as performance that is at least two standard deviations below the mean of either:

(a) one of the following three types of adaptive behavior: conceptual, social, or practical, or

(b) an overall (composite) score on a standardized measure of conceptual, social, and practical skills.

Documentation must include information from at least two sources. The first source shall be someone from the local school who knows the child and the second source shall be someone who knows the child outside of the school environment such as a parent, guardian, or person acting as a parent.

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

(c) Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.

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

1. Lack of appropriate instruction in reading, including the essential components of reading instruction;

2. Lack of appropriate instruction in math;

3. Lack of appropriate instruction in written expression;

4. Limited English proficiency;

5. Visual, hearing or motor disability;

6. Emotional disturbances;

7. Cultural factors;

8. Environmental or economic disadvantage; or

9. Atypical educational history (multiple school attendance, lack of attendance, etc.).

Eligibility and Placement

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

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

Mild intellectual disability (MID)

(1) Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and

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

Moderate intellectual disability (MOID)

(1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and

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

Severe intellectual disability (SID)

(1) Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and

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

Profound intellectual disability (PID)

(1) Intellectual functioning below approximately 25; and

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

ORTHOPEDIC IMPAIRMENT (OI)

Definition

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

This term may include:

(1) Impairment caused by congenital anomalies, e.g., deformity or absence of some limb.

(2) Impairment caused by disease (poliomyelitis, osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.)

(3) Impairment from other causes, e.g., cerebral palsy, amputations, and fractures or burns that cause contractures. [34 C.F.R.§ 300.8(c)(8)]

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

Eligibility and Placement

Evaluation for initial eligibility shall include the following.

(1) A current medical evaluation from a licensed doctor of medicine. The evaluation report used for initial eligibility shall be current within one year. The evaluation shall indicate the diagnosis/prognosis of the child's orthopedic impairment, along with information as applicable regarding medications, surgeries, special health care procedures and special diet or activity restrictions.

(2) A comprehensive educational assessment to indicate the adverse affects of the orthopedic impairment on the child's educational performance.

(3) Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, motor development or communication abilities resulting from the orthopedic impairment. When assessment information indicates significant deficit(s) in cognitive/academic functioning, a psychological evaluation shall be given.

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

OTHER HEALTH IMPAIRMENT (OHI)

Definition

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

(1) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficient hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome, and

(2) Adversely affects a child's educational performance. [34 C.F.R.§300.8(c)(9)]

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

Eligibility

1. Evaluation for initial eligibility shall include the following:

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

(b) A comprehensive developmental or educational assessment to indicate the effects of the health impairment on the child's educational performance. Assessments shall document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor or communication skills resulting from the health

impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation shall be given.

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

a. Lack of appropriate instruction in reading, including the essential components of reading instruction;

b. Lack of appropriate instruction in math;

c. Lack of appropriate instruction in writing;

d. Limited English proficiency;

e. Visual, hearing or motor disability;

f. Intellectual disabilities;

g. Emotional disturbances;

h. Cultural factors;

i. Environmental or economic disadvantage; or

j. Atypical educational history (attendance at multiple schools, lack of attendance).

Placement and Service Delivery

(1) A child meeting eligibility criteria be served by any appropriately certified teacher in any educational program, as specified in the child's individualized education program (IEP).

(2) According to State Board of Education Rule 160-1-3-.03 Communicable Diseases, the district shall allow a child infected with a communicable disease to remain in his or her educational setting unless he or she currently presents a significant risk of contagion as determined by the district after consultation with the child's physician, a knowledgeable public health official and/or a physician designated by the LEA (at the LEA's option).

SIGNIFICANT DEVELOPMENTAL DELAY (SDD)

Definition

The term significant developmental delay refers to a delay in a child's development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided with special intervention, the delay may adversely affect a child's educational performance in age-appropriate activities.

The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age appropriate activities. The SDD eligibility may be used for children from ages three through nine (the end of the school year in which the child turns nine). [*See* 34 C.F.R. § 300.8(b)]

Eligibility

(1) Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. SDD eligibility is determined by assessing a child in each of the five skill areas of adaptive development, cognition, communication, physical development (gross and fine motor), and social/emotional development. Any child who scores at least 2 standard deviations below the mean in one or more of the five areas or 1½ standard deviations below the mean in two or more areas shall meet eligibility for SDD.

(2) For children who are kindergarten age or older, initial eligibility shall also include documented evidence that the impact on educational performance is not due to:

(a) Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;

(b) Lack of appropriate instruction in math or math readiness skills;

(c) Limited English proficiency;

(d) Visual, hearing or motor disability;

(e) Emotional disturbances;

(f) Cultural factors; or

(g) Environmental or economic disadvantage.

The application of professional judgment is a critical element at every stage of eligibility determination: as test instruments are selected, during the evaluation process, in the analysis of evaluation results, as well as the analysis of error patterns on standardized, teacher made or other tests.

(3) All five skill areas shall be assessed using at least one formal assessment. In those areas in which a significant delay is suspected, at least one additional formal assessment must be utilized to determine the extent of the delay. All formal assessments must be age appropriate, and all scores must be given in standard deviations.

(4) For children eligible under SDD with hearing; visual; communication; or orthopedic impairments, a complete evaluation must be obtained to determine if the child also meets eligibility criteria for deaf/hard of hearing, visual impairments, speech and language impairments or orthopedic impairments. Students with sensory, physical or communication disabilities must receive services appropriate for their needs, whether or not specific eligibility is determined.

Placement and Service Delivery

(1) Preschool-aged (3-5) children meeting eligibility criteria as SDD and needing special education services may receive those services in a variety of placement options, as determined by the child's IEP Team and participation by other agencies, such as, but not limited to:

(a) Regular Early Childhood Setting;

- Head Start Programs
- Georgia Pre-K Classes
- Community Daycares
- Private Preschools

(b) Separate Early Childhood Special Education Setting;

(c) Day School;

(d) Residential Facility;

(e) Service Provider Location; or

(f) Home

(2) School-aged children with SDD shall be served by any appropriately certified teacher in any education program designed to meet the needs of the child, as specified by the child's IEP team.

SPECIFIC LEARNING DISABILITIES (SLD)

Definition

(1) Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities,
intellectual disabilities, emotional or behavioral disorders, environmental, cultural or economic disadvantage. [34 C.F.R. §300.8(c)(10)]

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

Exclusionary Factors

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

a. Lack of appropriate instruction in reading, to include the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension);

b. Lack of appropriate instruction in math;

c. Lack of appropriate instruction in writing;

d. Limited English proficiency;

e. Visual, hearing or motor disability;

f. Intellectual disabilities;

g. Emotional disturbances;

h. Cultural factors;

i. Environmental or economic disadvantage; or

j. Atypical educational history (such as irregular school attendance or attendance at multiple schools) [*See* 34 C.F.R. § 300.309(a)(3)]

Required Data Collection

(1) In order to determine the existence of Specific Learning Disability, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development.

Ultimately, specific learning disability is determined through professional judgment using multiple supporting evidences that must include:

(a) Data are collected that include:

(i) At least two current (within twelve months) assessments such as the results of the CRCT or other state-required assessment, norm-referenced achievement tests or benchmarks indicating performance that does not meet expectations for State approved grade-level standards;

(ii) Information from the teacher related to routine classroom instruction and monitoring of the child's performance. The report must document the child's academic performance and behavior in the areas of difficulty.

(iii) Results from supplementary instruction that has been or is being provided:

(a) that uses scientific, research or evidence based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern;

(b) such instruction has been implemented as designed for the period of time indicated by the instructional strategy(ies). If the instructional strategies do not indicate a period of time the strategies should be implemented, the instructional strategies shall be implemented for a minimum of 12 weeks to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade-level standards within a reasonable time frame;

(iv) the interventions used and the data based progress monitoring results are presented to the parents at regular intervals throughout the interventions.

(b) Any educationally relevant medical findings that would impact achievement.

(c) After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:

1. An observation by a required group member;

2. Documentation that the determination is not primarily due to any of the exclusionary factors;

3. Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and

4. Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade level standards must include**:**

(i) A comprehensive assessment of intellectual development designed to assess specific measures of processing skills that may contribute to the area of academic weakness. This assessment must be current within twelve months and

(ii) Current Response to Intervention data based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.

(iii) As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility Determination

(1) The child who is eligible for services under the category of specific learning disability must exhibit the following characteristics: a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.

(2) Deficits in basic psychological processes typically include problems in attending, discrimination/perception, organization, short-term memory, long-term memory, conceptualization/reasoning, executive functioning, processing speed, and phonological deficits. Once a deficit in basic psychological processes is documented, there shall be evidence that the processing deficit has impaired the child's mastery of the academic tasks required in the regular curriculum. Though there may exist a pattern of strengths and weaknesses, evidence must be included documenting that the processing deficits are relevant to the child's academic underachievement as determined by appropriate assessments that are provided to the child in his/her native language. Though a child may be performing below age or State-approved grade level standards, the results of progress monitoring must indicate that the child **is** not making the expected progress toward established benchmarks. This is indicated by comparing the child's rate of progress toward attainment of grade level standards.

(3) Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standards and intellectual development and when a child does not achieve adequately toward attainment of grade level standards in one or more of the following areas:

(a) Oral expression- use of spoken language to communicate ideas;

(b) Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels;

(c) Written expression - ability to communicate ideas effectively in writing with appropriate language;

(d) Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;

(e) Reading comprehension-ability to understand the meaning of written language based in child's native language;

(f) Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;

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

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

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

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

The SLD Eligibility Group

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

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

(b) A highly qualified certified special education teacher; and

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

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

SPEECH-LANGUAGE IMPAIRMENT (SI)

Definitions

Speech or language impairment refers to a communication disorder, such as stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance. A speech or language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, voice or language. Individuals may demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability or it may be secondary to other disabilities. [34 C.F.R. § 300.8(c)(11)]

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

A) Inconsistent or situational errors;

B) Communication problems primarily from regional, dialectic, and/or cultural differences;

C) Speech sound errors at or above age level according to established research-based developmental norms**,** speech that is intelligible and without documented evidence of adverse effect on educational performance;

D) Physical structures (e.g., missing teeth, unrepaired cleft lip and/or palate) are the primary cause of the speech sound impairment; or

E) Children who exhibit tongue thrust behavior without an associated speech sound impairment.

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

A) Children who are in the normal stages of second language acquisition/learning and whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.

B) Children who have regional, dialectic, and/or cultural differences

C) Children who have auditory processing disorders not accompanied by language impairment.

D) Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a documented speech-language impairment that adversely affects the educational performance for these children to qualify for special education services.

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

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

A) Anxiety disorders (e.g. selective mutism)

B) Differences that are the direct result of regional, dialectic, and/or cultural differences

C) Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux (eg. acid reflux of the throat, colds, abnormal tonsils or adenoids, short-term vocal abuse or misuse, neurological pathology)

D) Vocal impairments that are found to be the direct result of or symptom of a medical condition unless the impairment impacts the child's performance in the educational environment and is amenable to improvement with therapeutic intervention.

Evaluation, Eligibility and Placement

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

1. Evaluation:

A) Documentation of the child's response to prior evidenced-based interventions prior to referral for a comprehensive evaluation.]

B) A comprehensive evaluation shall be performed by a certified or licensed Speech-Language Pathologist (SLP) for consideration of speech-language eligibility. Following receipt of a clear hearing and vision screening and medical clearance for voice (as appropriate) this evaluation consists of an initial screening of the child's speech sounds, language, fluency, voice, oral motor competency, academic, behavioral, and functional skills using either formal or informal assessment procedures to assist in determining if the child is a child with a disability [34 C.F.R. 300.304(b)(1)]. An in-depth evaluation of each area suspected of being impaired, using at least one formal test and/or procedure.

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

D) The evaluation is sufficient to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been referred or classified [34 C.F.R. 300.304(b)(4)] 34 C.F.R. 300.304(b)(6).

E) Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school,

these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice impairment on the child's educational performance.

F) A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)m[34 C.F.R. 300.304(b)(i)].

2. Eligibility:

A) Determining eligibility for speech-language impaired special education services includes three components:

1) The Speech-Language Pathologist determines the presence or absence of speech-language impairment based on Georgia rules and regulations for special education, [34 C.F.R. § 300.8(c)(11)]

2) Documentation of an adverse affect of the impairment on the child's educational performance

3) The team determines that the child is a child with a disability [34 C.F.R.300.304(b)(1)] and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum. [34 C.F.R.300.8(b)(2)]

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

A speech-language disorder does not exist if:

A) Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or

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

C) Because children who have communication difficulties do not necessarily have speech or language impairments, the speech-language program may not be the appropriate service delivery model to adequately meet the child's educational needs.

For this reason, all children who are suspected of having communication problems shall be the subject of a Student Support Team (SST) to problem solve and implement strategies to determine and limit the adverse affect on the child's educational performance.

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

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

3. Placement:

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

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

Communication Paraprofessionals- A communication paraprofessional is an adjunct to the Speech Language Pathologist (SLP) and assists with certain duties and tasks within the speech-language program. The communication paraprofessional is under the supervision of a certified or licensed SLP. The communication paraprofessional can not carry their own caseload, nor do they increase the certified SLP's caseload outside of a self-contained classroom. The primary responsibility for the delivery of services, as indicated on the IEP, remains with the certified or licensed SLP. Children who receive services from the

communication paraprofessional shall also receive services from the supervising SLP and/or licensed or certified SLP a percentage of the time designated in the IEP for speech-language services, but no less than one hour per month. Each LEA should develop and implement procedures for the training, use and supervision of communication paraprofessionals.

TRAUMATIC BRAIN INJURY (TBI)

Definition

Traumatic Brain Injury (TBI) refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects the child's educational performance. The term applies to open or closed head injuries resulting in impairments which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical
functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)]

Eligibility

(1) Evaluation for eligibility shall include the following.

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

(b) Verification of the TBI through the following:

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

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

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

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

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

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

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

Placement and Service Delivery

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

VISUAL IMPAIRMENT (VI)

Definitions

A child with a visual impairment is one whose vision, even with correction, adversely impacts a child's educational performance. [34 C.F.R. § 300.8(c)(13)] Examples are children whose visual impairments may result from congenital defects, eye diseases, or injuries to the eye. The term includes both visual impairment and blindness as follows:

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

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

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

Eligibility and Placement

(1) A current (within one year) eye examination report shall be completed and signed by the ophthalmologist or optometrist who examined the child.

(a) A report from a neurologist in lieu of the optometrist/ophthalmologist report is acceptable for students who have blindness due to a cortical vision impairment.

(2)A clinical low vision evaluation shall be completed by a low vision optometrist for children who are not totally blind;

(a) if the student is under the age of 8 and/or has a severe cognitive and/or physical disability that would make the use of low vision aids unfeasible, a functional vision evaluation may be used instead of a low vision evaluation to establish eligibility.

1. The low vision evaluation should be completed by age 10 for children who do not have one during eligibility determination prior to age 8 unless other circumstances apply.

2. The low vision evaluation is often difficult to schedule within the 60 day timeline, therefore, if children meet all other eligibility requirements, the eligibility report shall document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision.

3. Once the low vision evaluation has occurred the eligibility information shall be updated, and as appropriate, the IEP.

(i) The low vision evaluation must occur within 120 days of receipt of parental consent to evaluate to determine eligibility for visual impairment.

(3) A comprehensive education evaluation shall be administered to determine present levels of functioning. The impact of the visual impairment on the child's educational performance shall be considered for eligibility.

(a) Educational assessments may include cognitive levels, academic achievement, and reading ability

1. Educational assessments related to vision must be completed by a teacher certified in the area of visual impairments.

(b) In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel

(4) Braille instruction is always considered critical to appropriate education for a child who is blind. Children identified with visual impairments shall be evaluated to determine the need for braille skills. The evaluation will include the present and future needs for braille instruction or the use of braille. For children for whom braille instruction and use is indicated, the individualized education program (IEP) shall include the following:

(a) Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;

(b) How instruction in braille will be implemented as the primary mode for learning through integration with other classroom activities;

(c) Date on which braille instruction will commence;

(d) The length of the period of instruction and the frequency and duration of each instructional session; and

(e) The level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used.

(f) For those children for whom braille instruction is not indicated, the IEP shall include a statement with supporting documentation that indicate the absences of braille instruction will not impair the child's ability to read and write effectively.

Establishing Initial Eligibility - Referral Procedures Checklist

An initial evaluation needs to look at the needs of the whole child, regardless of the reason for the referral. The initial evaluation must use a variety of assessment tools and strategies to gather relevant functional, developmental, existing evaluation data on the child, aptitude tests, academic achievement information about the child, information provided by the parent, as well as information about the child's physical condition, social or cultural background, and adaptive behavior.

#	Procedure	Timeline for Completion	Person Responsible	Documentation
*	Note: A request for an evaluation is made by: the parent; MTSS Team; OtherSchool District Personnel.	Not applicable	Parent; MTSS Team; Other School District Personnel	Parent requests are documented in writing.
1	The items on the Pre-Referral Documentation Checklist, including the Tier 2 Data Packet, are submitted to the Sp. Ed. Curr. Specialist for review.		MTSS Team;	Pre-Referral Checklist & MTSS Tier 2 Data Packet
*	MTSS Team Pre-Referral DocumentationChecklist • Minutes from MTSS Team Meeting inwhich decision was made to refer student for comprehensive evaluation. ○ Should contain signatures of all MTSS team members who participated in the decision to refer the student. • Universal Screener Results; • MTSS Tier 2 Data Packet – this is documentation (9-12 weeks) that summarizes performance on interventions provided. • Current and Passed Hearing Screening. • Current and Passed Vision Screening. • 2 Classroom Observations • Current, Graded Work Samples with the Appropriate Work Sample Analysis Form Attached. Samples included should be for: basic reading skills; reading comprehension; • Math calculation; math reasoning; listening	On the date the parental consent to evaluate is received	MTSS Team	MTSS Meeting Minutes; Parental Consent for Evaluation; Prior Written Notice Universal Screener Results; MTSS Tier 2 Data Packet; Passed Hearing Screening Results; Passed Vision Screening Results; Classroom Observations; Graded Work Samples w/Work Sample Analysis Form Attached; Report Card; Standardized Test Data; Behavior Observation Checklist

	○ comprehension; written expression; and oral expression • Most Recent Report Card • Most Recent Standardized Test Data • Behavior Observation Checklist • Prior Written Notice • Parental Consent for Evaluation inorder for the district to ○ proceed with testing.			
2	The Pre-Referral Documentation is mailed to the assigned Special Education Curriculum Specialist at 3408 Covington Highway, Decatur, GA 30032. The MTSS Chair Person should maintain a complete copy of the mailed packet at the facility and email the assigned Special Education Curriculum Specialist to notify her to expect it.	On the date the parental consent to evaluate is received	MTSS Chairperson	Document on the Contact Log
3	Upon receipt of the Pre-Referral Documentation Checklist, the Special Education Curriculum Specialist assigns the MTSS Chair Person the responsibility of completing the Initial Placement Timeline Spreadsheet.	Within 2 days of Receiving the Pre-Referral Documentation Checklist	Special Education Curriculum Specialist; MTSS Chairperson	Email Notification; Initial Placement for Timeline Spreadsheet is sent via email
4	Parental Consent is received at the District Office. Upon receipt, it is date stamped. The Sp. Ed. Curriculum Spec.; the MTSS Team and the Psychologist are notified and timelines for the completion of the evaluation are published.	60 Calendar Days from the date consent was received at the facility	Special Education Coordinator	Signed Parental Consent for Evaluation for Special Education Services Form
5	Using a variety of evaluation tools and strategies, assessments are conducted of all areas related to any suspected disability, and if appropriate, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.	Within the Established 60 Calendar Day Timeline and two weeks prior to the expiration of the 60 calendar days	Psychologist & Multidisciplinary Evaluation Team	Completed Battery of Tests.

6	Evaluation results are analyzed, summarized and entered into the Special Education Eligibility Report Form. The completed report and Psychological Report is sent to the Special Education Curriculum Specialist.	Within the Established 60 Calendar Day Timeline and two weeks prior to expiration of the 60 calendar days	Psychologist; Other Evaluators	Completed Special Education Eligibility Report Form and Psychological
7	An Eligibility Determination Meeting is scheduled and A Notice of Special Education IEP/ Placement Committee Meeting is sent to the parent and IEP Team Members.	Within the established 60 calendar day timeline	Special Education Curriculum Specialist	A Notice of Special Education IEP/ Placement Committee Meeting; Meeting Notice
8	If the student is determined to be a student with a disability who is in need of special education services, the parent is presented with and asked to sign the Parental Consent for Initial Placement Form.	At the Eligibility Determination Meeting	Special Education Curriculum Specialist	Signed Parental Consent for Placement Form
9	If consent for initial placement is given by the parent, the student is accepted into the program. An IEP is then developed.	The Final IEP should be available within 30 Days after the Eligibility Meeting	Case Manager and IEP Team	IEP
10	Whether the child does or does not have a disability, the parent must be provided with: (1) a copy of the parental rights; (2) the evaluation report (psychological), and (3) the documentation of determination of the child's eligibility (Eligibility Report).	At the conclusion of the Eligibility Determination Meeting	The Special Education Case Manager	Psychological Report; Eligibility Report
11	Electronic Record Requirement: (1) JTS: check yes for IEP and enter the disability category; (2) SEMS: under Administrative Data Form complete section 1 of Tab 2; and (3) Infinite Campus: complete enrollment tab special education section and enter information under DJJ special education tab; flag the student for special education.	Immediately following the eligibility meeting	Clerk and Case Manager	Administrative Data Form
*	**Timelines refer to business days and do not include weekends or official holidays.**			
*	**Items in the Documentation Column are to be filed in the student's educational file.**			

*	**Parents maintain their due process right to request an evaluation. However, eligibility for special education should not be considered without documentation of prior instructional interventions. A Student Support Team bypass procedure does exist for rare cases or extreme circumstances.** **Refer to Georgia Rule 160-4-2-.32**

Dealing with Students Who Are Not Found Eligible for Special Education Services

For students who do indeed have an impairment that impedes their ability to have the same chance to succeed in the general education classroom as their non-impaired peers, consideration for a Section 504 Plan is appropriate. It may be that general education classroom accommodations are all that are needed to give the students equal access.

The student could also be assigned to the Student Support Team (SST) or MTSS Team in theschool. This team is responsible for helping design an individual plan for overcoming obstacles to success.

Overview of Reevaluation/Redetermination of Eligibility

The purpose of a reevaluation is to review current evaluation information and to consider what additional information might be needed to decide whether the child continues to have a disability and to determine the needs of the child.

A reevaluation of the child's needs is to be conducted at least once every three years unless the parent and the district agree that a reevaluation is unnecessary. If the reevaluation is found to be unnecessary, the IEP Team will re-determine if the student continues to meet eligibility without testing. The reevaluation may be conducted at any time if the district feels the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation.

The team will, on the basis of the review of data, and considering how long it has been since formal assessment of the student last occurred, identify additional data needed, if any, to determine the following:

- The present levels of academic achievement and related developmental needs of the child;
- Whether the child continues to have a disability or has an additional disability;
- Whether the child continues to need special education and related services;
- Whether the child needs any additions or modifications to the special education and/or related services to meet the measurable annual goals set in the IEP; and
- Whether or not the child can participate in the general education curriculum, asappropriate

Reevaluation Services

A signed informed consent by the student's parent is required before reevaluations are administered to a student.

A signed consent for evaluation that was obtained by the student's previous local school system for the current evaluations may be used to continue these services in a DJJ center. The parent is advised that this consent has been transferred to the DJJ center, and reevaluations will be provided.

If the student began the reevaluation process in a previous local school system, the DJJ center shall consult with the parent to reach agreement on a target date for completion of the assessment and proceed in a timely manner.

If the student began the reevaluation process in a DJJ center prior to transfer, the 60-calendars day requirement remains in place. The evaluation must be completed within 60-calendar days from the date the Consent for Evaluation was received from the parents or date that the Notification of Reevaluation was sent to the parents from the previous DJJ center.

Any delay in services must be documented in the Contact Log.

The DJJ center should seek to obtain informed parental consent before conducting any reevaluation of a child with a disability. For OHI students, consent is not needed if the facility doctor can complete the OHI Medical Report form based on his/her encounters with the student. If the facility doctor has to examine the student, consent is needed.

If signed informed parental consent is not received for reevaluation after the center demonstrates that reasonable efforts have been made to obtain signed consent, contact your assigned Special Education Curriculum Specialist and/or the Special Education Coordinator.

Reevaluations should be completed prior to the expiration of the Special Education Eligibility Report triennial review date. Any delays in the reevaluation process must be documented in the Contact Log. The Reevaluation/Redetermination meeting should be scheduled 90 days before the triennial review date.

At least once every three years the student's eligibility for special education must be reviewed (referred to as the "Triennial Review"). A new Eligibility Report and/or Reevaluation/Re-determination Conference Review Form is due on or before the date on which the current Eligibility Report expires.

If a student is admitted to the DJJ center with an expired Special Education Eligibility Report, the reevaluation must be completed in a timely manner. Eligibility may be continued using the Reevaluation/Redetermination process.

Note: A psychological is required prior to redetermination if the most recent psychological is six (6) years old.

Note: All documentation considered for Reevaluation/Redetermination meetings must be submitted, by email, to your assigned Special Education Curriculum Specialist before the meeting takes place.

Hearing and Vision Screenings

Hearing and Vision Screenings current within one calendar year are required prior to educational and/or psychological testing. If failure in either vision and/or hearing occurs, follow-up evaluation/correction shall occur before testing proceeds.

The center's medical staff is responsible for completing required annual vision and hearing screenings and any necessary follow-up if the student fails the initial screening.

If the student wears glasses or uses a hearing aid, the screening shall be conducted using these corrections. If failure in either vision and/or hearing occurs, follow-up evaluation/correction shall occur before testing.

If the student fails the rescreening, an evaluation by a qualified professional is required.

- A licensed ophthalmologist or optometrist conducts vision rescreening.
- A licensed audiologist or medical practitioner provides hearing rescreening.

New vision and hearing screenings are provided upon request of the IEP team or upon parental request.

When a test is administered to a student with impaired sensory, manual or speaking skills, the examiner must confirm that test results accurately reflect the student's aptitude or achievement level.

Timelines

Following receipt of the signed consent, the DJJ center has 60 calendar days to complete the evaluation. Completion is defined as when the eligibility meeting is held.

Reevaluation Tracking Log

Because of the strict timelines that direct the referral, placement, evaluation and reevaluations for students with disabilities, DJJ centers will maintain the Reevaluation

Tracking Log found in the Appendix. This information is used to monitor the provision of services to students referred for special education evaluations.

An approved Reevaluation Tracking Log form is included in the Appendix. The log will be kept in a separate notebook accessible to program monitors.

Determination of Eligibility for Services/Eligibility Reports

The Special Education Eligibility Report (Eligibility Report) is a compilation of all assessment data that documents whether or not the student meets established criteria for eligibility for special education services. The approved Eligibility Report form is available in SEMS. This form is used for initial eligibility and reevaluation. A Quick Guide to the Eligibility Report is also available on the DJJ website and in the Appendix.

Note: See the following checklists for handling expired eligibilities and IEPs.

If it appears that a Reevaluation/Redetermination procedure was completed by the student's local school system, the following documentation must be available in order for the DJJ center to accept the report.

- Documentation that the Reevaluation/Redetermination Form was completed through a review by a properly constituted eligibility team with invited parent participation.

- Documentation that the parent was notified of the team's decision and a copy of the Reevaluation/Redetermination Form was provided to the parent.

Dual or Multiple Areas of Eligibility for Special Education Services

- Students may be found to have more than one area of eligibility for specialeducation services.

- All areas of eligibility will be addressed on the Eligibility Report or Redetermination Form.

- The student's IEP must address each of the areas of disability with appropriate goalsand services and appropriate related services if required.

While a student's eligibility for special education services must be reviewed at least every three years, a request to review eligibility may be made at any time by the student's parents or by any DJJ staff member who works with the student. A reevaluation may not occur more than once a year, unless the parent and the district agree otherwise.

Assessments

Each disability area requires specific assessments to determine if the student meets the criteria for eligibility for the disability. The criteria are found in the Quick Guide to the Eligibility Report in the Appendix.

Assessment data must be recorded on the Special Education Eligibility Report form.

Information from ability or achievement tests (including information concerning physical condition and adaptive behavior), information provided by the parent and other related data shall be gathered and considered, and the weight given to each of these sources shall be documented.

All assessment materials shall be provided and administered in the student's native language or preferred mode of communication unless it is clearly not feasible to do so. Documentation of a decision and the basis for the determination not to assess a student in his/her native language is required.

The DJJ center's area Georgia Learning Resources System (GLRS) may assist DJJ centers in identifying an individual who can provide the required evaluations in the student's primary language or an individual who can act as an interpreter to provide the evaluation in collaboration with a qualified examiner.

For English Language Learners (ELL) in situations where it is clearly not feasible to provide and administer tests in the student's native language or mode of communication, the center still needs to obtain and consider accurate and reliable information that will enable the team to make an informed decision as to whether the student has a disability and the effects of the disability on the student's educational performance.

Psychological reports completed for individual students shall include the following:

- Documentation that the student has passed vision and hearing screenings;
- Dates of screenings;
- Notation if correction was required (glasses, hearing aid, other);
- Reference to parental input to the evaluation process;
- Evidence that assessment data is used to identify the needs of the student; and
- Recommendations for instructional strategies to support the student's participationin general education curriculum and regular education classroom setting.

Staff and/or contracted personnel who evaluate students shall meet state qualifications and professionally accepted standards for administration of test instruments.

If an assessment is conducted under non-standardized conditions, information about the extent to which the assessment varied from standard conditions including testing environment, the method of test administration, and/or other issues is included in the evaluation report.

Upon completion of assessments, the determination of eligibility shall be made by a group of qualified professionals, the parents of the student, and the student at 18 years of age.

The eligibility of a student for special education must be reviewed in a team meeting in which the parent is encouraged to participate.

A student shall not be considered to be a student with a disability if the determining factor for the eligibility determination is lack of instruction in reading or math, including essential components of reading instruction or limited English proficiency. Additional exclusionary factors for specific areas of disability are noted in the criteria for eligibility.

A negative impact of the student's disability on academic achievement and/or participation in the general education curriculum is required for eligibility.

If the student does not qualify as a student with a disability, this is documented on the Eligibility Report form, and the student is referred to the Student Support Team.

A copy of the Psychological Evaluation Report and Eligibility Report shall be given to the student's parent.

Change in Area(s) of Eligibility

If the IEP team determines that a student may be eligible for special education under additional or different area(s) of disability(ies), the team will gather appropriate assessment data and complete the Reevaluation/Redetermination Conference Review Form.

If the IEP team wishes to add an area of disability to the student's eligibility, the Eligibility Report with required evaluations and minutes of the team meeting will be completed.

A new Parent Consent for Placement is not required to add or change a student's area(s) or eligibility.

Three-Year (Triennial) Reevaluation

At least once every three years the student's eligibility for special education must be renewed. A new Eligibility Report(s) or the Reevaluation/Redetermination Form must be completed on or before the expiration date.

DJJ centers may accept a Reevaluation/Redetermination Form that was completed by a local school system if there is documentation that the local school system met all requirements including eligibility team review and parent notification.

Reevaluation/Redetermination of Eligibility Procedures Checklist

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	90 days prior to the expiration of eligibility, the case manager gathers data as listed on the Reevaluation Checklist.	90 days prior to expiration of eligibility	Case Manager	Reevaluation Checklist Documents
2	Email the Reevaluation Checklist Data Packet to the assigned Sp. Ed. Curr. Specialist.	80 days prior to expiration of eligibility	Case Manager	Email with Attached Reevaluation Checklist Data Packet
3	After receipt of the Reevaluation Checklist Data Packet, the assigned Sp. Ed. Curriculum Specialist will email the case manager an authorization notification to schedule the meeting.	Within 5 school days of receipt of the Data Packet	Sp. Ed. Curriculum Specialist	Authorization Notification Email
4	Case Manager sends the following to the parent: *Parental Rights *Prior Written Notice *Notice of IEP Team Meeting	7-10days prior to the meeting date	Case Manager	Contact Log Meeting Notice
5	Case Manager sends meeting invitation to the IEP Team Members.	7-10 days prior to the meeting date	Case Manager	Meeting Invitation (email)
6	At the meeting, the team reviews current evaluation information and considers what additional information might be needed to determine if the child continues to have a disability and to determine the needs of the child. *Available evaluation data *Information provided by the parent *Current classroom based assessments *Current Georgia assessments *Classroom-based observations *Observations by the teacher & related service provider	At the meeting	IEP Team Members	All data reviewed at the meeting
7	The team will, on the basis of that review, and considering how long it has been since formal assessment of the student last occurred, identify additional data needed, if any.	At the meeting	IEP Team Members	Reevaluation/ Redetermination Form
8	The team documents the considerations for reevaluation on the Reevaluation/Redetermination of Eligibility form. If no additional data is needed, the date of the new eligibility is	At the meeting	Case Manager	Reevaluation/ Redetermination Form

	the date the decision was made not to conduct a reevaluation for eligibility determination.			
9	If additional data is needed, the team determines which assessments are needed to provide it and the parent must be presented with the Consent to Evaluate form.	At the time of meeting	Case Manager	Consent to Evaluation Form
10	Once parental consent is obtained, the case manager notifies the Special Education Curriculum Specialist and gives the date on which the consent was received at the school level.	Immediately upon receipt of the signed consent	Case Manager	Signed Consent to Evaluate form
11	The Special Education Curriculum Specialist refers the student to the School Psychologist for testing to begin, sets the date by which the evaluation must be complete and works with the case manager to schedule the IEP Team meeting to review the results of the evaluation.	Within the 60 day time frame	Special Education Curriculum Specialist	Email between Curriculum Specialist and School Psychologist
12	The School Psychologist collaborates with stakeholders to complete the evaluation process and the Eligibility Report.	Within the 60 day time frame	School Psychologist and Relevant Personnel	Evaluation Protocols; Eligibility Report
13	The Case Manager schedules the Eligibility Meeting and invites all the IEP team members.	Within the 60 day time frame	Case Manager	Meeting Notice
14	At the meeting, the new data is reviewed and the team determines whether or not the data indicates the student still continues to be eligible for special education in the same category and/or perhaps a new category OR if the data indicates the student no longer meets the criteria for the disability category for which he/she was previously served. This is documented on the Reevaluation/Redetermination Form.	At time of meeting	Case Manager and School Psychologist	Reevaluation/ Redetermination form and Eligibility Report
15	If the team determines the student continues to meet eligibility criteria, the parent is presented with the option to provide consent by signing the form to continue the services.	At the time of meeting	Case Manager	Reevaluation/ Redetermination form and Consent to Services
16	If the team determines the student does not continue to meet eligibility criteria, they reach consensus on dismissing the student from the special	At the time of meeting	Case Manager	Reevaluation/Re-determination Form

	education program and the parent signs in agreement with this determination.			
17	If the student continues to meet eligibility, a new IEP is developed.	At the time of the meeting	Case Manager IEP Team Members Parents	New IEP
18	At the conclusion of the meeting, the parent is provided with a copy of the Eligibility Report, the psychological evaluation, a copy of the Reevaluation/Redetermination Form, Procedural Safeguards, and the new IEP.	At the end of the meeting	Case Manager	Eligibility Report, Psychological Evaluation, Reevaluation/ Redetermination Form, Procedural Safeguards, and New IEP
19	The case manager ensures all the appropriate documents are filed in the Red Tab Folder, that minutes from the meeting are recorded in SEMS, and that all other documents for this process are uploaded in SEMS within 2 days after the date of the meeting.	At the end of the meeting (within 2 days after meeting)	Case Manager	SEMSTRACKER
*	**For OHI students, consent is not needed if the facility doctor can complete the OHI Medical Report form based on his/her encounters with the student.**			
*	**Timelines refer to business days and do not include weekends or official holidays.**			
*	**Items in the Documentation Column are to be filed in the student's educational file.**			
*	**Parents maintain their due process right to request an evaluation. However, eligibility for special education should not be considered without documentation of prior instructional interventions. A Student Support Team bypass procedure does exist for rare cases or extreme circumstances.** **Refer to Georgia Rule 160-4-2-.32**			

Checklist for Determining Eligibility and IEP Development for Out-of-State Transfer Students

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Request and acquire records from the state from which the student came	Within 24 hours of the student's arrival	Records Clerk	Contact Log; Telephone Verification Report
2	School level designee assigns a case manager to the student	1st Day of Enrollment in Education	School Level Designee	Email
3	Case Manager informs Special Education Curriculum Specialist that out-of-state student has arrived	Student's 1st day of enrollment	Case Manager	Email
4	Case Manager sends the following to the parent: *Parental Rights *Notice of IEP Team Meeting	Within 3 days of student's enrollment	Case Manager	Parent Rights Meeting Notice
5	Case Manager sends meeting invitation to the IEP Team Members.	Immediately after confirming date with parent	Case Manager	Meeting Notice
6	The IEP Team Meeting is held for the team to determine whether or not to accept the out-of-state eligibility and IEP. If the team accepts the eligibility, the IEP is developed, if a current IEP did not come with the student. If there is a current IEP, the team may develop a new IEP using information from the IEP developed in the prior district. The team determines whether or not amendments are needed. If amendments are needed, they are made in this meeting. Meeting Minutes capture the decisions made in this meeting.	Within 15 days of the student's enrollment	Case Manager; IEP Team Members; Special Education Curriculum Specialist	Out of state eligibility; IEP; Amendment Form; Meeting Minutes
7	If the team chooses not to accept the eligibility, the team refers the student for a comprehensive evaluation to	At the meeting	Case Manager; IEP Team Members;	Meeting Minutes; Class Schedule for the Student

	determine eligibility under Georgia Special Education Rules. This is considered an initial evaluation and the 60-day timelines apply. While awaiting the results, the student must be provided FAPE.		Special Education Curriculum Specialist	

Checklist for Dealing with Expired Eligibilities and/or IEPs for Students Entering the District

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Request and acquire records from the prior district from which the student came	Within 24 hours of the student's enrollment	Records Clerk	Contact Log; Telephone Verification Report
2	School Level Designee assigns a case manager to the student	1st Day of Enrollment in Education	School Level Designee	Email
3	Case Manager informs Special Education Curriculum Specialist that new student has expired eligibility and/or IEP	Within 2 days of student's enrollment	Case Manager	Email
4	Case Manager sends the following to the parent: *Parental Rights *Prior Written Notice *Consent to Evaluate *Notice of IEP Team Meeting	Within 3 days of student's enrollment	Case Manager	Parent Rights Meeting Notice
5	Case Manager sends meeting invitation to the IEP Team Members.	Immediately after confirming date with parent	Case Manager	Meeting Notice
6	The IEP Team Meeting is held for the team to determine whether or not the available information is sufficient to determine supports and services, or if additional information is needed to reestablish eligibility.	At time of meeting	Case Manager; IEP Team; Special Education Curriculum Specialist	Meeting Notice & IEP Team Meeting Signature Page
7	If the team decides more data is needed to determine continued eligibility, the team refers the student for a comprehensive evaluation to determine eligibility. This is considered an initial evaluation and the 60-day timeline applies. Progress monitoring data is collected during the 60-day time frame. Based on the information available, the team may decide that services are needed while awaiting the eligibility determination results. This means the	60-Days to complete the evaluation and eligibility process	Case Manager and IEP Team	Referral for Evaluation; Progress Monitoring Data; Eligibility Report; IC Schedule; Meeting Minutes

	student must be provided FAPE. Meeting Minutes capture the decisions made in this meeting.			

Evaluation before Termination of Eligibility

The district must reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services. However, reevaluation is not needed:

1. when the student graduates from high school with a regular education diploma, or

2. when the student has exceeded the age of eligibility (22nd birthday) for free appropriate public education (FAPE).

Checklist of Procedures for Termination of Eligibility

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Case Manager sends the following to the parent: *Parental Rights *Prior Written Notice *Notice of IEP Team Meeting	7-10 days prior to the date of the meeting	Case Manager	Parent Rights Meeting Notice
2	Case Manager sends meeting invitation to the IEP Team Members.	7-10 days prior to the date of the meeting	Case Manager	Meeting Notice
3	At the meeting, the team reviews current evaluation information and considers what additional information might be needed to determine if the child continues to have a disability and to determine the needs of the child. The team reviews: *Available evaluation data *Information provided by the parent *Current classroom based assessments *Current Georgia assessments *Classroom-based observations *Observations by the teacher & related service provider	At the meeting	Case Manager; IEP Team Members	All data reviewed at the meeting
4	The team will, on the basis of that review, and considering how long it has been since formal assessment of the student last occurred, identify additional data needed, if any.	At the meeting	IEP Team Members	Reevaluation/ Redetermination Form
5	The team documents the considerations for reevaluation on the Reevaluation/Redetermination of Eligibility form. If no additional data is needed because the data on hand indicates the student no longer meets the disability eligibility criteria, the team reaches consensus on dismissing the student from the special education program.	At the meeting	IEP Team Members	Reevaluation/ Redetermination Form
6	If additional data is needed, the team determines which assessments are needed to provide the data and the parent must be presented with the Consent to Evaluate form.	At the meeting	Case Manager	Reevaluation/ Redetermination Form; Consent to Evaluation Form
7	Once parental consent is obtained, the case manager notifies the Special	On date consent is	Case Manager	Email; Consent to

	Education Curriculum Specialist and gives the date on which the consent was received at the school level.	received		Evaluate
8	The Special Education Curriculum Specialist refers the student to the School Psychologist for testing to begin, sets the date by which the evaluation must be complete and works with the case manager to schedule the IEP Team meeting to review the results of the evaluation.	Upon receipt of the email from the Case Manager	Special Education Curriculum Specialist; Case Manager School Psychologist	Emails; Reevaluation/ Redetermination Form
9	The School Psychologist collaborates with stakeholders to complete the evaluation process and the Eligibility Report.	Within the 60-day time frame	School Psychologist; Relevant Personnel; Case Manager; Special Education Curriculum Specialist	Evaluation Protocols
10	The Case Manager schedules the IEP Team meeting and invites all the IEP team members.	Within the 60-day time frame	Case Manager	Meeting Notice
11	At the meeting, the new data is reviewed and the team determines whether or not the data indicates the student still continues to be eligible for special education in the same category and/or perhaps a new category OR if the data indicates the student no longer meets the criteria for the disability category for which he/she was previously served. This is documented on the Reevaluation/Redetermination Form.	During the meeting	IEP Team; Case Manager; School Psychologist; Special Education Curriculum Specialist	Reevaluation/ Redetermination Form; Evaluation Results
12	If the team determines the student continues to meet eligibility criteria, the parent is presented with the option to provide consent by signing the form to continue the services.	During the meeting	Case Manager	Reevaluation/ Redetermination Form; Consent to Continue Services
13	If the team determines the student does not continue to meet eligibility criteria, they reach consensus on dismissing the student from the special education program and the parent signs in agreement with this determination.	During the meeting	Case Manager; IEP Team	Reevaluation/ Redetermination Form
14	At the conclusion of the meeting, the parent is provided with a copy of the	At end of meeting	Case Manager	Eligibility Report; Psychological

	Eligibility Report, the psychological evaluation, a copy of the Reevaluation/Redetermination Form, and Procedural Safeguards.			Evaluation Reevaluation/ Redetermination Form
15	The case manager ensures all the appropriate documents are filed in the Red Tab Folder, that minutes from the meeting are recorded in SEMS, and that all other documents for this process are uploaded in SEMS within 2 days after the date of the meeting.	At the end of meeting (within 2 days of meeting)	Case Manager	Red Tab Folder; SEMSTRACKER
*	**Timelines refer to business days and do not include weekends or official holidays.**			
*	**Items in the Documentation Column are to be filed in the student's educational file.**			
*	**Parents maintain their due process right to request an evaluation. However, eligibility for special education should not be considered without documentation of prior instructional interventions. A Student Support Team bypass procedure does exist for rare cases or extreme circumstances.** **Refer to Georgia Rule 160-4-2-.32**			

CHAPTER FIVE: INDIVIDUALIZED EDUCATION PROGRAM & TRANSITION

Overview

The Individualized Education Program (IEP) for a student with a disability is a written document that is developed, implemented, reviewed, and revised in accordance with Rule 160.4-7-.06 Georgia Special Education Rules and required procedures of the Department of Juvenile Justice. The IEP evidences that the student is receiving a free and appropriate public education (FAPE) in the least restrictive environment (LRE) and provides for educational services – general and special education – that may be reasonably predicted to benefit the student.

IEPs must be developed and reviewed annually and must be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the district requests a review.

Notice of IEP Meeting

The IEP meeting should be scheduled for a time, date, and location that is mutually agreeable to the parent and the district. The parent must be notified of the proposed date, time, and location of an IEP meeting to give him or her sufficient time to make arrangements to attend or to contact the school to reschedule the meeting. The parent may request to either reschedule the IEP meeting or to participate by telephone or videoconference if attending in person is not possible.

The notice should include:

- the purpose of the meeting;
- the proposed date, time, and location of the meeting;
- positions and/or names and positions of the people that the district will invite orhas invited to attend;
- 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; and
- a statement informing the parents that no changes will be made in their student's special education program until they have received and have had an opportunity to review the proposed IEP.

Notice of IEP Meeting Procedures Checklist (Parent is Reached on First Attempt)

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Contact the parent to determine the date and time the parent is available to participate in the IEP meeting.	Early enough to ensure they have opportunity to participate	Case Manager	Contact Log
2	Document in the contact log the date on which you attempted to contact the parent and the method of contact you used. Indicate the result of your contact.	At time of contact	Case Manager	Contact Log
3	The Notice of IEP Meeting is sent to the parents with the agreed upon date and time of the meeting. If the meeting is scheduled collaboratively with the parent, they may waive the 7-10 days' notice requirement.	7-10 days prior to the meeting date	Case Manager	Notice of IEP Team Meeting
4	Ask the parents if they will participate either in person or by phone. Ask the parent to share his/her concerns about the child's education. Ask parents for permission to still hold the meeting without their participation if they are unable to attend.	At time of contact	Case Manager	Contact Log
5	If the parents agree for the meeting to be held without their participation, the following must occur: a.) A statement to this effect must be included in the IEP Minutes. b.) Ask the parent to return the Notice indicating this. c.) Ask the parent to provide input into the IEP.	At time of contact	Case Manager	Notice of IEP Team Meeting with parent signature, date, and written parental input.
6	If the parents are physically present or participate by telephone, they are identified as participants of the IEP team.	At time of IEP Meeting	Case Manager	IEP Signature Form
7	The parents are asked to sign the IEP Signature Form if physically present at the IEP meeting.	At IEP Meeting	Case Manager	IEP Signature Form

8	If the parents are participating by telephone or other means, this is noted in the IEP in the Meeting Summary section and the parent's name is added to the meeting sign in sheet and it is written in parenthesis that the parent participated via telephone.	At time of IEP Meeting	Case Manager	Meeting Summary Section of IEP; IEP Signature Form
9	If the parent confirms attendance at the IEP meeting but does not attend, efforts to contact the parent should be made and documented. If no contact can be made, the IEP Team should then determine what action is in the best interest of the child and either postpone or proceed with the meeting accordingly.	At time of IEP Meeting	Case Manager	Contact Log and/or Form: To Parents Not Attending First IEP/Eligibility Team Meeting in SEMS.

Notice of IEP Meeting Procedures Checklist (Parent Cannot be Reached)

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Contact the parent to determine the date and time the parent is available to participate in the IEP meeting.	Early enough to ensure they have opportunity to participate	Case Manager	Contact Log; Notice of the IEP (last page)
2	Document in the contact log the date on which you attempted to contact the parent and the method of contact you used. Indicate the result of your contact.	At time of contact	Case Manager	Contact Log; Notice of the IEP (last page)
3	If the 1st attempt was unsuccessful, attempt to make contact a second time using a different mode of communication/correspondence.	Immediately following 1st attempt	Case Manager	Contact Log; Notice of the IEP (last page)
4	Document in the contact log the date on which you attempted to contact the parent and the method of contact you used. Indicate the result of your contact.	At time of contact	Case Manager	Contact Log; Notice of the IEP (last page)
5	If the 2nd attempt was unsuccessful, attempt to make contact a third time using a different mode of communication/correspondence.	Immediately following 2nd attempt	Case Manager	Contact Log; Notice of the IEP (last page)
6	Document in the contact log the date on which you attempted to contact the parent and the method of contact you used. Indicate the result of your contact.	At time of contact	Case Manager	Contact Log; Notice of the IEP (last page)
7	If contact with the parents cannot be made within 3 attempts, the meeting may be scheduled by the school.	Immediately following unsuccessful attempt	Case Manager	Contact Log; Notice of the IEP (last page)
8	The case manager should make a statement in the minutes of the IEP Team meeting describing efforts made to involve the parent.	At IEP Team Meeting	Case Manager	Meeting Minutes; Notice of the IEP (last page)
9	The Notice of IEP Meeting is sent to the parents with the proposed date and time of the meeting.	7-10 days prior to the meeting date	Case Manager	Notice of Meeting
10	Two efforts should be made to contact the parents to confirm receipt of the Notice, to determine the parent's desire to participate in the meeting, and to determine if the meeting needs to be rescheduled.	Immediately following unsuccessful attempts	Case Manager	Contact Log; Notice of the IEP (last page)

11	If the parents are unable to participate in the IEP meeting, the case manager should solicit parental input for the IEP and document the parent's input in the Parent Concerns section of the IEP.	At time of contact	Case Manager	Contact Log; IEP Parent Concerns Section; Notice of the IEP (last page)
*	Other Correspondence/Communication may include, but is not limited to: • Use of the Probation Officer; • Leaving the Notice on Visitation Night; • Email Notification • Contacting the Parent Mentor to assist with making contact with the parent. • Home Visit/Job Visit			

Appointing Surrogate Parents

When the parents of a student with a disability are not able to participate in the educational planning process to advocate for their child, an individual must be appointed by the district as a surrogate parent to make decisions regarding the free appropriate public education of a child with a disability.

A surrogate parent is needed when:

- No parent (as defined by IDEA) can be identified;
- The public agency, after reasonable efforts, cannot locate a parent;
- When the child is assigned to the foster parent on a short-term or temporary basis;
- The child is a ward of the State; or
- The child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act.

For a child who is a ward of the State, a judge overseeing the child's case may appoint a surrogate parent.

Surrogate Parent Appointment Checklist

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	The status of parental rights must be confirmed. Determine the reason the parent cannot be located and/or is unable to participate as a representative for the child.	Within 2-3 days of enrollment	Case Manager	Contact Log
2	If it's one of the aforementioned reasons, a surrogate parent can be requested and obtained to represent the student.	Within 3 days of enrollment	Case Manager	Contact Log
3	Notify the Special Education Parent Mentor and the Special Education Curriculum Specialist of your need for a surrogate parent.	Within 3 days of enrollment	Case Manager	Contact Log; Email
4	Refer to the Surrogate Parent Directory for a list of trained surrogates who have agreed to serve in this capacity.	Within 3 days of enrollment	Case Manager	Contact Log
5	Contact the surrogate parent who is designated to serve your site or a site in close proximity to your site.	Within 3 days of enrollment	Case Manager	Contact Log
6	Ask the surrogate parent to represent the student in the IEP Team meetings.	Within 3 days of enrollment	Case Manager	Contact Log
7	Unless parental rights have been severed, the student's custodial parents are routinely provided copies of all Notices of Meetings and IEPs, and they are also provided to the Surrogate Parent.	Within 3 days of enrollment	Case Manager	Contact Log; Meeting Notice
Note: If the student is in DFCS custody, the DFCS Case Worker may not serve as the surrogate parent.				

Surrogate Parent Participation in IEP Meeting Checklist

#	Procedure	Timeline for Completion	Person Responsible	Documentation
1	Contact the surrogate parent to determine the date and time the parent is available to participate in the IEP meeting.	Early enough to ensure they have opportunity to participate	Case Manager	Contact Log; Notice of the IEP (last page)
2	Document in the contact log the date on which you attempted to contact the surrogate parent and the method of contact you used. Indicate the result of your contact.	At time of contact	Case Manager	Contact Log; Notice of the IEP (last page)
3	The Notice of IEP Meeting is sent to the surrogate parent and the custodial parent with the agreed upon date and time of the meeting. If the meeting is scheduled collaboratively with the surrogate parent, they may waive the 7-10 days' notice requirement.	7-10 days prior to the meeting date	Case Manager	Notice of IEP Team Meeting; Notice of the IEP (last page)
4	Ask the surrogate parent if they will participate either in person or by phone. Ask the surrogate parent for permission to still hold the meeting without their participation if they are unable to attend.	At time of contact	Case Manager	Contact Log; IEP Meeting Minutes; Notice of the IEP (last page)
5	If the surrogate parent agrees for the meeting to be held without their participation, the following must occur: a.) A statement to this effect must be included in the IEP Minutes. b.) Ask the surrogate parent to return the Notice indicating this. c.) Ask the surrogate parent to provide input into the IEP.	At time of contact	Case Manager	Notice of IEP Team Meeting with parent signature, date, and written parental input.
6	If the surrogate parents are physically present or participate by telephone, they are identified as participants of the IEP team.	At time of IEP Meeting	Case Manager	IEP Signature Form; Notice of the IEP (last page)
7	The surrogate parents are asked to sign the IEP Signature Form if physically present at the IEP meeting.	At IEP Meeting	Case Manager	IEP Signature Form; Notice of the IEP (last

				page)
8	If the surrogate parents are participating by telephone or other means, this is noted in the IEP in the Meeting Summary section. Also, the name of the surrogate parent is added to the IEP Signature page and in parenthesis, it is written the surrogate parent participated via telephone.	At time of IEP Meeting	Case Manager	Meeting Summary Section of IEP
9	If the surrogate parent confirms attendance at the IEP meeting but does not attend, the first meeting is cancelled. A second meeting is scheduled following the same procedures for the first. The surrogate parent is given written notice that unless a change in date or time is requested, the meeting will be held with or without their participation.	Immediately after the cancelled meeting	Case Manager	Form: To Parents Not Attending First IEP/Eligibility Team Meeting in SEMS.

IEP Team Members

The following is a list of people who may participate in the IEP Team meeting. The roles that are in bold type are required. At a minimum the IEP team must include:

- The **parent** (or the person acting as the parent under (IDEA);
- Not less than one of the student's **general education teachers**, if the student is ormay be participating in the general education environment;
- At least one of the student's **special education teachers** or service providers; and
- A **district representative** (Lead Teacher or Principal) who is:
    - Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child;
    - Knowledgeable about the general education curriculum; and
    - Knowledgeable about the availability of resources within DJJ and the local center.
- An **individual who can interpret the** instructional implications of the **evaluation**;
- At the discretion of the parent or the agency, other individuals who have knowledgeor special expertise regarding the student, including related services personnel as appropriate;
- The **student**, especially when
    - The student has reached the age of majority, which is 18 years of age in the state of Georgia;
    - Postsecondary goals are being considered;
    - The Transition Plan is being developed, and/or
    - Transition services are needed to help the student reach goals.
    - **Note**: If the student does not attend the IEP meeting by choice or as a result of security issues, the IEP team shall take appropriate steps to ensure that the student's preferences and interests are considered. If the student does not attendthe meeting, the reason is documented in the IEP Minutes of the meeting.
    - Representatives of agencies that are likely to provide or pay for any transition services should be invited to IEP meetings at which a Transition Services Plan isdeveloped and/or reviewed. The parent must approve the attendance of these agency persons.
    - Because of the unique nature of DJJ centers, it is strongly recommended that a guidance counselor, medical staff person, and a Juvenile Corrections Officer (JCO)are included as part of the IEP team and attend the meeting.

Excusal of IEP Team Members from the IEP Meeting

Two circumstances may allow a required member of the IEP team to be excused.

- When an IEP team member's area of curriculum or related services is NOT being changed or discussed at that IEP meeting, the parent and the district may agree toexcuse an IEP team member from all or part of a meeting if the parent consents, inwriting, to this excusal.
- When the IEP team member's area of curriculum or related services is being discussed at the meeting, the parent and the district may excuse an IEP team member from all or part of a meeting if the parent consents, in writing, to the excusal and the excused person submits relevant, written input to the IEP teamprior to the meeting.
- **Note**: Written excusal is only required for the required members (typed in bold print) and the IEP team members identified on the Notice. The Parent Consent forExcusal from IEP Meeting form must be completed by the parent either before themeeting or at the meeting.

Part I. Present Levels of Academic Achievement and Functional Performance

The present levels of academic achievement and functional performance section establishes the starting point or baseline that is used to develop the entire IEP. This area drives the rest of the IEP including transition, goals, and accommodations. It should be individualized to the particular student and describe the current academic, developmental, and functional strengths, and needs.

- Results of initial or most recent evaluation: This should include a summary of the relevant information from the child's evaluation. If the information is more thantwo years old, it should not be included in the IEP.

- Results of district or statewide assessments: This information must include test scores and must indicate whether the child did not meet, met, or exceeded standards. It should include the strengths and weaknesses as indicated by the domains of the subtests. If the information is more than two years old, it should notbe included in the IEP.
    - **Note**: Case Managers should administer the Brigance for each student, before writing an IEP and list the grade level results in this section of the IEP.

- A description of academic, developmental, and/or functional strengths:
    - Areas of strength may refer to academic subjects such as reading, language arts, math, etc.;

  - Developmental areas such as communication, motor, cognitive, social/emotional, etc.;
  - Functional areas such as self-care, social skills, daily living, communication, social/emotional, etc.

- A description of academic, developmental, and/or functional needs:
  - Areas of need may refer to academic subjects such as reading, language arts, math, etc.;
  - Developmental areas such as communication, motor, cognitive, social/emotional, etc.;
  - Functional areas such as self-care, social skills, daily living, communication, social/emotional, etc.

- Parental Concerns regarding the child 's education: What is written shouldbe the result of ongoing communication with the parent regarding the child's academics, behavior, performance on goals, and/or future plans. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, this information should be drawn from communication that has occurred over the previous school year.

- Impact of the disability on involvement and progress in the general education curriculum: This section should describe individual characteristics of the child's disability that affect his or her classroom performance. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Statements should reflect individual needs and not be applicable to alarge group of students.

Part II. Consideration of Special Factors

Consideration of special factors must be documented in the IEP by checking **Yes** or **No**. The factors to consider are:

- behavior,
- limited English proficiency,
- visual impairments,
- communication needs,
- assistive technology, and
- alternative format instructional materials.

If needs are determined in any of these areas, the IEP must include a description of the supports and/or services that will be provided to the child.

Behavior

When the behavior of a student impedes his or her learning or that of others, the IEP team will identify appropriate strategies, including positive behavioral intervention strategies (PBIS), and supports to address the behavior through a Behavior Intervention Plan (BIP).

Note: The present levels section of the IEP must include information that will support the finding that the student's behavior interferes with his/her learning or the learning of others. It may be necessary for the team to complete a functional behavior analysis to determine if the student's behavior is a manifestation of the student's disability.

Note: A BIP is not required for all students eligible for services under EBD/SEBD. If an EBD/SEBD student exhibits behaviors that do not impede his or her learning or the learning of others, a BIP is not required. However, behavior goals are required.

Behavior Intervention Plan (BIP)

If the IEP Team determines that the student has behavior that impedes his/her learning or the learning of others, a BIP **must be** developed.

A BIP should address key behaviors, i.e., target behaviors that are the focus of the interventions for the student. There should be no more than 2-3 behaviors targeted for intervention. Target behaviors should be stated in observable and measurable terms, and related to the behaviors listed in the PLAAFP.

The BIP must also list the strategies and supports that will be used to positively address the target behaviors.

A description of the consequences that will be used if/when the student does not respond to the interventions will also be indicated.

Reinforcements for targeted behaviors are identified and may include center based PBIS systems and classroom based activities.

Note: A statement regarding removal of students to an alternative setting due to security issues should be included.

Limited English Proficient (LEP)/English Language Learners (ELL)

In the case of a student with limited English proficiency, the IEP team will consider the language needs of the student, as these needs relate to the student's IEP including translation of school work, translators, and other resources appropriate to the needs of the student. A student may require an interpreter and/or translation of school work if his/her primary language is not English.

Visual Impairments

In the case of a student who is blind or visually impaired, the school will provide for instruction in Braille and the use of Braille unless the IEP Team determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the student.

Communication Needs

Any communication needs of the student must be identified, described, and supports indicated that will address these concerns.

Deaf/Hard of Hearing

In the case of a student who is deaf or hard of hearing, the team will consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

Note: Daily hearing aid checks are required for students. The approved daily check form, Daily Hearing Aid/Amplification Checklist, is included in the Appendix.

Assistive Technology

The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve capabilities of a child with a disability. A calculator is not considered assistive technology.

Students with disabilities who require assistive technology in order to receive a free appropriate public education (FAPE) are eligible for assistive technology devices and services as specified in the student's IEP.

The IEP team will consider whether the student requires assistive technology devices and services in order to receive a free appropriate public education because of special learning needs resulting from a disability.

If the team determines that assistive technology may be required, the student shall be referred for an assistive technology evaluation. A checklist may be used by the team to assist in determining if a student requires assistive technology is available on the Georgia Project for Assistive Technology website www.gpat.org and in the Appendix.

If the IEP team determines that assistive technology is needed, a description of the type of assistive technology must be given as well as a description of how it is to be used.

If the IEP team determines the student does not need assistive technology, a statement should be made as to how the student's needs are being met in deficit areas.

The term "assistive technology service" also means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such terms include:

- The evaluation of the needs of such child, including a functional evaluation in the child's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for the student;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing,or replacing of assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for the student, or, where appropriate, the family ofsuch student; and
- Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provideservices to, employ, or are otherwise substantially involved in the major life functions of the student with disability.

Assistive technology may be utilized for the following purposes: augmentative and alternative communication (AAC), assistive listening, computer access, environmental control, leisure play and physical education, mobility, positioning, self-care, and vision.

Alternative format for instructional materials has implications for students with a variety of disabilities. The type of alternative formatted material should be specified:

- Braille,
- large type,
- auditory, and/or
- electronic.

Part III: Transition Service Plan

The purpose of a Transition Service Plan is to assist students in building the skills and supports they need to reach their post-school goals. Transition requires support from multiple sources so the student and his or her family can make choices, develop connections, and access services.

By age 16 or entry into ninth (9th) grade, whichever comes first, (or younger if determined appropriate by the IEP team), the IEP must include appropriate and measureable postsecondary goals, based upon age appropriate transition assessment(s), related to training, education, employment, and when appropriate, independent living.

The plan must include transition services (including course of study) needed to assist the student in reaching the goals. A Transition Services Plan must be developed for any student who is turning 16 or will be in the 9th grade during the duration of the IEP.

Transition services serve as a guide to the IEP team for the development of goals and should be discussed following the review of Present Levels of Academic Achievement and Functional Performance.

An age appropriate assessment of a student's interests and aptitudes/abilities should be conducted prior to developing a Transition Service Plan.

- This assessment may include a battery of both formal and informal tests and may include other methods of collecting data on the student's interests and abilities; for example, a parent and/or student interview.

- The assessment addresses the student's skills and interests relating to education/training, employment and independent living.

Unless security concerns dictate otherwise, the student must be invited to the IEP meeting in which the Transition Services Plan is developed and/or reviewed. If the student is unable to attend, steps must be taken to ensure that the student's preferences and interest are considered and that the plan is reviewed with the student.

The invitation to parents to attend an IEP meeting at which a Transition Services Plan is developed and/or reviewed must indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services. The invitation should also

indicate that the student is invited. The parent must approve the attendance of other agency representatives at the meeting.

With parental consent, representatives of any agency that is likely to be responsible for providing or paying for any transition services should be invited to the meeting.

The Transition Service Plan includes the following:

- Desired Measurable Post-Secondary Outcome/Completion Goals:
  - These measurable goals focus on what the student wants to achieve after graduation from high school.
  - Post-secondary measurable goals must be included (required) in the Transition Service Plan for (a) Employment and (b) Education and Training.
  - Goals are optional for the area of Daily Living Skills.

Preferences, Strengths, Interests, and Course of Study are based on the student's present level of performance and age appropriate transition assessment.

The transition assessment should:

- Be child centered,
- Be continuous,
- Occur in many places,
- Involve a variety of people,
- Have understandable data, and
- Be sensitive to cultural diversity.

- The results of this assessment will describe a student's personal interests, strengths and weaknesses.

- Course of Study: A description of the student's course of study identifies the type of instructional and educational classes and experiences that will assist the student in transitioning to postsecondary life and are linked directly to the student's post-secondary goals.
  - The IEP must designate the specific diploma (or certificate of attendance) that the student is pursing.
  - The Georgia Department of Education has established approved courses for students entering the 9th grade, Fall 2008, for study leading to

- A General Equivalence Diploma (GED) or
- Transition Diploma.

  - Each of these diplomas requires that the student meet the criteria that have been established by the Georgia Department of Education.

  - The student's proposed course of study is reviewed each year as part of the IEP Annual Review to confirm that this continues to be an appropriate choice for the student.

  - The General Equivalence Diploma (GED) may be recommended if it is appropriate to the student's long-range educational or vocational plans.

Measurable Transition IEP Goals in the following categories should be developed:

- Education/Training; Employment; Community Participation; Adult Living Skillsand Post School options; Related Services; and Daily Living Skills, as appropriate.

  - Measurable and observable IEP goals are required for Employment and Education/Training; goals are optional for the other areas as may be appropriate for the student.

- These goals should relate directly to how, when, where, and what answers thatare needed to complete each measurable/observable postsecondary outcome/completion goal. These goals should be relevant to "how to get to" the desired postsecondary outcomes.

  - At least one measurable transition IEP goal must be determined for education/training and development of employment.

  - Measurable transition goals for independent living should be addressed if appropriate.

Transition Activities and Services should address the transition activities and services that are needed to attain these measurable goals. Transition activities and services should be planned as the "what is needed to achieve these goals." Many activities and services should be planned and implemented for each goal.

Persons and Agency Involved should include those who will help the student achieve the goals stated. Documentation that these persons were invited to the Transition IEP meeting

and that the parent and student (if over 18) were notified of their possible attendance must be kept. If a necessary participating agency does not attend, document other actions for agency linkages.

Date of Completion and Achieved Outcome should state the date completed and specify what was achieved. If the student does not attend the IEP meeting, the district must take other steps, including verbal and written input, to ensure that the student's preferences and interests are considered before developing the transition aspects of the IEP.

Transfer of Rights at 18 Years of Age

Beginning at age 17 years the student is informed that parental rights will transfer to the student upon reaching the age of 18 years.

Georgia law provides that rights will transfer to students at age 18 unless a court of competent jurisdiction has declared that the student is mentally incompetent. In the absence of such ruling the rights accorded to the student's parents transfer to the student on his/her 18th birthday.

The student is asked to sign the IEP Signature Page which shall serve as confirmation that the rights accorded to students with disabilities under IDEA will transfer at age 18 years. At age 18 years, the student's signature indicates that rights have been transferred and that an explanation of these rights has been provided to support the student's self-advocacy.

Once the rights have transferred to the student at age 18, the district must provide any notice required to both the child and the parent. All rights given to the parent transfer to the student.

Part IV. Measurable Annual Goals

The IEP must include measurable academic and functional goals that address the student's needs identified in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) that will enable the child to progress in the grade level standards-based curriculum. The goals should be written in measurable form and should describe what the student can be reasonably expected to accomplish within one school year.

Goals focus on skills the student requires to access and progress in the general curriculum.

Objective criteria for mastery, method of evaluation and schedules for determining progress toward meeting the student's annual goals are specified. Data collection strategies should support measurability of the goal.

Review dates will reflect the dates established for progress reports for all students.

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

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

Short term objectives or benchmarks are required only if the student is recommended to be assessed through the GAA.

Progress Reports

Regional Principals are responsible for assuring that progress reports are provided to parents according to established dates.

The student's IEP will contain a statement that indicates when the student's progress toward the annual goals will be measured and the student's parents informed of their child's progress toward attainment of IEP Annual Goals.

Progress reports must be issued for students receiving special education services as often as parents of nondisabled students are informed of their child's progress. A copy of each progress report is maintained in the student's special education file. Documentation of all Progress Reports mailed home should be noted in the Contact Log.

Progress is reported for students with disabilities by report cards at the end of the semester and by progress reports for the student's IEP Goals every nine weeks. A copy of the report card and progress report is mailed to the parents and a copy is maintained in the student's special education file.

The review of progress at the end of the semester should be documented on the goals page(s) of the current IEP by giving date reviewed and progress status for each goal using percentages.

At the parents request or as recommended by staff, more frequent reporting may be appropriate. For example, parent-teacher conferences, written progress notes, telephone calls, or other strategies may be used. These are documented in the student's file.

Part. V. Short Term Objectives/Benchmarks

This section is not applicable unless the student is assessed using the Georgia Alternate Assessment (GAA). If you have a student who is assessed with the GAA, contact your assigned Special Education Curriculum Specialist and the Special Education Coordinator.

Part VI. Student Supports

Student supports consist of accommodations for instruction and testing, supplemental aids and services, and/or supports for district personnel. These may be provided to assist students in advancing toward attaining annual goals, in being involved and making progress in the general curriculum, and/or in being educated and participating with other nondisabled students.

Accommodations provide children with disabilities a variety of ways to access the Georgia Standards of Excellence so that their disabilities are not barriers to achievement. Children with accommodations are still expected to meet the same grade level standards as their peers without disabilities.

Accommodations should provide access to or promote skill growth, and some accommodations may be used instructionally that **will not necessarily** be used for assessment. Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis. Accommodations should not be confused with differentiated instruction.

Note: Accommodations do not change what a student is taught. They are provided to enable the child to progress in the curriculum.

Instructional accommodations may include how instruction is provided, how the child is expected to respond instructionally, how the child participates in classroom activities and the kinds of instructional materials used. Some examples of instructional accommodations are:

- listening to portions of a text on tape rather than reading it;
- answer questions orally;
- use of a computer keyboard instead of writing with a pencil;
- use large print textbooks;
- watch video with captions; and
- participate in a discussion with a sign language interpreter; etc.

Classroom testing accommodations should be individualized, determined by subject area, and be as specific as possible. Some examples of classroom testing accommodations are:

- for a student who may require additional time to complete tests, it is recommendedthat the amount of time is specified such as, "50% more time;"
- the use of a text reader;
- the use of a calculator; and
- special seating, etc**.**

Note: Testing accommodations should only be recommended if they are also the student's instructional accommodations, and some instructional accommodations may not be appropriate for testing.

Supplemental aids and services should include supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Some examples are:

- tutoring;
- adult assistance;
- note-taking;
- peer helper;
- pre-teaching/re-teaching or reinforcing concepts;
- behavior intervention plan;
- educational interpreting services;
- point sheet; and
- preferential/assigned seating, etc.

Supports for district personnel should be included when training or other supports are being provided to district staff regarding a specific student's need. Some examples are:

- training on an assistive technology device;
- a workshop on a content area or disability area; and
- crisis prevention, etc.

Part VII. Assessment Determination for District and Statewide Assessments for Grades K-12

Georgia requires all students to participate in grade level district and statewide assessment programs. For any grade where all students are assessed, student s with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA).

The IEP team will consider if a student requires accommodations in order to demonstrate his/her maximum performance for statewide assessments.

Accommodations that are made for the student's participation in statewide assessments are the same as those included in the IEP for instructional accommodations (if appropriate for testing) and classroom testing accommodations (if appropriate for testing).

An IEP team may not select accommodations that are not allowed on state or district assessments.

The Suggestions for Accommodations for Assessments (available from the GADOE website) may be used to assist the IEP team in planning for appropriate accommodations.

Assessment accommodations must be specified by test and subtest and indicated in the appropriate section of the IEP, and should be specific as possible. For example, instead of "extended time," the accommodation would be "30 additional minutes."

A small number of significantly disabled students will not be able to take state or district mandated tests. These students will be evaluated using the Georgia Alternate Assessment (GAA).

If the IEP Team determines that the student will not participate in a particular State or district wide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student, why the alternate assessment is appropriate, and how the student will be assessed must be addressed in the IEP.

Prior consultation with the assigned Special Education Curriculum Specialist should be held prior to a decision that a student may be eligible to participate in the GAA.

If a student is admitted to a center with a GAA plan, contact the assigned Special Education Curriculum Specialist. The student's portfolio is requested from the local school system and is reviewed with the Special Education Curriculum Specialist.

Part VIII. Special Education: Instruction/Related Services INSIDE General Education Classroom and Part IX. Special Education: Instruction/Related Services OUTSIDE the General Education Classroom

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.

Removal of students with disabilities from the regular education classroom shall occur only when the nature or severity of the student's disability is such that education in regular education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The IEP Team will address the least restrictive environment in both the general education classroom and outside the general education classroom.

Least Restrictive Environment

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

When the IEP team has reviewed the student's progress (present levels of academic achievement and functional performance); decided on the goals and, in some cases, objectives for the next year; and developed a transition plan when needed; the team then considers the kinds of supports and services the student will need in order to meet the goals and the setting in which the services will be provided (Georgia Rule 160-4-7-.07).

The IEP team always begins by considering how the goals can be met in the general education classroom. The team should determine the education services, related services, supplementary aids and services, and assistive technology that are necessary for the student to stay in general education, continue to have access to the Georgia Standards fo Excellence, and meet the goals in the IEP. The IEP team determines the student's needs, services, supports, and/or accommodations that are required to make progress in general education settings.

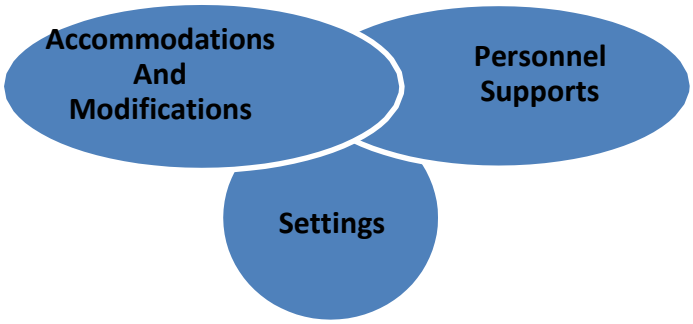
The IEP team can consider placing the student outside of general education settings **only** when the IEP team has evidence that even with the use of supplemental aids and services, education in general education settings will not be successful. If the student is placed in a setting other than general education settings for a portion of the school day, high expectations for achievement in the Georgia Standards of Excellence and a plan for moving back into less restrictive settings should continue to be in place.

LRE Decision Process

Document Current Levels of Performance

Develop Student IEP Goals (and Objectives, if needed)

Determine whether the goal or objective can be taught in a general education classroom



Determine the alternative placement or community setting where those goals and objectives that cannot be taught in a general education classroom can be taught.

Determine additional settings or activities that will provide opportunities for interaction with nondisabled peers.

Evaluate the student's performance on goals and objectives.

Placement Options for Services to Students with Disabilities

PERSONNEL SUPPORT	DESCRIPTION OF SERVICE
GENERAL EDUCATION	Students with disabilities are served in the general education class with no personnel support. **Note**: This is not a special education service delivery model.
CONSULTATION (Courses Coded as General Ed)	Students with disabilities receive at least one segment per month of direct service from the special education teacher.
SUPPORTIVE INSTRUCTION (Courses Coded as General Ed.)	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 (Courses Coded as .9)	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 (Courses Coded as .9)	The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment every day).
RESOURCE/PULL OUT SEPARATE (Courses Coded as .8)	The special education teacher provides service in a separate classroom (pull out) that only has students with disabilities (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.

Decisions for services must be made based on the individual student's needs.

- When the decision regarding services is made, the frequency, initiation of services, anticipation of duration, provider title and content specialty area(s) must be provided for both the service and the related services (if any are required).

- **Note**: General Education teachers are not providers of services and should not belisted on the service page.

- If the recommended services require that the student be served outside the general education classroom, there must be an explanation for the extent to which the student will not participate with peers without disabilities in the regular class and/or in nonacademic and extracurricular activities.

- The IEP must clearly indicate how often each special education and related servicewill be provided (frequency) in minutes per day, per week, or per month.

The provider title (not name) that is responsible for delivery of services is included (e.g., Special Education Teacher; Counselor; Related Service Staff, etc.).

- The Content/Specialty area must be given and includes the subject area of the regular education and/or special education class. Each subject area in which the student receives services must be listed as a separate line item on the service page.

- If it is a related service, the area of service, such as speech, is indicated.

Implementation Date

If the parent is not present at the meeting or does not participate by telephone or other means, the implementation date of the IEP must be 7-10 school days after the date of the meeting. This provides the parent an opportunity to receive and review the IEP and respond if there are any concerns.

If the parent does attend the IEP team meeting either by phone or in person, the implementation date of the IEP is the next school day after the IEP team meeting.

Alternative Placements for Security Reasons

The IEP shall note that the student may be provided an alternative placement if security issues arise. Educational services will continue to be provided according to DJJ Policy and the management plan of the placement.

Related Services

Related services are provided to students who require supplementary or direct resources in order to benefit from their educational program.

Consideration of related services for students with disabilities shall include any regular education program in which the student participates.

Related services and/or supplementary aids and services shall be provided by certified or licensed personnel, as appropriate, and as required by state and federal laws or Georgia Board of Education rules, regulations and/or any applicable standards.

Related services include, but are not limited to, specialized transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education.

Other examples of related services a student may require are:

- Orientation and mobility services;
- Assistive technology devices;
- Assistive technology services;
- Audiological services;
- Counseling services (including rehabilitation counseling);
- Educational interpreting services;
- Medical services for diagnostic or evaluation purposes;
- Physical and occupational therapies;
- Psychological services;
- Speech/Language Pathology;
- Recreation (including therapeutic recreation);
- The term also includes parent counseling and training, school health services, school nutrition services, and social work services in schools; and
- Transportation if required to access services outside a DJJ center.

Centers are required to maintain a roster of certified/licensed related services personnel who are reasonably expected to provide needed services within 7-10 days of the student's admission to the center or upon the IEP team's determination that the student is newly eligible for related services.

Related Services Tracking Log

The record of services is entered on the Related Services Tracking Log.

The Related Services Tracking Log is maintained by related services personnel for all services provided to students through the IEP.

A copy of this Log may be used to document services provided for payment to the contracted staff person. This Log must be signed by both the school leader and the related services provider.

The related services staff person will maintain an on-going record of services provided and student progress. This information should be kept in the Related Services Notebook .

Part X. Participation with Peers

Section 300.347(a)(4) of IDEA requires that each child's IEP include ``An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and other nonacademic] activities * * *''

This is consistent with the least restrictive environment (LRE) provisions of IDEA at Secs. 300.550-300.553, which include requirements that:

(1) each child with a disability be educated with nondisabled children to the maximum extent appropriate (Sec. 300.550(b)(1));

(2) each child with a disability be removed from the regular educational environment only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Sec. 300.550(b)(1)); and

(3) to the maximum extent appropriate to the child's needs, each child with a disability participates with nondisabled children in nonacademic and extracurricular services and activities (Sec. 300.553).

All services and educational placements under IDEA Part B must be individually determined in light of each child's unique abilities and needs, to reasonably promote the child's educational success. Placing children with disabilities in this manner should enable each disabled child to meet high expectations in the future. Although Part B requires that a child with a disability not be removed from the regular educational environment if the child's education can be achieved satisfactorily in regular classes with the use of supplementary aids and services, Part B's LRE principle is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully. Even though IDEA does not mandate regular class placement for every disabled student, IDEA

presumes that the first placement option considered for each disabled student by the student's placement team, which must include the parent, is the school the child would attend if not disabled, with appropriate supplementary aids and services to facilitate such placement. Thus, before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting must be considered. Following that consideration, if a determination is made that a particular disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that student then could be placed in a setting other than the regular classroom. Later, if it becomes apparent that the child's IEP can be carried out in a less restrictive setting, with the provision of appropriate supplementary aids and services, if needed, Part B would require that the child's placement be changed from the more restrictive setting to a less restrictive setting. In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs, and not solely on factors such as category of disability, significance of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience. Rather, each student's IEP forms the basis for the placement decision. Further, a student need not fail in the regular classroom before another placement can be considered. Conversely, IDEA does not require that a student demonstrate achievement of a specific performance level as a prerequisite for placement into a regular classroom.

Part XI. Extended School Year

The IEP team shall consider each child's need for extended school year services annually. The individual needs of the child shall be considered and may include such factors as:

- The severity of the disability;
- The age of the child;
- Any transitional needs;
- The rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives;
- The relative importance of IEP goals at issue;
- Whether the student is at a critical point of instruction, such as emerging skills;
- Whether any delays or interruptions in services occurred during the school year;and
- Other pertinent information such as emerging skills.

When the student is found eligible for ESY, the IEP team must identify which goals in the current IEP are being extended or modified and the services that will be continued during this period.

Note: ESY is not the same thing as summer school; however, ESY services may be provided during summer school.

The IEP team also determines the initiation and anticipated duration of extended school year services, the number of minutes (frequency) of services that will be provided to the student, the service provider and the location.

Related services that are provided to the student through extended school year services must be supportive of an established IEP goal.

Note: If it is determined that ESY is not needed, Section XII (b) of the IEP is not addressed.

Part XII. Documentation of Notice of IEP Meeting

Case Managers should be sure to document in this section the following information as it relates to making attempts to invite the parent to the IEP meeting and to include the parent in the IEP meeting.

- Date of Contact with Parent
- Method of Notification
- By Whom

For each attempt made (up to 3 attempts) to involve the parent, this section must be completed with the aforementioned information.

Part XIII. Parent Participation in the IEP Process

The Case Manager completes the section by selecting which documents were provided to the parent at the time of the meeting if the parent was in attendance AND/OR which documents were provided to the parent if the parent DID NOT attend the meeting AND the method of delivery of the information/documents to the parent.

CHAPTER SIX: AMENDING THE IEP

Overview

In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

If changes are made to the child's IEP in accordance with paragraph (a) (4)(i) of section 300.324 of IDEA, the district must ensure that the child's IEP Team is informed of those changes.

Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of section 300.324 of IDEA, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

Implementation Guidelines

When making changes to an IEP after the annual IEP meeting, the parent and the case manager may agree not to convene a meeting and choose to develop a written document to amend or modify the IEP.

Note: This process may be used only to revise an annual IEP. The IEP Team must convene a meeting to develop the annual IEP.

Note: The agreement to amend an IEP without a meeting must be in writing.

IDEA 2004 does not place any restrictions on the types of changes that may be made, so long as the parent and the school agree.

When to Use an Amendment

Some common examples of situations when an amendment is useful are:

- Updating the PLAAFP, Goals, or Progress Reporting;
- Changes to state and/or district assessments;
- Updating Transition Plans;
- Changes to Supplemental Aids and Services;
- Changes to programs and services that don't involve placement or identification(e.g., changes in the frequency of a program or service)

Note: It is recommended that IEP teams not amend the IEP without holding a meeting when making placement decisions or when controversial amendments are proposed, or if there are any concerns from the parent or other team members.

The process and documentation for amending an IEP without holding a meeting are as follows:

- All team members, especially the parent, should review/discuss the proposed amendments and provide feedback (orally or in writing) to the Case Manager.

- The Case Manager will document the date the proposed amendments were discussed with the parent in the contact log and the response of the parent. TheCase Manager will ensure that this date is entered on the Amendment form.

- Proposed amendments must be documented on a Prior Written Notice sent to the parent by the Case Manager. In this situation the Prior Written Notice serves as the written document to amend or modify the child's current IEP, and as such, is developed prior to writing any amendment in the IEP document itself or on the Amendment form.

- **Note**: Case Managers should not make any changes to the current IEP until after the entire amendment process has been completed.

- The Prior Written Notice must be given to the parent.

- The amendments will be incorporated into the IEP and the parent must be provided a copy of the revised IEP and/or completed Amendment form.

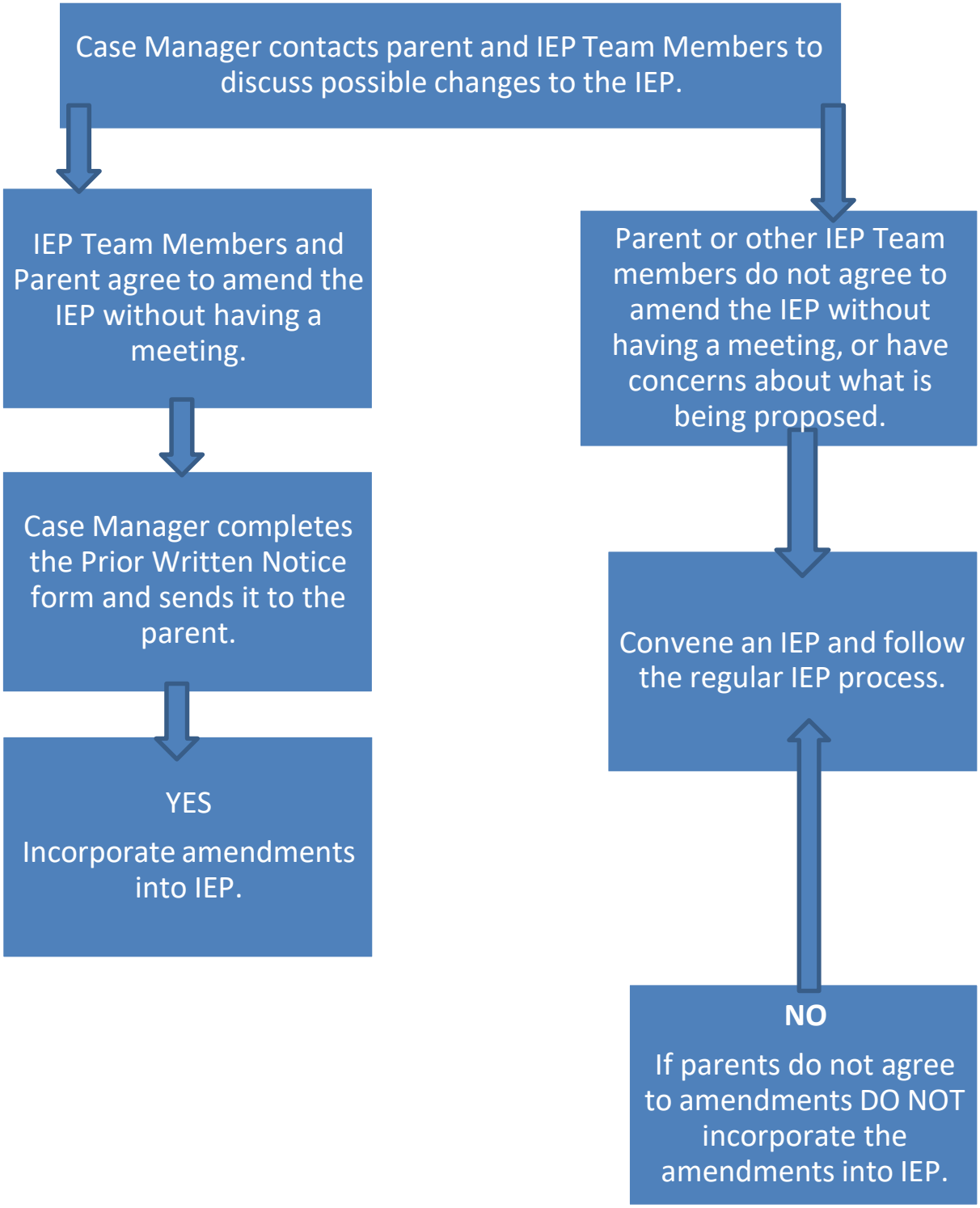
- All IEP Team members must be informed of the changes to the IEP.

The flowchart, "IEP Amendments Without a Meeting" gives step-by-step instructions for the amendment process and documentation.

In the event the IEP Team does not reach consensus on amending the IEP, do not proceed to implement the proposed revisions. Convene an IEP meeting. Upon agreement at the IEP meeting, proposed changes must be documented on the IEP and a Prior Written Notice must be issued.

Note: It is not necessary to follow these procedures simply to correct clerical errors or "typos."

IEP AMENDMENTS WITHOUT A MEETING



CHAPTER SEVEN: ACCOMMODATIONS

Overview

For students with disabilities, the decision for teams determining the instructional program through the Individualized Education Program (IEP) is **not whether** the student will be included in the general curriculum and classroom and state administered testing program, **but how** they will participate. (Participation of students with disabilities in Georgia's state administered testing program is Georgia Department of Education (GaDOE) Rule (160-3-1-.07)). Appropriate inclusion of the students with disabilities in standards-based instruction and in all assessments, classroom and state administered, must be assured.

Note: The use of accommodations does not apply to students whose IEP teams have determined that the student will participate in the GAA.

The selection and use of appropriate accommodations for students with disabilities assure that the results of classroom instruction, classroom assessments, and state administered tests can provide an accurate measure of the student's progress toward grade level standards, which can then be used to make instructional and programmatic decisions.

GaDOE Performance Goals and Indicators for Students with Disabilities

Goal 3. Improve the provision of free appropriate public education (FAPE) to students with disabilities.

- Increase the percentage of students with disabilities who receive their instruction inthe general education setting with appropriate supports and accommodations.
- Increase the performance of students with disabilities on statewide assessmentswhen given appropriate accommodations.

Accommodations

Accommodations are changes to the manner in which instruction/assessment is administered or how a student responds to a learning task/assessment. Accommodations do not reduce or change the learning expectations for the student or the construct the test is designed to measure (knowledge or skill). Accommodations are designed and put into place to reduce or eliminate the effect of the disability on the instructional tasks/assessment. Accommodations do not change the meaning of the results or an assessment, so the results provide an accurate measure of what the student knows and can do within the construct being measured. Accommodations are designed to provide equity

for the student with disabilities, not to provide an advantage or ensure proficiency. Accommodations should not be confused with differentiated instruction.

Accommodations DO	Accommodations DO NOT
keep the test construct intact while changing the manner in which a test is administered or how the student responds	change the construct the test is designed to measure (this would be a modification)
reduce or eliminate the effect of the disability on the assessment	reduce learning expectations for the student with a disability (this would be a modification)
help ensure the results of the assessment are an accurate measure of student knowledge and skill within the construct	absolutely ensure a proficient score on an assessment
help ensure that the assessment is equitable for the student with disabilities	provide an advantage

Accommodations can be made within the classroom instruction or on classroom assignments, on classroom assessments (both formative and summative), and on state administered tests. IEP teams are charged with determining appropriate accommodations within each of these areas and with documenting those accommodations on the IEP. The selection of accommodations by the IEP team should follow a consistent process that reviews data from a variety of sources. After the selection and documentation of appropriate accommodations is complete, the accommodations must be provided consistently throughout a student's instructional program.

Identification of Appropriate Accommodations

IEP teams should consider four important points when making decisions about accommodations.

First, the accommodations are intended to lessen the effect of the student's disability as progress is made on grade level standards. Documentation of accommodations, one part of a standards-based IEP, should reflect the student's inclusion in those standards that are being taught in the grade level in which the student is enrolled.

Second, accommodations must be chosen on an individual basis. The delivery of an accommodation (or a set of accommodations) to a student based solely on an eligibility category or grade level must be avoided.

Third, providing unnecessary accommodations and/or the inaccurate assignment or misuse of accommodations can counteract the perceived or intended benefits of an accommodation (Ketterlin-Geller, Alonzo, Braun-Monegan & Tindal, 2007).

Finally, the interaction of accommodations within and across content areas must be considered. An accommodation may be necessary for the student to participate appropriately in one content area but not in another. The student's individual work within each content area must be considered throughout the five step process for determining appropriate accommodations.

A Five Step Process

IEP teams can utilize a five step process to identify appropriate accommodations located in the Accommodations Manual located on the Assessment web page on the GaDOE website (http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Assessment/Pages/default.aspx).

This process can help guide IEP teams in making appropriate accommodation decisions.

FIVE STEP PROCESS FOR IDENTIFYING AND IMPLEMENTING ACCOMMODATIONS	
Step 1	Ensure high expectations for student learning are in place
Step 2	Learn about accommodations for use in instruction and assessment
Step 3	Use current information to identify accommodations for the classroom and for state administered testing
Step 4	Implement accommodations during instruction and assessment
Step 5	Evaluate and improve accommodation use

Step One

Step One of the process for determining appropriate accommodations ensures that high expectations are in place for the student. This includes expecting the student with disabilities to achieve grade level academic content standards. In order for this step to be implemented, it is imperative that the student have access to **grade level** content for the grade in which the student is enrolled. In order to have access, the student's daily classroom work must not only include specific instruction in those academic areas identified as goals on the IEP, but also include multiple opportunities to practice and use skills within the grade level content and with materials utilized by all students.

Step Two

Step Two of the process involves learning about accommodations available for both instruction and assessment. The IEP team should be familiar with different types of accommodations (i.e., setting, presentation, response, and scheduling), with options for accommodations within the classroom and on classroom assessments, and with accommodations that are available (standard or conditional) for all state administered tests that the student will take.

The IEP team should also clearly understand the difference between an accommodation (which lessens the effect of the disability on the student's work) and a modification (which lessens the expectation of learning for the student and/or changes the academic construct of the work). Once the IEP team understands the available accommodations and the benefits of each, the members can begin to match a student's need to the appropriate accommodation.

Federal regulations require that consistency exist between accommodations utilized in the classroom and those used for state administered tests. Students with disabilities must have access to and practice with accommodations utilized on state administered tests before the time of test administration. However, certain accommodations may be appropriate for use in classroom instruction that are not appropriate or not allowable on state administered tests. IEP team members must understand the difference between accommodations for state administered tests and those for classroom instruction and assessments.

Within the Georgia Department of Education (GaDOE) Student Assessment Program, certain accommodations have been identified for use on the state administered tests (found in the Student Assessment Handbook and the Accommodations Manual, located on the GaDOE Assessment web page (http://www.gadoe.org/Curriculum-Instruction-and-

Assessment/Assessment/Pages/default.aspx). These accommodations fall into two categories: standard accommodations and conditional accommodations.

Standard Accommodations

- do not change the construct that the item or test is intended to measure but do allowfor the reduction or elimination of the effects of the student's disability on the test;
- are available for any student with an IEP, provided that the IEP team determines the accommodation to be appropriate and that it is documented on the IEP form;
- are appropriate when used alone, in combination, and for specific content areas, depending on the unique needs of the individual student.

Conditional accommodations are more expansive than standard accommodations and are designed to provide access for a small number of students who have more severe deficits in certain academic areas.

Conditional Accommodations

- may encroach on the construct being measured by the test, meaning that these accommodations can change what the test measures;
- require that the results of the test in which conditional accommodations are utilizedbe interpreted in light of the use of those accommodations.

The use of conditional accommodations on state administered tests is predicated on a set of criteria that the IEP team must ensure that the student meets. These criteria are described in the Student Assessment Handbook and Accommodation Manual.

There is no compiled list of accommodations appropriate for classroom instruction, assignments, or formative/summative assessments from which IEP teams must choose. Starting with the standard or conditional accommodations listed for state administered tests, IEP teams can determine whether additional types of accommodations are necessary for the classroom. These classroom accommodations can include the assistance of other people, such as peers, and/or the incorporation of alternate types of materials (e.g., books on tape or computer programs) that are not available or are not appropriate as accommodations on the state administered tests. It is important that IEP teams

understand the difference between standard and conditional accommodations for state administered tests, as well as the difference between accommodations that are allowable for classroom use and those that are allowable for state administered tests.
In addition to understanding the difference between types of accommodations and understanding which accommodations are allowable in the classroom and during state administered testing, IEP team members must understand how accommodations can impact and are impacted by the general curriculum (Destefano, Shriner & Lloyd, 2001).

For example:

- Special education teachers are often well aware of how accommodations may be implemented to support a student, but may not be as aware of the content within aclass in which an accommodation may be utilized.
- General education teachers may understand the content, but may not be as aware ofthe different accommodations that might be implemented to support a student.
- Discussing the "intersections" of accommodations and content allows the IEP teamto learn about accommodations that can be implemented effectively in order to allow the student to make true progress within the general curriculum, thereby keeping learning expectations high (Destefano, Shriner & Lloyd, 2001).

Step Three

Step Three of the process specifies the use of current learning information to select accommodations for both instruction and assessment. The IEP team can review current information about the student, including classroom observations of participation and needs during instruction, participation and progress on classroom assessments, and prior scores and accommodation use on state administered tests, to determine whether the needs of the student are matched appropriately with the accommodation.

Before engaging in a discussion of accommodations needed by the student, the IEP team should ensure that the student has had appropriate instruction within the general curriculum. Ensuring that the student has consistent access to the general curriculum as the basis of the overall special education program leads to ensuring that the accommodation provides the amount of support necessary for the student to learn and make progress in both specific goals and grade level content. The implementation of an accommodation, or group of accommodations, does not take the place of appropriate instruction in the general curriculum. Rather, appropriate accommodations help ensure that, given the instruction provided, the student is engaged in and can show progress within the curriculum.

Federal regulations require that consistency exist between accommodations utilized by the student during classroom instruction, classroom assessments, and state administered tests. In each situation, the decision to implement accommodations should be based on documented student need. The selection of accommodations must be done with the past, present, and future of the student in mind.

Specifically:

- Previous accommodation use during instruction and assessment, and theeffectiveness of the accommodations provided, should be considered.

- The student's current strengths and needs, as documented in the IEP, should also be considered.

- The IEP team must determine whether the use of the accommodation in the classroom and on state administered tests will allow the student to demonstrate knowledge more independently in the future.

Accommodations may be necessary for a short amount of time (e.g., extended time due to poor reading and comprehension skills) or may be necessary for as long as the student works in the classroom or takes tests (e.g., extended time to answer due to a physical disability). In either situation, however, the goal is to allow the students to show what they know and can do more effectively and efficiently. The team should consider whether the use of the accommodation will lead to greater independence by a student over time.

Each member of the IEP team, including the student, has a unique perspective of the student's strengths and needs, the way the student functions within the classroom during instruction and on classroom assessments, and the effectiveness of the student's participation on state administered tests. Each perspective is important and should enhance the information gathered through the process outlined above. Once the IEP team evaluates these factors, the possible accommodations can be determined and the effectiveness of each can be discussed. The IEP team should discuss when and how the accommodation should be evaluated for its effectiveness, whether decreasing the use of the accommodation should be implemented over time, and whether the use of the accommodation truly leads to better learning and increased independence of the student in the future.

Step Four

Step Four of the process involves the administering of the accommodation during instruction and assessment. The accommodations identified by the IEP team through the previous steps of the process must be included in daily classroom instruction, in formative and summative assessments in the classroom, and in state administered tests. The identification of an accommodation on the IEP signifies that the student is unable to access the general curriculum adequately and successfully without such support. Therefore, the accommodation must be utilized consistently and should be presented and taught to the student in the same way as other instructional supports.

Step Five

Step Five provides for the evaluation and improvement of accommodation use. Information gathered during instruction, classroom assessments, and state administered tests can guide IEP teams in the adequate and appropriate identification and implementation of accommodations. This step leads directly back to Step One, since the determination of appropriate accommodations must be considered for each student with an IEP who is taking the general assessment each and every year.

Implementing Accommodations in the Classroom

The implementation of accommodations in the general education and/or special education classroom allows students with disabilities to participate meaningfully in learning activities within the classroom and to show what they know and can do as a result of instruction, while lessening the effect of their disability on their performance in both areas. Once accommodations have been identified for a student as part of the IEP process, the accommodations must be implemented appropriately. In order to have a basis for this implementation, it is important to have a clear understanding of the purpose of instruction for students with disabilities.

The purpose of special education instruction is to teach the student with disabilities specific academic, general learning, communication, and other skills that are currently lacking but that are needed for the student to reach the academic standards for the grade level in which he or she is enrolled. In addition to teaching specific academic skills, other general learning skills and coping strategies may be required for the student to continue to make progress in the general classroom and/or in grade level content. For students who participate in the state standardized assessments, the instruction must provide full access to the grade level curriculum, utilize a variety of research-based instructional methods, and

incorporate a variety of assessments in order to support the student's ability to show what he or she knows and can do.

Accommodations can be implemented in all stages of a student's program in the general education curriculum. The use of accommodations during instruction allows the student to have changes to:

- Setting: where the instruction is provided,
- Presentation: how the information is provided,
- Response: how the student shows what they know, and
- Scheduling: when the student is instructed.

To be effective, the accommodations listed in the IEP must be utilized consistently. This requires that all teachers who come into contact with the student:

- review the IEP,
- become familiar with the accommodations listed, and
- clearly understand the exact implementation of the accommodations in theirclassrooms.

When the accommodation includes the use of specific materials and/or assistive technology (AT), these items must be provided in each classroom in which the accommodation is to be implemented. In addition, AT devices must be in working order and be available for student use at all times. Discussions on the use of the accommodations within specific activities may need to take place between the general and special education teachers. Developing dialogues between teachers working with a student will not only help ensure that the accommodation is being utilized consistently, but will also form the basis for discussion in future IEP meetings about the appropriateness of various accommodations.

To be effective, accommodations must be implemented as written on the IEP within and across content areas. The IEP is a legal and binding document, and the instructional program of the student must include all parts as written on the IEP. Again, the provision of accommodations in classroom instruction and on classroom assessments is part of the IEP. Therefore, the implementation of the accommodations AS WRITTEN on the IEP must be assured.

A student may have an accommodation provided in one content area, i.e., reading, but not another, i.e., mathematics. A student may also have certain accommodations that flow

through all content areas. To meet the IEP requirements, accommodations must be provided in each content area specified on the IEP and as written on the IEP. However, those persons implementing the accommodations during grade level instruction must ensure that the implementation itself does not change the construct being taught or limit the student's access to the general curriculum. Therefore, consistent discussions between general education and special education teachers regarding the use and effectiveness of the accommodations should take place.

To be effective, the purpose and use of accommodations within classroom instruction and on classroom assessments should be explained to and discussed with the student. This is done so that the student

- can begin to take ownership of the accommodation and
- can self-evaluate the effectiveness of the accommodation.

Students can be important participants in the IEP team when making decisions about appropriate accommodations for classroom instruction (Ketterlin-Geller, et al., 2007). In order to be an effective part of the team, a student must be aware of how and why accommodations are provided and be able to evaluate the effectiveness of each accommodation. Likewise, in order to be effective, students must learn how to use the accommodation. This is critical when AT is included as an accommodation. In addition, a student is more likely to utilize an accommodation when he or she understands why an accommodation is put in place, how it is to be implemented, and what outcome is expected in relation to learning. Finally, students can practice important and appropriate self-advocacy skills when given the opportunity to be a partner in the implementation of accommodations in the classroom.

To be effective, accommodations must be considered and documented when data around student learning is collected. Classroom assignments that will be utilized to document student learning should be clearly annotated, and the accommodations provided during an assignment should be clearly indicated. This can include a description of the student's use of the accommodation (e.g., just beginning to learn to use the accommodation, used the AT independently, showed a decreased need for the accommodation) and/or whether the accommodation is thought to have had an impact on the final outcome. As with the implementation of accommodations, the documentation of the use of accommodations should be consistent among the teachers and classrooms.

Implementing Accommodations During State Administered Tests

The implementation of accommodations on state administered tests must be determined by the IEP team for the individual student and documented on the IEP (Georgia Department of Education (GaDOE) Rule 160-4-7-.06). The use of accommodations during state administered tests is one step in the process for accommodation implementation. Before accommodations can be implemented on state administered tests,

- accommodations must be accurately identified through the IEP process; and
- accommodations must be consistently and appropriately implemented during instruction and on classroom assessments.

When accommodations are not implemented consistently, distractions or confusing changes to the testing environment that the student doesn't understand may significantly jeopardize the measure of student achievement provided by the state administered test (Ketterlin-Geller, et al., 2007).

To be effective in the state administered testing program, accommodations must be:

- reviewed before the testing window,
- included in a plan for implementation,
- reviewed and understood by test examiners, and
- accurately coded and reported.

To be effective, accommodations provided during state administered tests must be reviewed before the testing window. The IEP is the guiding document for the implementation of accommodations. However, in many districts an IEP may be written nearly a year before the student participates in the state administered test covered by the accommodations listed. Changes in skill level during this time period, as well as the needs and requirements of the test, can severely limit the appropriateness of the testing accommodations previously indicated (Ketterlin-Geller, et al., 2007). Therefore, accommodations listed in the IEPs should be reviewed regularly (and well before the state administered testing window) in light of data from the classroom and from testing requirements. Amendments should be made by the IEP committee as needed, following IEP review guidelines. If changes are made to the accommodations listed in the IEP, the student and all classroom teachers should be informed, questions asked and answered, and support provided to ensure that the new accommodations are implemented in the classroom appropriately. Again, appropriately implementing the accommodations in the classroom will help ensure appropriate implementation during state administered tests.

To be effective, accommodations provided during the state administered tests should be included in a school or district level plan for accommodation implementation. Each state administered test has guidelines and processes for the administration of the test to students, including training of examiners, accurate coding student of demographic information, test security, and the setting up of the testing environment. These guidelines are found in both the Georgia Student Assessment Handbook and the Examiner's Manual for the specific test. Accommodations provided to students with disabilities must fit within

the guidelines and processes for the test. The school and district plan for providing accommodations that meet these requirements during the state administered test will vary from school to school and year to year, depending on the number of students with accommodations being tested within an administration and the types of accommodations to be provided. However, a consistent system for determining how, when, where, and by whom the test will be administered should be developed to ensure that each student receives the appropriate accommodations in an effective manner.

To be effective, accommodations provided during a state administered test should be administered by examiners and proctors trained in both the implementation of the accommodation as well as the appropriate administration of the test. School personnel administering the state tests must be trained before the administration by the school principal or his or her designee, usually the school testing coordinator (Georgia Student Assessment Handbook). This training includes administration procedures for each specific test/content area, administration policies and procedures, and accommodations. During this training, plans for how, when, where, and by whom the accommodations will be discussed, as well as questions about the implementation of accommodations, can be addressed and answered.

While not every teacher in the school will administer a test to a student requiring accommodations, being aware of the plan for implementation will help maintain the high expectation that all students are testing in a way that best allows them to show what they know and can do.

To be effective, student demographic forms must be appropriately coded so that data and reports on the student, school, district, and state level accurately reflect the type (standard or conditional) of accommodations provided. The use of accommodations during the state administered tests provides valuable information to the members of a student's IEP team, classroom teachers, school level administration, district level directors, and state consultants, all of whom want to ensure that students with disabilities are receiving free appropriate public education (FAPE). To provide a clear and accurate picture of what an individual student or all students with disabilities within a district has/have achieved, the conditions under which the state administered tests are provided must be appropriately coded. While not all coded information will appear on an individual student's score label or score report to parents, information on the conditional accommodations will appear. This information is necessary for the interpretation of the resulting score.

CHAPTER EIGHT: BEHAVIOR MANAGEMENT AND DISCIPLINE

Overview

Students with disabilities should be expected to follow the rules that are in effect for all of the students in the school. The IEP team is responsible for planning and supporting the implementation of behavior management strategies that will support student learning and the development of more appropriate behavioral responses by the student.

The keys to effective behavior management are:

- early intervention;
- clearly stated rules that are consistently enforced;
- structured and predictable environments;
- immediate reinforcement of desired behavior; and
- consistent use of consequences for maladaptive behaviors.

It is essential that all staff members consistently implement appropriate behavioral management strategies for the individual student.

Key Points

If the student demonstrates behavior that interferes with his/her learning or the learning of other students and is eligible for special education, the IEP team will develop a Behavior Intervention Plan (BIP) as a part of the IEP. See guidelines for developing a BIP below.

Some students may respond very positively to the structure of the DJJ center and not demonstrate the behaviors that were inappropriate in their home, school, and/or community.

Note: For students who demonstrate a negative change in behavior, which may be due to factors including stress, depression, and/or disabilities that were not previously identified and diagnosed, a referral for mental health screening/evaluation should be considered.

Students may demonstrate extreme behaviors that challenge the staff's ability to control and manage.

- A functional behavior analysis (FBA) may be helpful in documenting where the critical behavior(s) occur, frequency, and circumstances that may be contributing to the student's difficulties.

- This information will support the development of an appropriate and effectiveBehavior Intervention Plan (BIP).

Centers are required to use Behavior Redirection & Education Activities Classroom (BREAC) as an alternative to removal of the student from school.

- Support and training for implementation of BREAC is available upon request from the Coordinator of Student Support Services, the School Leader, and/or the Regional Principal.

Required Procedures

Behavior Management Training for Staff

- Teachers and other staff are expected to deal with the challenging behaviors ofstudents assigned to their areas of responsibility.

- Training and support is available from Regional Principals, School Leaders, and the Coordinator of Student Support Services.

Functional Behavior Analysis (FBA)

- A Functional Behavioral Assessment Inventory (FBA) may be completed to assistthe IEP team in identifying critical behaviors that interfere with the student's learning or the learning of other students by documenting the frequency and severity of the targeted behaviors and factors that may be contributing to the behavior.

- A FBA may be required when the behavior management strategies that have been included in the student's IEP are not effective in reducing the frequency and/or severity of the student's behavior.

Behavior Redirection & Education Activities Classroom (BREAC)

- The Behavior Redirection & Education Activities Classroom (BREAC) program has been developed by the DJJ to provide an alternative setting for students whose behavior is inappropriate in the classroom.

- The BREAC Manual provides information for the implementation of this program.

- It is hoped that this program will significantly reduce maladaptive behaviors of students in the classroom and reduce the number of students who must be removed because of their behaviors.

- All centers are required to implement BREAC according to the requirements of the approved program.

  - Centers are not authorized to deviate from the procedures in the program.

- BREAC is not the only consequence for students' maladaptive behaviors that shouldbe included in the Behavior Intervention Plan. The BIP should emphasize positiveinterventions to support appropriate behaviors for the student.

<u>Isolation/Detention Procedures</u>

- If a student is removed from school and is placed into isolation/detention,educational services including related services must be continued.

- Centers should use BREAC as an alternative to removal of the student from schoolwhenever possible.

  - If the student's behavior warrants placement into isolation rather than BREAC, the student must be assigned to BREAC for classroom behavioral issues prior to returning to the classroom.

- Documentation that the student was provided educational services while excludedfrom school must be maintained.

  - A log will be used to identify the date, time(s), name of teacher, and anecdotal information regarding student's acceptance or refusal of the offered work.

  - Documentation is required that students were provided the opportunity to complete appropriate school work while in detention or isolation during the school day.

  - This work may come from the Coach Books used in the BREAC classroom. However, it should be correlated to the student's IEP goals.

- Students should be contacted at least two times during the school day by an assignedspecial education teacher to check on completed work, provide additional work as needed, encourage the student to complete the work, and provide assistance as may be required to complete the assigned work.

- An anecdotal note describing the student's response to the offered work is made.

- If the student refused to complete the work, this is noted.

IEP Procedures: Behavior Intervention Plan (BIP)

If the student demonstrates behavior that impedes his/her learning or the learning of other students, the IEP team will address this behavior through appropriate IEP goals and the development of a Behavior Intervention Plan.

- The IEP Special Considerations page will be checked "Yes" for the questionregarding student behavior.

- A BIP must be developed aligned with the appropriate IEP goal that addresses the behavior(s) supported by information in the Present Levels of Academic Achievement and Functional Performance section of the IEP.

- Goals targeted to academic achievement needs of the student are also required.

If students are not demonstrating behavior that impedes his/her learning or the learning of other students, this question is checked "No."

- A BIP is not required.

The BIP must include a description of the:

- Behaviors targeted for intervention for the student.

  - No more than 2-3 behaviors should be identified for IEP interventions.

  - Target behaviors must be stated in observable and measurable terms specific to the student.

- Strategies, preferably based on levels of intervention including referral to BREAC,will be used to address the maladaptive behaviors.

  - These strategies will be worded to be student specific.

  - They will identify the positive rewards to be used when the student demonstrates the desired behaviors.

- Reinforcements and consequences that will be used when the student's behaviordoes and does not respond to the identified intervention strategies.
    - These strategies will be worded to be student specific and identify the consequences to be used when the student demonstrates the desired behaviors.
    - It is recommended that reinforcements and consequences be structured to emphasize early intervention to the student.

- The BIP is developed according to the guidelines that have been approved by theGeorgia Department of Education for DJJ.

- If a student has been identified as Emotional Behavior Disordered/Seriously Emotionally Behavior Disordered (EBD/SEBD), critical behaviors that the student exhibits must be described in the Present Levels section.
    - Appropriate IEP goals must be developed.
    - A BIP is only required if the behavior impedes his/her learning or the learning of others.
    - If behaviors are present but do not impede the student's learning or the learning of others, behaviors should be addressed in the PLAAFP and goals written to address them.

<u>IEP Procedures for Alternative Placements</u>

- A student's behavior may present significant security issues or threaten the student's safety and well-being or the safety and well-being of other students.

- When this occurs, the student may require placement into an alternative settingbased on the institutional guidelines for student protection from harm.

- When a student's IEP is developed, provision should be made to address thispotential placement by adding the following statement to all IEPs:
    - "**As security issues or matters impacting the safety and well-being of the student or other students arise, educational services will be provided in an alternative setting. The level of educational services provided in the**

alternative setting will be determined by the IEP team at the Manifestation Determination Meeting."

Disciplinary Actions of 10 School Days or Less

Students with disabilities should be expected to follow the code of conduct. A student with a disability, who has an Individualized Education Program (IEP) in effect, can be removed to another setting, just as any other student without a disability can, for up to a total of 10 school days, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided if the removal is for 10 or fewer school days in the school year.

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

Disciplinary Actions beyond 10 Days

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

After a student has been removed for 10 school days in the same school year, and a subsequent removal is not for more than 10 consecutive days and is not a change in placement, then the School Leader, in consultation with the assigned Special Education Curriculum Specialist, and at least one of the student's teachers must determine the extent of services needed so the student can continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

When a student is excluded from school for more than 10 consecutive school days due to disciplinary reasons, or when the student's educational setting is changed to an interim alternative educational setting for up to 45 school days for weapons or drug possession or for infliction of serious bodily injury on another person, the School Leader must notify the Regional Principal, the Parent, the Special Education Coordinator and the assigned Special Education Curriculum Specialist immediately of this decision.

Sometimes it may be necessary to consider unique circumstances when determining whether a change in placement is appropriate for a student with a disability. These circumstances are best determined at the school level by the School Leader and the Regional Principal, in consultation with the assigned Special Education Curriculum Specialist, who know the student and the facts and factors related to the behavioral violation. They may consider various forms of information such as the student's disciplinary history, ability to understand the consequences, and expression of remorse, as well as the supports that were provided to the student prior to the behavioral violation.

Manifestation Determination

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

In making this determination, the district, the parent, and relevant members of the IEP team (as determined by the parent and the district), will review:

- The student's IEP;
- The student's behavior intervention plan;
- Any relevant teacher observations; and
- Any other information provided by the parents.

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the district's failure to implement the IEP, then the behavior is a manifestation of the student's disability. In this case, if the student does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavior intervention plan to address the behavioral violation. If the student already has a behavior intervention plan that addresses the conduct in question, the IEP team must review and modify it as necessary to address the behavior.

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

Special Offenses

Certain serious behavior problems can lead to a student being excluded from school (moved to an interim alternative educational setting [IAES]) for up to 45 school days, even if the conduct is determined to be a manifestation of the student's disability. Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing. These offenses involve:

Weapons—If a student carries or possesses a weapon

- to school
- on school premises
- at a school function

Drugs—If the student knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances

- at school
- on school premises
- at a school function

Serious bodily injury—If a student has inflicted bodily injury upon another person

- at school
- on school premises
- at a school function

CHAPTER NINE: GRADUATING SPECIAL EDUCATION STUDENTS

Overview - Determining Whether a SWD is Eligible for Graduation

Most students with disabilities, when provided with special education support and accommodations are able to meet all high school graduation requirements and earn the diploma just as students without disabilities. The high school graduation rule recognizes that a small number of students with disabilities will need special considerations while maintaining rigor as they work toward the high school diploma.

The Role of the IEP Team in Planning for Graduation

The IEP team, which includes the parent and the student, plays a critical role in identifying desired postsecondary outcomes and then defining the Course of Study (most times this is listed in the Transition Plan; it simply is the decision of the IEP team about whether or not the student will be working toward a regular high school diploma or if the student will be working toward earning a Transition Diploma) and supports the student will need to reach those outcomes. Students are required to have a Transition Plan as part of their IEP prior to entry to 9th grade or age 16, whichever comes first. This plan should be the "guide to graduation" and should clearly begin to delineate the path and the supports necessary to assist the student to achieve graduation.

Parents and students must have a clear understanding of the requirements to achieve a high school diploma so that the IEP team can plan with the student how she or he will meet those requirements. It is important that they receive accurate and clear information regarding the new graduation rule from both IEP teams and school counselors.

Some students may need to consider that earning a high school diploma will take longer than four years. They should be informed that they are eligible for services until they either graduate with a regular high school diploma or reach their 22nd birthday. Students may need to take support classes, plan a schedule so that the courses are balanced and extremely challenging coursework is not taken all at one time. The team along with the student and his or her parents must determine what high school credential is desired and what likely path they will take.

Areas of Study and Units of Credit for Graduation

Areas of Study	Units Required
English/Language Arts (required)	4
*Mathematics (required)	4
*Students with Disabilities – Math	3
*Math for Students with Disabilities: SWDs can graduate with a high school diploma after accumulating three math credits (instead of 4) if they have taken: • Coordinate Algebra and • Analytic Geometry and • Advanced Algebra or Algebra II It is anticipated that the core math units will most likely be in a co-taught or collaborative setting and that the support class will also provide co-taught or collaborative support. *Successful completion of 3 core units of mathematics may not meet the mathematics admission requirements for entrance into a University System of Georgia institution or other post-secondary institution without additional course work.	
Science (required)	4
*The 4th science unit may be used to meet both the science and elective requirement.	
Social Studies (required)	3
CTAE and/or Modern Language/Latin and/or Fine Arts	3
Health and Physical Education (required)	1
Electives	4
Total Units (Minimum)	23

Mathematics Graduation Requirement Guidance for Students with Disabilities

Students with disabilities who earn credit in Coordinate Algebra or Algebra I or the equivalent, along with the associated support course, *and* Analytic Geometry or Geometry or the equivalent, along with the associated support course, may upon the determination through the Individualized Education Program Team meet the mathematics diploma requirements by completing Advanced Algebra or Algebra II or the equivalent, for a total of 3 mathematics core credits. Successful completion of 3 core units of mathematics may not meet the mathematics admission requirements for entrance into a University System of Georgia institution or other post-secondary institution without additional course work.

Students with disabilities who were identified prior to enrollment in high school and have a disability affecting mathematics achievement may follow an alternative course sequence to meet the mathematics course requirements of the graduation rule 160-4-2-.48. The alternate course sequences include:

1) enrollment in a single advanced mathematics course and receiving instruction over two years or
2) dispensation from completing Advanced Algebra or Algebra II.

These alternative course sequences would allow a student with disabilities earning core credit in Coordinate Algebra or Algebra I and Analytic Geometry or Geometry, along with two other mathematics courses, to satisfy the minimum mathematics requirements for high school graduation. For further detail, please see Guidelines for Georgia State Board of Education Rule 160-5-1-.15 AWARDING UNITS OF CREDIT AND ACCEPTANCE OF TRANSFER CREDIT AND/OR GRADES section 2(e).

High school credit for mathematics courses taken in middle school should be awarded only for courses that included concepts and skills based on the GSE in Mathematics for grades 9-12 or those approved by the State Board of Education. All course requirements, including associated End of Course requirements, must be met prior to granting credit.

High School unit credit is **not** awarded for courses that address concepts and skills associated with grades
K-8.

Entered Ninth Grade in 2011-2012	Entered Ninth Grade in 2012-2013 and Subsequent Years
Graduation Rule 160-4-2-.48 Awarding Units of Credit Rule 160-5-1-.15	
4 units of core credit in mathematics	**4 units of core credit in mathematics**
1 unit in Mathematics I or the equivalent	1 unit in Coordinate Algebra or Algebra I or the equivalent
1 unit in Mathematics II or the equivalent	1 unit in Analytic Geometry or Geometry or the equivalent
1 unit in Mathematics III or the equivalent	1 unit in Advanced Algebra or Algebra II or the equivalent
Support courses are designated as elective courses	Support courses are designated as elective courses
Additional core mathematics credits must be chosen from the list of GPS/CCGPS/AP/IB/dual enrollment designated courses	Additional core mathematics credits must be chosen from the list of GSE/AP/IB/dual enrollment designated courses
Students with Disabilities who earn credit in GPS Mathematics I or the equivalent, along with the associated support course, *and* GPS Mathematics II or the equivalent, along with the associated support course, may upon determination of the Individualized Education Program Team meet the mathematics diploma requirements by completing GPS Mathematics III or the equivalent, for a total of 3 mathematics core credits.	**Students with Disabilities** who earn credit in Coordinate Algebra or Algebra I or the equivalent, along with the associated support course, *and* Analytic Geometry or Geometry or the equivalent, along with the associated support course, may upon determination of the Individualized Education Program Team meet the mathematics diploma requirements by completing Advanced Algebra or Algebra II or the equivalent, for a total of 3 mathematics core credits.
Students with Disabilities, who were identified prior to enrollment in high school and have a disability affecting mathematics achievement, may follow an alternative course sequence to meet the mathematics course requirements of the graduation rule 160-4-2-.48. The alternative course sequences include 1) students enrolling in a single advanced mathematics course and receiving instruction over two years or 2) receiving dispensation from completing Mathematics III. These alternative course sequences would allow a **student with disabilities** earning core credit in Mathematics I and II with two other mathematics courses to satisfy the minimum mathematics requirements for high school graduation.	**Students with Disabilities,** who were identified prior to enrollment in high school and have a disability affecting mathematics achievement, may follow an alternative course sequence to meet the mathematics course requirements of the graduation rule 160-4-2-.48. The alternative course sequences include 1) students enrolling in a single advanced mathematics course and receiving instruction over two years or 2) receiving dispensation from completing Advanced Algebra or Algebra II. These alternative course sequences would allow a **student with disabilities** earning core credit in Coordinate Algebra or Algebra I and Analytic Geometry or Geometry with two other mathematics courses to satisfy the minimum mathematics requirements for high school graduation.

High School Completion Credentials

According to State of Georgia Board Rule 160-4-2-.48, students with disabilities may earn either of the following types of diplomas (high school completion credentials) in the state of Georgia.

1. **High School Diploma** - 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 Testing Programs - Student Assessment.

2. **High School Certificate** - the document awarded to pupils who do not complete all of the criteria for a diploma or who have not passed the state assessment requirements as referenced in Rule 160-3-1-07 Testing Programs – Student Assessment, but who have earned 23 units.

3. **Special Education Diploma/Transition Diploma** - the document awarded to students with disabilities assigned to a special education program who have not met the state assessment requirements referenced in Rule 160-3-1-.07 Testing Programs - Student Assessment or who have not completed all of the requirements for a high school diploma but who have nevertheless completed their Individualized Education Program (IEP) Goals and Transition Plan Goals.

Instructions for Case Managers

For students with disabilities who are being considered for graduation, each case manager at each facility will need to review the educational records of students on his or her caseload at the beginning of the school year. This review should ensure the following:

- The IEP is current;
- The high school math curriculum for the student has been determined;
- The goals in the IEP are goals that the student is capable of mastering within thecurrent school year;
- The student's progress on the IEP Goals is monitored according to the progress monitoring report dates listed in the IEP;
- The student has satisfactorily met the level of mastery prescribed for the IEP Goals;
- The Transition Plan has been developed;
- The Course of Study has been specified;
- The student's progress on the Transition Plan Goals is monitored according to theprogress monitoring report dates listed in the IEP;
- The student has satisfactorily met the level of mastery prescribed for theTransition Plan Goals.

Special Education Curriculum Specialists will request the aforementioned information from RYDC and YDC case managers at the start of the school year in August and then again in

January to begin the preparation for graduation process. Additional information case managers will be asked to supply for potential special education student candidates for graduation includes:

- Listing of students with disabilities who are 17 years of age or older;
- Release date of those students;
- Grade level of those students;
- Course of Study Number of credits the student has earned
- End of Grade standardized tests the student has taken and scores earned on eachtest (indicate pass or fail)

Determining Whether to Continue Special Education Services after Graduation

Students who have earned a GED or have been awarded a Transition Diploma will continue to be eligible for special education services to age 22 years. Students who have earned a regular High School Diploma are not eligible for continued special education services. DJJ policy requires that graduating students will continue to participate in appropriate educational services.

In order to determine if special education services will continue to be provided to the student who has received a GED or Transition Diploma, the IEP team must address the following question:

- Did the student graduate with anything other than a regular High School Diploma?
    - If "Yes," the student is eligible for services to age 22.

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, it is good practice to provide the SOP for students who graduate with a certificate of attendance or a special education diploma as well. 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.

CHAPTER TEN: SERVICE DELIVERY AND LEAST RESTRICTIVE ENVIRONMENT

Overview

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

When the IEP team has reviewed the student's progress (present levels of academic achievement and functional performance); decided on the goals and, in some cases, objectives for the next year; and developed a transition plan when needed; the team then considers the kinds of supports and services the student will need in order to meet the goals and the setting in which the services will be provided (Georgia Rule 160-4-7-.07).

Each DJJ center must provide a continuum of service options for special education and related services and provide appropriate staff resources in order to meet the needs of students with disabilities.

The IEP team always begins by considering how the goals can be met in the general education classroom. The team should determine the education services, related services, supplementary aids and services, and assistive technology that are necessary for the student to stay in general education, continue to have access to the Georgia Performance Standards, and meet the goals in the IEP. The IEP team determines the student's needs, services, supports, and/or accommodations that are required to make progress in general education settings.

The IEP team can consider placing the student outside of general education settings **only** when the IEP team has evidence that even with the use of supplemental aids and services, education in general education settings will not be successful. If the student is placed in a setting other than general education settings for a portion of the school day, high expectations for achievement in the GPS and a plan for moving back into less restrictive settings should continue to be in place.

The 90/80 Standard

In Georgia, school systems are currently asked to prepare an action plan to address "increasing the time in the general education setting" for students with disabilities. This is in response to the acceptable standard set by the United States, Department of Education.

The U.S. Department of Education states that the standard for all school systems regarding students with disabilities is 90% of students with disabilities will be educated in the general education classroom for a minimum of 80% of the school day.

Although this standard may take some time to achieve, school systems are being asked to look at their data and to begin working toward this goal. Currently, about 10 school systems in Georgia have met or exceeded this standard.

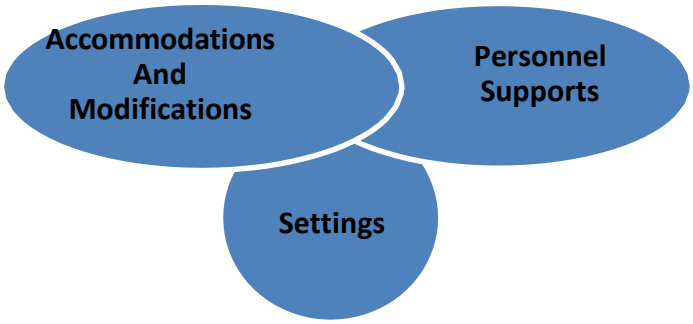
The 90/80 standard can seem overwhelming; however, 90% of students with disabilities are not 100%. There is an underlying assumption that 10% of students with disabilities may not be served in the general education classroom for 80% of the school day. Also, 80% of the school day is not 100% of the school day. Any student with a disability, for whom it is appropriate, could be removed from the general education setting for up to 20% of the day to receive services in a special education classroom.

LRE Decision Process

Document Current Levels of Performance

Develop Student IEP Goals (and Objectives, if needed)

Determine whether the goal or objective can be taught in a general education classroom



Determine the alternative placement or community setting where those goals and objectives that cannot be taught in a general education classroom can be taught.

Determine additional settings or activities that will provide opportunities for interaction with nondisabled peers.

Evaluate the student's performance on goals and objectives.

Placement Options for Services to Students with Disabilities

PERSONNEL SUPPORT	DESCRIPTION OF SERVICE
GENERAL EDUCATION	Students with disabilities are served in the general education class with no personnel support. **Note**: This is not a special education service delivery model.
CONSULTATION (Courses Coded as General Ed)	Students with disabilities receive at least one segment per month of direct service from the special education teacher.
SUPPORTIVE INSTRUCTION (Courses Coded as General Ed.)	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 (Courses Coded as .9)	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 (Courses Coded as .9; Support Classes are also coded as .9)	The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment every day).
RESOURCE/PULL OUT SEPARATE (Courses Coded as .8)	The special education teacher provides service in a separate classroom (pull out) that only has students with disabilities (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.

Defining Placement Options for Services to Students with Disabilities

Placement in the general education classroom without special education service is not a special education delivery model.

Consultative Services are provided by the special education teacher. In this model the special education teacher provides the general education teacher support for the planning of instruction, the selection of appropriate teaching and behavior management strategies, and for evaluating the student's progress.

- The teachers meet on a regular basis and review the student's progress, plan appropriate instructional strategies, select instructional materials, and plan for supplementary activities to be provided by the general education teacher.

- The IEP identifies the specific content or specialty area(s) that consultative serviceswill support and the title of the provider of that consultation.

- The student's IEP includes the goals and benchmarks to be supported by the special education teacher.

- The general education teacher is responsible for working directly with the studentto achieve these goals.

- The student receives at least one hour per month of direct contact by the special education teacher who monitors the student's progress and develops recommendations for instruction to be provided by the general education teacher. The purpose of the monitoring is to assure that the student is progressing satisfactorily and is expected to achieve the goals in the IEP.

- The student may receive consultative services for a given segment of instruction and also direct service from a special education teacher or related services staff person(for example, speech therapist).

- If the student receives special education services in addition to consultation (for example, speech therapy or resource services), goals are written for these services also; the minutes of the IEP meeting identify how the goals will be addressed in eachmodel of service.

- If the student is not making appropriate progress or if additional accommodations, resources, or aids are required, an IEP team meeting is convened to address these issues.

- The IEP may be amended to include further accommodations to be made for the student or additional special education services being provided.

Collaborative Teaching provides for a special education teacher to work with students with disabilities and the general education teacher within the general education classroom for less than a full segment daily.

Co-teaching occurs when a special education teacher and a general education teacher share the teaching responsibilities for a class (for the entire class period) that includes students with and without disabilities.

- Both teachers are equally responsible for planning, the delivery of instruction, grading, implementation of services and classroom management for all students.

- Joint planning time for the cooperating teachers is essential to the success of thismodel.

- Instruction is enhanced for students when there are two teachers with different areasof expertise in a classroom. The general education teacher provides expertise in the content area while the special education teacher provides expertise in differentiating instruction.

- Co-teaching is provided jointly by a general education teacher and a special education teacher who share responsibilities for assigned segments of instruction.

- The cooperating teachers are assigned to the same classroom for specified subject areas and share responsibilities for lesson planning, direct teaching, and individual and small group support to students with and without disabilities.

- Both teachers may work with all of the students in the classroom (special and non-special education students).

- An IEP is written for the student who is to participate in the team taught class. The IEP identifies the goals to be addressed in the team teaching model. The IEP reportsthe number of segments (frequency) that the student will participate in team teaching classes, as well as the content area to be addressed.

- Class size is computed separately for each of the teachers. See Class Size and Caseloads for the number of students that may be assigned to the special educationteacher.

The Resource/Pull-Out model is the provision of instruction to students with disabilities only by the special education teacher in a separate classroom.

- This placement model is used only when the student's needs cannot be met in thegeneral education classroom with accommodations and supplemental supports.

CHAPTER ELEVEN: CLASS SIZE AND CASELOADS - GaDOE RULES

Overview

Centers must maintain class sizes in compliance with state rules. In scheduling students with disabilities, consideration must be given to the disability of the students, the level of services provided to each student, and the state requirements for the maximum number of students that can be assigned. Special education teachers may serve students who receive resources and self-contained special education services in the same segment of instruction.

Students receiving special education services are reported for funding purposes as either Resource or Self-Contained.

- These terms are for reporting purposes only and do not dictate delivery of special education services by any particular delivery model.
- These terms only identify if the student is receiving special education services formore (self-contained) or less (resource) than half of the school day.
- A student may receive resource or self-contained services through a variety of program models as noted above.

The number of students that are counted for a given segment regarding class size depends on the disabilities of the students in the class and the level of special education services being provided (resource of self-contained).

If a segment of instruction includes students with varying disabilities or if students receiving resource and self-contained services are served in the same segment, the disability and delivery model that require the smallest caseload of students governs the number of students that can be assigned to the special education teacher.

<u>Example</u>

If an instructional segment for a special education teacher includes students receiving resource services who are diagnosed with learning disabilities and emotional-behavioral disorders, state rules establish that EBD Resource is the smallest class size of these two areas. Therefore, a maximum of 7 students can be assigned because this is the smallest number of students that can be served.

Georgia Department of Juvenile Justice

Class Sizes and Caseloads

Note: Each paraprofessional is equivalent to 1/3 teacher and affects individual class size proportionately. Three paraprofessionals are the maximum that can be used to increase the maximum class size for any special education class.

Note: If students with varying disabilities are combined or if students are served in a single class segment with different delivery models (for example, self-contained and resource students are in the same class), the disability and/or delivery model with the smaller class size governs the class for that segment.

Program Area	Delivery Model (Self-Contained or Resource)	Maximum Class Size w/o Aide	Maximum Class Size WITH AIDE
Intellectual Disabilities Mild	SC	10	13
	R	10	13
Moderate	SC	N/A	11
Severe	SC	N/A	7
Emotional/Behavioral Disorders (EBD)	SC	8	11
	R	7	10
Specific Learning Disabilities (LD)	SC	12	16
	R	8	10
Visual Impairment	SC	N/A	6
	R	3	4
Hearing Impairment	SC	6	8
	R	3	4
Deaf-Blind	SC	N/A	6
Speech-Language Disorders	SC	11	15
	R	7	N/A
Orthopedic Impairments	SC	N/A	11
	R	4	5

Accountability: Regional Principals and School Leaders

Regional Principals, School Leaders, and Curriculum Specialists should periodically review the placement model of students with disabilities.

- For example, on a given day, how many students are being served in each of theidentified levels of services?
- This information can be maintained by an assigned staff person or summarizedbased on IEP placement decisions.
- This information can be used to determine if the center is providing a continuum ofservices.

Regional Principals, School Leaders, and Curriculum Specialists are encouraged to meet with general education classroom teachers to review how accommodations and supplementary resources are being implemented for specific students assigned to their classrooms. Information resulting from these planning sessions can guide the development of staff training and resources that are required to support appropriate placement of students with disabilities.

Monitors will review the IEPs of students receiving special education services to assure compliance with requirements of the Georgia Department of Education and DJJ Quality Assurance. The assigned Special Education Curriculum Specialist will assist in this monitoring process and support compliance by DJJ centers.

CHAPTER TWELVE: STUDENT RECORDS

Overview

The Family Educational Rights and Privacy Act (FERPA) (Code of Federal Regulations 99.31) and Georgia Rules for Special Education require that student information will be maintained to assure confidentiality.

DJJ Centers will implement procedures to safeguard the confidentiality of student information in compliance with these regulations.

DJJ Centers are required to establish and implement record procedures that will support a timely continuation of services to students who enter DJJ centers, transfer to other DJJ centers, or return to their local school systems.

Refer to DJJ Policy 5-4 for additional information regarding procedures to request student records, maintenance and release of records to other agencies or service providers.

Note: Parent consent is not required to release records to the student's local school system or other DJJ centers. Parents must be informed when records are released to third parties, including school systems.

Key Points

Parents of students with disabilities have full access to all educational records that are maintained by the DJJ and must be provided access to and copies of their child's educational records upon request.

Parent consent is not required to request, receive, or transmit records between DJJ centers and local public school systems. However, parents must be notified when records are sent to public schools.

Notice is not required when records are forwarded to other DJJ centers.

When a student is transferred between DJJ centers, the entire educational record must accompany the student on the day of the transfer.

If for reasons beyond the control of the center the student's file is not sent at the time of transfer, the sending center is required to mail the file to the receiving center within 24 hours of transfer. A photocopy of the record must be maintained by the transferring center.

Students typically enter the DJJ system through a Regional Youth Detention Center (RYDC). The RYDC where the student is initially placed is responsible for obtaining student records from the student's local (or previous) school system.

If the student transfers to another DJJ Center before records are received from the local school system or the last DJJ center the student attended, it is the responsibility of the receiving YDC/RYDC to obtain necessary student's records.

If the student was previously enrolled at a DJJ center other than the admitting center, the student's record will be requested from the last DJJ center the student attended.

The receiving center should be fully informed of the status of the records request by the initial RYDC and any records that have not been received.

The student's confidential special education file is kept in a separate locked file cabinet in an area that can be monitored for confidentiality. The confidential file will not be kept in the individual special education teacher's classroom.

A copy of the student's IEP may be kept in the special education teacher's classroom.

Educational records are maintained permanently.

When students are released from a DJJ center, they are given a **DJJ Withdrawal Form**. This form notifies the receiving school system that confidential records are available upon request.

When confidential records are released, the student's parents are informed that confidential records are being provided using the **Notice of Release of Confidential Records**.

This **Notice** is sent when the student's records are forwarded to the requesting school system (parent consent is not required to send records to another school system).

Required Procedures - Accountability

Regional Principals and YDC principals are responsible for assuring that required procedures are maintained in compliance with this section.

The Regional Principal will designate an individual who is responsible for:

- Maintaining students' records;
- Requesting records from local school systems and other agencies;
- Transferring records between DJJ centers; and
- Responding to other agencies and parents who request a student's records.

Training in procedures and safeguards is required for all staff members who have access to confidential student information.

- It is the responsibility of the Regional Principal/YDC Principal to provide this training.

Training is available upon request to the assigned Special Education Curriculum Specialist and/or the Special Education Coordinator.

Parental Consent for Release of Records

The Regional Principal is responsible for establishing and maintaining procedures that will afford parents of students with disabilities the opportunity to inspect and review all educational records with respect to identification, evaluation, educational placement and provision of a free appropriate public education to the student.

Signed informed parent consent by the student's parent(s) shall be obtained before personally identifiable student data is released to agencies other than local school systems or other DJJ centers. Refer to Authorization for Release of Confidential Student Information.

Parental consent is NOT required to release confidential student records to the following:

- Parent or eligible student age 18 years or older unless such release has been prohibited by court order;
- School officials of other Georgia school systems;
- All other requests for release of school records must be forwarded immediately tothe DJJ Office of Legal Services.
- The student's parents and student at age 18 shall be notified of the transfer of the records, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record(s).

Access to Confidential Student Records

Student records will be maintained in a locked cabinet in a secure area.

A listing of staff positions having access to confidential student records shall be posted conspicuously in the area where student records are maintained. The form to be used for this posting is included in the Appendix. See **PERSONS HAVING ACCESS TO CONFIDENTIAL STUDENT FILES** form.

- The staff positions of persons who have access to confidential student records are listed on this form. Names of individual staff members are not listed.

- Persons whose positions are listed on this form are not required to sign the **Records Access Log.**
- Staff positions to be included on this listing include:
  - Center administrators;
  - Regional Principals/Principal/YDC Principal/Lead Teachers;
  - Special education and general education classroom teachers;
  - Instructors;
  - Counselors;
  - Behavioral and health staff; and
  - Other staff positions who in order to carry out their routine responsibilities require access to confidential student information.

General education classroom teachers have full access to the special education records of the students they teach. Because of their responsibility to implement important portions of the IEP, they may not be denied access to these records. **Refer to DJJ Policy 5.4 Records Management – Education.**

A **Records Log** will be included in each student's confidential file.

- This log shall be used to document a review of the student's file by persons who are approved to review confidential student information but are not identified in the positing above (for example, state, federal, or DJJ monitors, state office personnel,etc.)

- The approved **Records Access Log** form is included in the Appendix.

Parental Rights

Parents of students with disabilities have full access to all educational records that are maintained by the DJJ, and they have access to and may have copies of their child's records upon request and without delay.

When a parent requests a copy of their child's educational records, DJJ staff will assume that the parent has a right to these records unless access has been specifically denied by court action.

Educational records are provided to parents of students with disabilities without charge.

Parents may request an amendment to their child's records if they believe the information being maintained by DJJ is inaccurate, misleading, and/or violates the privacy or other rights of the student.

A request to amend a student's educational record is submitted in writing to the Regional Principal by the student's parents/guardian.

- Within a reasonable period of time not to exceed 30 calendar days, the DJJ shalldecide whether to amend the record.

- If the record is not amended, the parents are informed of this decision and advisedof their right to a hearing to content the record under regulations of the FERPA.

- Parents have a right to place a statement in their child's record commenting on the data and reason(s) for their disagreeing with the decision of the DJJ not to amendthe record.

- If the parents insert a statement into their child's record, this statement shall be considered a part of the complete record of the student and will be transferred asrequired with all other educational records.

Request for Records for Students Entering DJJ Centers

It is the responsibility of the DJJ Center that initially admits the student to obtain sufficient information on the student to support placement for the student into appropriate educational services within 72 hours (3 business days) of admission to the center.

If a local school system does not respond to the center's request for educational records in a timely manner, the Regional Principal will assist in obtaining these records.

Within 24 hours the receiving DJJ school site must request the student's records from his/her last known local school system.

- A written request is faxed/emailed to the school system immediately requesting that the student's records be sent within 5 school days of the request.

- If records are not received within 5 school days of the initial request, a secondrequest is made.

- If records are not received within 7 school days of the second request, assistance in obtaining the records should be requested from the Regional Principal, YDC Principal, Special Education Curriculum Specialist and/or Coordinator, and/or theDirector of Student Support Services.

All requests for records and follow-up are documented on the student **Contact Log** identifying the individual contacted and the preliminary information used to support the placement.

With signed parental consent records may be requested from private or public non-educational agencies or service providers. See **Authorization to Release Confidential Student Information**.

DJJ Centers admitting students must access the student's prior placement history on JTS.

- If the student was previously in a DJJ center and released, contact with the last DJJ center school the student attended will be made requesting the student's educational record.

- The DJJ center that is serving the student must have a complete copy of the student'scurrent and any previous education records.

Transfer of Records between DJJ Centers

It is the policy of the DJJ that the student's original educational record will accompany the student who is being transferred from one DJJ center to another.

Records are given to the transporting officer and delivered to the receiving center.

A copy of the student's record is kept by the sending center.

It is the responsibility of each Site Principal or Lead Teacher to assure that procedures are in place to:

- Notify staff of student transfers in a timely manner;

- Transfer records with the student on the day of his/her transfer to another DJJcenter;

- Distribute records of incoming students immediately to the appropriate departments so that services may be continued without unnecessary disruptions;

- Monitor records transfer procedures between DJJ centers;

- Confirm that procedures are in place and are carried out to support the timelytransfer of educational records; and

- Notify the receiving center of the status of the requested records that were neversent by the local school system to the transferring DJJ.

Regional Principals may be requested to assist in transfer of student records as necessary to assure implementation of this policy and required procedures.

Organization of Student Files

Student records provide critical information to support planning for instruction and implementing due process procedures. Therefore, it is critical that student files are organized in an orderly and consistent manner.

Student files must be organized according to the system set forth by the DJJ. No other system of file organization is permitted.

To carry out this requirement, the DJJ provides all centers with the necessary file folders to organize special education student files according to the system described below.

It is required that student files:

- Be maintained in an orderly and consistent manner;
- Contain all required documents;
- Provide documentation that due process procedures are implemented;
- Support monitoring of required procedures;
- Be maintained to assure confidentiality of student information. Correctiveaction may be directed when records are not organized as required.

DEPARTMENT OF JUVENILE JUSTICE
Special Education File Organization

POCKET 1	• Records Access Form • Contact Log
POCKET 2	• Due Process Checklist • Hearing and Vision Screening
POCKET 3	• Individualized Education Program (IEP) • Transition Plan • Interest and/or Career Assessment
POCKET 4	• Parental Consent for Evaluation/Reevaluation • Parental Consent for Placement • Parental Input for evaluation (if applicable) • Eligibility Report • Reevaluation/Redetermination Eligibility • Psychological Report • Psychiatric Report, Social Histories, & other evaluations or reports
POCKET 5	• Notice of Continued Service • Notice to Parent of IEP/Eligibility Meeting (if applicable) • Letter to Parent Not Attending IEP/Eligibility Meeting (if applicable) • Telephone Verification of Special Education Status
POCKET 6	• Education Record Checklist • Initial Education Screening (completed by JCO) • Intake Information Sheet (completed by JCO) • Request for Education Records • TABE Survey
POCKET 7	• Current Class Schedule • DJJ Transcript (when appropriate) • IEP Progress Report • Student Report Card • Tracking Sheets for Academic Modules • Academic Tracking Sheet (for all courses) • Student Withdrawal form (after withdrawal only)
POCKET 8	• Transfer Log • All other information (RtI; SST; Section 504; Birth certificate; Social Security Card; Immunization, etc.) • All Public School Records (class schedules, withdrawal forms, transcripts, report cards, schedules, progress reports, behavior reports, state test scores, etc.) • Principal Letter (provided at release)

CHAPTER THIRTEEN: PROCEDURES FOR INTAKE/ENROLLMENT

Procedures for enrollment, GOIEP claiming, and reviewing special education records upon student admission:

1. According to DJJ Policy 13.22, students are to be enrolled in school as soon as possible but no later than 3 school days after admission.

2. The Notice of Continued Services (NOCS) should be completed and mailed to the parent within the first three days of school enrollment.

3. Once a student with a disability (SWD) has been identified by the clerk, they are to immediately inform the lead case manager (the person that has rights to claim a student in GOIEP).

4. SWD should be claimed in GOIEP within the first three days of enrollment.

5. Complete the timeline in GOIEP and submit it for approval by your Curriculum Specialist. Complete the Due Process Checklist.

6. Ensure that the student's current schedule matches their current or most recent IEP.

7. Review physical file and GOIEP to determine the date of the most current IEP and eligibility.

8. If the local school system (LSS) IEP/DJJ IEP and eligibility are current, you may do one of the following:
    - If the IEP is not in GO, it will need to be entered there. If the student comes to us with a GOIEP, then adopt if we can meet the services of that student in DJJ; or
    - Amend the current local school system/DJJ IEP (this will have to be done in GOIEP) provided there are no more than 2 changes that need to be made to the IEP (Document attempts to contact parent on the contact log, mail the parent IEP amendment, parental rights, and document on the contact log); or
    - Schedule a new IEP meeting using GOIEP (mail the parent the NOCS, IEP notification, parental rights, and document on the contact log).

9. If the eligibility is current, but the IEP is expired, schedule a new IEP meeting to be held within 30 school days (DJJ Policy 13.32).

10. If the eligibility is expired, but the IEP is current, schedule a Reevaluation/Redetermination meeting in order to bring the eligibility current or to recommend an evaluation. Data must be submitted to your Curriculum Specialist before scheduling the meeting. IEP procedures will be the same as in #7 above.

11. If the eligibility and IEP are expired by less than one year, schedule a Reevaluation/Redetermination meeting (to bring the eligibility current or to recommend an evaluation) and an IEP meeting. Data must be submitted to your Curriculum Specialist before scheduling a meeting. Develop an IEP based on the information you have currently. If an evaluation is conducted a new IEP based on the new evaluation must be held within 30 days of the new eligibility meeting.

12. If the eligibility and/or IEP has expired for more than a year, we pick them up and provide services while updating all documents (complete NOCS, collect data, and schedule meeting). We do not refer SWD back to RTI.

Responsibilities of the Case Manager

1. Keep all eligibilities, IEPs, and progress reports current for caseload.

2. Maintain an initial and reevaluation tracking log for your assigned caseload.

3. Distribute classroom accommodations/BIPs/IEP goals/Transition Plans to general education teachers and other education staff assigned to teach the student.

4. Provide consultation to the general education teachers for the students on your assigned caseload.

5. Collect and maintain progress monitoring data on IEP goals and objectives for the students on your assigned caseload.

6. Ensure that all required parties are invited and attend eligibility and IEP meetings for students on your assigned caseload.

7. Notify the building principal/lead teacher, regional principal, special education curriculum specialist and/or the DJJ special education Director of any extenuating circumstances and/or issues requiring support from the Central Office Staff. Please follow your chain of command by notifying your building principal/lead teacher first.

CHAPTER FOURTEEN: INFINITE CAMPUS - Special Education Guide for Infinite Campus

How to Flag Special Education Students:

1. Search for the student in Infinite Campus (General Search)
2. Click on the student's name
3. Several Tabs will appear for this student under his name. Click on "Flags"
4. Click on "New"
5. Under the Flag dropdown menu, select "Special Education"
6. Fill in the start date (use his enrollment date)
7. Click on "Save"
8. A red flag will appear next to the student's name

How to Tag Students who Receive Special Education Services:

1. Search for the student in Infinite Campus (General Search)
2. Click on the student's name
3. Several Tabs will appear for this student under his name. Click on "Enrollment"
4. Click on the current school year
5. Scroll down to "Special Education Fields", make sure under Special Education status, "Yes" is selected and select student's Area of Exceptionality.
6. Scroll to the top and click on "Save"

How to Input Data for Special Education Roster:

1. Search for the student in Infinite Campus (General Search)
2. Click on the student's name
3. Go to the "Index" tab and scroll down to "Special Education-General"
4. To input student's data, click on "DJJ Special Education"-(across the top)
5. Enter information in all tabs
6. Click on "Save"

How to Pull the Special Education Roster

1. Go to Index
2. Ad Hoc Reporting
3. Filter Designer
4. Clerical
5. Student Special Education Roster (v.2)
6. Click on Test (the roster will appear in a different screen)
7. To Print, right click and select "Print"

Department of Juvenile Justice - Georgia Preparatory Academy

Scanned Documents for Special Education Records – Infinite Campus

Follow this guide when scanning documents into Infinite Campus. Only use the designated Document Name. Special Education records need to be scanned separately from Regular Education records.

Document	Infinite Campus Document Name
Due Process Checklist	Due Process Checklist
Hearing & Vision Screening	Hearing & Vision Screening
IEP	IEP (Most Current Year) Example: IEP 2013-2014 School Year
Transition Plan	Transition Plan
Parent Consent for Evaluation/Reevaluation	Parent Consent for Evaluation/Reevaluation
Parental Consent for Placement	Parental Consent for Placement
Eligibility Report	Eligibility Report (Most Current Year) Example: Eligibility Report 2013
Reevaluation/Redetermination Eligibility	Reevaluation/Redetermination Eligibility
Psychological Report	Psychological Report (Most Current Year) Example: Psychological Report 2013
Psychiatric Report	Psychiatric Report
Social Histories	Social Histories
Other Related Evaluation or Reports	Other Related Evaluation or Reports
Continuation of Service Form	Continuation of Service Form
Notice to Parent of IEP/Eligibility Meeting	Notice to Parent of IEP/Eligibility Meeting
Letter to Parent if not attending IEP Meeting	Letter to Parent if not attending IEP Meeting
Special Education Telephone Verification Form	Special Education Telephone Verification Form
Current Class Schedule	Current Class Schedule
IEP Progress Reports	IEP Progress Reports
Summary of Performance Plan	Summary of Performance Plan
Behavior Intervention Plan	Behavior Intervention Plan

CHAPTER FIFTEEN: DISPUTE RESOLUTION

Overview

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 Coordinator. The Special Education Coordinator 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.

Formal Complaints

A formal complaint is a written, signed complaint alleging the violation of the Individuals with Disabilities Education Act (IDEA) procedures or of Georgia Rules or the failure of a party to comply with the written agreement of a mediation or resolution session.

Any organization or individual may file a signed written complaint. The complaint must Include:

- a statement that the Georgia Department of Juvenile Justice School District hasviolated a requirement of the IDEA or Georgia Rules for Special Education;
- the facts on which the statement is based; and
- suggested resolutions to the problem(s).

To file a formal complaint, the violation must have occurred within one calendar year of receipt of the complaint.

Procedures for Filing a Complaint

1. Formal complaints are filed in writing and sent to the Special Education Coordinator at the Georgia Department of Juvenile Justice School District and the Georgia Department of Education (GaDOE), Division for Special Education. A formal complaint form, which may be

used to submit a formal complaint, is located at the bottom of the Formal Complaint web page on the GaDOE website. Upon receipt of the written complaint, the Special Education Coordinator will contact the person filing the complaint to propose a resolution to the complaint.

2. Once the complaint is received by the GaDOE, a team will determine that the allegation(s) can be investigated and will begin its investigation as appropriate. Once the complaint is received by the DJJ Special Education Coordinator, contact with the person filing the complaint will be made and a proposal will be presented to try to resolve the complaint. If the parent accepts the district's proposal to resolve the complaint and notifies the GaDOE, the GaDOE may discontinue the investigation. If an agreement is not reached, the investigation will continue.

3. In addition to the district having the opportunity to present a proposal, the mediation process is also available. Mediation is available at no cost. Mediation is a non-adversarial process conducted by a qualified and impartial mediator who is trained in effective mediation techniques to resolve disputes. If both parties choose to participate in the mediation process, the complaint investigation may still proceed. The timeline for the complaint may be extended if both parties agree to participate in mediation. If both parties agree to mediation, a written agreement will be developed and implemented. Mediation is legally binding in a State or District Court. If an agreement is reached, the complaint will be closed. If agreement is not reached, the complaint investigation will continue, and a decision of compliance will be made by the GaDOE.

4. Upon receipt of the first written complaint, the district will provide a copy of procedural safeguards to the parent of a child with a disability. If indicated on the complaint form that both parties are interested in mediation, then the GaDOE will assign a mediator.

5. The district must provide a written response to the GaDOE and also send a copy to the person filing the complaint. The GaDOE requests that the district send this response within 10 days of receiving the notification. The GaDOE will conduct an investigation to confirm details and to get clarification of the issues. The investigation may include interviews with the parties, observations, on site visits, and other activities as indicated by the nature of the allegation.

6. The GaDOE will give the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has seen the response from the district. If both parties reach an agreement and resolve the complaint before the GaDOE investigation is complete, the complaint will be closed without making a determination regarding compliance. If both parties go to mediation and reach agreement, then the

complaint will be closed without a decision regarding compliance. If mediation is used and an agreement is not reached, then the complaint investigation will continue.

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

Mediation

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

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

Procedures for Mediation

- Either the parent and the student or the district may request mediation.

- The first step is to ask the other party if he/she/it is willing to mediate the disputed issues.

- If a family member is requesting mediation, contact the Special Education Coordinator, and then the Special Education Coordinator will complete the request for mediation and submit it to the GaDOE. A mediation request form is located at the bottom of the Mediation Requests web pate on the GaDOE website.

- The mediation request is faxed to the GaDOE Legal Services, 404-657-8376.
- Upon receipt, Legal Services assigns the request to a mediator.
- The mediator will contact both parties to develop the timeline, set up the meeting location, and begin preparation.
- Mediation will occur at a location and time convenient to both parties.

Once parties have agreed to a date and location, participants should be prepared to spend most of the day in mediation.

- If a resolution is reached, the mediator will facilitate the agreement, and all partieswill sign the mediation agreement.
- After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement, which is a legally binding document.
- If mediation is being requested as part of a due process hearing, the mediation will not delay nor deny the right to a due process hearing. However, discussions during mediation cannot be used as evidence in any due process hearing or civil proceeding.

Preparing for Mediation

- Be prepared to define the problem and explain any concerns.
- Be prepared to state preferred resolutions.
- Be prepared to share information that will help clarify and resolve the problem.
- Be prepared to listen to the information and the points of view shared by others.
- Be prepared to keep an open mind. (Multiple solutions to a problem are oftenpossible.)

- Be prepared to brainstorm with the other parties involved and to develop a creativesolution to the problem.

Due Process Hearing

When the parent and the district disagree over the identification, evaluation, placement, or provision of FAPE, either party may request a due process hearing. An impartial due process hearing is designed to provide an opportunity to resolve differences between concerned parties in the identification, evaluation, placement, or provision of a free appropriate public education for a student with a disability. A hearing may be requested by either the school district or the family when the parties cannot agree and other means of dispute resolution have not been successful.

A due process hearing request must allege a violation that occurred not more than two years before the date the parent or district knew or should have known about the alleged action that forms the basis of the request, with some exceptions. The two-year timeline does not apply if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district indicating that it had resolved the problem forming the basis of the complaint, or if the school district withheld information from the parent that was required to be provided to the parent.

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 these costs to a prevailing party. The district must inform the parents of low cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by the district.

Due process hearings are conducted by the Office of State Administrative Hearings (OSAH). Once a request is received by OSAH, an administrative law judge (ALJ) will be assigned to conduct the due process hearing. That ALJ will contact both parties and begin to set up the arrangements for the impartial due process hearing.

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. The 45-day timeline starts the day after the ALJ has been informed of one of the following events:

(1) Both parties agree in writing to waive the resolution meeting;

(2) After either the mediation or resolution meeting starts, but before the 30-day resolution period ends, the parties agree in writing that no agreement is

possible; or

(3) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or district withdraws from mediation.

Extensions to the 45 days for a decision may only be allowed when both parties agree and the extension does not violate the rights of the student.

Requesting an Impartial Due Process Hearing

- The initiating party should inform the other party and the Georgia Department of Education (GaDOE) of the request for a due process hearing.

- The district is responsible for relaying the hearing request to the GaDOE LegalServices on the day the request is received in the district.

- The request is required to contain the name of the student, the school location, and the district in which the student is enrolled, contact information for the family, and school district contact information. The request must also contain a description of the problem and a proposed resolution. **The form provided by GaDOE should be used.** This form is located at the bottom of the Due Process Hearing Requests web page of the GaDOE website. A hearing may not occur until the party or the attorney representing the party files a request that meets all of the requirements.

- The district may assist the parent in completing the form as necessary in order toobtain a sufficient complaint notice.

- Once received by GaDOE, immediate contact will be made with the Office of State Administrative Hearings (OSAH) to assign the case to an ALJ.

- The ALJ will contact the parties and begin to set up the logistics of the hearing.

An expedited due process hearing may be requested if the request is related to a manifestation determination or placement in an alternative educational setting.

Timeline

A due process hearing must be conducted and the decision issued within 45 days of the request for a hearing. If a resolution meeting or mediation is used, the timeline of 45 days begins at the conclusion of a 30-day resolution period, or earlier if the meeting does not result in a settlement. Other extensions may only be allowed when both parties agree and the extension does not violate the rights of the student.

Responsibilities of District upon Receipt of a Request for a Due Process Hearing

- The district must send the Due Process Request to the GaDOE.

- If the district has not provided prior written notice to the requestor regarding theissues in the request, it must, within 10 days, provide such prior written notice.

- If the district has provided prior written notice, it must respond to the due process request within 10 days.

- If the district feels that the due process request is insufficient; the district must notify the ALJ within 15 days of receiving the request. (The ALJ has 5 days to determine whether the request is sufficient. If sufficient, the timeline moves forward. If not sufficient, the parent must re-file the request.)

- The district must offer the option of a resolution meeting within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing. The district must convene a meeting with the parent and relevant members of the IEP team who have knowledge of the facts identified in the due process request. This meeting must include a representative of the district who has decision-making authority on behalf of the district. The resolution meeting may not include an attorney for the district unless the parent is accompanied by an attorney. The parent and the district determine the relevant members of the IEP team who will attend the meeting. The resolution meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use mediation to attempt to resolve the due process hearing request.

Responsibilities of the Parent upon Requesting or Receiving a Request for a Due Process Hearing

- If the parent is the receiving party (not the party making the request), he or she must respond to the district within 10 days of receiving notice of a due process request.

- If the parent is the initiating party, he or she must provide sufficient information with the request to allow the district to understand why the request is being made. **The form provided by GaDOE should be used.** This form is located at the bottom of the Due Process Hearing Requests web page of the GaDOE website.

- The parent should consider using the resolution meeting or mediation to resolve the differences.

Resolution Meeting

- If agreement is reached, a written settlement will be developed and signed by thedistrict and the family.

- An agreement is binding in State or District Court after a 3-day review period orthrough the State complaint process.

- The agreement must be implemented by the end of the 30-day resolution period orthe due process hearing will proceed.

- If no agreement is reached, the timeline for due process hearings (45 days) beginsupon notice to the ALJ.

Procedures/Rights for a Hearing

- The hearing will be conducted at a time and place convenient to the parent and the district involved and at an impartial location.

- The district shall provide the parent/guardian information about low cost or no costlegal services.

- Parents have the right to request and obtain copies of all records concerning thestudent from the school district 5 or more business days prior to a hearing.

- Either party may be accompanied and advised by legal counsel or another individual with knowledge or training related to the student about whom the hearing is being conducted.

- Either party may present evidence at the hearing if disclosed to the other party atleast 5 business days prior to the hearing.

- Either party may compel the attendance of witnesses. One party must provide a listof witnesses to the other party at least 5 business days prior to the hearing.

- Both parties will receive a copy of the written record of the hearing.

- Parents have the right to have the student present at the hearing.

- Confidentiality of information shall be maintained even when in a hearing.

- Parents in a hearing have a right to obtain relief that the ALJ determines appropriate, which may include payment for an independent evaluation, reimbursement for services, alteration of the IEP, alteration of the placement, or other relief as determined by the ALJ.

- An appeal to a due process hearing must be filed within 90 days in a State or District Court.

Student Status During the Hearing

- When a hearing has been requested by either party, the student shall remain in his orher current educational placement unless the parent and the district agree to an alternate placement.

- If the hearing is the result of an initial admission to public school, the student shall be placed, with the consent of the parent, in the school program until completion of the hearing proceedings.

- The current educational placement includes the services provided in the IEP and all related services.

- Other special circumstances may apply, and the Georgia Rule (160-4-7-.18) shouldbe reviewed to determine the student status pending a due process hearing.

CHAPTER SIXTEEN: OFFICE OF CONTINUOUS IMPROVEMENT - DJJ STANDARDS OF EXCELLENCE

Overview

The goals of the Office of Continuous Improvement are to:

1. Accurately and efficiently determine the level of quality at which all DJJ secure facilities are achieving the Department's mission based on comprehensive performance-based reviews and a thorough documentation of findings,

2. Ensure that information is provided to decision-makers to improve service delivery to youth, to modify or eliminate activities that are not effective, and to ensure continued improvement.

3. Assist with and monitor corrective actions taken to improve service delivery to youth.

OCI now has clear evidence from its follow-up evaluations, that basing a facility or program's corrective action plan on outcome measures from the above referenced evaluations and instruments provides an effective strategy for ensuring continuous quality improvement in DJJ programs and services.

The nine (9) service areas that are evaluated and monitored are:

- Safety, Security and Physical Plant
- Youth Rights and Services
- Behavior Management and Discipline
- Education Services (Special Education Standards in this Section)
- Behavioral Health Services
- Medical Services
- Food Service
- Program Management
- Training

The following are the DJJ Standards of Excellence for Special Education. When a facility is monitored by OCI, the education department is also monitored. For each requirement related to an education standard, schools receive one of two ratings. Those ratings are:

- Compliance – This rating means the facility's procedures and practices are in accordance with DJJ policy and/or the established standard. All requirements ofthe standard are met all of the time. Minor exceptions may occur.

- Non-Compliance – This rating means the facility's procedures and practices are not in accordance with DJJ policy and/or the established standard. The elements of the

standard are either missing, performed rarely, or performed inconsistently. There is no written procedures, where required, or practice in place where a policy/standard has been issued.

Office of Continuous Improvement: Education Services – Special Education Related Standards

4.2	**School Enrollment** **All school-age youth attend school in accordance with Georgia law and the GBOE.** References: DJJ Policy 13.20, School Attendance DJJ Policy 13.10, Curriculum
#	**Requirement**
1	For youth under the age of 18, parental consent is sought before the youth enters the GED program, using the GED Parental Consent Form.
2	The YDC Principal completes a GED Program Admission Form for all youth entering a GED program.
3	Youth who have earned a high school diploma or GED, but have not attained the age of 18, or the age of 22, if a special education student, are enrolled in an educational program for a minimum of a half school day.

4.3	**Classroom and Administrative Space** **The facility has classroom and administrative space that allows classes to be conducted simultaneously without one class interfering with the other and provides for individual teacher planning periods in areas not occupied by students.** References: CEA 68 SBOE 160-4-7-.11
#	**Requirement**
1	Classroom and administrative space allows for classes to be conducted simultaneously without one class interfering with another.
2	Administrative space allows for individual teacher planning periods in areas not occupied by students.
3	Classrooms used for students with exceptionalities are a minimum of 350 square feet, or have 38 square feet per student and are free from distractions.

4.4	**Georgia Standards of Excellence** **All classroom instruction is based upon the Georgia Standards of Excellence as outlined in the DJJ Curriculum and as required by Georgia law.** References: ACA 3-JTS-5D-03, 5D-06 and 5D-07 CEA 56 and 57 SBOE 160-4-8-.08 OCGA §20-2-151
#	**Requirement**
1	Courses are coded according to the GBOE numbering system.

4.5	**Related Services** **Appropriate related services are offered as outlined in the student's IEP (psychological services, speech therapy, hearing/vision services, school social work, counseling, vocational/rehabilitation counseling services, etc.). Appropriate instructional material/equipment is provided for exceptional students.** References: DJJ Policy 13.32, Special Education Services
#	**Requirement**
1	The provider log is used to document that services were delivered at the required frequency within 7 to 10 days of admission.

4.7	**Special Education Procedures** **An appropriate special education program is provided for each identified student with disabilities.** References: DJJ Policy 13.32, Special Education Services
#	**Requirement**
1	An appropriate special education program is provided for each identified student with disabilities.
2	Previously recognized exceptional students are identified through record review and transcript requests.
3	Surrogate parents are provided when a parent is unknown or cannot be located, or the student is a ward of the state.
4	A list of trained surrogate parents is maintained by the lead teacher or by the on-site principal.
5	Modifications are implemented for exceptional students who have been mainstreamed.
6	Exceptional students participate in all state mandated assessments as per the IEP.

4.8	**IEP Development and Procedures** **An appropriate IEP is developed to meet the needs of each individual student.** References: DJJ Policy 13.32, Special Education Services DJJ Special Education Procedures Manual
#	**Requirement**
1	An appropriate IEP is developed to meet the needs of each individual student.
2	Due process notification/parental rights are provided to parents.
3	Eligibility is developed if necessary.
4	A due process checklist is used to ensure due process is followed.
5	The IEP team includes parent(s), special education teacher, at least one regular education teacher, student, designated person to interpret psychological information (can be special education teacher with knowledge of text interpretation) and other members (counselor, facility case manager, Director, and health care staff if student is on psychotropic medication, etc.) as necessary.
6	Appropriate goals and objectives are developed based on strengths and weaknesses related to education and not social skills.
7	Transition plans are developed by the age of 16, or by the time the student enters 9th grade, whichever comes first.
8	Appropriate service segments are included in the IEP and progress is reported to parents at the same frequency as regular education students.
9	IEPs are reviewed annually and reviews are conducted to assess eligibility every 3 years.

4.10	**Score Reports** **School personnel provide copies of individual score reports to students and parents/guardians.** References: DJJ Policy 13.23, Student Assessment DJJ Policy 13.10, Educational Services DJJ Policy 13.12, Student Grades
#	**Requirement**
1	Individual assessment scores are made a part of each student's education record.
2	A copy of the Tracking Sheet is printed from JTS and placed in the student's education record as documentation of course completion.
3	Report cards are issued to students and parents/guardians each semester.

4.13	**Educational Services** **A plan exists for providing programs and services to meet the guidance, counseling, testing, social services, psychological and career development needs of the student.** References: DJJ Policy 13.12, Student Grades DJJ Policy 13.23, Student Assessment DJJ Policy 13.22, Student Advisement
#	**Requirement**
1	The guidance counselor or education personnel contacts previous schools to obtain education records within 72 hours of admission.
	Upon receipt of previous education records, the guidance counselor or education personnel documents the following on official DJJ transcripts: (#2-8)
2	Previous school(s) and locations
3	Previous grade placement
4	Courses taken at previous schools
5	Grades earned at previous schools
6	Credits earned at previous schools
7	Norm referenced achievement tests scores
8	Vaccination/immunization record
9	The guidance counselor or education personnel ensure that an official transcript is completed for each student upon release.
10	The education staff completes the YDC Needs Assessment Educational Summary for long-term youth (YDC only).
11	Each student receives a copy of his/her transcript at the time of release unless released from court or is not in the facility at the time of release (YDC Only).
12	One copy of the transcript is sent to the student's community case manager within two working days after release (YDC only).

4.14	**Education Records** **Each student has an education record that is organized in accordance with departmental guidelines in order to ensure the timely continuation of services to students who enter DJJ schools, transfer to other DJJ schools, or return to their local school system.** References: DJJ Policy 5.4, Education Records DJJ Policy 13.22, Student Advisement DJJ Policy 13.32, Special Education Services
#	**Requirement**
2	Parents are allowed to inspect and review education records in accordance with DJJ policy.
3	Education records are requested within 24 hours of admission, and then every five days until received.
4	Exceptional student education records are kept separate from regular education records.
5	The Principal posts a list of who has access to special education records.
6	Exceptional student education records are maintained in a confidential manner.

4.15	**Education Personnel Staffing** **Education personnel are allocated in accordance with departmental guidelines.** References: DJJ Policy 13.1, DJJ School District DJJ Policy 13.4, Educational Staffing and Professional Staff Development
#	**Requirement**
1	A continuum of services is provided to meet the needs of the students.
2	Special education teachers are all allocated at a ratio of 1 teacher to 12 students, based on a projected 40% special education student population.

4.16	**High School Advisement (Long-Term YDC Only)** **A system of high school advisement exists for all long-term YDC students.** References: DJJ Policy 13.22, Student Advisement
#	**Requirement**
1	Beginning no later than the 9th grade, annual advisement sessions are provided to students to review progress and offer alternatives in meeting graduation requirements and career objectives.

4.17	**Test of Adult Basic Education (TABE) Testing** **Each youth is administered the Test of Adult Basic Education (TABE), in accordance with departmental guidelines.** References: DJJ Policy 13.23, Student Assessment
#	**Requirement**
1	Within 72 hours of admission, each student is given the math and reading sections of the TABE Survey if not previously TABE-tested within the past 12 months.

4.18	**Class Exclusion** **Students excluded from class, placed in disciplinary isolation, confinement or any other programs established for behavior management receive instruction on a daily basis for 330 minutes even though they are in a restricted program.** References: DJJ Policy 13.20, Student Attendance DJJ Policy 13.21, Behavior Management and Discipline DJJ BREAC Procedures Manual
#	**Requirement**
1	Students excluded from class, placed in disciplinary isolation, confinement or any other programs established for behavior management receive classroom assignments for each class period on a daily basis for 330 minutes even though they are in a restricted program.
2	Youth receive at least 2 visits per day by education staff while in disciplinary isolation or confinement.
3	Education staff delivers and explain lessons provided to youth.
4	The BREAC Model is followed as outlined in policy.
5	The BREAC program has designated space that provides for reasonable isolation outside of the classroom.
6	The BREAC program is monitored by a trained staff member who consistently observes students, maintains required BREAC documents, collects and checks assignments for completion, and returns completed work and referrals to the teacher or principal.
7	Students referred to BREAC have a documented referral in Infinite Campus by the end of the day in which they were referred.