

Baconton Community Charter School

Office of Program for Exceptional Children General Supervision

Policies, Procedures, and Practices Manual

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Vision

It is the mission of BCCS to provide a safe, nurturing environment for a diverse community of learners to develop academic potential and ethical character leading to productive citizenship in the 21st century.

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INTRODUCTION

The Baconton Community Charter School (BCCS) Program for Exceptional Children (PEC) is pleased to offer this Implementation and Compliance Manual as a district supplement to the Georgia Department of Education Rules and Implementation Manuals. It is meant to serve as a practical guide for implementing the Individuals with Disabilities Education Improvement Act of 2007 (IDEIA) and its regulations. It is not intended to state new law or supplant any federal or state laws, regulations, or requirements. This manual should not be cited as law or as imposing any additional requirements or obligations outside the requirements of existing law.

Purpose

The purpose of this manual is to provide local educational agency-specific information regarding policies, practices, and procedures for implementation of the Georgia Rules for Special Education and to ensure compliance.

The intended audience for this manual includes all parties involved with the provision of services for students with disabilities. This includes administrators, principals, program managers, school psychologists, special education teachers, regular education teachers, related service providers, therapists, and specialists.

Mission

The mission of the Baconton Community Charter School Program for Exceptional Children is to identify students who meet the federal and state criteria as a student with a disability requiring special education and to provide services that empower them to become active, contributing members of their community based on their individual strengths and abilities.

We are committed to providing a caring community of dedicated staff and involved parents that meets the diverse academic, emotional, and social needs of all of our students in a respectful and positive environment.

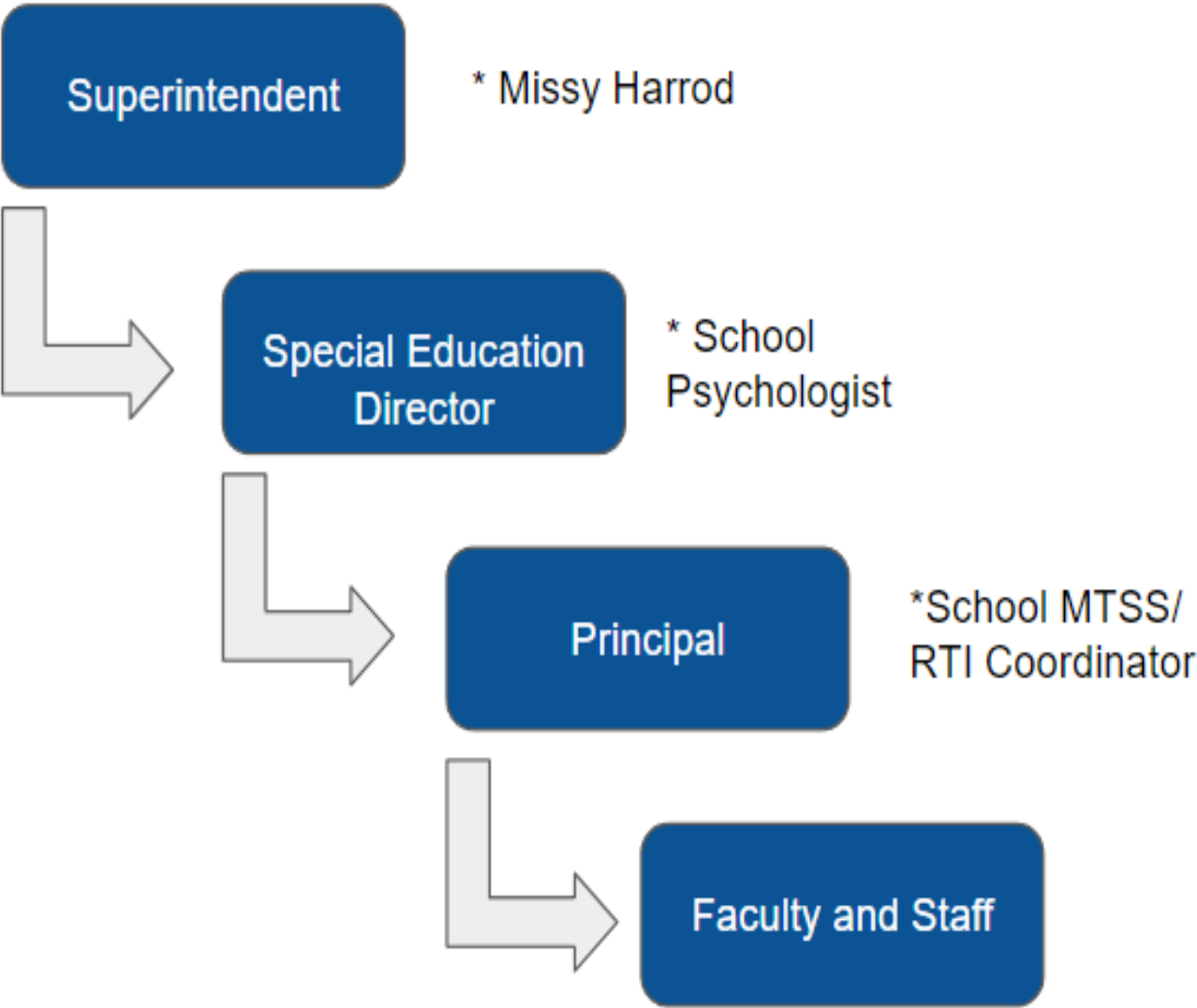
Vision

Our vision is to provide positive learning experiences that facilitate success for students in special education through high-quality instruction, as well as collaboration with parents, students, schools, and the community. Students will focus on their positive attributes and recognize their individual strengths and achievements to promote their future success.

Table of Contents

| STATE RULE | Page |
|--|-------------|
| 160-4-7-.02- Free Appropriate Public Education (FAPE) | 5 |
| 160-4-7-.03- Child Find Procedures | 13 |
| 160-4-7-.04- Evaluations and Reevaluations | 18 |
| 160-4-7-.05- Eligibility Determination and Categories of Eligibility | 29 |
| 160-4-7-.06- Individualized Education Program (IEP) | 51 |
| 160-4-7-.07- Least Restrictive Environment (LRE) | 70 |
| 160-4-7-.08- Confidentiality of Personally Identifiable Information | 74 |
| 160-4-7-.09- Procedural Safeguards and Parent Rights | 80 |
| 160-4-7-.10- Discipline | 95 |
| 160-4-7-.11- Surrogate Parents | 107 |
| 160-4-7-.12- Dispute Resolution | 110 |
| 160-4-7-.13- Private Schools | 123 |
| 160-4-7-.14- Personnel, Facilities, and Caseloads | 124 |
| 160-4-7-.15- Georgia Network for Educational and Therapeutic Support (GNETS) | 128 |
| 106-4-7-.17- Required Reports | 132 |

General Supervision Flow Chart for Special Education



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

Components:

FAPE Inclusive for Students aged 3 to 21: Full Educational Opportunity Children Entitled to a FAPE

All children with an Individualized Education Plan (IEP) are entitled to a free appropriate public education (FAPE). This includes Full Educational Opportunities for children with disabilities, who are eligible for special education, and who have an IEP from the ages of three (3) through twenty-one (21) at no cost to the parent. Special education and related services, including special education at the preschool, elementary, and secondary levels, are services that are provided so eligible children can make progress toward and/or meet the Georgia Standards of Excellence (GSE). All eligible children will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual child and his or her disability.

FAPE for Students Aged 22

BCCS has written procedures that have identified a process for providing FAPE for all eligible students until they turn 22, if they remain eligible for special education and they have not graduated with a regular high school diploma. Entitlement to a FAPE ends upon reaching age 22 or graduating with a regular high school diploma, whichever comes first.

According to Georgia Rules, LEAs are required to develop a written procedure that identifies a process for completing services when a student reaches the age of 22. See Georgia Rule 160-4- 7-.02(1)(b). The LEA must state in writing whether services for the student, who is still attending school on his or her 22nd birthday, will cease on the birthday, cease at the end of that semester, or cease at the end of that school year. Students who remain in school after their 22nd birthday are not entitled to a FAPE or other IDEA rights for the remainder of their time in school. Although each LEA can develop its own procedures, those procedures must be in writing in order to be clear and fair to all students. The ultimate goal is to transition students to the desired activity in collaboration with other agencies or supports so that, by the 22nd birthday, transition has occurred and the student can continue in appropriate adult activities.

The procedure in place at BCCS for students who turn 22 while enrolled at BCCS is as follows:

- The student will complete the semester in which he/ she is currently enrolled.
- The special education director will coordinate with said students, teachers and administration to conduct a small internal celebration at the end of semester.
- When the students' graduating class has the formal graduation ceremony at the end of the school year, the student will be invited to walk in the ceremony
- Parents and the adult student are notified that the students are no longer entitled to FAPE past their 22nd birthday.

- The change in placement information will be sent to the high school office for updated FTE.

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

[DOE Summary of Performance Toolkit](#)

FAPE for Provision by 3rd Birthday

The students who are under 3 years old attend and receive services from Mitchell County School District because of our charter status; however, if that status changes in the future, then BCCS ensures that

- The obligation to make FAPE available to each eligible child residing in the LEA begins no later than the child's third birthday;
- An IEP or an IFSP is in effect for the child by that date;

The IEP Team meeting must be held by the third birthday and services should be implemented within a reasonable time period. Services are not required to begin when school is not normally in session.

FAPE for Incarcerated Students

Students eligible for special education services who have an IEP and who are in a facility operated by the Georgia Department of Juvenile Justice (DJJ) or the Georgia Department of Corrections (GDC) must receive their educational programs. Each of these agencies provides services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact BCCS, if the most recent school the student had attended, to obtain copies of educational records so that a FAPE can be provided. DJJ and GDC are LEAs and should be treated as other LEAs when providing records in an expeditious manner.

Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility, were not identified as a student with a disability, did not have an IEP in effect, and graduated from high school with a regular high school diploma, are the exception. These students do not have an entitlement to a FAPE.

A student with a current IEP who is in the local jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to a FAPE. In these circumstances, if the jail is located within the BCCS area of service, then BCCS is responsible for providing services to students in that jail. BCCS has established procedures to ensure two-way communication and

collaboration with their local jails so that BCCS is notified when a student with a disability is incarcerated in the local jail. BCCS works closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the BCCS's obligation is to provide FAPE.

BCCS Incarcerated Students Procedure

1. BCCS students are identified as being housed in the local jail. BCCS contacts the jail administration to set up initial contact with the student and family.
2. If the family and/or student choose to continue to receive services while incarcerated, the case manager convenes an IEP Team meeting and determines appropriate special education services. The case manager then sets up a schedule with the jail administration to provide services and/or assignments per jail protocol.
3. Following state guidelines, BCCS enrolls the student and counts the student present using the attendance code reserved for students not physically present in the school building.
4. If the family and student either choose to receive or not to receive services while incarcerated, an Acceptance or Denial During Incarceration Form is completed as appropriate and signed by the parent and/ or student and the school to be filed with the students' records.
5. Case managers receive ongoing training on how to effectively provide services to the students and also maintain safety and confidentiality.

Definition of Regular High School Diploma

A regular high school diploma is the document awarded to students certifying that they have satisfied attendance requirements, unit requirement, and the state assessment requirements as referenced in [Rule 160-3-1-.07](#) Testing Programs- Student Assessment. The term regular high school diploma does not include an alternative degree that is not aligned with the State's academic standards such as special education diploma, alternate diploma, certificate of attendance, or a general educational development credential (GED).

Delay of Services Not Allowed

Baconton Community Charter School ensures that there will be no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

Medicaid Payment Allowances and Limitations

Baconton Community Charter School may file for and receive reimbursement from Medicaid for Medicaid-eligible students receiving Medicaid-billable services performed by school staff; however, the school will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE. Furthermore, Baconton Community Charter School will not require the parents to incur any out-of-pocket expenses such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided, but may pay the cost the parents would otherwise be required to pay; and the school will not use a child's benefits under a public benefits or insurance program if that use would:

- Decrease available lifetime coverage or any other insured benefit;

- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and are required for the child outside of the time the child is in school;
- Increase premiums or lead to the discontinuation of benefits or insurance; or
- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenses.

Notice to Parents Regarding Use of Benefits

Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the school will provide written notification to the child's parents that include:

- A statement of parental consent provisions
- A statement of the "no-cost" provisions
- A statement that the parents have the right to withdraw their consent to the disclosure of their child's personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program at any time; and
- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of Georgia's public benefits or insurance program does not relieve the school of its responsibility to ensure that all required services are provided at no cost to the parents.

Notice to Parents Regarding Use of Private Insurance Benefits

With regard to services required to provide FAPE to an eligible child, Baconton Community Charter School may access the parent's private insurance proceeds only if the parents provide consent. Each time the school proposes to access the parents' private insurance proceeds, it must:

- Obtain parental consent; and
- Inform the parents that their refusal to permit the school to access their private insurance does not relieve the school of its responsibility to ensure that all required services are provided at no cost to the prints.
- Parent consent forms are placed in the students file and a copy is uploaded to GoIEP.

Residential Placement

If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, are provided at no cost to the parents of the child. [34 C.F.R. § 300.104]

Provision of Accessible Instructional Materials

Baconton Community Charter School provides print instructional materials in specialized, accessible formats (i.e. Braille, audio, digital, large print, etc.) to children who are blind or other print disabled in a timely manner. The system takes all reasonable steps to ensure that children with print disabilities have access to their accessible format instructional materials at the same time as students without print disabilities.

Print instructional materials include textbooks and related core materials that are required by

the school for use by children in the classroom. Specialized formats refer to Braille, audio, or digital text which is exclusively for use by children who are blind or other persons with print disabilities. Large print formats are also included when the materials are distributed exclusively for use by children who are blind or other persons with disabilities. Specialized formats do not include altering the content (e.g. breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.

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

Children who are blind or print disabled include:

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.
- Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
- Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. In order to ensure the timely provision of high-quality, accessible instructional materials to children who are blind and other print disabled, BCCS has adopted the National Instructional Materials Accessibility Standard (NIMAS).

If a situation arises that requires the need for accessible materials, the teacher contacts the special education director who registers the student and requests materials from Georgia Instructional Materials Center (GIMC).

Provision of Assistive Technology

The IEP Team considers each child's need for assistive technology devices and services in the development, review, and revision of the child's IEPs. If the team determines the need for assistive technology, BCCS provides it to students based on their needs. Provision of Assistive Technology includes the purchase of technology and training for staff, the parent, and the child. Additional information on assistive technology is located on the Georgia Project for Assistive Technology website.

<https://www.p2pga.org/roadmap/education/understanding-ieps/assistive-technology/>

Assistive Technology Evaluations

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

need for assistive technology devices or services in order for the child to receive a FAPE, a statement to that effect will be included in the child's IEP. Additionally, if assistive technology is required for the child to participate in system-wide or statewide testing, the need for technology will be documented in the appropriate section of the IEP and provided to the child.

Home Use of Assistive Technology

If the IEP Team determines that the child with a disability requires school-purchased assistive technology at home or in other settings to receive a FAPE, the assistive technology will be provided to the child at no cost to the parent. The need for assistive technology in non-school settings will also be documented in the child's IEP. Parents are provided training on the AT device by school personnel on how to implement the equipment.

Extracurricular Activities Accessibility

Bacanton Community Charter School takes steps, including the provision of supplementary aids and services that have been determined to be appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities that the IEP team has to consider includes counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the local education agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school and assistance in making outside employment available.

FAPE and Extended School Year

- BCCS provides extended school year (ESY) services to children who need such services to receive FAPE. ESY services are those services a child requires beyond the normal school year of BCCS, are not limited to only the summer months or other breaks, and are provided at no cost to the parent. The IEP Team makes the determination annually regarding whether a child needs ESY and, if so, what services will be provided.

This includes:

- determining the details of ESY
 - such as what services will be provided
 - when and where the services will take place
 - the frequency and the duration of the services
 - the selected goals

Any services provided as ESY must meet the requirements of FAPE. ESY is made available to all students with disabilities if recommended by their IEP team.

Access to Physical Education and Specially Designed Physical Education

Bacanton Community Charter School ensures that:

- General Physical education services, specially designed if necessary, are made available to every child with a disability receiving FAPE unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.
- Each child with a disability is afforded the opportunity to participate in the regular

physical education program available to nondisabled children unless:

- o The child needs specially designed physical education, as prescribed in the child's IEP, which is a Related Service: Adapted PE. (If specially designed physical education is prescribed in a child's IEP, Baconton Community Charter School provides the services directly or makes arrangements for those services to be provided through other public or private programs.)

Services to Public Charter Schools That Are Not LEAs

Since Baconton Community Charter School is an LEA charter school, it is not required by the GaDOE to serve other public charter schools that are not LEAs. However, if in the future there is a need or a change, BCCS will follow the state guidelines and provide appropriate services.

Charter Schools That Are LEAs

Children with disabilities that attend Baconton Community Charter School, which is a charter school, and their parents, retain all rights to FAPE as they would at any other LEA.

Programming Options and Equal Access

Baconton Community Charter School ensures that children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the school system, including art, physical education, and Career, Technical, and Agricultural Education.

Hearing Equipment Checks

BCCS has procedures and practices in place that ensure the proper functioning of hearing aids for children with hearing impairments, including deafness. Regular inspection of hearing aids should be documented and kept in the child's special education folder. This also applies to external components of surgically implanted medical devices such as cochlear implants. However, BCCS is not responsible for programming such devices or for providing post-surgery maintenance.

BCCS has audiometers utilized for hearing assessment inspected by a certified audiometer specialist annually. For hearing impaired/ deaf students who require hearing aids, BCCS ensures the proper functioning of the hearing aids through obtaining a written report from the child's audiologist and/or by scheduling a proper inspection of said hearing aids through an independent provider. Teachers should contact parents and/or the special education director if there are any concerns regarding a child's hearing equipment.

Prohibition of Mandatory Medication

Baconton Community Charter School prohibits personnel from requiring medication as a condition of attending school, receiving an evaluation, or receiving services. Parents make the decisions regarding their children and any medication they administer or do not administer. BCCS does not make medical recommendations or decisions involving medication. Nothing prohibits BCCS from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of their child's behavior and academic performance. If BCCS believes a child is not receiving

medication that is essential for his or her health or education, it may refer the family to the Georgia Division of Family and Children Services for assistance.

Professional Learning, Supervision and Monitoring, and Technical Assistance

BCCS provides ongoing professional learning to special education and general education staff throughout the year. BCCS provides (but is not limited to) the following annual staff development sessions:

- Training therapists regarding billing Medicaid
- Provision of accessible instructional materials
- Training on how to use assistive technology in the classroom
- Hearing equipment checks
- How to work with students who have other health impairment
- Best instructional and high leverage practices
- Exceptionality categories and how to serve these students appropriately

Supervision includes, but is not limited to:

- Review of each IEP by the due process facilitator and the Special Education Director and/ or School Psychologist
- Classroom walk-throughs
- Review of student data-attendance, discipline, graduation, post secondary

Technical assistance (TA) is provided by the special education director or her designee for case managers who are found to have noncompliant practices or procedures. TA is provided on an ongoing basis. Special education staff are provided technical assistance and training as needed via small group, individual, outside professional development courses in person or virtual.

State Rule: 160-4-7-.03 Child Find Procedures

Components:

BCCS publishes the annual Child Find activity by:

- An annual brochure that is provided in new enrollment packets, at initial pre-k and new family orientation, and at PTO meetings.
- BCCS provides the said brochures to local daycare centers, Head Start, churches, libraries, local doctor offices, and other community partners.
- Information regarding Child Find procedures is available on the school website and Facebook page.

This handbook provides important information regarding identification, location, and evaluation procedures that are used in this process. Through Child Find activities, Baconton Community Charter School seeks out and identifies all children and youth between 4 and 21 years of age who may need special education/related services to address problems that might interfere with their future development and learning, even though the students may be advancing from grade to grade. Baconton Community Charter School serves children ages 4-21 that are enrolled in the school with identified special education needs. Children birth to 4 are served through Babies Can't Wait and Mitchell County School System. BCCS meets its Child Find obligation. collaboration with the Department of Community Health and Mitchell County School System. If in the future, BCCS expands to serve children who are three years of age, then policies and procedures will be amended and appropriate services will be provided as per the state rule.

Annual Child Find Activity Is Published Through Public Notification System Public Awareness & Outreach

Child Find activities include public awareness and community outreach, the transition of children from early intervention to early childhood services; school-aged screening activities; and the referral of students for an evaluation to determine eligibility for special education/related services. The Preschool Coordinator and the Director of Program for Exceptional Children work to ensure information is disseminated each year to the public. BCCS publishes the annual Child Find activity by: flyers provided with new enrollment and entering Pre-K packets, at stakeholder meetings, such as PTO and new student orientation, and flyers provided to community stakeholders such as; local doctors' offices, daycare facilities, churches, etc.

Additionally, Baconton Community Charter School communicates yearly with various community partners that provide services to children with disabilities within the community and disseminate child find materials to these local partners. Community partners may include:

- Local hospitals
- Local clinics and pediatricians
- Social service professionals involved in family or child services
- Local churches
- Local daycare facilities
- Georgia Department of Behavioral Health and Developmental Disabilities

- Georgia Department of Family and Children's Services
- Georgia Department of Public Health
- Babies Can't Wait
- Head Start
- Other community partners as appropriate

Local newspapers and/or other media sources, including our school website are also used to make sure parents and the community are aware of available services for students with disabilities.

Provides for Identification, Location, and Evaluation of Children With Suspected Disability Ages 3-21 including:

BCCS ensures that it identifies, locates, and evaluates children with suspected disability ages 3-21 including:

- **Children who are birth through age three** are served through Babies Can't Wait and BCCS meets its Child Find responsibility through referral to Babies Can't Wait early intervention program operated by the Department of Health.
- **Preschool children, ages 3 through 5, not yet eligible for state- funded kindergarten.** BCCS currently serves children who are 4 and 5 years of age. The 3 year old students are served by Mitchell County School System as per the charter agreement. Thus, BCCS meets this child find obligation by collaborating with the Mitchell County School System.
- **Children who are enrolled in the LEA school including charter school.** BCCS is a LEA charter school that implements the state child find rule.
- **Children who are suspected of having disabilities,** even when those children may be progressing from grade to grade. Students are identified through parent referrals, the MTSS process, and/ or other avenues as appropriate.
- **Highly mobile children, including migrant, homeless, and children who are wards of the state.** Migrant students identified through a survey completed upon enrollment/ start of each school year. There is a liaison assigned to migrant families from Abraham Baldwin Agricultural College who coordinates with the ESOL director to monitor progress and needs accordingly. Highly mobile families are identified via a survey completed upon enrollment/ start of each school year or as reported to the school counselor as family circumstances change.
- **Children who are detained or incarcerated in facilities operated by the local sheriff's office or other municipalities such as jails and other correctional facilities.** BCCS has policies and procedures to ensure Child Find for all suspected children with disabilities, including those who are incarcerated. These students are identified by contact made to or from the local police/ sheriff departments. BCCS ensures the evaluation of youth who are detained or incarcerated in city/county (i.e., the sheriff's office) operated jails or correctional facilities. A two- way communication has been established between BCCS and the sheriff's department to ensure students who are incarcerated are identified, located and evaluated as per the child find rule.

- **Children enrolled in homeschool/home study programs.** BCCS does not currently serve this population of students as per the charter school agreement with the state. However, if that were to change in the future, BCCS is committed to following the state Child find rule (identification, location and evaluation) for this population.
- **Children who are parentally placed in private including religious, elementary, and secondary school within the district’s jurisdiction.** BCCS does not currently serve this population of students.(refer to the Private Schools Chapter of this manual for additional information on private school Child Find responsibilities). However, if that were to change in the future, BCCS is committed to following the state Child find rule (identification, location, and evaluation) for this population.

Children Birth- to age 3

In Georgia these children are served through Babies Can’t Wait (BCW)

The Babies Can’t Wait (BCW) program is administered through 18 District offices throughout the state, including Atlanta. Through the 18 offices, children and families in every county in Georgia can access early intervention services. Individuals referring a child to BCW for an evaluation contact the district office that serves the county in which the child and family reside. The Children and Youth with Special Needs Coordinator Contact List contains information regarding individuals to contact to initiate a referral for a Babies Can’t Wait program.

- **Babies Can’t Wait (BCW) - Children Birth Through Age Three**
For children transitioning from the Babies Can’t Wait program, the identification and evaluation of those children must follow the 60-day timeline for initial evaluations, and the IEPs must be implemented by the third birthday. Early identification and timely evaluation of children with disabilities facilitate a smooth transition into the public LEA for these children. For children not transitioning from the Babies Can’t Wait program, LEAs must follow the 60-day timeline for initial evaluations; however, the IEPs are not required to be implemented by the child’s third birthday. Interventions Prior to Referral Child Find is a critical part of the special education process for all children suspected of having disabilities. IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. 34 C.F.R. § 300.111. IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multitiered system of supports, including the use of scientific, research, or evidence-based interventions.
- Babies Can’t Wait (BCW) is Georgia’s statewide interagency service delivery system for infants and toddlers with developmental delays or disabilities and their families. BCW is established by Part C of the Individuals with Disabilities Education Act (IDEA), which guarantees all eligible children, regardless of their disability, access to services that will enhance their development. Additional information about IDEA and national efforts supporting the implementation of the early childhood provisions of the law is available through the National Early Childhood Technical Assistance Center.

- The Georgia Department of Public Health is the lead agency administering the Babies Can't Wait Program in Georgia.

Screening to determine appropriate educational strategies is not to be considered evaluation

The screening of children by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services.

Student Referral

Child Find is a critical part of the special education process for all children suspected of having disabilities. The district follows the State Child Find Rule, regarding the implementation of a multi-tiered system of supports required before referring a child for an initial evaluation for special education. As per the state rule, BCSS ensures that the student referrals are accompanied by documentation of the use of **scientific, research, or evidence-based academic and/or behavior interventions that demonstrate insufficient rate of progress (See Georgia Rule 160-4-7-.03(2)(b)).**

The use of interventions before referring a child for an initial evaluation for special education can have a positive impact on reducing the disproportionate representation of racial and ethnic groups in special education and related services. In addition, through MTSS, the school integrates assessment and intervention to provide timely academic and/or behavioral support for struggling students.

Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions must not be a reason for determining that a child is not eligible for special education services.

Additionally, BCSS may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. If a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement) to support the other information the evaluation is gathering.

Exceptions Allowed

Exceptions to the above requirement may be made in circumstances where immediate evaluation and/or placement are required due to a significant disability that precludes access to instruction. For these students, ongoing interventions through the MTSS may not be appropriate due to the student's unique learning needs. According to the Georgia rules, this exception is to be used on an infrequent and rare occurrence; and the circumstances must be clearly documented in the eligibility decision. While the evaluation is being conducted, teachers ensure that appropriate interventions are implemented to address the student's academic and/or behavioral needs and progress monitoring data are collected on a weekly basis. When determining eligibility for a child with significant disabilities, the team must carefully consider the impact of any sensory, motor, or communication impairments that impacted the evaluation.

Conclusion: BCSS is committed to following the child find procedures by identifying, locating and evaluating suspected students with disabilities from ages 3-21. (Students who are 3 are served by the Mitchell County School System as per the charter agreement with the state, thereby BCSS fulfills the child find requirements for 3-year-old students).

Professional Learning, Supervision and Monitoring, and Technical Assistance

The Program for Exceptional Children conducts and/or participates in professional development activities and ongoing training for staff, organizations, agencies, and individuals to ensure that Child Find, referral, and screening activities are carried out in a manner consistent with the timelines and requirements established by Individuals with Disabilities Education Act (IDEA) and Georgia Department of Education. Supervision and monitoring include the review of MTSS folders, the review of student records, walk-throughs etc. TA is provided through staff training and professional learning plans if necessary.

State Rule: 160-4-7-.04 Evaluation and Reevaluations

Components

Introduction:

Prior to referral for evaluation for special education services, students in Baconton Community Charter School are provided a wide range of intensive, research-based interventions, otherwise known as Multi-Tiered System of Support (MTSS). MTSS is a process of implementing high-quality, scientifically validated instructional practices based on learner needs, monitoring student progress, and adjusting instruction based on the student's response. MTSS is most successful in maintaining student achievement and lowering behavior problems when it is incorporated into a plan of overall school improvement. See MTSS/SST manual for additional information.

MTSS is not a "special education process"-it is not a pathway for getting a child into the Exceptional Students Program. Rather, it is a process that occurs at a three-tier level of instruction by both regular and special education teachers, and not all children receiving intervention will require evaluation for special education services. The interventions provided through general education are in addition to the traditional instruction that all students receive and may vary in duration and intensity of support. In addition to the actual interventions, data is collected and analyzed to determine the amount of progress the child is making with the evidence-based interventions. This data is collected through progress monitoring such as curriculum-based measurements. The objective is to determine whether the child receiving interventions is making progress toward the established benchmark of performance. Benchmark performance is determined by mastery of the standards and elements identified for a specific grade level.

Students are typically referred for an evaluation by the MTSS when it has documented sufficient evidence to suspect that a disability may be the primary cause of the student's learning or behavior problem(s). This occurs after appropriate interventions in the general education classroom have been utilized, but have failed to find a satisfactory solution. Teachers routinely monitor student progress and review the data. If students are not making progress, appropriate changes are made to the interventions and data is collected through progress monitoring. This gives the schools and parents more flexibility and up-to-date information to consider and use; and, by the time an ongoing problem is referred to the MTSS or for a special education evaluation; this process will have already generated a substantial amount of useful data.

Initial Evaluation Referral Process School

Students can be referred for initial evaluation by the MTSS team and/or by parents.

School-level data review teams meet regularly to review the progress of students who are receiving interventions. These teams may be referred to as the MTSS Team. When a student advances through the Tiers without making the progress required to meet age or grade-level standards, the school-level MTSS reviews the information in the student's folder to determine if a referral for evaluation for special education services is warranted.

Parents have the right to refer students suspected of having a disability for a comprehensive evaluation. If the student is not making sufficient progress and the school team determines a comprehensive evaluation for special education is warranted, the student data is sent to the Office of Program for Exceptional Children to review and initiate due process procedures when appropriate.

*** Note that all pre-kindergarten MTSS data is obtained and reviewed by the Preschool Coordinator. Once Pre-K students are determined ready for an evaluation, The Preschool Coordinator will work with a School Psychologist to determine evaluation needs.

Parent Requests for Initial Evaluation

A parent has the right to request the school to perform a comprehensive evaluation of their child. If a parent request for evaluation is made, and the child has not already been referred for evaluation by the MTSS, it is the practice of the Baconton Community Charter School that the building level MTSS designee will schedule a MTSS meeting, making sure to invite the parent and school psychologist (or other qualified Program for Exceptional Children (PEC) staff).

The team, including the parent, will review the parents' concerns and the students present level of functioning and determine next steps at that time. If the district agrees to conduct the evaluation, a Consent for Evaluation form and a copy of the parent rights with explanations will be provided to the parent and upon receipt of signed, informed consent, appropriate evaluation will take place. However, if BCCS decides not to conduct the evaluation, then BCCS must provide the parents with prior written notice explaining the reason(s) why it is declining to initiate an evaluation, what data the decision was based upon, and other factors considered. The parents then have the right, if they choose, to request a mediation or due process hearing to seek a favorable ruling to conduct an evaluation.

Additionally, parents are informed of the Georgia Rules for the IDEA eligibility that require MTSS data in order to eliminate other explanations for student delays. Also, some areas of eligibility specify a time period during which interventions must have been implemented and that MTSS data must be gathered before or during the evaluation period, even in the case of a parent request for evaluation. Furthermore, requests for evaluation by a parent, physician, clinical psychologist, etc. do not preclude a student from going through the MTSS process.

The district ensures that while student referrals should be accompanied by scientific, research based interventions that demonstrate insufficient rate of progress as per the state rule, lack of intervention data is not to be used by the school as a reason to delay an evaluation. In situations when the child has not received any interventions, the school MTSS team should implement appropriate interventions and collect progress monitoring data during the 60 day evaluation period.

Sometimes a parent will request an evaluation so that his/her child can meet the eligibility requirements of another agency. This includes applying for SSI, insurance coverage, test accommodations on college entrance exams, etc. The US DOE stated in comments to the IDEA

regulation that it does not believe that the agency should require school districts to conduct an evaluation for students to meet the entrance or eligibility requirements of another institution or agency because to do so would impose a significant cost that is not required by the IDEA. While the requirements for secondary transition are intended to help parents and schools assist students with disabilities transition beyond high school, the ACT does not require a public agency to assess a child with a disability to determine the child's eligibility to be considered a child with a disability in another agency, such as a vocational rehabilitation program, or a college or other postsecondary setting. BCCS may, in some cases, voluntarily agree to provide evaluation for ACT.

Timeframes For Evaluations:

60 Calendar Days

The system has 60 calendar days after receiving parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). Baconton Community Charter School is not required to make eligibility determinations during the 60-day initial evaluation timeline. However, the eligibility decision should be made within a reasonable period of time following the completion of the evaluation. As a matter of best practice, within 10 calendar days of the completion of the evaluation report(s), an eligibility meeting should be held. Development and implementation of the Individualized Education Program (IEP) can take up to 30 additional days. The 60 calendar day time period begins when a district employee receives the signed consent but excludes school holidays and other times when the children are not in attendance for five or more consecutive school days, including the weekend days before and after the holiday period. However, there are a few exceptions to this rule:

- Any summer vacation period when the majority of the BCCS's teachers are not under contract does not count toward the 60-day time period.
- If consent is received 30 days or more before the end of the school year (defined as the teachers' last day under contract), the evaluation process must be completed within the 60-day time period.

Exceptions

The 60-day timeline does not apply:

- If the parent of a child repeatedly fails or refuses to produce the child for the evaluation.
- If the child enrolls in another school district after the 60-day timeline has begun, but before a determination of eligibility has been made. This only applies if the subsequent district is making sufficient progress to ensure prompt completion of the evaluation and the parent and subsequent district have agreed to a specific time when the evaluation will be completed.

Parental Consent:

Before an evaluation can begin, BCCS is required to obtain a signed, informed parental consent for evaluation. If the parent refuses to give consent for the evaluation, the BCCS may, but is not required to, pursue the evaluation through mediation or a due process hearing. If the child is homeschooled or placed by the parents in a private school at their expense, BCCS cannot use the mediation or due process hearing procedures to override the parents' refusal for evaluation.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, BCCS is not required to obtain informed consent from the parent to determine whether the child is a child with a disability if - 1. Despite reasonable efforts to do so, BCCS cannot discover the whereabouts of the parent of the child; 2. The rights of the parents of the child have been terminated in accordance with State law; or 3. The rights of the parents to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child. [34 C.F.R. § 300.300(a)(2)(i) – (iii)]

Parental consent is not needed for BCCS to perform these routine duties:

1. Review existing evaluation information.
2. Screen a child to determine appropriate instructional strategies for curriculum implementation.
3. Administer a test or evaluation that is given to all children without consent for that test or evaluation

Reevaluation Consideration:

A Reevaluation, consistent with federal and state statutes and regulations, is required for special education students at least once every 3 years unless the parent and Baconton Community Charter School agree that a reevaluation is unnecessary. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and BCCS agree not to convene a meeting for this purpose.

The reevaluation may be conducted at any time if the BCCS feels the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and BCCS agree to more than once a year.

Terms:

- Data Review: a review of data, existing and new, to determine continued eligibility or additional areas of need due to a disability
- Reevaluation: the evaluation that is conducted as a part of the process of determining continued eligibility or to determine a new area of eligibility.
- Reevaluation Meeting: an IEP Data Review meeting is held; the student's current eligibility status is reviewed and continued eligibility is determined (a request for a comprehensive evaluation may or may not be made).

The purpose of re-evaluation is to decide if further information is needed to determine

- (a) whether the child continues to have a disability or additional areas of need due to a disability
- (b) to determine whether the student continues to need special education and related service
- (c) to establish present levels of academic performance and related developmental needs of the child
- (d) to determine if any modifications or additions to the special education and related services are needed to enable participation in the general curriculum or
- (e) to meet the measurable annual goals set in the IEP.

Option A: If existing information satisfies these needs, then a comprehensive evaluation is not indicated, and the child remains eligible for special education services. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a re-evaluation must be considered again. Documentation for making the decision to re-evaluate (or not) should be part of the IEP Folder.

Option B: If the team decides to conduct a comprehensive evaluation to determine

- whether the student continues to be eligible for special education or eligible for an additional or a new area due to a disability
- whether the student needs special education and related services

If the IEP Team determines that an evaluation is needed for eligibility determination, a comprehensive eligibility report must be completed and the following procedure is used:

- parent consent will be obtained
- Hearing/Vision screening will be requested, while other items will be collected
- analyzed work samples and/or data in the area of suspected disability
- progress/mastery toward goals and objectives
- any Progress Monitoring in the area(s) of concern.

Once the psychologist and/or other appropriate service providers complete the comprehensive evaluation with special focus on areas of concern, they will contact the school to set up a meeting to review and to develop a new Eligibility Report based on the evaluation results. The current IEP will be amended or a new IEP will be developed based on the new/updated information when appropriate. The date of this Eligibility meeting will become the new eligibility date. All paperwork will be given to the parent and saved online.

Option C: If the team decides to conduct an evaluation for additional information to assist in the development of IEP and not for eligibility purposes, the following procedure is used:

- Parent Consent for Evaluation is obtained.
- Once the evaluation is completed the IEP team uses the information to either amend the existing IEP or to write a new IEP
- The new reevaluation date is noted on the IEP and logged into BCCS's student information system

Parent Consent to Reevaluation

BCCS must provide written notice to the parent and must receive written informed parental consent before conducting any additional assessments as part of a reevaluation of a child with a disability. If BCCS makes multiple reasonable attempts to contact the parent for written consent to conduct additional assessments as part of a reevaluation and the parent does not respond after several attempts, BCCS must keep documentation of those attempts and lack of responses, and then BCCS may move forward with the reevaluation.

In circumstances where the parent refuses to provide consent to administer additional assessments as part of a reevaluation, BCCS may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. If BCCS does not pursue the reevaluation by using mediation or due process hearing procedures. If BCCS does not pursue the reevaluation by using mediation or due process hearing procedures when a parent refuses consent, the district has not violated its obligations under Child Find.

In addition, if a parent refuses to provide consent to administer additional assessments as part of the reevaluation process, BCCS may decide to discontinue the provision of special education services and supports to the child, if BCCS believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services. If BCCS discontinues the provision of special education services, it must provide the parent with prior written notice of its proposal to discontinue the provision of a free appropriate public education (FAPE) to the child, including the right of the parent to use the mediation procedures or the due process hearing if the parent disagrees with the BCCS's decision to discontinue the provision of FAPE to the child.

Comprehensive Evaluations

Baconton Community Charter School conducts a comprehensive evaluation before the initial provision of special education and related services to a child with a disability. In conducting an evaluation, Baconton Community Charter School:

- **Reviews Existing Data-** As part of the evaluation process, Baconton Community Charter School reviews all existing evaluation data such as evaluations and information provided by the parents of the child, current classroom-based, local, or State assessments, progress monitoring, attendance and discipline data and classroom-based observations; and observations by teachers and related services providers
- **Identifies If Additional Data Needed-** On the basis of that review and input from the child's parents, the evaluation team identifies what additional data, if any, are needed to determine:
 - Whether the child is a child with a disability and the educational needs of the child, or in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
 - The present levels of academic achievement and related developmental needs of the child;
 - Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
- **Uses A Variety of Appropriate Evaluation Tools-** to gather relevant academic, functional, and developmental information about the child, including information provided by the parents BCCS:
 - does not use any single procedure as the only criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child;
 - uses assessment techniques and technically sound instruments that may assess developmental, physical, intellectual, academic, communication, and social/emotional skills;
 - uses evaluation tools and strategies to provide relevant information that will directly assist the eligibility team in determining the educational needs of the child;
 - uses assessments and other evaluation materials to assess specific areas of educational need and not only those that are designed to provide a single general intelligence quotient (IQ) score; and
 - selects assessment methods that, when administered to a child with impaired sensory, manual, or communication skills (to include English Learner (EL) barriers), the results accurately reflect the child's aptitude or achievement level and are not culturally or racially biased.
 - administers tests in the child's native language or other mode of communication in the form most likely to yield accurate information on what the child knows and can do academically, developmentally or functionally unless it is clearly not feasible to provide or administer.
 - uses evaluations or measures that are valid and reliable.
- **Administered by Trained and Knowledgeable Staff-** BCCS ensures that the evaluation is conducted by trained and knowledgeable staff.
- **Qualified Psychological Examiner Requirements.** Initial evaluation results used for consideration of eligibility for special education, if not provided by a school psychologist with a valid S-5 (or higher) certificate in school psychology, shall be from one of the following: A psychologist licensed by the Georgia Board of Examiners of Psychologists and having training and experience in school psychology or child clinical psychology.
 - A full-time graduate student in an approved, properly supervised school psychology or child clinical psychology training program internship/practicum, who has completed a minimum of one year of approved appropriate graduate training.
 - A Georgia Merit System employee who has a classification rating of psychologist, senior psychologist, or psychology program specialist.

BCCS Procedures in the Initial Evaluation Process

1. Appropriate BCSS staff or the parent makes a referral for an evaluation.
2. Parents are provided with a consent to evaluate and a copy of the procedural safeguards/parent rights. Parent rights are explained to the parent.
3. BCSS receives the signed parent consent to evaluate
4. Once the signed consent is received by BCSS, the 60 day calendar timeline begins.
5. Multi-disciplinary team reviews student data, which include the permanent record, current classroom assessment and progress, results of any provided interventions, previous results of statewide assessments, attendance data, and disciplinary history as well as any previous evaluations and medical reports,
6. Classroom observations in a setting in which the concern has been noted are conducted by a knowledgeable person to determine current performance and to look for specific causes or reasons why the child is not learning or behaving at the expected levels.
7. The current and previous teachers of the child are interviewed. The focus of the interviews is to determine whether the concerns cited as the reason for the evaluation are new issues or recurring issues. In addition, the interviews will provide information on any interventions or strategies that may have been tried previously.
8. The parents are interviewed as part of the evaluation process. If the parents have any independent evaluations or medical information they have not provided to BCSS previously, that information is obtained now. Information from parents may include academic, developmental, functional and behavioral strengths and needs.
9. BCSS determines what evaluations are needed. Based on that information, BCSS individually administers the assessments by using a variety of instruments that look at cognitive, academics, communication, behavior, adaptive behavior, sensory, motor etc. After these assessments are administered, if other areas of concern arise that need to be evaluated, then additional assessments will be conducted as necessary.
10. Vision and hearing screenings are typically conducted during the MTSS process since vision and hearing deficits may be the primary or contributing factor of the child's problem. If vision and hearing screenings were not done prior to the evaluation, or if they are older than one calendar year, they will be conducted as part of the evaluation.
11. All instruments are scored, and the results are analyzed and interpreted by the professionals who administered the instruments. The evaluation results are well documented in a written report.
12. A multi-disciplinary team meeting is scheduled.
13. BCSS discusses the results of the evaluation with the parent and educators, with accompanying evaluation report(s). This discussion occurs at the completion of the 60-day initial evaluation period or at the eligibility meeting, which as a matter of best practice, occurs within 10 calendar days of the completion of the initial evaluation.

Determination of Eligibility: Eligibility Team

Upon completion of a comprehensive evaluation, the eligibility team comprised of a school psychologist, and a variety of personnel including the student's teachers, school administrators, parents, and student, when appropriate, will meet to determine if the student

(i) has a disability, (ii) and the disability affects educational performance (academic, functional and/or developmental). An Eligibility Team Meeting to determine eligibility is required for all disability areas. The special education director ensures that all evaluations and the Eligibility Team Meeting are scheduled and completed in a timely manner in order to meet state and federal-prescribed timelines.

1. The case manager schedules an eligibility meeting and invites all the required team members.
2. The School Psychologist or the Speech Pathologist leads the meeting.
3. All members of the eligibility team contribute to the discussion
4. The School Psychologist and/ or the Speech Pathologist are responsible for completing the eligibility form with input from the other team members.

At the eligibility meeting, when the evaluation is completed, the school psychologist reviews all evaluation results with the eligibility team and based on the information the team makes eligibility decisions. A copy of the psychological evaluation report is provided to the parents.

Documentation of Evaluation Results

The evaluation results are carefully documented in the eligibility report as well as in the psychological report or other service provider evaluators' reports i.e., speech, OT, PT, etc. A copy of the Eligibility, Evaluation, and Psychological Reports will be kept on file to be accessed by all BCCS employees who are given access rights based on their affiliation with the student and will be given to the parents of the student at no cost.

Exclusionary Factors

Possible exclusionary factors are discussed at length during the eligibility determination process as to whether the factor had an impact on the child's educational progress. Each factor is considered for its impact or lack of impact on educational progress. The explanation describes why or why not a factor has influenced educational progress. Once the factors have been addressed, the team refers to the responses and to the eligibility criteria for each disability category. Baconton Community Charter School utilizes the following guidance from the Georgia Department of Education when addressing each exclusionary factor:

- Lack of appropriate instruction in reading, math, and written expression. The Eligibility Team discusses: Did the child have access to quality instruction and research-based curricula?
- Limited English Proficiency. It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the child suspected of having a disability if the child being evaluated is an English Language Learner. A language profile for this child is necessary so that it specifically investigates the language proficiency in both the primary language and English.
- Cultural Factors. A child's culture should not be a determinant factor of a disability. Baconton Community Charter School obtains pertinent cultural information by interviewing key family members. All results obtained are then interpreted in relation to the child's dominant cultural influences.
- Environmental or economic disadvantage. A child's environment or economic

disadvantage should not be a determinant factor for determination of a disability. The committee thoroughly examines family stressors that may be impacting educational progress to include homelessness, unemployment, extended illnesses, death in the family, divorce, pre-school experiences, a lack of books in the home, or expectations of the family for the child.

- Atypical education history. The team discusses if the child has high levels of mobility and/or absenteeism which may have influenced the educational progress of the child.
- Visual, hearing, or motor disability. The committee analyzes information in order to rule out as a source of difficulty when determining specific disabilities.
- Mutism, tongue thrust, and dialectic. Mutism, tongue thrust behavior without associated speech sound impairment, and dialectic differences cannot be a speech-language disorder. The committee analyzes information in order to rule out as a source of difficulty when determining specific disabilities.
- Other. The team should ensure if the child does not otherwise meet the program area eligibility criteria for a child with a disability.

Determination of the Disability and the Need for Special Education (Dismissal)

(c) Procedures for determining eligibility and educational need. 1. In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, BCCS must – (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background and adaptive behavior; (ii) Ensure that information obtained from all of these sources is documented and carefully considered. [34 C.F.R. § 300.306(c)(1)(i) – (ii)] 2. If a determination is made that (i) A child has a disability, (ii) And the disability affects educational performance (academic, functional and/or developmental) and (iii) The child needs special education and related services, an eligibility document and IEP must be developed for the child. [34 C.F.R. § 300.306(c)(2)]

Dismissal: When a student is considered for dismissal from the Special Education program, Baconton Community Charter School conducts a comprehensive evaluation of a child before determining that the child is no longer a child with a disability. When dismissing a child from special education (ineligibility) there must be a review of data as well as a full comprehensive evaluation indicating that the child is not a child with a disability. This must be shared with the parents. To meet the requirements of prior written notice, the parents must be informed of changes, what data was considered, and what options were considered. Completing or updating the Reevaluation Data Review will document this need. Therefore, dismissals must be initiated with a Reevaluation meeting.

Exceptions: This rule does not apply to children whose eligibility is terminated due to graduation with a regular diploma or due to exceeding the age eligibility for FAPE. However, BCCS provides that child with a summary of academic and functional performance that includes recommendations for meeting postsecondary goals when the child is graduating with a regular diploma or aging out of school.

Professional Learning, Supervision and Monitoring, Technical Assistance

Teachers and staff members are provided ongoing training on the Evaluation and Reevaluation process at BCCS. The Special Education Director or the School Psychologist reviews all MTSS folders, attends all requests for initial evaluation meetings, and reviews, and is an active member throughout the evaluation process. The Special Education Director monitors the GoIEP dashboard to maintain compliance in meeting timeline demands. The Special Education Director and School Psychologist meet monthly to review compliance of initial and reevaluation procedures.

When the process is not completed per BCCS and state guidelines, technical assistance is provided to the staff through professional development.

State Rule: 160-4-7-.05 Eligibility Determination and Categories of Eligibility

Components:

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

- Autism spectrum disorder.
- Deafblind.
- Deaf/hard of hearing.
- Emotional and behavioral disorder.
- Intellectual disability (mild, moderate, severe, profound).
- Orthopedic impairment.
- Other health impairment.
- Significant developmental delay.
- Specific Learning disability.
- Speech-language impairment.
- Traumatic brain injury.
- Visual impairment.

Eligibility Report:

The Eligibility Report is comprised of the following data:

- Student Identifying Information
- Case History (provides an overview picture of the child)
- Hearing and vision screening dates (conducted prior to administration of assessments). These screenings are completed within a year of the evaluation.
- Summary of interventions that were made PRIOR to referral (gives the committee a quick look at the interventions and adaptation of content, methodology, and/or instructional delivery that have already occurred).
 - Initial eligibility – The committee lists the interventions provided for the child.
 - Reevaluation - The committee lists the specially designed instruction which includes: Adaptation of Content, Methodology (specialized program), or Instructional Delivery. Additional areas of concern that have developed since the previous eligibility are also listed.
 - NOTE: There are occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through Response to Intervention (RTI)/ MTSS processes. The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration. If it does, this section of the report is explained. Even in those situations, interventions should be put in place and progress monitoring data

should be collected during the 60-day timeline.

- Summary of Progress Monitoring data toward achieving standards (data about specific scientific research or evidence-based intervention(s) and accurate information on the progress monitoring data results for the intervention(s) implemented for an initial evaluation or the specially designed instruction for reevaluation are provided)
- Area(s) of difficulty
- Scientific, research, evidence-based interventions which include baseline performance and intervention data
- Results of District, State, and Benchmark assessments
- Individual student data (Academic, Attendance, Placement/ Retention, and Behavior Data.
- Exclusionary Factors
- Decision-Making for Eligibility
- Summary of Considerations
- Determination of Eligibility
 - Based on data the team must determine that:
 - (1) A child has a disability
 - (2) and the disability affects educational performance (academic, functional and/or developmental)
 - and the child needs special education and related services, eligibility and IEP document must be developed for the child.
 - Eligibility Team Information includes the title, position, and name of the members present. (For Specific Learning Disability (SLD) eligibility, each eligibility team member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the eligibility team member must submit a separate statement presenting the member's conclusions.)

The eligibility report provides statements for each component of the eligibility and is comprehensive enough to serve as the evaluation report when necessary. A completed eligibility report which documents the area of disability is placed in each child's special education folder. For those children determined not eligible for special education and related services, the eligibility report shall clearly explain the Eligibility Team's determination

AUTISM

Definition: Autism is a developmental disability, generally evident before age three, which adversely affects a student'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 are unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements, and resistance to environmental change or change in daily routines. Students with autism vary widely in their abilities and behavior. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional and behavioral disorder.

The term Autism may also include students who have been diagnosed with Pervasive Developmental Disorder, Asperger's Disorder, Rhetts Disorder, or Childhood Disintegrative Disorder provided the student's educational performance is adversely affected and the student meets the eligibility and placement requirements. Autism may exist concurrently with other areas of disability.

Evaluation: The following evaluations and assessments are utilized to determine the presence of the characteristics of Autism Spectrum Disorder:

- Comprehensive psychological evaluation to include a formal assessment of intellectual functioning and an assessment of adaptive behavior.
- Educational evaluation to include an assessment of educational performance and current functioning levels.
- 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.
- 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.
- 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: Eligibility is based on assessment of the five characteristic areas associated with autism spectrum disorder. The assessments 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 is documented and based on the following criteria:

- 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.
- 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.
- 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.
- 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.
- 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.

Service: 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

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.

Evaluation: The annual audiological evaluation includes, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), emittance 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.

Eligibility: For a child to be determined eligible for placement in special programs for the Deafblind, the child shall have a current optometric or ophthalmological examination and an audiological evaluation, all administered by qualified professionals. Children who are deafblind receive an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed.

Services: Children who are deafblind may receive educational services in classes with other disabled children; however, the class-size ratio for Deafblind is maintained.

DEAF AND HARD OF HEARING

Definition: 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.

- 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.
- 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.

Evaluation: The eligibility report includes audiological, otological, and educational evaluation reports:

- Audiological evaluations are provided with initial referral. Children who are deaf or hard of hearing receive an audiological evaluation administered by a certified/licensed audiologist annually, or more often if needed. The annual audiological evaluation includes, but is not limited to: an otoscopic inspection, unaided and aided pure tone and speech audiometry (as applicable), emittance 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 is included in the audiological evaluation. This written report includes, 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.
- An otological evaluation report from appropriately licensed or certified personnel is required at the time of initial placement in the program for the deaf/hard of hearing. The otological evaluation report is required as medical history pertinent to the absence of hearing. If such a report is not available upon initial placement, it shall be obtained within 90 days of placement. The initial or most recent otological evaluation result shall be summarized and that otological evaluation report shall be attached to the eligibility report.
- A comprehensive educational assessment is used in the development of the child's individualized education program (IEP). The educational evaluation includes assessment data from more than one measure and includes, 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.
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, the 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.
- An annual comprehensive audiometric evaluation is required for all students enrolled in the hearing impaired program. This evaluation must be administered by a certified/licensed audiologist. The annual audiometric evaluation shall include, but is not limited to, the following:
 - full hearing re-test,
 - electroacoustic analysis of the hearing aid (if amplified)
 - hearing aid check,
 - aided sound field test results,
 - an otoscope inspection,
 - unaided and aided pure tone and speech audiometry (as applicable),
 - emittance testing,

- o a frequency modulated (FM) system check (if utilized), and
- o a comprehensive written report summarizing data.

Eligibility: 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.

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.

Services: 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. Recommendations of the appropriate educational environment, including acoustical considerations, should be made by the IEP Team.

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

In compliance with the rules of Georgia Board of Education Division for Exceptional Students, the following procedures will be followed:

- All students receiving services in the hearing impaired program and have amplification or other assistive devices, e.g., hearing aids, cochlear implants, auditory trainers, and/or frequency modulations (FM) systems equipment will have their equipment checked daily to ensure proper functioning. The procedures of the daily listening and hearing aid check include the designated responsible personnel, daily and ongoing schedule for checking equipment, and follow-up procedures to be recorded daily on specified forms. Daily checks are performed by the teacher, the student, or a designee. Documentation must be kept in the student's amplification folder. The teacher for the hearing impaired works closely with the student's classroom teacher in recognizing signals from the student of the hearing aid that may indicate a problem. Students are encouraged to take responsibility for caring for and maintaining their own hearing aids, cochlear implant, and/or FM system by reporting any problems to parents, hearing impaired teachers, regular classroom teachers, and/or the audiologist, checking batteries daily, and cleaning ear molds.

EMOTIONAL AND BEHAVIORAL DISORDER

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

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

associated with personal or school problems.

A student with an Emotional and Behavioral Disorder (EBD) is a student who exhibits one or more of the above emotionally based characteristics of sufficient duration, frequency, and intensity that it/they interfere(s) significantly with educational performance to the degree that provision of special educational services is necessary. The student's difficulty is emotionally based and cannot be adequately explained by intellectual, cultural, sensory, or general health factors.

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

- 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
- Psychological and educational evaluations
- Report of behavioral observations over a significant period of time;
- 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
- Adequate documentation and written analysis of the duration, frequency and intensity of one or more of the characteristics of emotional and behavioral disorders.

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

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math;
- Lack of appropriate instruction in writing;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Intellectual disabilities;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical education history (multiple school attendance, lack of attendance, etc.).

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.

Services: The identification of Emotional and Behavioral Disorder (EBD) for educational programming does not dictate a specific service or placement. The child with EBD can be served by any appropriately certified teacher in any educational program, as specified in the child's Individualized Education Plan.

INTELLECTUAL DISABILITIES

Definition: Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affect educational performance and are manifested during the developmental period. Intellectual disability does not include conditions primarily due to 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.

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

- All IQ scores defining eligibility for children with intellectual disabilities are 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.
- 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 takes 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.
 - Significantly subaverage intellectual functioning is 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.

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.

- The child demonstrates significantly subaverage adaptive behavior in school and home, and, if appropriate, in community environments. These limitations in adaptive behavior are 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 is 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.
 - Interpretation of results considers the child's cultural background, socioeconomic status, and any associated disabilities that may limit or impact the results of the adaptive behavior measures. Deficits in intellectual functioning and adaptive behavior must have existed prior to age 18.

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

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

Evaluation/ Eligibility: 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 are considered equally in any determination that a child is eligible for services in the area of intellectual disability. More than one full intellectual ability assessment must be used. Adaptive behavior assessment must be obtained from more than one individual and setting.

A comprehensive educational evaluation is administered to determine present levels of academic functioning. The report is 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 contains a statement of specific factors considered which resulted in the decision of the eligibility team. Eligibility teams establish that any limits in performance are not primarily due to the exclusionary factors and must document this in the eligibility report:

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

MILD INTELLECTUAL DISABILITY (MID)

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

MODERATE INTELLECTUAL DISABILITY (MOID)

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

SEVERE INTELLECTUAL DISABILITY (SID)

- Intellectual functioning ranges from an upper limit of approximately 40 to a lower limit of approximately 25; and

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

PROFOUND INTELLECTUAL DISABILITY (PID)

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

Services: The identification of Intellectual Disabilities for educational programming does not dictate a specific service or placement. The child with ID can be served by any appropriately certified teacher in any educational program, as specified in the child's Individualized Education Plan. Services should be provided in the least restrictive environment that meets the needs of each student.

ORTHOPEDIC IMPAIRMENT

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

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

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

Evaluation: Evaluation for initial eligibility shall include the following.

- A current medical evaluation from a licensed doctor of medicine. The evaluation report 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.
- A comprehensive educational assessment to indicate the adverse effects of the orthopedic impairment on the child's educational performance.
- Assessments shall document deficits in: pre-academic or academic functioning, social/emotional development, adaptive behavior, and 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.

Eligibility and Services: 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 IMPAIRED

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:

- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, Lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
- adversely affects a student's educational performance
- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, or heart condition, hemophilia, Lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
- adversely affects a student's educational performance.

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 document deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, and motor or communication skills resulting from the health impairment. When assessment information indicates significant deficits in cognitive/academic functioning, a psychological evaluation is given.
- (c) A child must not be determined to be a child with Other Health Impairment if the determinant factor for that determination is:

Exclusionary Factors

- 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
- 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). BCCS follows the aforementioned state guidelines to serve children with OHI.

SIGNIFICANTLY DEVELOPMENTAL DELAY

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

Evaluation/ Eligibility: Initial eligibility must be established, and an IEP in place, on or before the child's seventh birthday. Significant Developmental Delay (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.

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

- Lack of appropriate instruction in reading or literacy readiness, including the essential components of reading instruction;
- Lack of appropriate instruction in math or math readiness skills;
- Limited English proficiency;
- Visual, hearing or motor disability;
- Emotional disturbances;
- Cultural factors; or
- Environmental or economic disadvantage.

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. All five skill areas should 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. 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.

Services: Students who have Significant Developmental Delay must receive services from any appropriately certified teacher based on their needs identified on their IEP.

SPECIFIC LEARNING DISABILITY

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

The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequate 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 SST/ MTSS intervention plans as supported by work samples and classroom observations. The child's need for academic support alone is not sufficient for eligibility and does not override the other established requirements for determining eligibility.

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

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

Evaluation:

- At least two current (within twelve months) assessments such as the results of the

- Milestones or other state-required assessment, norm-referenced achievement tests, or benchmarks indicating performance that does not meet expectations for State-approved grade-level standards;
- 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.
 - Results from supplementary instruction that has been or is being provided:
 - 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;
 - 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;
 - Interventions used and the data-based progress monitoring results are presented to the parents at regular intervals throughout the interventions.
 - Any educationally relevant medical findings that would impact achievement.
 - After consent is received from the parents for a comprehensive evaluation for special education determination the following must occur:
 - An observation by a required group member;
 - Documentation that the determination is not primarily due to any of the exclusionary factors;
 - Current analyzed classroom work samples indicating below level performance as compared to the classroom normative sample; and
 - Documentation of a pattern of strength and weaknesses in performance and/or achievement in relation to age and grade-level standards must include:
 - 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
 - Current Response to Intervention data-based documentation indicating the lack of sufficient progress toward the attainment of age or State-approved grade-level standards.
 - As appropriate, a language assessment as part of additional processing batteries may be included.

Eligibility: 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 ongoing progress monitoring.

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.

Underachievement exists when the child exhibits a pattern of strengths and weakness in performance, achievement, or both, relative to age, State-approved grade level standard 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:

- Oral expression- use of spoken language to communicate ideas;
- Listening comprehension-ability to understand spoken language at a level commensurate with the child's age and ability levels;
- Written expression - ability to communicate ideas effectively in writing with appropriate language;
- Basic reading skills-ability to use sound/symbol associations to learn phonics in order to comprehend the text;
- Reading comprehension-ability to understand the meaning of written language based in child's native language;
- Reading Fluency Skills- the ability to read and process a text with appropriate rate and accuracy;
- 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
- Mathematical problem solving -ability to understand logical relationships between mathematical concepts and operations, including, but not limited to, correct sequencing and spatial/symbolic representation. 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 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.

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 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:

- The child's general education teacher; or if the child does not have a regular teacher, a general education classroom teacher qualified to teach a child of his or her age;
- A highly qualified certified special education teacher; and
- 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.

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.

Services: The identification of Specific Learning Disability (SLD) for educational programming does not dictate a specific service or placement. The child with SLD may be served by any appropriately certified teacher in any educational program, as specified in the child's Individualized Education Program (IEP).

SPEECH-LANGUAGE IMPAIRMENT

Definition: Speech or language impairment refers to a communication disorder, such as stuttering, impaired articulation, language, or voice impairment that adversely affects a child's educational performance. A speech or language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, voice, or language. Individuals may demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability or it may be secondary to other disabilities. Speech Sound Production Impairment (e.g. articulation impairment) -- atypical production of speech sounds characterized by substitutions, omissions, additions, or distortions that interferes with intelligibility in conversational speech and obstructs learning, successful verbal communication in the educational setting. The term may include the atypical production of speech sounds resulting from phonology, motor, or other issues. The term speech sound impairment does not include:

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

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

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

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

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

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

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

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

be provided and considered prior to the child's eligibility for speech-language services. This may include assessments in the areas of health (e.g. ENT, otolaryngologist, ophthalmologist, and optometrist), vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

- The evaluation is sufficient to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been referred or classified.
- Children with voice/resonance impairment must have a medical evaluation to rule out physical structure etiology by a medical specialist either prior to a comprehensive evaluation or as part of a comprehensive evaluation. The presence of a medical condition (e.g., vocal nodules, polyps) does not necessitate the provision of voice therapy as special education or related service nor does a prescription for voice therapy from a medical doctor. A written order from a medical practitioner is a medical opinion regarding the medical evaluation or treatment that a patient should receive. When directed to a school, these medical orders should be considered by the team as a part of the eligibility process. The team, not a medical practitioner, determines the need for an evaluation for special education services based on documented adverse effect of the voice impairment on the child's educational performance.
- A variety of assessment tools and strategies must be used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. Information from the evaluation is used to determine whether the child is a child with a disability and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities)

Eligibility:

- The Speech-Language Pathologist determines the presence or absence of speech-language impairment based on Georgia rules and regulations for special education
- Documentation of an adverse effect of the impairment on the child's educational performance
- The team determines that the child is a child with a disability and is eligible for special education and appropriate specialized instruction needed to access the student's curriculum.
- Eligibility should 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 effect.

A speech-language disorder does not exist if:

- Environmental, cultural, or economic disadvantage cannot be ruled out as primary factors causing the impairment; or
- A child exhibits inconsistent, situational, transitory, or developmentally appropriate speech-language difficulties that children experience at various times and to various degrees.
- Because children who have communication difficulties do not necessarily have speech or language impairments, the speech-language program may not be the appropriate service delivery model to adequately meet the child's educational needs. For this reason, all children who are suspected of having communication problems shall be

the subject of a Student Support Team (SST) to problem solve and implement strategies to determine and limit the adverse effect on the child's educational performance.

- For nonverbal or verbally limited children and those with autism and/or significant intellectual, sensory, or physical disabilities, a multidisciplinary team of professionals should provide a functional communication assessment of the child to determine eligibility for speech-language services. The multidisciplinary team must consist of professionals appropriately related to the child's area of disability.
- A child is eligible for placement in a speech-language program if, following a comprehensive evaluation; the child demonstrates impairment in one or more of the following areas: speech sound, fluency, voice, or language that negatively impacts the child's ability to participate in the classroom environment. The present adverse effect of the speech-language impairment on the child's progress in the curriculum, including social and/or emotional growth, must be documented in writing and used to assist in determining eligibility.

Placement in the Speech-Language program should be based on the results of the comprehensive assessment, and eligibility, along with all other pertinent information. Children must 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.

TRAUMATIC BRAIN INJURY

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.

Evaluation and Eligibility:

- A summary of the child's pre-injury functioning status. This information may be available through previous formal evaluations, developmental assessments, achievement tests, classroom observations, and/or grade reports.
- Verification of the TBI through the following:
 - A medical evaluation report from a licensed doctor of medicine indicating that TBI has occurred recently or in the past, or
 - Documentation of TBI from another appropriate source, such as health department or social services reports, or parents' medical bills/records.
- A neuropsychological, psychological, or psychoeducational evaluation that addresses the impact of the TBI on the following areas of functioning:
 - Cognitive - this includes areas such as memory, attention, reasoning, abstract thinking, judgment, problem-solving, speed of information processing, cognitive endurance, organization, receptive and expressive language and speed of language recall.
 - Social/Behavioral - this includes areas such as awareness of self and

- others, interaction with others, response to social rules, emotional responses to everyday situations, and adaptive behavior.
- o Physical/Motor - including areas such as hearing and vision acuity, speech production, eye-hand coordination, mobility, and physical endurance.
- Deficits in one or more of the above areas that have resulted from the TBI and adversely affect the child's educational performance is documented.

Services: The identification of Traumatic Brain Injury (TBI) for educational programming does not dictate a specific service or placement. The child with TBI may be served by any appropriately certified teacher in any educational program, as specified in the child's Individualized Education Program (IEP).

VISUAL IMPAIRMENT

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

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

Evaluation and Eligibility: A current (within one year) eye examination report should be completed and signed by the ophthalmologist or optometrist who examined the child.

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

A clinical low vision evaluation must be completed by a low vision optometrist for children who are not totally blind;

- 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.
 - o 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.
 - o 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 must document the date of the scheduled upcoming low vision evaluation and the team may proceed with the eligibility decision.
 - o Once the low vision evaluation has occurred the eligibility information must be updated, and as appropriate, the IEP.
 - The low vision evaluation must occur within 120 days of receipt of

parental consent to evaluate to determine eligibility for visual impairment.

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

- Educational assessments may include cognitive levels, academic achievement, and reading ability
 - Educational assessments related to vision must be completed by a teacher certified in the area of visual impairments.
- In some cases, comprehensive psychological evaluations may be indicated and must be completed by appropriately certified personnel.

Braille instruction is always considered critical to appropriate education for a child who is blind. Children identified with visual impairments should 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:

- Results obtained from the evaluation conducted for the purpose of determining the need for Braille skills;
- How instruction in braille will be implemented as the primary mode for Learning through integration with other classroom activities;
- Date on which braille instruction will commence;
- The length of the period of instruction and the frequency and duration of each instructional session; and
- 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.
- For those children for whom braille instruction is not indicated, the IEP should include a statement with supporting documentation that indicates the absence of braille instruction will not impair the child's ability to read and write effectively.

Services: Students who are visually impaired may require direct services from a teacher of the visually impaired as well as related service personnel. These students may also receive services from other service providers based on their needs.

Related Services

The current federal regulations found in Title 34, Section 300.34, Code of Federal Regulations (CFR), define related services as services required to assist a child with a disability to benefit from special education. Students who are found eligible to receive services under the thirteen special education disability categories can be considered for related services. Related services mean transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and include: - -

- audiological services;
- psychological services;
- speech-language pathology;
- physical therapy;
- occupational therapy;

- social work services;
- counseling services, including rehabilitation services;
- orientation and mobility services;
- interpreting services;
- school nurse services;
- medical services for diagnostic or evaluation purposes;
- recreation, including therapeutic recreation;
- early identification and assessment;
- parent training; and
- transportation

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

Upon completion of the administration of assessments and other measures, a group of qualified professionals and the parents of the child (Eligibility Team) determine whether the child is a child with a disability and the educational needs of the child. Eligibility will be determined by utilizing a variety of appropriate sources and well-documented interventions and progress monitoring. Eligibility will not be determined by utilizing a single source of data.

An eligibility report which documents the area of disability is completed and placed in each child's special education folder. The eligibility report provides statements for each component of the eligibility and is comprehensive enough to serve as the evaluation report when necessary. For those children determined not eligible for special education and related services the eligibility report will clearly explain the Eligibility Team's determination.

Exclusionary Factors for Eligibility

Exclusionary factors are considered in eligibility determinations. The following factors are considered for their impact or lack of impact on educational progress: environmental or economic disadvantage; limited English proficiency; cultural factors; lack of appropriate instruction in reading, and/ or math and other disability specific factors as a result of which the child does not otherwise meet the eligibility criteria under this Rule.

The explanation describes why or why not a factor has influenced educational progress. Once the factors have been addressed, the team refers to the responses and to the eligibility/ineligibility criteria for each disability category. Documentation of eligibility/ineligibility consists of a variety of appropriate sources and is well-documented by a trained professional(s).

Evaluation Reports and Determination Provided to Parents

Parents are provided a copy of the evaluation and eligibility reports at no cost to them.

Professional Learning, Supervision and Monitoring, Technical Assistance

Staff is trained on Eligibility criteria by the Special Education Director and School Psychologist on an ongoing basis. The Special Education Director attends all eligibility meetings to ensure that students are determined eligible/ineligible by state guidelines. If staff is found not following state guidelines pertaining to eligibility determination, professional development will be provided to support proper knowledge of eligibility categories and criteria of each eligibility category.

State Rule: 160-4-7-.06 Individualized Education Program (IEP)

Components:

Definition of IEP Team

The IEP team is a group of individuals that is responsible for developing, reviewing, or revising an IEP for a child with a disability. Baconton Community Charter School ensures that each IEP Team meeting includes the following participants:

- The parents of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment). For preschool children, this representative is someone who is currently providing preschool services to nondisabled preschool children;
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative (LEA) of the school who:
 - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - Is knowledgeable about the general education curriculum; and
 - Is knowledgeable about the availability of resources of the school
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team
- At the discretion of the parent or BCCS, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability.

Other members required under certain circumstances:

- Other individuals who have knowledge or special expertise regarding the child, including related services personnel (based on the discretion of the parent or LEA);
- The child with a disability, when the transition services plan is being discussed, or earlier as appropriate; or
- A representative of any agency that is likely to provide or pay for any transition services, if appropriate, and with consent of the parent or student (if he or she has reached the age of 18).

Required Sections of the IEP:

Present Level of Performance

The present levels of academic achievement and functional performance section establishes the starting point or baseline that is used to develop the entire IEP. It includes a description of the child's current academic, developmental, and/or functional strengths and needs; results of the initial or most recent evaluation; the results of district or statewide assessments; an explanation of how the disability affects the child's participation in the regular education curriculum; any concerns of the parent; and, for preschool children, the

impact of the disability on participation in age-appropriate activities. The remainder of the IEP, including goals and objectives, accommodations, transition services, and placement decisions, are directly linked to the information contained in the present levels of academic achievement and functional performance, which include the following:

Assessments and Identified Needs

(academic, functional, and developmental)

- The results of the initial or most recent evaluation of the child: This section includes the results, interpretation of the scores (not just listing of the scores) and recommendations from the child's initial or recent formal evaluation. The evaluation data has to be specifically reviewed in relation to the child's current performance. Formative and summative assessment results should be included in this section as well. As these assessments are used for instructional purposes, the information may often be more recent and informative than the formal evaluation measures.
- The results of district or statewide assessments: This section includes the results of statewide assessments including test scores and has to indicate the achievement level, whether the child achieved as a beginning learner, developing learner, proficient learner, or distinguished learner. This has to also include an individual analysis that provides a frame of reference for how the child is performing in comparison to peers of the same age. In addition, IEPs will have to include the strengths and weaknesses as indicated by the domains of the subtests.
- A description of academic, developmental, and/or functional strengths and needs:
 - o 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, executive functioning, etc.
 - o This area describes specific needs that impact performance and achievement in academic, developmental, and functional areas and must be addressed through the IEP goals and/or objectives or through accommodations or through student supports. That is more comprehensive than accommodations because you may have to use modifications also or supplementary aids and services.

Effect of the Disability

Impact/effect of the disability on involvement and progress in the general education curriculum: This section describes individual characteristics of the child's disability that affect his or her classroom performance on grade level/ curriculum standards. Examples of specific characteristics of a specific learning disability may include short-term memory problems, poor organizational skills, auditory processing problems, etc and how as a result of these deficits the student's performance is affected in the general education curriculum.

This section indicates how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the child's eligibility category does not adequately

describe the impact on involvement and progress in the general education curriculum. Statements must show a cause and effect relationship and reflect the individual needs of the child and how the student's specific needs are impacting his/her participation in the general education curriculum.

Examples:

1. Due to Mary's difficulties with organizational skills, she loses her assignments, notebooks and books in class and also misplaces her homework materials and assignments. As a result, she does not turn in her completed classwork and homework assignments in a timely manner 80% of the time.

2. Due to Tom's short and long term memory deficits, he is unable to memorize math facts and basic concepts. As a result, he is unable to complete the required grade level math assignments accurately and in a timely manner.

The Role of the Regular Education Teacher

A regular education teacher of the child must be invited and should attend the meeting if the child is currently or may be participating in a regular education environment unless the parent agrees, in writing, to excuse the teacher. At the IEP Team meeting, the regular education teacher must be present during the entire IEP meeting to participate in the development, review, and revision of the IEP. The regular education teacher supports the determination of appropriate accommodations, supplemental aids and services, program modifications, and support for LEA personnel that will be provided to assist the student. The regular education teacher also supports the development of a Behavior Intervention Plan, if appropriate, and positive behavioral interventions, supports, and other strategies that the child needs. See 34 C.F.R §300.324(a)(3). The regular education teacher is also critical in determining the least restrictive environment and access to the general education curriculum.

Parental Concerns

Parental concerns regarding the child's education: What is written in this section is the result of ongoing communication with the parent regarding the child's academics, behavior, performance on goals, and/or future plans. The parent is provided an opportunity for specific input. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, the information entered should be drawn from the current and, if relevant, the previous school year.

The Role of the Parent

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

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

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

Special Parent Requirements

The BCCS takes whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. See 34 C.F.R. §300.322(e). In the event that a parent requires a translator or interpreter, BCCS ensures that an appropriate and qualified adult is available to serve in that capacity

Consideration of Special Factors

Consideration of special factors must be documented in the IEP. The factors to consider are behavior, limited English proficiency, visual impairments, deaf and hard of hearing, communication needs, assistive technology, and accessible format instructional materials. Needs are clearly described in an individualized manner. If needs are determined in any of these areas, the IEP has to include a description of the supports and/or services that will be provided to the child. The team should consider the development of a behavior intervention plan for students who exhibit behaviors that impedes his/her learning and/or learning of others.

Consideration of Assistive Technology

- A.T. devices & services sometimes are required by a child with a disability to increase, maintain, or improve his or her functional capabilities
- May be any item, piece of equipment, software, or hardware purchased commercially or modified and/or customized
- Does not include a surgically implanted medical device, or the replacement of this type of device
- AT should be considered by the IEP team for all students with disabilities.
- It must be indicated on IEP for child to receive services
- Support will be provided through Baconton Community Charter School's Assistive Technology Team.

Measurable Annual Goals

IEP annual goals are written to address an individual child's needs/deficits in order to enable that child to be involved in and make progress in grade-level standards. All children are

expected to be working toward grade-level standards, so it is not necessary to list those standards in the IEP.

The annual goals address the needs described in the present levels of academic achievement and functional performance that will enable the child to progress in the grade-level standards-based curriculum and meet the child's other educational needs that result from the identified disability. The goals are to be written in measurable form and describe what the child can be reasonably expected to accomplish within twelve months.

BCCS requires IEP goals to be Specific, Measurable, Achievable, Relevant, and Time-bound goals (SMART). Each goal must indicate a baseline from which to measure progress.

Example:

Need: The child is not making progress in the general education curriculum because of his/her inability to follow directions from the teacher, and often completes assignments incorrectly.

Goal: When given oral directions by the teacher, the child will comply after the first time by listening, clarifying, and verbally agreeing to do as asked four out of five times for three consecutive weeks by December 20, 2022. Baseline: 0 of 4 requests.

Benchmark/ short-term objectives for students on alternate assessments

Short-term objectives are not required for all children. Only those children who participate in the Georgia Alternate Assessment (GAA) are required to have either benchmarks or short-term objectives for their goals. However, nothing prohibits BCCS from recommending short-term objectives for all children. Short term objectives must also use the SMART format.

At times, a parent or Team member may request short-term objectives for a particular area of the IEP even though they may not be required, this has to be an IEP Team decision.

Criteria for Measurement of Goals and Objectives

The criteria for measurement of goals and objectives are to be determined individually. Criteria for goals and objectives must be measurable and determined by baseline data and progress monitoring.

Progress Reporting and Schedule

Progress reporting is provided at a minimum of every nine weeks or more often as determined by the IEP team. Progress reporting is required by BCCS to provide data specific to each student's goals and objectives.

Plan for Services (special education, related services, modifications/ accommodations, positive behavioral supports) with frequency, location, and duration of services.

The IDEA requires each IEP to include a statement of the research or evidence based special education and related services to the extent practicable, student supports that

includes accommodations and modifications and supplementary aids and services, to be provided to the child. Positive behavioral support must be incorporated into the IEP when appropriate. It should also include a statement of the program modifications or supports for school personnel that is provided to enable the child:

- to advance appropriately toward attaining the annual goals;
- to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
- to be educated and participate with other children with disabilities and nondisabled children in academic, nonacademic, and extracurricular activities.

The service plan should include what special education or related service is provided, the frequency (how often), location (where) and duration (how long) of the service provided.

Placement Options

Special education is a service and not a place. After the IEP Team has reviewed all required information and developed an IEP, a decision is made as to where services need to be delivered in order to enable the child to receive a FAPE in the Least restrictive environment. Placement decisions start with the expectation that services are provided in the general education setting and are made on a subject-by-subject basis. The IEP team must consider the continuum of services while making the placement decisions. 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 child requires to access the general education curriculum.

Student Supports

Student supports are documented in the IEP and consist of accommodations for instruction and testing, supplemental aids and services, and/or support for BCCS personnel. These are provided to assist children 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 non-disabled children in academic, nonacademic, or extracurricular activities.

- Instructional accommodations:
 1. Assists student to learn the GA state standards.
 2. Students are expected to learn and meet the grade level standards.
 3. includes providing accommodations in the delivery, content, and the materials. Examples include, listening to audio books instead of reading, use of a calculator or manipulatives, using large print books etc.
 4. Some accommodations may be used instructionally but not for testing.
 5. Must be individualized
 6. Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis and altered if necessary.

- Classroom Testing Accommodations:
 1. Should be individualized, determined by subject area, and be as specific as possible.
 - For example, if a child requires additional time to complete tests, it is recommended that the amount of time is specified such as, “50% more time.” Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc.
 2. Testing accommodations should only be recommended if they are also the child’s instructional accommodations and some instructional accommodations may not be appropriate for testing.
 - Research shows that providing a child with an accommodation for testing that he or she is not familiar with during instruction will impair his or her performance and not allow the child to demonstrate what he or she actually knows.
- Supplemental aids and services:
 1. Should include supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate as well as participate in nonacademic and extracurricular activities as determined by the IEP Team.
 - Examples include: tutoring, adult assistance, note-taking, peer helper, pre-teaching/reteaching or reinforcing concepts, behavior intervention plan, point sheet, assigned seating, etc. Some accommodations used for instruction may also be considered a supplemental aid and service.
- Supports for school personnel should be included when training or other supports are being provided to school staff regarding a specific child’s need.
 - Examples may include: training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc.
 - These are not general supports such as co-teaching training or IEP training, but what is provided to school personnel to improve specific students’ learning.

Explanation for exclusion of participation with non-disabled peers

If a student receives any services outside of general education, a box will appear on the GOIEP form which the teacher will need to give an explanation of why the student needs to receive services outside of general education.

This field will include the following:

- Information about the characteristics of the disability (more than just identifying the disability). Justification as to why the student is receiving instruction outside the general education setting is documented in the IEP using data and a variety of progress monitoring.

- Specific information on how this impacts performance in the general education classroom
- Type of instruction that will be provided in the classroom setting that does not include general education.
- Rationale for why the student's needs cannot be met in the general education Classroom
- Will be an explanation of WHERE, WHAT, and WHY.
 - WHERE will services be provided (setting)
 - WHAT will be provided in that setting (SDI)
 - WHY can't these services be provided in the general education setting (skill deficit, behavioral difficulty, etc.)

Testing Accommodations or Modifications

Accommodations allow students with disabilities to pursue a regular course of study. They do not alter what is being taught. Accommodations may be described as altering the environment, curriculum format, or equipment that allows the student with a disability to gain access to content and/or complete assigned tasks. Modifications are made for students with disabilities who are unable to comprehend all of the content an instructor is teaching. Modifications may be described as a change in the curriculum.

(Information excerpted from the Georgia DOE Accommodations Manual)

General Information: There are two oral presentation accommodations available to students with disabilities in the state of Georgia. Both are allowed by the Georgia Department of Education as a means to provide equitable access during instruction and assessments for this group of students. The state of Georgia mandates that any accommodations provided to a student for a state assessment must be provided for classroom instruction and classroom assessments. There are some accommodations that may be appropriate for instruction, but may not be appropriate for use on state assessments.

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

Assessment

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

The Georgia Department of Education, Assessment and Accountability Division, has an extensive assessment manual that addresses all aspects of testing including

accommodations for each standardized assessment. Only a small number of children with disabilities will take the GAA.

Georgia Rule 160-3-1-.07 requires that consistency exists between accommodations utilized in the classroom and those used for state-administered tests. Children 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 is not appropriate or allowable on state-administered tests. BCCS staff members are provided ongoing staff development to ensure they have the knowledge to determine the difference between allowable accommodations for state-administered tests and those for classroom instruction and assessments.

All accommodations should be documented in the IEP in the student supports section. This includes accommodations for both instruction and assessment. Even if a child accesses general education curriculum, instruction or assessment, utilizing routinely used classroom technology devices, the devices should be included in the accommodations section of the IEP.

The district and statewide assessments section of the IEP has to be as specific as possible and only identify testing accommodations the child must have in order to participate in the assessment. The IEP Team should not identify any accommodations that are not on the allowable accommodations list. If a child must have an accommodation that is not on the list, the IEP Team should work with the district testing coordinator who will contact the GaDOE Assessment and Accountability Division to discuss the ramifications of the potential accommodations. Each assessment should be listed by content area so that accommodations are individualized and are based on the student's specific needs.

Important points:

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

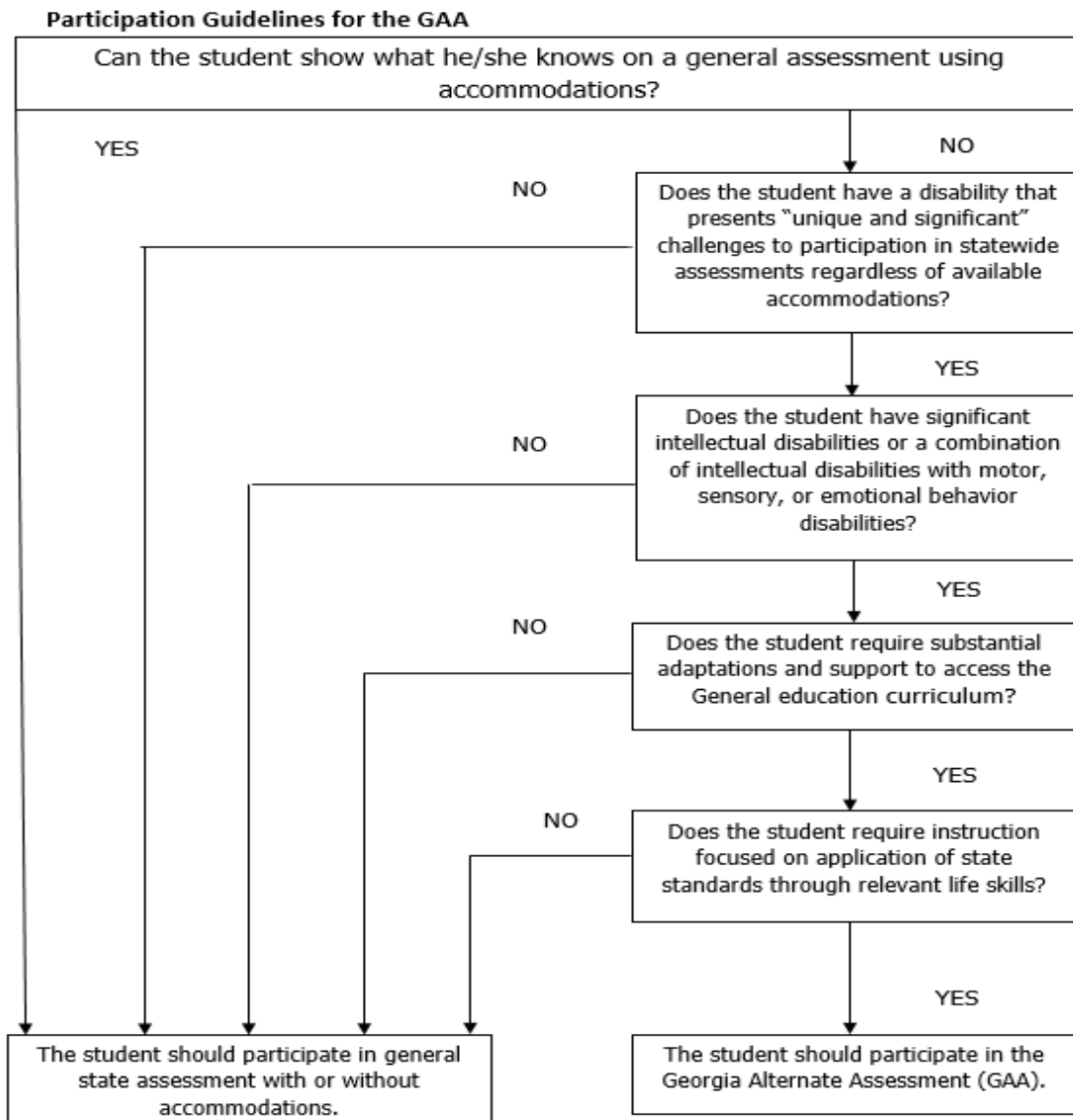
If a student has received accommodations and the most current ORF scores indicate a positive response to reading interventions provided for in the IEP, then the IEP team must apply guidelines to determine if the student continues to warrant the accommodation. If the student no longer meets the criteria, the accommodation must be removed from the IEP.

If a student receives either of these accommodations, there must be evidence in the IEP (PLAAFP) of the reading deficit and there must be a goal or goals (interventions) addressing the reading deficit. Student performance on the intervention(s) is progress monitored and

data is reported in progress reports and at annual reviews. Provision of the accommodation must be evident in all classroom instruction and classroom assessments.

For more information, please see Accommodations Manual and Accommodations FAQ on the GaDOE Assessment and Accountability webpage for educators.

Participation Guidelines for GAA



Consideration of ESY

The IEP Team must consider each child's need for Extended School Year (ESY) services annually. The individual needs of the child should be considered and may include such factors as:

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

If the need for ESY is determined, the IEP Team must identify which goals in the current IEP are being extended or modified. ESY is not the same thing as summer school; however, ESY services may be provided during the school year as well as during the summer. See also description of ESY in the FAPE Chapter.

BCCS Guidelines for Extended School Year (ESY):

Invite the Special Education Director when data indicates possible ESY services due to any of the above mentioned factors.

- An IEP meeting must be scheduled by student's case manager to discuss ESY services.
- Parents, placement staff, and all related services providers must be invited to the meeting.
- Complete ESY consideration form provided in the IEP program. Thoroughly discuss each factor. You must include supporting data to determine whether or not there is a need for ESY.
- The severity of the disability
- The age of the child
- Any transitional needs
- The rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives.
- The relative importance of IEP goals at issue
- Whether the child is at a critical point of instruction, such as emerging skills; and
- Whether any delays or interruptions in services occurred during the school year.
- Data collected on the IEP goal(s) must support the need for ESY services.
- If the IEP Team determines that the student needs ESY services, the specific goals and services to be extended from the current IEP are specified and documented in the IEP.

- The amount of time and location for ESY services are specified.
- The title of the service provider is indicated.
- The beginning and ending dates for ESY services are specified.
- Amendment to ESY information is completed.
- The special education director coordinates the implementation of ESY.

Transition Services:

Beginning No Later Than 9th Grade Year or Age 16, (or younger if determined appropriate by the IEP Team), whichever comes first a transition plan is developed and is updated annually thereafter, for a student with disability. The successful transition of children with disabilities from school to post-school environments is a priority of every IEP Team. The purpose of a Transition Service Plan is to assist children in building the skills and supports they need to reach their post-school goals.

Transition requires support from multiple sources so the child and his or her family can make choices, develop connections, and access services. The IEP must include:

- appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
- the transition services (including courses of study) needed to assist the child in reaching those goals. A course of study should focus on instructional and educational classes and experiences that will assist the child in preparing for transition from secondary education to postsecondary life. This should relate directly to the child's post-secondary outcome goals and should show how a planned course of study is linked to these goals. The course of study is meaningful to the child's future and should motivate the child to reach successful post-school outcomes.

Appropriate Post-Secondary Goals

Goals must be measurable and related to what the child wants to achieve after graduation. Postsecondary outcomes should reflect "major life accomplishments" or "completion goals." Goals are written in the areas of education/training, employment, and independent living (if appropriate). They should be clear and understandable, positively stated, and based on academic achievement and functional performance. They must be based on age-appropriate assessments and be practical and relevant to transition needs. Postsecondary outcome/completion goals can change and become more refined as the child has more experience and gets closer to graduation.

Measurable Post- Secondary Goals

- Will refer to goals a student hopes to achieve after leaving school.
- Will be an actual outcome and not an activity or process. For example, 'seeks, pursues, continues, and applies' are processes, not outcomes. Remember, these are "outcome goals", not annual transition goals.
- Will succinctly state what the student will do and be based on findings from transition assessments conducted with the student.

- Will only be one for each area: Education/Training and Employment, as well as Independent Living, if appropriate.
- The case managers are responsible for guiding students through planning, assessments and access to career exploration to enable them to set meaningful Post-Secondary (PS) goals.

Examples:

- Example of post secondary goal for Employment:
 - After graduation, Keegan will be employed as an LPN.
 - After graduation, Jennifer will be employed as a sales-clerk.
 - After graduation, John will be employed as a soldier in the military.*
 - After graduation, Shira will work part-time in a retail setting.
- Example of post secondary goal for Education:
 - After graduation, Tyler will attend college and obtain a degree in criminal justice.
 - After graduation, Keshaan will attend technical college and obtain a degree in nursing.
 - After graduation, Amy will complete on the job training from an adult agency representative in the area of retail sales.
 - After graduation, Mari will participate in a half- day program with supports in the area of consumer sciences
- Example of post secondary goal for Independent Living:
 - After graduation, Kyle will live with his parents.
 - After graduation, Derrick will buy a home.
 - After graduation, Daisha will live in an apartment with a roommate.

Annual Transition Goal:

Each Post Secondary Goal should have a corresponding Annual Transition Goal.

- The Annual Transition Goals refer to anything that will help prepare the student for education/training, employment, and independent living.
- Each Annual Transition Goal should facilitate movement towards the Post Secondary Goals, be measurable and attainable within one year.
- Progress on these goals should be reported to the parent under the same requirements as other IEP Goals and Objectives.

Examples:

- Mary will utilize her technology device by completing three activities listed by the end of the semester.
- Susan will identify two options for employment in a veterinary clinic and keep the information in a career portfolio.

- By the end of the semester when given a washing machine set in the appropriate wash cycle, clothes and laundry detergent, John will load the clothes in the washer, measure and add the correct amount of detergent, and turn on the machine by pressing the start button.

Transition Services Required To Meet Goals

This section should address the transition activities and services that are needed to attain these transition goals. Many activities and services should be planned and implemented for each goal. It could be a task analysis for the goal - do not repeat the goal, list what the students needs to do to move towards reaching the goal (step by step).

Student Involvement: Preferences and Interests

Age-appropriate transition assessments should be conducted to provide an assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) and are conducted in conjunction with the development of the transition components. The initial transition assessment may be prior to the eighth grade and may occur when a reevaluation consideration is conducted. As a best practice, transition assessments should also be ongoing and fluid. Assessment tools that clearly describe a child's strengths and weaknesses and document a child's interests and perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment.

Representative of Participating Agency

To the extent appropriate, BCCS must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services for the student. Parents or the adult student who has reached the age of 18, must give consent for the participating agency representatives to be invited.

Transfer of Rights

At least one year before the student turns 18, a statement that the student has been informed of his or her rights under IDEA and that the IDEA rights will transfer to the student upon reaching the age of 18 must be included in the IEP. The IEP must document at age 18 that the rights have been transferred. Once the rights have been transferred to the student at age 18, the BCCS provides any IDEA-required notices to both the student and the parent. All rights given to the parent transfer to the student.

Excusal of IEP Team Member

Two circumstances may allow a required member of the IEP Team to be excused:

- When an IEP Team member's area of the curriculum or related services is not being changed or discussed at that IEP Team meeting, the parent and the BCCS may agree to excuse an IEP Team member from all or part of a meeting. Parent consent to this excusal should be in writing.
- When the IEP Team member's area of the curriculum or related services is being discussed at the meeting, the parent and BCCS may excuse an IEP Team member from all or part of a meeting if the parent consents, in writing, to the excusal. The

excused person of the IEP team should submit relevant, written input into the development of the IEP prior to the meeting.

Related Services

Related services are required to assist a child with a disability in benefiting from and accessing educational services. The term “related services” means developmental, corrective, and other supportive services including, but not limited to the following:

- speech-language pathology;
- audiological services;
- psychological services;
- physical and occupational therapy;
- social work services;
- counseling services, including rehabilitation services;
- orientation and mobility services;
- interpreting services;
- school health or school nurse services;
- medical services;
- parent training;
- recreation, including therapeutic recreation; and
- transportation.

To determine what special education services and related services will be provided to the child, the IEP Team reviews the child’s present levels of academic and functional performance, assessment results, the measurable annual goals, and, if appropriate, the short-term objectives that are included in the IEP.

Any services are:

- based on the unique needs and abilities of the child and,
- to help the child advance appropriately toward attaining the annual goals.

Related services are documented in the IEP in several areas, including:

- the recommended special education and related services section,
- the supplementary aids and services section, and
- the instructional accommodations or modifications section.

Transition for Children Birth Through 2- Part C- age 4- 21 (as per the charter agreement)

For children receiving services through Babies Can’t Wait (BCW) early intervention program, the purpose of the transition planning process is to assist families in determining appropriate services for the child beyond the child’s third birthday. Services, upon reaching age 3, are provided by the school system where the child resides if the family chooses to select the school system and the child becomes eligible. Transition planning can begin as early as 9 months prior to but no later than 90 days prior to your child’s third birthday. The goal is to ensure no interruption of services for a child when turning 3. Baconton Community Charter School’s Child Find responsibility extends only to children enrolled in the BCCS. The traditional LEA’s (MCSS)

Child Find responsibility extends to all other children within their jurisdiction. However, BCCS personnel are available for consultation for aid in determining the best transition services for children transitioning from BCW.

Parent Participation in IEP: Notification and Participation

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

The invitation to the IEP Team meeting must indicate the purpose, time, and location of the meeting, participants who will be in attendance, and inform the parents of their right to invite other individuals who, in their opinion, have knowledge or special expertise regarding their child, including related services personnel.

For a student with a disability, beginning not later than entry into ninth grade or by age 16 whichever comes first, or younger if determined appropriate by the IEP Team, the invitation must also indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services for the student. The school will invite the student and identify any other agency that will be invited to send a representative. The parent and student will be notified that the agency representative is being invited.

If neither parent can attend an IEP Team meeting, the school will use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. A meeting may be conducted without the parents in attendance if the school is unable to reach the parent or if the parent does not attend for any reason. In this case, the school will keep a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents, and any responses received.

Bacanton Community Charter School takes whatever action is necessary to ensure that the parents understand the proceedings of the IEP Team meeting, including arranging for an interpreter for a parent who is deaf or whose native language is other than English. A copy of the IEP is provided to the parents at no cost in either hard copy or digital format, depending on the desire of the parent.

Bacanton Community Charter School ensures that the parents of each child with a disability are members of any group that makes decisions on the child's education.

Notice of IEP Team Meeting:

The parents are notified of the proposed date, time, and location of an IEP Team meeting to give him or her sufficient time to make arrangements to attend or to contact the school to schedule an alternative date for the meeting. This notice includes the purpose of the meeting; the proposed date, time, and location of the meeting; as well as who will be in attendance. The IEP Team meeting is scheduled at a time, date, and location that is mutually agreeable to the parent and BCCS. The parent may request to reschedule the IEP Team meeting or to participate by telephone or videoconference if attending in person is not possible.

If changes to the IEP are needed after the annual IEP Team meeting, this can be done either by reconvening the IEP Team to amend the IEP or by mutual agreement between the parent and BCCS to make changes to the IEP without a meeting.

The parent always retains the right to request a meeting to discuss any and all changes or amendments to the IEP. Regardless of the method of amending the IEP, BCCS ensures the child's IEP Team is informed of any changes, and upon request, provides the parent with the amended IEP in a timely manner.

Procedures for Scheduling IEP Meeting

- Begin process 30 days prior to due date
- Meeting notices are sent out at least 10 days prior to the meeting date
- The Special Education Teacher calls the parents to set up a meeting date and time and logs the contact in Infinite Campus. If the teacher cannot get in contact with the parent, the teacher picks a date and time and sends home a meeting notice at least 10 days prior to the meeting.
- In the case of a parent requesting a different meeting date and time, BCCS works with the parent to ensure their attendance.
- If the parent does not send back the meeting notice the teacher will continue to try to contact the parent through calls or notes home, documenting attempts in GO-IEP, to ensure parent participation.
 - The case manager attempts to contact the parent a minimum of 3 times to try to schedule the meeting. Attempts may include telephone calls, text messages, email, and written correspondence.
 - If the case manager is unable to contact the parent, the meeting is scheduled and meeting notices are provided via email, sent by the student, and/ or mailed.
 - If the parent does not return the signed meeting notice, the case manager will make additional attempts to contact the parent. If the parent is still unable to be contacted, the meeting will be held and the IEP and any other relevant information will be sent to the parent with the child as well as a copy will be mailed.
- If a parent does not show up for the meeting after indicating that she/he will attend the meeting, the Special Education Teacher should contact the parent after 15 minutes from the scheduled time to either try to reschedule or proceed with the meeting via a conference call. If no contact is made, the meeting can proceed and the IEP should be sent home.
- If the parents request for the meeting to be rescheduled on a different day and time, BCCS works with the parent and sends a meeting notice with the new date and time.:
- The meeting is held at least 10 days prior to the due date. If the parent cancels the meeting at the last minute and if she/he is not willing to commit to attending the meeting on a new date, IDEA allows the district to proceed with the meeting after documenting all attempts to schedule the meeting using multiple formats. Case managers may inform the parent of the due date by when the annual review should be held.

Individualized Education Plan (IEP)/ Individual Family Service Plan (IFSP):

Baconton Community Charter School ensures that:

- A meeting to develop an IEP/IFSP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
- At the beginning of each school year, the IEP/IFSP, current within one year, will be in effect for each child with a disability served by BCCS.
- All service providers will have a copy and be given access or shown how to access the child's IEP/IFSP* through GO-IEP or SLDS.

*Due to Baconton Community Charter School's Charter Status, BCCS is not required to provide IFSP.

Inter State Transfer of Students with IEP

If a child with a disability transfers to BCCS in the same school year from a LEA within Georgia, BCCS (in consultation with the parents) provides FAPE to the child (including services comparable to those described in the child's IEP from the previous LEA), until BCCS either: (a) Adopts the child's IEP from the previous LEA; or (b) Develops, adopts, and implements a new IEP that meets the state rule.

Intra Transfer Students with IEPs

If a child with a disability (who had an IEP that was in effect in a LEA in another State) transfers to Georgia within the same school year, BCCS (in consultation with the parent) provides the child with FAPE (including services comparable to those described in the child's IEP from the previous LEA), until BCCS

- Conducts an evaluation if determined to be necessary by BCCS; and
- Develops, adopts, and implements a new IEP, if appropriate.

The Due Process Facilitator requests records, i.e., IEP, eligibility report, psychological, parental consent for services, and progress monitoring, from the previous school, and develops a file with all records provided from the previous school. The file is reviewed by the Special Education Director and appropriate steps are taken depending upon the student's needs.

FERPA and Transmittal of Records

Baconton Community Charter School works diligently to facilitate transition for a child and seeks to promptly obtain the child's records, including the IEP, eligibility report, psychological evaluation report, supporting documents, and any other records relating to the provision of special education or related services to the child, from the previous school system in which the child was enrolled, pursuant to the Family Educational Rights and Privacy Act (which does not require prior parental consent to disclose education records to officials of another school where the student seeks or intends to enroll); and it is expected that the previous school system in which the child was enrolled will take reasonable steps to promptly respond to the request from BCCS.

Review and Revision of the IEP

The IEP is reviewed at least once a year by the team but is not limited to just the one time annually in order to determine whether the child is able to achieve the annual goals. Revisions to the IEP must address:

- The lack of expected progress toward the annual goals and in the general education curriculum,

- The results of any reevaluation conducted,
- Any information about the child provided to, or by, the parents the child's anticipated needs; or any other matters.

Professional Learning, Supervision and Monitoring, Technical Assistance

Teachers are provided with Professional Learning opportunities for development of IEP through the District, GLRS, or any RESA that offers PL.

The Special Education Director presents information in a staff development meeting at the beginning of the school year to deliver instruction on BCCS procedures for IEP Development and Compliance.

A GO-IEP training is held at the beginning of the year for new teachers and any teacher that needs an update. The GO-IEP facilitator and Special Education Director conducts the training together.

BCCS uses GO-IEP. The Director of Special Education monitors the GO-IEP Dashboard checking on status of IEPs and Eligibilities.

The District has a Due Process Facilitator that checks IEPs and Eligibilities for Compliance. Once the De Process Facilitator reviews these documents for compliance, the Special Education Director reviews the same documents for content.

BCCS has a compliance process:

When the case manager completes the IEP, he/ she informs the Due Process Facilitator that the IEP is ready to be reviewed. The Due Process Facilitator then reviews the IEP for compliance utilizing the state due process checklist. Once the Due Process Facilitator has completed her review, she forwards the IEP to the Special Education Director who then reviews the IEP for content. If minor corrections that does not alter the content of the IEP are needed, parents will be notified of the correction and the IEP is returned to the case manager for corrections with commentary to aid in making corrections. The IEP is finalized on GOIEP by the Special Education Director once the IEP meets compliance standards.

Teachers that are showing issues with IEP development or timeline compliance will be provided with training from the Special Education Director. They will continue to have their IEPs checked by the Lead teacher, Compliance Coordinator, and Special Education Director.

State Rule: 160-4-7-.07 Least Restrictive Environment (LRE)

Components:

LRE Requirements: Written Policies and Procedures Exist

Baconton Community Charter School has written policies and procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities in Georgia are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular class environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Annual IEP Placement Determination

The child's placement is determined at least **annually** and is based on the child's IEP. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs. A child with a disability is not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.

In determining the educational placement of a child with a disability, Baconton Community Charter School ensures that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the evaluation data, and the placement options as prescribed by the state.

Full Continuum of Alternative Placements

Baconton Community Charter School ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. This continuum includes the alternative placements listed in the definition of special education. It includes instruction in:

- the General Education classes
- Special classes
- Home instruction
- Instruction in hospitals and institutions

and makes provision for supplementary services (such as a separate class or itinerant instruction) to be provided in conjunction with regular class placement.

Location of Services

Placements and service location include:

- General education classroom with age-appropriate non-disabled peers, if required by the IEP:
 - Additional supportive services
 - The child remains in regular classrooms with supplementary aids and services provided to the teacher and/or the child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others.
 - Direct services
 - The child remains in the regular classroom with direct services from special education personnel on a **consultative, collaborative, or co-teaching basis**.

- Instruction outside the general classroom for **individuals or small groups**.
- Special School and/or Private School.
- **Home-Based instruction** may be used as a short-term placement option on occasions when the parent and school agree at an IEP meeting with the following considerations:
 - A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
 - home-based services are reviewed no less than quarterly by the IEP team, and
 - all IEPs that require home-based placements includes a reintegration plan for returning to the school setting that is reviewed quarterly.
- **Residential placement** in-state or out-of-state.
- **Hospital/homebound instruction** program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. Baconton Community Charter School provides hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services.
 - **Hospital/homebound instruction** program (HHB) is provided only when BCCS has received a completed medical referral form signed by a physician. The form must state that it is anticipated that the child is unable to participate in instruction and will be absent for at least ten consecutive school days or has a chronic health condition that will cause absences over an intermittent time period. When that situation occurs, the IEP Team meets to review the IEP, consider the medical referral, and make necessary changes to the IEP as appropriate.

Preschool Placement of Services

The responsibility of BCCS extends only to children enrolled in the LEA charter school (BCCS). The traditional LEA's, Mitchell County School System's (MCSS), responsibility extends to all other children within their jurisdiction. The LEA charter school's (BCCS) procedures address the currently designated population of BCCS for students who are 4 and 5.

Preschool placements include a regular education early childhood program in the public school or community (such as Head Start, Bright from the Start Pre-Kindergarten, public or private daycare, private preschool program), and preschool programs with special education services delivered as additional supportive services. The child remains in a regular early childhood program with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals, interpreters, or others. Preschool children with disabilities receive a full continuum of services through additional supportive services or direct services which are provided by a special education teacher, paraprofessional, interpreter, or other qualified personnel in the preschool program.

Direct services are described as:

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

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

Placements for children not attending a regular early childhood program:

- A separate special education program housed in the public school or in a community-based setting, in a separate school or residential school or facility;
- A program provided at home as a natural environment;
- A program provided through service providers in their offices;
- Any combination of the above and/or other settings based on the child's IEP.

School Age Placement of Services

School-age placements and services are provided in the general education classroom with age-appropriate non-disabled peers through additional supportive services or direct instruction. These services are provided by a special education teacher, paraprofessional, or other related services providers. Students also receive services outside of the general education classroom with a special education teacher.

- General education classroom with age-appropriate non-disabled peers, if required by the IEP:
 - Additional supportive services. The child remains in the regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. (The services provided may be from personnel such as paraprofessionals, interpreters, or others.)
 - Direct services in the General Education classroom.

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

 - Consultative- A special education teacher provides direct services to identified student(s) with disability within the general education classroom, amount of time is according to the IEP.
 - Collaborative- A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom for less than full segment
 - Co- Teaching- A special education teacher provides services to identified student(s) with disability and works with the general education teacher within the general education classroom for the entire segment, each time the class meets.
- Individuals or Small Groups Outside the General Education Classroom- Child with a disability receives direct service from the special education teacher in a special education classroom
- Separate day school or program. Child with a disability receives direct service from the special education teacher in a special education classroom in a separate school or program. An example would be a GNETS Center-based Program. A reintegration plan and student progress is reviewed every quarter to determine the appropriateness of the setting.
- Home-Based instruction may be used as a short-term placement option on occasions when the parent and BCCS agree at an IEP meeting with the following

considerations:

- A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
- Home-based services must be reviewed no less than quarterly by the IEP team, and
- All IEPs that require home-based placements will include a reintegration plan for returning to the school setting.
- Residential placement in-state or out-of-state: Child with a disability receives direct service from the special education teacher in a residential setting as determined by the IEP team.
- Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. BCCS provides hospital/homebound instruction to students with disabilities when that situation occurs.

Non-academic and Extracurricular Settings

Bacanton Community Charter School ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

Nonacademic and extracurricular services may include counseling services, athletics, transportation, health services, recreational activities, recess, meals, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available, and other services and activities. BCCS ensures that supplementary aids and services determined appropriately by the IEP team are provided in order to allow children with disabilities an equitable opportunity for participation in nonacademic and extracurricular activities.

Professional Learning, Supervision and Monitoring, Technical Assistance

Professional Learning is provided on policies, procedures, and compliance to ensure LRE is provided to each SWD through initial training during pre-planning, scheduled monthly PLC's, and dissemination of pertinent information via newsletters/ email blasts, etc.

In order to ensure appropriate LRE is provided, BCCS uses a 3-step process, reviews IEPs, completes TKES classroom observations, and gathers other relevant data such as behavior data, student growth percentile, benchmark data etc.

When supervision and monitoring determines that staff require technical assistance, BCCS provides TA accordingly via individual conferencing, staff development, and professional learning plans through TKES.

State Rule: 160-4-7-.08 Confidentiality of Personally Identifiable Information

Components:

Confidential Information:

Education records mean the type of records covered under the definition of “education records” in 34 C.F.R. part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U. S. C. 1232g (FERPA). It includes records that are directly related to a student that are maintained by an educational agency or institution or by a party acting for the agency or institution.

Confidentiality of educational records is a basic right shared by all children in public school and their parents. Confidentiality is afforded to parents in the Parent Rights and Procedural Safeguards document. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities. When collecting personally identifiable information, Baconton Community Charter School provides a description of how the information is maintained, the types of information sought, the methods school uses to gather the information, and how it uses the information. Written and dated parental consent are obtained before personally identifiable information is disclosed to unauthorized individuals, organizations, or agencies unless authorized to do so under FERPA. BCCS provides notice to parents in their native language to inform them of the storage, disclosure to third parties, retention, and destruction of personally identifiable information.

More information about FERPA can be found at:

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

Baconton Community Charter School provides a description of all of the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations.

Access to Rights and Required Procedures:

BCCS maintains a list posted on the outside of the locked storage units of students with disabilities' special education records of all school staff who are allowed access to these records. This list is updated annually or more frequently as staff access rights may change. BCCS permits parents to inspect and review any education records relating to their children that are collected, maintained, or used by the Baconton Community Charter School. The Baconton Community Charter School complies with a request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session, and in no case, more than 45 days after the request has been made.

- The rights of parents regarding education records are transferred to the adult student at the age of 18.

The right to inspect and review all education records includes:

- The right to a response from the Baconton Community Charter School to reasonable requests for explanations and interpretations of the records;
- The right to request that the Baconton Community Charter School provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records; and Parents have the authority to inspect and review all records relating to their child unless the Baconton Community Charter School has been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Record of Parties Obtaining Access

Baconton Community Charter School uses GOIEP as a tool for maintaining student files. The system maintains a digital record of the names, positions, reasons for access, and the data accessed at each user login. In addition, a paper copy of the access sheet is maintained for parties obtaining access to education records collected or maintained (except access by the parents and authorized employees of the Baconton Community Charter School), including the name of the party, the date of access was given, and the purpose for which the party is authorized to review or use the records. All paper copies of student records are maintained in a confidential manner in a locked file cabinet in the district. Only those who have authorized access to records may access those records.

Records on More Than One child

If any education record includes information on more than one student, the parent(s) of those students have the right to inspect and review only the data relating to their child or be informed of that specific information.

List of Types and Locations of Information

Upon request, Baconton Community Charter School provides the parents with a list of the types and locations of education records collected, maintained, or used by BCCS.

Fees

Baconton Community Charter School may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. Baconton Community Charter School will not charge a fee to search for and retrieve information.

Electronic Records

Records kept in electronic formats can be accessed by parents by making a request for records. The electronic records will be printed and provided to the parent without unnecessary delay.

Amendment of Records at Parent Request:

The parents who believe that information contained in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of

the student may request that the BCCS amend the information.

Baconton Community Charter School will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If Baconton Community Charter School decides to refuse to amend the information in accordance with the request, the parent will be informed of the refusal and be advised of their right to a hearing.

Baconton Community Charter School will, on request, provide parents an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing held will be conducted according to the procedures under FERPA and its regulations.

Results of Hearing:

If, as a result of the hearing, Baconton Community Charter School decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, Baconton Community Charter School will amend the information accordingly and so inform the parents in writing.

If, as a result of the hearing, the agency decides the information is accurate and not misleading or otherwise in violation of the privacy or other rights of the student, it informs the parents of their right to place in the records it maintains on the child, a statement commenting on the information and setting forth the reasons for disagreeing with the decision of Baconton Community Charter School.

Any explanation placed in the records of the student will be maintained by Baconton Community Charter School as part of the records of the child as long as the record or contested portion thereof is maintained by Baconton Community Charter School. If the records of the child, or the contested portion thereof, are disclosed by Baconton Community Charter School to any party, the explanation will also be disclosed to the party.

Parent Consent:

Parental consent is obtained before personally identifiable information is disclosed to other parties in accordance with 34 C. F. R § 99.30, unless the disclosure is authorized without parental consent under 34 C. F. R. § 99.31. Under 34 C. F. R. § 99.31, prior consent is not required to release information to:

- Parents or eligible children;
- Other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. This includes teachers within Baconton Community Charter School, legally constituted cooperating agencies, or other agencies providing shared services;

- Officials of another school, school system, or institution of postsecondary education in which the child seeks or is eligible to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record, if desired, and have an opportunity for a hearing to challenge the content of the record;
- Authorized Federal, State, or local representatives in connection with an audit or evaluation of Federal or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs. The information will be protected in a manner that does not permit the personal identification of individuals by anyone except the officials referred to above and will be destroyed when no longer needed.
- In connection with a child's application for or receipt of financial aid for which the child has applied or which the student has received, the information is necessary;
- State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system;
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. Information will only be disclosed if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed;
- Accrediting organizations to carry out their accrediting functions;
- In compliance with a judicial order or a lawfully issued subpoena. Baconton Community Charter School will make a reasonable attempt to notify the child's parents of the judicial order or subpoena before releasing the records unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena issued for law enforcement purposes and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
- Disclosure in connection with a health or safety emergency, if the knowledge of the information is necessary to protect the health or safety of the child or other individuals.
- The disclosure is information Baconton Community Charter School has designated as "directory information" and Baconton Community Charter School has given public notice to parents and eligible students of the types of personally identifiable information that Baconton Community Charter School has designated as directory information, a parent's or eligible student's right to refuse to let Baconton Community Charter School designate any or all of those types of information about the student as directory information, and the period of time within which a parent or eligible student

has to notify Baconton Community Charter School in writing that he or she does not want any or all of those types of information about the student designated as directory information.

- The Office for Civil Rights;
- Officials within the Department of Human Resources (DHRS), Department of Corrections (DOC), Department of Juvenile Justice (DJJ), and Department of Labor (DOL) for the purpose of making appropriate educational decisions regarding placements.

Safeguards:

Baconton Community Charter School protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states.

Baconton Community Charter School's superintendent or designee ensures the confidentiality of any personally identifiable information. Access of unauthorized persons to personally identifiable information without parents' consent is forbidden.

All persons collecting or using personally identifiable information receives training or instruction regarding department policies and procedures concerning personally identifiable information.

Baconton Community Charter School maintains, for public inspection, a current listing of the names and positions of employees within Baconton Community Charter School who may have access to personally identifiable information.

Destructions of Confidential Information:

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Baconton Community Charter School has an established procedure for the destruction of information and informs parents that personally identifiable information collected, maintained, or used in the provision of FAPE is no longer needed to provide educational services to the child. These procedures are in accordance with FERPA and its regulations (34 C.F.R. part 99) and the Georgia Open Records Act (O.C.G. A. § 50-18-70 et seq.).

The information is destroyed at the request of the parents when the information is no longer needed to provide educational services to the child. However, a permanent record of a child's name, address and telephone number, grades, attendance record, classes attended, grade level completed and year completed will be maintained without time limitation.

Procedure For Destruction of Confidential Information:

- BCCS gathers information to be discarded confidentially.
- BCCS makes an effort to contact the parents/ student of the records to be destroyed prior to it being destroyed. BCCS places an announcement on the school website and also in the local newspaper. If an adult student or guardian

contacts BCCS for records, the records will be given to them after verifying the student's identity. However, if no one contacts the school for records, once the student reaches a minimum age of 25 years of age, the records will be Destroyed.

- The records are destroyed by a facility equipped for the destruction of confidential records.

Professional Learning, Supervision and Monitoring, and TA

All district personnel, including contracted employees, are governed by confidentiality requirements and receive yearly training and information regarding the law.

Special education and school administrators conduct walk-throughs to ensure confidential records are kept following the district guidelines. If any employee is found to have compromised the confidentiality rule technical assistance is provided to the employee.

State Rule: 160-4-7-.09 Procedural Safeguards and Parent Rights

Components:

Introduction:

The Parent Rights in Special Education (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to a free and appropriate public education (FAPE). The Parent Rights notice provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. This document also helps to facilitate communication between parents and system personnel.

When Parent Rights Must Be Provided to Parents:

The term "Procedural Safeguards Notice" also refers to the document commonly identified as "Parent Rights" which are given to parents at least **one time per school year**. A copy is also given to parents in the following circumstances:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first request for a due process hearing in a school year;
- Upon notification by BCCS to the parent of the decision to remove the child from his or her current placement and the removal constitutes a change of placement under the discipline provisions of IDEA and state rules because of a violation of a code of student conduct;
- Prior to accessing a child's or parent's public benefits or insurance for the first time; and
- Upon request by the parent

Parents/Guardians may elect to receive the Procedural Safeguard/Parent Rights notice by electronic mail; an option made available to all parents/guardians by Baconton Community Charter School. BCCS provides a full explanation of all procedural safeguards/parents' rights available to the parent(s) before the school proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child.

Contents of Parent Rights

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

Prior Written Notice

BCCS informs the parents of actions being proposed or refused regarding their child by giving written notice before the district proposes or refuses to initiate or change the following:

- identification (process to determine eligibility),
- evaluation (nature and scope of assessment procedures),
- educational placement (educational placement of children including graduation), or
- FAPE (the provision of a free appropriate public education to children).

Prior Written Notice is often contained within the IEP document if the discussion occurred during an IEP meeting. At other times, the parent will request, and the district will respond in writing.

The prior written notice should contain

- a description of the action refused or proposed by the district;
- an explanation of why the district refuses or proposes to take the action;
- a description of the evaluation procedure, assessment, records, or report used as a basis for the proposed or refused action;
- a statement that the parents have the protections of the procedural safeguards;
- the sources for the parents to contact to understand the procedural safeguards;
- a description of other options the IEP team considered and the reasons why those options were rejected; and
- a description of other factors that are relevant to the district's proposal or refusal.

Typically, parent notice and consent if provided, the above Notice requirements are addressed by providing the parent(s) with a copy of documents such as the Consent to Evaluate, Consent for Services, consent for accessing a child's or parent's public benefits or insurance, evaluation report, eligibility report, invitation to a meeting, the individualized education plan (IEP) (with minutes, if taken), and/or other relevant documents, as appropriate. However, there may be circumstances when a parent makes a request but these items have not yet been generated for the child. In such a case, the BCCS responds to the request through an alternative manner, such as through a PWN to the parent(s), which provides all of the required elements identified in the paragraph above.

NOTE: Graduation from high school with a regular education diploma constitutes a change in placement and requires written prior notice, in accordance with information above.

Bacanton Community Charter School ensures that the notice required in this rule

- Will be written in language understandable to the general public.
- Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- If the native language or other mode of communication of the parent is not a written language, Bacanton Community Charter School will take steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - The school ensures that the parent understands the content of the notice; and
 - That there is written evidence that the requirements have been met.

Parent Consent

At a minimum, informed parental consent is obtained before:

- Conducting an initial evaluation to determine if the child qualifies as a child with a disability;
- Conducting any re-evaluation of a child with a disability;
- Providing initial special education and related services to a child with a disability;

- o Consent to provide special education and related services is the consent for any special education and related services described in the IEP to provide FAPE.
- o Annual decisions about what services are to be provided are made through the IEP process and are not part of this consent requirement.
- Disclosing personally identifiable information under conditions.
- Accessing a child's or parent's public benefits or insurance for the first time as described in State Board of Education Rule 160-4-7-.02.

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

- Despite reasonable efforts to do so, the local education agency cannot discover the whereabouts of the parent of the child;
- The rights of the parents of the child have been terminated in accordance with state Law;
- The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

If the parent of a child does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, BCCS may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings. BCCS does not violate its obligations under Child Find if it declines to pursue the evaluation.

Access to Educational Records:

The following rights are affordable to parents as it relates to viewing/obtaining the educational records for their child. Parents are informed and notified of the following:

- you have a right to keep your child's education records private.
- school employees or contractors for school services involved with your child may see your child's records. School employees do not need your permission. No one else may see your child's records without your permission unless allowed by other educational laws.
- you have a right to have your child's records read to you in your native language and/or explained to you.
- your child's records must be made available for review within 45 days of your request.
- the school must keep a record of the people who access the child's record.
- you have the right to ask to have something in the record changed or removed. BCCS has the right to refuse to change the record. If BCCS does not agree to change the record, the school must provide a hearing to decide whether the change will be made.
- you have the right to ask for a complete copy of your child's school records. BCCS may charge a fee for the copies. BCCS may not charge a fee for searching for and providing the records. BCCS must provide the

- records free of charge if you cannot pay the fee.
- you have the right to have a person acting on your behalf inspect and review the records with your permission.

Complaint Process

You or any citizen may file a formal complaint with the GaDOE if you believe BCCS violated the IDEA.

- BCCS and the GaDOE provide forms to help you file formal complaints.
- A formal complaint must be signed and must state how BCCS violated the requirements of the IDEA and the facts that support the belief.

A complaint must be based on a violation that happened less than one year before the date the complaint is filed. You and the school system may agree to try to resolve complaints through mediation. The GaDOE will begin an investigation when you file the complaint.

- BCCS must provide a response to the complaint to the GaDOE and the person filing the complaint in writing.
- GaDOE will reach a decision in 60 days unless the person filing the complaint agrees to provide more time to resolve the concern.
- The GaDOE's decision is final and cannot be appealed.

Mediation

You have the right to ask for mediation if you disagree with the provision of FAPE for your child. The Georgia Department of Education (GaDOE) will randomly select one of its mediators to guide the mediation. The mediator will be neutral. The mediator will be qualified and trained in mediation.

- You and BCCS must both agree to try mediation before mediation will be scheduled.
- Mediation is free to both you and BCCS. If a party chooses to bring a lawyer or other advisor to the mediation, that party must pay the cost of the advisor.
- All discussions during mediation are private. Discussions during mediation cannot be used as evidence in any later due process hearing.
- Mediation cannot be used to deny or delay a parent's right to a due process hearing.
- If the parties reach an agreement during mediation, the parties must sign a binding agreement in writing. The agreement may be enforced in court.

The agreement may be enforced by the GaDOE if you file a formal complaint.

Student Placement During Pending Due Process

Once you file a due process hearing request, you have the right to have your child stay in his or her current educational placement. Your child may stay in that placement until the end of all hearings and appeals. This is commonly called "stay-put."

If you and the school system agree to place your child in a different placement, it could be done as the due process hearing continues.

Interim Placement

School personnel may remove a child from their current educational setting to an interim alternative educational setting (IAES) for not more than 45 school days for serious offenses such as drugs, weapons, or serious bodily injury. You have the right to appeal the selection of the IAES.

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

Independent Educational Evaluations -

When a parent of a student with a disability disagrees with an evaluation conducted by Baconton Community Charter School, the parent has the right to request that Baconton Community Charter school fund an independent educational evaluation. An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not an employee of the school. Any results obtained through this independent evaluation must be considered by the School in any eligibility or placement decision.

As used in this section, independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by BCCS is responsible for the education of the child with a disability in question. As used in this section, public expense means that BCCS pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. The parent(s) has/have the right to an independent educational evaluation at public expense if the parent(s) disagree(s) with an evaluation conducted/obtained by the local education agency, subject to the conditions in paragraphs described below:

- If a parent requests an independent educational evaluation at public expense, BCCS must, without unnecessary delays either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense unless BCCS demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria
- If the final decision is that BCCS's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.
- If a parent requests an independent educational evaluation, BCCS may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and BCCS may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend BCCS's evaluation.
- Baconton Community Charter School provides to the parents, upon request, information about where an independent educational evaluation may be obtained and BCCS's criteria applicable for independent educational evaluations. BCCS

maintains a list of independent evaluators that are available in the area that meet the requirements of the state and hold credentials in Georgia.

If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

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

School-level administrators and teachers are asked to notify the Superintendent IMMEDIATELY upon request of an independent educational evaluation by a parent. The School is under strict time constraints once a parent makes this request.

Private School Placement by Parent:

Placement of Children by Parent in Private Schools (Georgia Rule 160-4-7-.13; 34 §§ C.F.R. 300.130-300.144)

When a parent places a child in a private school on their own initiative, BCCS is not required to pay for the cost of education, including special education and related services for the child as long as BCCS makes a FAPE available to the child.

Private school placement may occur in three circumstances in Georgia:

1. When the LEA determines that it cannot provide a FAPE, the LEA must identify and pay for a private school to provide services. This is at no cost to the parent.
2. A parent may remove the child from the LEA at any time and enroll the child in private school. If the parent wants to be reimbursed for all the costs of private school and the LEA does not agree to it, the parties must go before a due process hearing officer to determine whether the LEA provided FAPE. The amount of reimbursement may be reduced if:
 - The parent did not tell the IEP Team that he/she disagrees with the proposed IEP and placement and wants the LEA to reimburse him/her; or
 - The parent did not notify the LEA in writing, at least 10 days prior to removing the child from the LEA, that he/she disagrees with the IEP and placement and wants the LEA to reimburse them for the private school tuition. If the LEA asks to evaluate the child during the 10-day period and the parent refuses, then reimbursement may be denied.

3. The parent may agree that the LEA provided a FAPE and still choose to enroll their child in a private school instead of the LEA at the parent's expense.
 - When the child is in private school by parent choice, the child and the parent lose their individual rights to special education services.
 - When children are placed in private or home school, traditional LEAs must expend proportionate share of funds on services for children enrolled in private schools through a services plan.

Due Process Hearings

A due process complaint is filed to ask for a hearing in order to get a ruling to resolve a disagreement between the parent(s) and the school system. Either a parent or school system may ask for a due process hearing. The hearing can be about any issue related to a student's identification, evaluation, educational placement, or receiving a free appropriate public education (FAPE). Parents may also ask for mediation to take place before you reach a hearing.

- BCCS will give parents a list of any free or low-cost legal services when the parent asks for the list or when the parent or agency starts a due process complaint.
- The due process hearing request must state a violation of the IDEA or a problem with special education. These must have taken place less than two (2) years before the date the parent knew (or should have known) about the problem in the complaint. The two-year time limit does not apply if:
 - BCCS said that it had resolved the problem in the complaint but the school system had not. - the school did not give information about the problem that the parent had a right to have.
 - BCCS and the GaDOE have forms to help parents file due process hearing requests. To file a due process hearing request, a parent or school must provide notice of the request to the school system and the GaDOE. To request a due process hearing the following information is needed:
 - the name and home address of the child;
 - the name of the school the child attends;
 - in the case of a homeless child, the child's contact information and the name of the child's school;
 - a description of the problem or violation, and
 - a possible solution to the problem or violation.
- After a parent sends the due process hearing request to the school system and GaDOE, parents will be contacted with more instructions.
- If the school system thinks that the parent's due process request does not meet the requirements of the IDEA, the system will notify the hearing officer.
- This will be done in writing within 15 days.

- The hearing officer then has five (5) days to decide whether the request meets the requirements of the IDEA. The hearing officer will immediately notify all parties in writing of that decision.
 - o If the hearing officer decides that the due process hearing request meets the requirements of the IDEA, the school system will respond to the due process request.
 - o If the hearing officer decides that the complaint is not valid, the parent may amend the requestor and may file a new due process hearing request.

- When BCCS receives a due process hearing request, it will first decide whether it provided prior written notice about the issue in the due process complaint. Prior written notice must contain the following:
 - an explanation of why the agency proposed or refused to take the action in the due process complaint;
 - an explanation of other options that the IEP team considered and the reasons those options were rejected;
 - an explanation of each evaluation procedure, assessment, record or report BCCS used to make the decision; and
 - an explanation of the relevant factors in the school's decision.

Attorney's Fees

In a civil action, a federal court can order a school system or parent to pay the attorney's fee of the other party. The federal court can only award an attorney's fee to a party that prevailed in a due process hearing or civil action. Attorney's fee may only be awarded to a school system under certain guidelines. The parent or their attorney may be forced to pay the school system's attorney's fee when:

- The parent's attorney files a complaint or civil action that is or becomes frivolous, unreasonable, or without foundation; or
- The parents' complaint or civil action was presented for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- Not all legal costs and administrative costs and services can be awarded. A court may not award attorney fees for any services performed after the school system makes a written offer of settlement to the parent if 1) the offer is made in accordance to Rule 68 of the federal rules of Civil Procedure, 2) In the case of administrative hearing, the offer is made more than 10 days, or 4) the court or hearing officer finds that the relief finally obtained by parents is not more favorable than the offer settlement. However, attorney's fees may be awarded to parents who were substantially justified in rejecting the settlement offer.

- The IEP Team meetings are not eligible for reimbursement unless the meeting is convened as a result of an administrative proceeding or judicial action or for a mediation session. Attorney's fees for Resolution Sessions are also not eligible for reimbursement.

Provided in Language Understandable to Parents

Parents are informed of all of their Procedural Safeguards/Parental Rights in their native language or other manner of communication (such as sign language, Braille, translator services, read to and explained, or other forms of communication).

Parental Opportunity to Review Records

Bacanton Community Charter School provides an opportunity for the parents of a child with a disability to:

- Inspect and review all education records relating to the identification, evaluation, educational placement, and provision of FAPE to the child. These rights include the right to a response from BCCS to reasonable requests for explanations and interpretations of the records, the right to request BCCS to provide copies of the records, and the right to have a representative of the parent to inspect and review the records. BCCS may presume that the parent has these rights unless the school has been advised that the parent does not have the authority due to State law governing, guardianship, separation, and divorce.
- The parent should contact the Special Education Director to request records. The parent will be given an opportunity to set up a meeting with the IEP team to review records, provide clear guidance, and discuss any concerns.
- All rights of parents to examine education records will transfer to the child at age 18

Districts must maintain the confidentiality of information in a student's educational records. The district can assume that both parents of a child have authority to inspect and review the child's records unless the district is notified in writing that a parent's rights to see the records have been terminated by court order. Parents of a child with a disability are allowed an opportunity to inspect and review all education records with respect to

Identification - Process to determine eligibility

Evaluation – Nature and scope of assessment procedures

Placement – Educational placement of the child

FAPE – Provision of free appropriate public education

Parental Participation in Meetings

The parents of a child with a disability are afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a FAPE to the child. A meeting does not include informal or unscheduled conversations involving BCCS personnel and does not include conversations on issues such as teaching methodology, lesson

plans, or coordination of service provision. A meeting also does not include preparatory activities that BCCS personnel engage in to develop a proposal or to respond to the parent's proposal that will be discussed at a later meeting. The school ensures that parents of each child with a disability are members of any group that makes educational decisions on their child.

If the parents cannot participate in a meeting in which a decision is to be made relating to the educational services of their child, BCCS uses other methods to ensure their participation, including individual or conference telephone calls or video conferencing. A decision regarding services may be made by a group without the involvement of the parent(s) if BCCS is unable to obtain their participation in the decision. In this case, BCCS must have a record of its attempts to ensure its involvement, including information that is consistent with State Board of Education Rule 160-4-7-.06 Individualized Education Program. BCCS makes reasonable efforts to ensure that the parents understand and are able to participate in any group discussions relating to the educational services of their child, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Baconton Community Charter School provides notice consistent with Rule 160-4-7-.06 (11) (a) to ensure that parents of children with disabilities have the opportunity to participate in meetings described above.

Parental involvement is a key ingredient to a child's academic success. It is especially important for families of students with disabilities to be involved in the educational process that includes planning and reviewing the individualized Educational Program (IEP).

Parents are informed of the following:

As a parent:

The school system must let you know your rights as a parent. They must provide these rights at least one time every school year. They also must give them to you whenever you request an evaluation, the first time each school year that you file a written complaint, the first time each school year you request a due process hearing, or when a discipline incident results in a change of placement.

- You have the right to written notice that describes the school system's planned action before that action happens. You have the right to have the school system explain why it proposes the action.
- You have the right to have the school system describe the choices and tests it considered and why it rejected those other choices.
- You have the right to copies of all documents about your child's education and to have them explained to you. Copies can be in your native language, Braille, or explained in sign language. The school system will provide a translator or interpreter if needed.
- You may also choose to receive all notices and documents by email.
- You must be given chances to participate in any decision-making meeting about

your child's special education.

- You must be invited to any meeting held to discuss your child's disability, evaluation, re-evaluation, placement, and his/her IEP and its contents.
- You have the right to have IEP meetings held at the time and place convenient to you and other members of the IEP Team.
- You have the right to excuse or not excuse a member of your child's IEP Team member from an IEP meeting. The school district cannot excuse a required member without your permission.

Independent Educational Evaluations

When a parent of a student with a disability disagrees with an evaluation conducted by Baconton Community Charter School, the parent has the right to request that Baconton Community Charter School fund an independent educational evaluation. An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not an employee of the School. Any results obtained through this independent evaluation must be considered by the School in any eligibility or placement decision. School-level administrators and teachers are asked to notify the Superintendent IMMEDIATELY upon request of an independent educational evaluation by a parent. The School is under strict time constraints once a parent makes this request.

As used in this section, independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by BCCS is responsible for the education of the child with a disability in question. As used in this section, public expense means that BCCS pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. The parent(s) has/have the right to an independent educational evaluation at public expense if the parent(s) disagree(s) with an evaluation conducted/obtained by the local education agency, subject to the conditions in paragraphs described below:

- If a parent requests an independent educational evaluation at public expense, BCCS must, without unnecessary delay either, initiate an impartial due process hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense, unless BCCS demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria
- If the final decision is that BCCS's evaluation is appropriate, the parent(s) still has/have the right to an independent educational evaluation but not at public expense.
- If a parent requests an independent educational evaluation, BCCS may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and BCCS may not unreasonably delay either providing the independent educational evaluation at public expense or initiating an impartial due process hearing to defend the local education agency's evaluation.
- Baconton Community Charter School provides to the parents, upon request, information about where an independent educational evaluation may be obtained and BCCS's criteria applicable for independent educational evaluations. BCCS maintains a list of independent evaluators that are available in the area that meet the requirements of the state and hold credentials in Georgia.

If the parent obtains an independent educational evaluation at public or private expense, the results of the evaluation:

- Are considered by the BCCS, if it meets state and BCCS criteria, in any decision made with respect to the provision of a FAPE to the child; and
- May be presented by either party as evidence at an impartial due process hearing under these Rules regarding that child.

If the administrative law judge or hearing officer conducting the impartial due process hearing requests an independent educational evaluation as part of a hearing, the cost of the evaluation should be at public expense. Whenever the state or BCCS pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, should be the same as the criteria which the state or BCCS uses when it initiates an evaluation. Except for the criteria described in this Rule, BCCS may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

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

Parent Consent:

At a minimum, informed parental consent is obtained before:

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

Baconton Community Charter School makes reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability. For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, Baconton Community Charter School is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a 51 disability if:

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

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

If the parent of a child does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, BCCS may, but is not required to pursue, the initial evaluation by utilizing the procedural safeguards of mediation or due process hearings. BCCS does not violate its obligations under Child Find if it declines to pursue the evaluation.

Consent for initial Services. Consent to evaluate does not give the district authority consent for initial services. A district must obtain written consent to provide special education and/or related services.

Parent Refusal for Consent/Revocation

Bacanton Community Charter School will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. If the parents of a child fail to respond or refuse to consent to services, BCCS may not utilize the procedural safeguards of mediation or a due process hearing in order to obtain agreement that service may be provided. If the parents of the child do not provide consent for the initial provision of special education and related services, or the parents fail to respond to a request to provide consent for the initial provision of special education and related services, BCCS will not be considered in violation of the requirement to make FAPE available to the child for which BCCS sought consent. BCCS is not required to convene an IEP Team meeting or develop an IEP for the child for whom BCCS requests consent.

Bacanton Community Charter School obtains informed parental consent prior to conducting a re-evaluation of a child with a disability. If the parent refuses to consent to the re-evaluation, BCCS may, but is not required to, pursue the reevaluation by using the consent override procedures by accessing the mediation or due process hearing procedures. The school does not violate its obligation of child find if it declines to pursue the re-evaluation.

In addition, if a parent refuses to provide consent to administer additional assessments as part of the reevaluation process, BCCS may decide to discontinue the provision of special education services and supports to the child, if BCCS believes based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services. If BCCS discontinues the provision of special education services, it provides the parent with prior written notice of its proposal to discontinue the provision of a free appropriate public education (FAPE) to the child including the right of the parent to use the mediation procedures or the due process procedures if the parent disagrees with the BCCS's decision to discontinue the provision of FAPE to the child.

Revocation

Parents have the right to revoke the consent for services of their child with disabilities. If a parent revokes consent, then the school must notify the Superintendent so that all steps of Prior Written Notice are followed. The IEP Team, along with a system representative, will meet with the parent to discuss this request. Often the parent may not understand all ramifications of this choice, so the process will be explained to the parents so that they understand the rights that they would be giving up when revoking consent. The following information is given to the parent

of the child requesting revocation of special education services:

- Upon parent request, all Special Education services would be terminated for this student. These services include special transportation, other related services such as Occupational Therapy and Physical Therapy, benefits from other public and private programs, testing accommodations, and provision of assistive technology.
- This revocation may impact the student's high school graduation requirements and diploma options.
- The Individual Education Program (IEP) developed for this student and his/her eligibility/reevaluation report has deemed him or her eligible for Special Education and in need of services by revoking consent they agree that their child will no longer receive special education services and supports.
- By revoking Consent for services, the parent would be giving up the procedural safeguards available under the Individuals with Disabilities Education Act (IDEA).
- The revocation of parental Consent for services means that BCCS is not deemed to have "knowledge of disability" under IDEA and that all rules and timelines for student discipline (including suspension, expulsion, and manifestation) that apply to general education students would apply to this student.
- The parent is not allowed to revoke "partial" consent for only some of the services provided by the IEP. The parent may use the due process procedures outlined in Special Education Parental Rights to obtain a ruling regarding the services. Consent for services is for consent for special education.

Parent Consent Not Required

The school need not obtain informed parental consent if it can demonstrate that:

- It made reasonable efforts to obtain such consent;
- The child's parents failed to respond.

Parental consent is not required before:

- Reviewing existing data as a part of an evaluation or reevaluation; or
- Administering a test or other evaluation that is administered to all children unless consent is required of the parents of all children.

The school may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of BCCS.

Parental Training and Awareness

Parents are provided assistance:

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

Parents are invited to attend all meetings regarding their child's education and encouraged to have much participation and input regarding any decisions made here at BCCS. They are

invited to participate in parent engagement activities here at BCCS that are provided several times throughout the year by General Education and Special Education staff. BCCS also provides IEP parent training sessions during the school year to ensure parent engagement and understanding of the Special Education process/program.

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

Components:

Relationship of General Code of Conduct to IEP

The Code of Student Conduct for Baconton Community Charter School applies to all children including students with disabilities unless a child's Individualized Education Program (IEP) specifically provides otherwise. BCCS ensures that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline, and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.

Interim Alternative Setting and 10- Day Rule

Baconton Community Charter School personnel consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under this Rule).

A change of placement occurs when the removal is for more than 10 consecutive days or the child has been subjected to a series of short-term removals that constitute a pattern because: (1) the series of removals totals more than 10 school days in a school year; (2) the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school will provide services to the extent required under this Rule. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except children with disabilities must continue to receive his/her free and appropriate public education and services must be provided.

Services When Change of Placement Occurs (10 Day Rule):

A child with a disability who is removed from his or her current placement for more than 10 school days in the same school year must 1. Continue to receive educational services, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress towards meeting the goals set out in the child's IEP; and 2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation, so it does not recur. 3. BCCS is only required to provide services during periods of removal to a child with a disability who has

been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed. The services required may be provided in an interim alternative educational setting.

Manifestation Determination

Within 10 school days from the beginning of a removal that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the child's IEP Team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability or whether the conduct was a result of BCCS's failure to implement the child's IEP, including any behavioral intervention plan (BIP) that may be in place. This procedure is known as "manifestation determination." In making this determination, BCCS, the parent, and relevant members of the IEP Team (as determined by the parent and BCCS), will review all relevant information in the student's file, including the IEP, BIP, 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 his/her 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 child's disability.

In this case, if the child does not have a BIP, the IEP Team must conduct a functional behavioral assessment (FBA) and implement a BIP to address the behavioral violation. If the student already has a BIP that addresses the conduct in question, the IEP Team must review and modify it as necessary to address the behavior. The student will be returned to the placement from which he or she was removed unless the parent and district agree to a change of placement as part of the modification of the BIP.

If the IEP Team finds that the 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. However, 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, although in a different location (this includes expulsion and alternative settings). In addition, the IEP Team, if appropriate, will conduct a FBA and develop a BIP to address the behavior violation so that it does not recur.

BCCS Specific Manifestation Determination Procedures

Once a student has been suspended for 10 days, on or before the 10th day, the school designee will contact the Office of Program for Exceptional Children.

1. A Manifestation meeting will be scheduled.
2. School Personnel will give parents their Procedural Safeguards.
3. A formal written Notice of Meeting will be sent to the parents and student.
4. A Manifestation Determination meeting will be held within 10 school days.
5. BCCS, the parent, and relevant members of the child's IEP Team will review all relevant information in the child's file to determine if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability or if

the conduct in question was the direct result of the BCCS's failure to implement the IEP.

6. If the IEP team determines that a change of placement is warranted, the IEP team will record the information on the student's IEP.

Members of the Manifestation Team (*but not limited to*):

- Director of Special Education
- Parent /Guardian
- Student
- School Administrator(s)
- Special Education Teacher
- School Psychologist
- Agency Personnel involved with the student (Probation Officer, DFACS, any community services agency representative and other relevant members of the IEP team)

Documentation to Review (*but not limited to*):

- Student's IEP
- Behavior Intervention Plan
- Functional Behavior Plan (if available)
- Most Recent Psychological Evaluation
- Most recent Eligibility Report
- Attendance
- Grades
- Behavior Referrals
- Any other discipline records
- Teacher Observations
- Any anecdotal notes

The IEP team will determine that the child's conduct is a manifestation of the child's disability if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of BCCS's failure to implement the IEP.

If the team, which includes the parent and the relevant members of the child's IEP Team, determines the conduct in question was a direct result of the failure to implement the IEP, Baconton Community Charter School will take immediate steps to address those deficiencies by ensuring all services set forth in the child's IEP are provided, consistent with the child's needs as identified in the IEP.

Functional Behavior Assessment

IDEA and GA rule:

If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall—

- (i) conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement
- (ii) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- (iii) except in case of special circumstances, return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

If the team determines that the child's behavior is a manifestation of the child's disability, Baconton Community Charter School will conduct a Functional Behavior Assessment (FBA) and either review or develop a behavior intervention plan (BIP) based on the FBA. The student's case manager is responsible for working with the special education/general education staff and ensuring completion of the FBA.

Behavior Intervention Plan

If BCCS, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability or that the conduct in question was a direct result of BCCS's failure to implement the IEP, the IEP Team will develop and implement a Behavioral Intervention Plan for the child; or if a Behavioral Intervention Plan already has been developed, review the Behavioral Intervention Plan, and modify it, as necessary, to address the behavior, and (except as provided in the Special Circumstances described below), return the child to the placement from which the child was removed, unless the parent and the school agree to a change of placement as part of the modification of the Behavioral Intervention Plan.

Special Circumstances: Weapons, Illegal Drugs, Injury

There are exceptions to the aforementioned statement. Under the following special circumstances, school personnel may remove a child to an interim alternative placement for not more than 45 days without regard to whether the behavior is a manifestation of his/her disability if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or BCCS;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or BCCS; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the BCCS.

The interim alternative educational setting for services is determined by the IEP Team.

Not later than the date on which the decision to take disciplinary action is made, BCCS provides notice to parents of the decision to take disciplinary action and of all procedural safeguards. Within 10 school days, the IEP Team convenes so that the following can take place: (1) Manifestation can be determined; and (2) Services can be determined. The child receives, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. In the Interim Alternative Education Setting (IAES), the child continues to receive Free Appropriate Public Education so as to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting IEP goals.

Provision of Notification of Change of Placement

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of Baconton Community Charter School's Code of Conduct, the Special Education Director will notify the parents of that decision, and provide the parents the Procedural Safeguards Notice/Parent Rights in Special Education.

Appeal Process

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination, or BCCS believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. To request a hearing, the parent must file a due process hearing.

The hearing officer hears the facts and makes a determination regarding an appeal under the disagreement. The hearing officer has the authority to return the child to the placement from which he/she was removed if it is determined that the removal was a violation of this Rule or that the child's behavior was a manifestation of the child's disability. The hearing officer may order a change of placement of the child with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child substantially will result in injury to the child or others.

Appeal procedures may be repeated if BCCS believes that returning the child to the original placement is substantially likely to result in injury to the child or others. Whenever a hearing is requested, those involved in the dispute, parents or BCCS, must have an expedited impartial due process hearing. Exceptions to this statement include:

- The State is responsible for the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within ten school days after the hearing. The parent and BCCS agree in writing to waive the resolution meeting or agree to use the mediation process.
- A resolution must occur within seven days of receiving notice of the due process hearing request/complaint
- The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint.

- The decisions on expedited due process hearing are appealable consistent with the Dispute Resolution Rule (Please refer to this section of the manual).

Placement During Appeal

When an appeal has been made by either the parent or the school, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period provided for in this Rule, Special Circumstances, whichever comes first, unless the parent and the school agree otherwise.

Protections for Children Not Yet Eligible

A child who has not been determined eligible for special education and related services who has engaged in behavior that violated a code of student conduct may assert any of these protections if BCCS had knowledge that the child was a student with a disability before the behavior occurred.

- The parent must have expressed concern in writing to supervisory or administrative personnel or a teacher of the child that the child is in need of special education and related services.
- The parent of the child requested an evaluation of the child for eligibility determination.
- The teacher of the child or other personnel of BCCS expressed specific concerns about the pattern of behavior demonstrated by the child directly to the Director of Special Education or BCCS or to other supervisory personnel of BCCS.

BCCS would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability (the child did not meet eligibility criteria).

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

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation is conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is deemed to be a child with a disability, taking into consideration information from the evaluation conducted and information provided by the parents, the BCCS must provide special education and related services.

Referral to Law Enforcement and Judicial Authorities

Nothing in Discipline Rule, 160-4-7-.10, prohibits the BCCS from reporting a crime

committed by a child with a disability to appropriate authorities. Nothing in the Discipline Rule prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to application of Federal and State law to crimes committed by a child with a disability.

BCCS reporting the crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

BCCS reporting the crime may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (*please see the Confidentiality Section of this manual for more about this Act*). Records requests will be fulfilled by Baconton Community Charter School using the following guidelines:

- Any outside agency, including the Department of Juvenile Justice, sends requests for records to the child's school and the Office of Program for Exceptional Children.
- The child's service school sends attendance, discipline, and academic records.
- The Office of Program for Exceptional Children fulfills Special Education records Requests, including, current Individualized Education Plan, Eligibility Report, and most recent psycho-educational evaluation.

Change of Placement Due to Disciplinary Removal

For purposes of removals of a child with a disability from the child's current educational placement under this Rule, a change in placement occurs if:

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

BCCS determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

Students Removed for More Than 10 Days: BCCS Procedures

Long-term disciplinary removal for students with disabilities refers to a student's removal from

instruction for over 10 consecutive school days in a given school year and constitutes a change in placement. Administrators should be conscious of the fact that courts and federal agencies consider removal of a student for more than 10 days in a school year as a “significant change of placement” that can only be made by following the placement procedures set forth under the IDEA

Additional Considerations

System personnel should take into account all circumstances when deciding if a change in placement is the right action to take for a student with a disability. They should consider various forms of information including, but not limited to:

- student's disciplinary history
- ability to understand the consequences
- expression of remorse
- the supports that were provided to the student prior to the behavioral violation.

Procedures for Removal 10+ days

- Considered a change of placement
- School administration will notify the Special Education Office and the Case Manager.
- The student cannot be further excluded from school until on or before the 10th day the IEP team has met and determined whether the student's conduct is/is not a manifestation of the student's disability.
- The school administrator/case manager will schedule the MDR.
- The school administrator/case manager will notify parents; provide parents parental rights.
- The school administrator/case manager will inform the Director of Special Education of the meeting date and time.
- BCSS is responsible for the student's educational progress, so IEP services must be continued if removal exceeds 10+ school days.
- Indicate Continuation of Services in the student information system.

If the IEP Team:

- determines the behavior IS a manifestation of the student's disability, further out-of-school suspension is not appropriate.

- determined the need to make any necessary changes in placement, services, FBA, BIP, classroom modifications, and any positive behavior strategies that are designed to address the behavior violation.
- determines the behavior IS NOT a manifestation of the student's disability, further out-of-school suspension is allowable. The following action is taken:
 - o IEP Team determines the services that will be provided during suspension period. The IEP Team will recommend appropriate services to be provided and the school will assist the special education department in providing services that will enable the student to continue to progress in the general curriculum and advance toward achieving IEP goals (i.e. facility, teacher, lesson plans).
 - o IEP Team may determine that IEP revisions may be appropriate, including a proposal for an educational change in placement.
 - o IEP Team plans a Functional Behavior Assessment (FBA) for this incident, if appropriate, or if a Behavior Intervention Plan (BIP) is already in place, reviews and revises the BIP, as appropriate.
- For first-time disciplinary actions resulting in suspension in excess of 10 days, an FBA must be conducted and the IEP Team will reconvene to develop a BIP, if necessary.

Definitions:

Out of School Suspension (OSS)

- Counts as removal from school
- May be removed up to 10 days without providing services if general education students are not provided services during that period.

In-School Suspension (ISS)

- ISS is a "removal" but is not counted toward the ten days. Students "must continue to have access to the general curriculum and to progress toward the goals in the IEP" in order to receive a free appropriate public education (FAPE).

Removal from School

Bus Suspension will count as removal from school if one of the following is met:

- transportation is a related service in the IEP
- if the student has no alternate way to get to school.

If the student is suspended pending a manifestation meeting, all days that the student does not come to school will count as suspension days.

Procedures for In-School Suspension

In-School Suspension (ISS) is removal; however, it does not count toward ten days.

- The Administrator reviews student's status for Special Education in the student information system
- The Administrator will review student's IEP, including Behavior Intervention Plan
- Immediately notify the Special Education Director and/or the case manager
- If the student has accumulated 5 or more days in the ISS, the IEP team will convene to review the IEP to discuss options to remediate behaviors. If the student does not have a BIP, an FBA will be completed and a BIP will be developed if appropriate.
- Case manager will be responsible for assuring that student receives the work from subject area teachers and the appropriate accommodations while in ISS

Procedures for Out of School Suspension

- The Administrator will check the student's record in the student information system to determine if the student has an IEP.
- The Administrator will review the student's IEP and Behavior Intervention Plan.
- The Administrator will notify the Special Education Director and the Case Manager
- An IEP team meeting will be held at the student's fifth day of suspension to review the IEP, BIP, and determine if it is necessary to revise these plans, and whether an FBA is warranted.
- A manifestation meeting, as required by IDEA, will be held within the student's tenth day of suspension. The IEP team will review the IEP, BIP, and determine if it is necessary to update these plans and whether a functional behavioral assessment is warranted.
- Within that suspension time the building administrator must notify the Special Education Director and the Case Manager so that a manifestation hearing can be scheduled, not to exceed a period of ten days.
- The Building Administrator will notify parents of the decision to take disciplinary action and the case manager will schedule a manifestation hearing with the principal and special education director.
- Case manager will send home a meeting notice and a copy of parental rights. The case manager will mail a copy of the meeting notice and parent rights to the parents.
- The IEP team will meet to review all relevant information (IEP, observations, parent/student-parent information, discipline record/incident, attendance) and complete the Manifestation Determination Review Form.

- Once the Manifestation Determination Review Form is completed, then a final decision in regards to consequences for the student is recorded.
- If expulsion, or long-term suspension is the consequence, then a change in placement has taken place and the IEP team must determine how to provide special education services to the student.

Definitions of Special Circumstances under United States Codes

Controlled Substances

Schedules I, II, III, IV, V in Section 202 (c) of the Controlled Substances Act (21. U.S.C. 812 (c)).

Schedule I.

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has no currently accepted medical use in treatment in the United States.
- C. There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Schedule II.

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- C. Abuse of the drug or other substances may lead to severe psychological or physical Dependence.

Schedule III.

- A. The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

Schedule IV.

- A. The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) Schedule V.

- A. The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

Bodily Injury

Paragraph (3) of subsection (h) of Section 1365 of Title 18, United States Code.
The term "serious bodily injury" means bodily injury which involves:

- A. a substantial risk of death;
- B. extreme physical pain;
- C. protracted and obvious disfigurement; or
- D. protracted loss or impairment of the function of a bodily member, organ, or mental faculty

Dangerous Weapon

Paragraph 2 of the first subsection (g) of Section 930 of Title 18, United States Code [34 C.F.R. §300.530 (i) (1)].

The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of fewer than 2^{1/2} inches in length.

Professional Learning, Supervision and Monitoring, and Technical Assistance

BCCS conducts professional learning on IDEA discipline procedures for all teachers and administrators in the district during pre-planning.

Teachers are provided strategies and tips on discipline procedures during monthly meetings and other district-wide meetings throughout the year.

BCCS implements positive behavioral interventions (PBIS) and supports addressing disciplinary issues.

Administrators and staff receive training on behavioral interventions as needed.

BCCS district administrators supervise and monitor student discipline and teacher and school administrator responses to discipline infractions. PBIS and Class Dojo are used to monitor SWD infractions and the reports are reviewed by the special education director periodically.

Monitoring ISS and OSS Days are completed using a log that is kept in the PEC Google Drive.

Technical assistance is provided to teachers and administrators as needed through additional professional learning, conferences, and other face-to-face meetings.

State Rule: 160-4-7.11- Surrogate Parents

Components:

All children with disabilities are entitled to FAPE under state regulation and special education laws. Included in these is a mandate that the parents of children with disabilities have the opportunity to participate actively in the education 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 representatives from their school districts or other agencies. Federal Law, the IDEA, and Georgia Rules and regulations require that 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 when the child is not represented by his/her parent. A surrogate parent is needed when:

- No parent (as defined by the IDEA) can be identified;
- BCCS, after reasonable efforts, cannot locate a parent;
- The child is a ward of the State; or
- The child is an accompanied, homeless youth defined by the McKinney-Vento Homeless Assistance Act.

Efforts to Locate Parents

BCCS makes a reasonable effort to identify and locate parents of all children with disabilities. Efforts are taken to locate parents during enrollment and at other times throughout the year. Despite these reasonable efforts, if parents are not identified or located, surrogate parents are appointed.

- Ward of the State- 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.
- Homeless Youth- In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed

Appointment of Surrogate

In order to provide every child eligible for public education with the protection procedural due process, BCCS has procedures to determine when a child needs a surrogate parent and appoint an individual to act as a surrogate for the child. [34 C.F.R. § 300.519(b)]. A surrogate parent will be appointed by the BCCS when:

- (a) No parent can be identified; [34 C.F.R. § 300.519(a)(1)]
- (b) BCCS, after reasonable efforts, cannot locate the parents ; [34 C.F.R § 300.519(a)(21)]

- (c) The child is a ward of the State under the laws of Georgia ; [34 C.F.R. § 300.519(a)(3)]; or
- (d) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143a (6)). [34 C.F.R. §300.519(a)(4)]
- **BCCS Determines Need-**
BCCS personnel identify the need for a surrogate during enrollment and at other times during the school year when the child’s parents are not to be identified, located or if the child is a ward of the state or is an unaccompanied homeless child. If the child is a ward of the state then a judge overseeing the child’s case may appoint a surrogate parent.
 - **BCCS Maintains List**
BCCS maintains a list of surrogates who are available to serve when needed. Surrogate parents are identified and trained by the district periodically.

Criteria for Surrogate Parent Selection

BCCS ensures that a person selected as a surrogate parent

- 1) is not an employee of the State, the District, or any agency that is involved in the education or care of the child,
- 2) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
- 3) Has knowledge and skills that ensure adequate representation of the child.

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

Students in the custody of DJJ or DFCS that are residing in group homes, residential facilities, or emergency shelters may all qualify as wards of the state that need a surrogate parent. Students in the custody of DFCS who reside with a foster parent are also wards of the state; however, the foster parent can fit the definition of parent under the 2004 Individuals with Disabilities Education Act (IDEA). Therefore, a foster parent can sign Consent to evaluate and Consent for Services in Special Education without getting a surrogate parent or requiring that the foster parent attend training prior to signing.

Best practice at BCCS will continue to be to offer the training to foster parents before they are asked to sign a Consent for Evaluation, Consent for Services or make educational decisions in an IEP meeting. However, the training will not be mandatory for the foster parents, but strongly encouraged. BCCS also encourages the use of surrogates if the foster placement is projected to be a very short placement or if the foster parent has not had the child for a reasonable amount of time to make educational decisions without some guidance in special education terminology, etc.

Surrogate Parent Responsibilities

The surrogate parent must:

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

A person assigned as a surrogate parent who received compensation for their services would not necessarily be considered an employee of the State under IDEA.

BCCS Guidelines to Determine the Need for a Surrogate Parent

If the student is in the custody of a state agency (DFCS), then the student is a ward of the state. If the student is a ward of the state, then the following question must be asked to determine whether a surrogate is needed or not.

- If the student is in the custody of DFCS, then ask the person enrolling the student if he/she resides with a foster parent. If the answer is YES, then the foster parent may sign the legal forms. If the answer is NO, then the school system will assign a surrogate parent to the case.
- The Exceptional Students Director is responsible for assigning surrogate parents to specific cases. The current list of trained surrogate parents can be obtained from the Exceptional Students Director. Surrogates are trained through Southwest Georgia GLRS.

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

Components:

Complaint Process

(1) An organization or individual, including an organization or individual from another state, may file a signed, written complaint regarding allegations of substance. The complaint includes a statement that BCCS has violated requirements of the IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the names and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child the name of the school the child is attending, a description of the nature of the problem, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed. [34 C.F.R. § 300.151(a); 34 C.F.R. § 300.153 (a) & (b)]

(a) The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received. [34 C.F.R. § 300.153]

(b) The party filing the complaint must forward a copy of the complaint to BCCS at the same time the party files the complaint with the GaDOE. [34 C.F.R. § 300.153(d)]

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

(d) If a written complaint is received that is also the subject of an impartial due process hearing or contains multiple issues, some of which are a part of an impartial due process hearing, the portions of the complaint that are not a part of the hearing shall be resolved, following the time limits and procedures described in this rule. The portions of the complaint which are also the subject of an impartial due process hearing is set aside pending the conclusion of the hearing. [34 C.F.R. § 300.152(c) (1)]

(e) If a written complaint is received which contains issues previously decided in an impartial due process hearing involving the same parties, the hearing decision is binding on the issue, and the complainant will be so informed by the GaDOE. However, a complaint alleging BCCS's failure to implement an impartial due process hearing decision is resolved, following the time limit and procedures described in this rule. [34 C.F.R. § 300.153(c)(2) – (3)]

(f) Through activities of the GaDOE and the LEAs, the state complaint procedures is widely disseminated to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities. [See 34 C.F.R. § 300.151(a)(2)]

(g) The complaint procedure is as follows.

1. Complaints from any organization or individual shall be signed and addressed in writing to:
Director, Division for Special Education Services
Georgia Department of Education
1870 Twin Towers East
Atlanta, Georgia 30334-5010
2. The party filing the complaint must forward a copy of the complaint to BCCS serving the child at the same time the party files the complaint with the State. The complaint should be forwarded to the Superintendent or the Special Education Director of BCCS
3. The complaint includes a statement that the State or BCCS has violated a requirement of Part B of IDEA and the facts on which the statement is based, the signature and contact information for the complainant, and, if alleging violations with respect to a specific child, the name and address of the residence of the child, the name of the school the child is attending, in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending, a description of the nature of the problem of the child, including facts relating to the problem, and a proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed. [34 C.F.R. § 300.153(b)]
4. The Divisions for Special Education Services and Supports address the issue with BCCS in writing and request a response within 10 business days from public agency directly involved.
 - (i) BCCS would respond directly in writing and will describe any explanation and/or actions relevant to the allegations.
 - (ii) Copies of all correspondence are sent to the parties involved that include the complainant, the GaDOE, and BCCS. In some cases, where the parent of the child is not the complainant, the parent also receives copies of all correspondence and the complainant may only receive copies of information that include personally identifiable information if the parent has provided consent to release such information.
5. The parent who files the complaint and BCCS has the opportunity to Voluntarily engage in mediation to resolve the issues within complaint. [34 C.F.R. § 300.1529(a)(3)(ii)]
6. Upon receipt of the first State complaint from a parent in a school year, BCCS provides the parent with a copy of procedural safeguards available to the parents of a child with a disability. [34 C.F.R. § 300.104(a)(2)]
7. The Divisions For Special Education Supports And Services reviews BCCS's response and a decision may then be made that no further action is required. If, however, the issue is not fully resolved, complaint investigators from the Division For Special Education Supports And Services will be assigned to carry out an Independent Investigation, including an on-site visit, if necessary, to clarify the issue.

[34 C.F.R. § 300.152(a)(1)]

8. The on-site complaint team gathers information to determine whether there has been a violation of state rules and/or Part B of the IDEA. The on-site review may include examination of records, interviews, and classroom visits.
9. The Divisions For Special Education Supports And Services gives the complainant the opportunity to submit additional information, either orally or in writing, regarding the allegations in the complaint. [34 C.F.R. § 300.152(a)(2)]
10. The Divisions For Special Education Supports And Services reviews all relevant information and make an independent determination as to whether BCCS is violating a requirement of Part B of the IDEA. [34 C.F.R. § 300.152(a)(4)]
11. The Divisions For Special Education Supports And Services issues a written decision to BCCS and the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions and the reasons for the final decision. [34C.F.R. § 300.1529(a)(5)]
 - (i) The Divisions For Special Education Supports And Services include in the decision the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. [34 C.F.R. § 300.152(b)(2)] This letter of notification must include specific requirements and timelines in order to continue to receive IDEA federal funds or state special education Funds.
 - (ii) If the complaint findings indicate a failure to provide appropriate services, the complaint resolution process will address how BCCS is to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and to the future provision of services for all students with disabilities. [34 C.F.R. § 300.151(b)]
 - (iii) GaDOE must not make any final determination that BCCS is not eligible for assistance under part B of the Act without first giving BCCS reasonable notice and an opportunity for a hearing under 34 C.F.R. § 76.401(d). [34 C.F.R. § 300.155] GaDOE's hearing process can be found in Rule 160-5-2-.02 Withholding of Funds from Local Units of Administration.
12. An extension of the 60 calendar-day time limit for resolution may be made by the GaDOE only when exceptional circumstances exist with respect to a particular complaint or if the parent or other complainant and BCCS involved agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution. [34 C.F.R. § 300.152(b)]
 - (h) Complaints – Private School. Complaints that BCCS has failed to meet the requirements regarding children who are parentally placed in private schools must be filed under the complaint procedures outlined above. Complaints regarding child find are to be filed with BCCS in which the private school is located and a copy forwarded to the GaDOE. [34 C.F.R. § 300.140]

(2) MEDIATION PROCESS

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

- (a) The mediation process is available at the request of either party to resolve disputes.
- (b) Mediation is available and offered upon each receipt of a complaint or a due process hearing request.
- (c) The procedures ensure that the medication process:
 1. Is voluntary on the part of the parties;
 2. Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of IDEA; and
 3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. § 300.506 (b)(1)(i) – (iii)]
- (d) BCCS has established procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center or a community parent resource center in the State established under section 671 or 672 of IDEA, who would explain the benefits of and encourage the use of the mediation process to the parents. [34 C.F.R. § 300.506(2)]
- (e) The GaDOE maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational, or other impartial basis [34 C.F.R. § 300.506(b)(3)(i)-(ii)]
 1. An individual who serves as a mediator may not be an employee of the GaDOE or the LEA that is involved in the education or care of the child; and
 2. Mediators must not have a personal or professional interest that conflicts with the person's objectivity.
 - (i) A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency solely because he or she is paid by the GaDOE to serve as a mediator. [34 C.F.R. § 300.506(c)]
- (f) The State bears the cost of the mediation process. [34 C.F.R. § 300.506(b)(4)]
- (g) Each session in the mediation process is scheduled in a timely manner and will be held in a location that is convenient to the parties to the dispute. [34 C.F.R. § 300.506(b)(5)]
- (h) If the parties resolve a dispute through the mediation process, they will execute a legally binding agreement that sets forth the resolution and states that:
 1. Discussions that occur during the mediation process will be confidential and may

not be used as evidence in any subsequent due process hearings or civil proceedings; and

2. Is signed by both the parent and a representative of BCCS with the authority to bind BCCS.
3. The written signed mediation agreement is enforceable in any state court of competent jurisdiction, in a district court of the United States or through the State Complaint Process. [34 C.F.R. § 300.506(b)(6) – (7); § 300.537]

(3) Impartial Due Process Hearings

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

(a) The due process hearing request must allege a violation that occurred not more than two years before the date the parent or BCCS knew or should have known about the alleged action that forms the basis of the due process hearing request. [34 C.F.R. § 300.507(a)(2)]

1. The timeline does not apply to a parent if the parent was prevented from filing a due process complaint due to specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or
2. The school district's withholding of information from the parent that was required to be provided to the parent [34 C.F.R. § 300.511(f)]

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

(c) BCCS informs the parents of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received by BCCS. [34 C.F.R. § 300.507(b)]

(d) Due Process Request Procedures are as follows:

1. The party filing a due process hearing request must provide a copy to the other party and the state. When the party filing a due process hearing request is not BCCS, the party must provide a copy to BCCS's Superintendent at the same time it provides it to the State.
2. Either party, or the attorney representing either party, may file a due process hearing request.
3. The state and the parties keep the content of the due process request confidential. [34 C.F.R. § 300.508(a)(1)-(2)]
4. The content of the complaint must include:
 - (i) The name of the child;
 - (ii) The address of the residence of the child;
 - (iii) The name of the school and the LEA the child is attending;
 - (l) For a homeless child, the contact information for the child and the name of the

- school and LEA the child is attending;
- (iv) A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement or provision of a free appropriate public education (FAPE) including the facts relating to the problem;
 - (v) A proposed resolution to the problem to the extent known and available to the party at the time. [34 C.F.R. § 300.508(b)(1)-(6)]
5. A hearing may not occur until the party or the attorney representing the party files a request that meets the requirements state above. [34 C.F.R. § 300.508(c)]
 6. The request for the due process hearing must be deemed sufficient unless the receiving party notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process request that the receiving party does not believe the request meets the requirements above. [34 C.F.R. § 300.508(d)(1)]
 - (i) Within five days of receipt of notification of alleged insufficiency, the administrative law judge or hearing officer must make a determination on the face of the due process request of whether it meets the requirements and must immediately notify the parties in writing of that determination. [34 C.F.R. § 300.508(d)(2)]
 7. A party may amend its due process request only if:
 - (i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
 - (ii) The administrative law judge or hearing officer grants permission not later than five days prior to the beginning of the hearing. [34 C.F.R. § 300.508(d)(3)(i) – (ii)]
 - (iii) If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution begin again. [34 C.F.R. § 300.508(d)(4)]
 8. BCCS response to a due process hearing request.
 - (i) If BCCS has not sent prior written notice regarding the subject matter of the due process hearing request to the parent, BCCS must within ten days of receiving the due process hearing request, send to the parent a response that includes:
 - (l) An explanation of why BCCS proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report BCCS used as the basis for the proposed or refused action; a description of the other factors that are relevant to BCCS's proposed or refused action.[34 C.F.R. § 300.508(e)(1)(i) – (iv)]
 9. BCCS's response does not preclude the LEA from asserting that the parent's due process request is insufficient. [34 C.F.R. § 300.508(e)(2)]
 10. Unless responded to as above, any party receiving a due process hearing request must send to the other party within ten days a response that specifically

addresses the issues raised in the due process hearing request. [34 C.F.R. § 300.508(f)]

- (e) Resolution process: Within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing, the LEA convenes a meeting with the parent and relevant members of the IEP Team who have knowledge of the facts identified in the due process request that:
1. Including a representative of BCCS who has decision-making authority on behalf of BCCS; and
 2. May not include an attorney for the District unless the parent is accompanied by an attorney. [34 C.F.R. § 300.51(a)(l)(i) – (ii)]
 3. The parent and the LEA (BCCS) determine the relevant members of the IEP Team to attend the meeting. [34 C.F.R. § 300.510(a)(4)]
 4. The purpose of the meeting is for the parent of the child to discuss the due process hearing request, and the facts that form the basis of the request, so that the LEA (BCCS) has the opportunity to resolve the dispute that is the basis of the request for a due process hearing. [34 C.F.R. § 300.510(a)(2)]
 5. The resolution meeting need not be held if the parent and the LEA (BCCS) agree in writing to waive the meeting, or the parent and the LEA (BCCS) agree to use mediation to attempt to resolve the due process hearing request. [34 .F.R. § 300.510(3)(i) – (ii)]
- (f) The resolution period: If the LEA (BCCS) has not resolved the due process hearing request to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur. [34 C.F.R. § 300.510(b)(1)]
1. The failure or refusal of the parent to participate in the resolution meeting delays the timelines for the resolution process and the due process hearing until the meeting is held unless the parties have agreed to waive the resolution meeting or to participate in mediation. [34 C.F.R. § 300.510(b)(3)]
 2. If the LEA (BCCS) is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in Rule 160-4-7-.06(11)(d) [34 C.F.R. § 300.322(d)], the LEA (BCCS) may at the conclusion of the 30-day resolution period, request that an administrative law judge or hearing officer dismiss the parent's due process hearing request. [34 C.F.R. § 300.510(b)(4)]
 3. If the LEA (BCCS) fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of an administrative law judge or hearing officer to begin the due process hearing timeline. [34 C.F.R. § 300.510(b)(5)]
- (g) The timeline for issuing a decision in a due process hearing begins at the expiration of the 30-day resolution period, unless an adjustment to the 30-day resolution period is

necessary.

1. The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:
 - (i) Both parties agree in writing to waive the resolution meeting;
 - (ii) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;
 - (iii) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation. [34 C.F.R. § 300.510(c)(1) – (3)]

(h) If a resolution to the dispute is reached at the resolution meeting, the parties must execute a legally binding agreement that is signed by both the parent and a representative of BCCS who has the authority to bind the LEA; [34 C.F.R. §300-510(d)(1)]

1. The agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States, or through the State Complaint Process. [34 C.F.R. §300-510(d)(2); §300.537]
2. If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution. [34 C.F.R. §300.510(e)]
 - (i) The impartial administrative law judge or hearing officer. At a minimum, an administrative law judge or hearing officer:
 1. Must not be an employee of the GaDOE or BCCS that is involved in the education or care of the child; [34 C.F.R. §300.511(c)(1)(i)(A)]
 - (i) A person who otherwise qualifies to conduct a hearing is not an employee of the GaDOE or its representatives solely because he or she is paid by GaDOE to serve as an administrative law judge or hearing officer. [34 C.F.R. §300.511(c)(2)]
 2. Must not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing; [34 C.F.R. §300.511(c)(1)(i)(B)]
 3. Must not be previously familiar with the student or the parents/guardian/surrogate unless through previous administrative procedures;
 4. Must not be previously personally familiar with the specific program or services of the LEA at issue in the hearing. Information arising solely from previous due process hearings shall not impair an administrative law judge's impartiality, but information or personal knowledge from other sources about the specific LEA or family, including the 4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; [34 C.F.R. §300.512(a)(4)]
 5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions. [34 C.F.R. §(a)(5)]
 6. Disclosure by each party to the other party at least five business days prior to a hearing of all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. [34 C.F.R. §300.512(b)(1)]
 - (i) An administrative law judge or hearing officer may bar any party that fails to

comply with this disclosure rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party. [34 C.F.R. §300.512(b)(2)]

7. The calculation of business days under this section for the purposes of disclosure shall be calculated in accordance with the Georgia Civil Practice Act, O.C.G.A. § 9-11-6; O.C.G.A. 1-3-1(d)(3).
8. Obtain a list of all potential witnesses at least five business days before the hearing. If the witness list, due to its length or other factors, does not reasonably disclose the potential witnesses in the hearing, any party or the administrative law judge on his/her own motion may require a party to amend his/her witness list to include only the names of such persons who may actually testify and the general thrust of their testimony.

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

1. A party may file a motion for voluntary dismissal at any time, up until five days before the scheduled date of the hearing. No motion for voluntary dismissal shall be considered if filed after that time.
2. Any motion for voluntary dismissal filed pursuant to this subsection shall include a statement of the reason(s) for requesting dismissal.
3. Within five (5) days after service of the motion for voluntary dismissal pursuant to this subsection, the opposing party may file a response to the motion for voluntary dismissal.
4. If the ALJ determines that the motion has been made for a good cause, the case shall be dismissed without prejudice and the party shall be authorized to re-file the complaint within the time authorized under the applicable statute(s) of limitations.
5. If the ALJ determines that there is a lack of good cause, and the party fails to appear at any scheduled hearing or to otherwise prosecute their case, the party's claims will be deemed abandoned and dismissed with prejudice.

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

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

1. Have the child who is the subject of the hearing present;
2. Open the hearing to the public; and
3. Have the record of the hearing and the findings of fact and decisions provided at no cost to parents. [34 C.F.R. §300.512(c)(1) – (3)]

(p) An administrative law judge or hearing officer's determination of whether a child received FAPE must be based on substantive grounds. [34 C.F.R. § 300.513(a)(1)]

1. In matters alleging a procedural violation, an administrative law judge or hearing officer may find that a child did not receive a FAPE only if the procedural Inadequacies:
 - (i) Impede the child's right to a FAPE;
 - (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
 - (iii) Caused a deprivation of educational benefit. [34 C.F.R. § 300.513(a)(2)(i) – (iii)]
- (l) Nothing in this paragraph shall be construed to preclude an administrative law judge or hearing officer from ordering a LEA to comply with procedural requirements. [34 C.F.R. §300.513(a)(3)]

(q) Nothing in this Rule is construed to preclude a parent from filing a separate due process hearing request on an issue separate from a due process hearing request already filed. [34 C.F.R. § 300.513(c)]

(r) The GaDOE, after deleting any personally identifiable information, must transmit the findings and decisions to the State advisory panel and make those findings and decisions available to the public. [34 C.F.R. § 300.513(d)(1) – (2)]

(s) A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision under the provisions in paragraph (s) below. [34 C.F.R § 300.514(a)]

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

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties. [34 C.F.R. § 300.515(a)(1) – (2)]
3. An administrative law judge or hearing officer may grant specific extensions of time beyond the periods set out in this rule at the request of either party. The hearing officer or administrative law judge must notify the parties in its written order granting the extension of the new date by which the decision shall be provided. [34 C.F.R § 300.515©]
4. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and child involved. [34 C.F.R. § 300.515(d)]

(u) Civil Action. Any party aggrieved by the findings and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. [34 C.F.R. § 300.516(a)]

1. The party bringing the action has 90 days from the date of the decision of the administrative law judge or hearing officer to file a civil action [34 C.F.R. § 300.516(b)]
2. In any civil action, the court:
 - (i) Receives the records of the administrative proceedings directly from the administrative law judge or hearing officer;
 - (ii) Hears additional evidence at the request of a party; and
 - (iii) Basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate. [34 C.F.R. § 300.516(c)(1) – (3)]

(v) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy. [34 C.F.R. § 300.516(d)]

(w) Rule of construction. Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the IDEA, the procedures under IDEA must be exhausted to the same extent as would be required had the action been brought under the IDEA. [34 C.F.R. § 300.516(e)]

(x) Attorneys' fees. In any action or proceeding brought under the due process hearing provisions of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the parent of a child with a disability; or

(y) To a prevailing party who is the GaDOE or LEA against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

(z) To a prevailing GaDOE or LEA against the attorney of a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. [34 C.F.R. § 300.517(a)(1)(i) – (iii)]

(aa) Funds under Part B of the IDEA may not be used to pay attorney's fees or costs of a party related to any action or proceeding under the due process hearing provisions of the IDEA. This does not preclude a public agency from using funds under Part B of the IDEA for conducting an action or proceeding under section 615 of the IDEA. [34 C.F.R. § 300.517(b)(1) – (2)]

(bb) If a court awards reasonable attorney's fees, they must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this paragraph. [34 C.F.R. § 300-517(c)(1)]

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

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
2. The offer is not accepted within 10 days; and
3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement. [34 C.F.R. § 300.517(c)(2)(i)(A) – (C)]

(i) An award of attorney's fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer. [34 C.F.R. § 300.517(c)(3)]

(dd) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation. [34 C.F.R. § 300.517(c)(2)(ii)]

(ee) A meeting conducted pursuant to the resolution process shall not be considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action, for purposes of this section. [34 C.F.R. § 300.517(c)(2)(iii)(A) – (B)]

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

1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
2. The amount of attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. the attorney representing the parent did not provide to the LEA the appropriate information in the due process hearing request notice. [34 C.F.R. § 300.517(c)(4)(i) – (iv)]

(gg) The provisions of paragraph (dd) of this section do not apply if the court finds that the State or LEA unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of IDEA. [34 C.F.R. § 300.517(c)(5)]

(hh) Child's status during proceedings. Except as noted in the Rule 160-4-7-.10 Discipline, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing unless the State or LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement. [34 C.F.R. § 300.518(a)]

(ii) If the due process hearing request involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. § 300.518(b)]

(jj) If the due process hearing request involves an application for initial services under this part from a child who is transitioning from Part C (Babies Can't Wait) to Part B and is no longer eligible for Part C services because the child has turned three, the LEA is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, the LEA must provide those special education and related services that are not in dispute between the parent and the LEA. [34 C.F.R. § 300.518(c)]

(kk) If the administrative law judge or hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, the placement must be treated as an agreement between the LEA and the parents. [34 C.F.R. § 300.518(d)]

State Rule: 160-4-7-.13 Private Schools

Components:

As per our state-approved charter, Baconton Community Charter School does not provide services to students that transfer from BCCS to a private school. Local school districts are responsible for this service due to BCCS being a school of choice. However, if this changes in the future, and BCCS starts to serve private schools, BCCS will follow the rules, guidelines and all required components of GADOE and include procedures to meet the needs of those students.

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

Components:

Maintenance of Credentials for Professional Employees

Unless otherwise specified under program areas, the following shall apply:

- Maintenance of current credentials shall be the ongoing responsibility of any professional employed by or under contract with LEA. Maintenance of records of current credentials shall be the ongoing responsibility of Baconton Community Charter School (BCCS).
- BCCS recruits, hires, trains and retains an adequate supply of highly qualified (certified or licensed) personnel, including special education, related services, and leadership personnel, to meet the needs of children with disabilities.
- Related service personnel who deliver services in their discipline or profession must maintain current, State approved, or recognized certification, licensing, registration or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and these related service personnel must have not had certification or licensure requirements waived on an emergency, temporary or provisional basis.
 1. The required standard credential for all personnel providing educational interpreting for children who are deaf or hard of hearing in LEAs, regardless of job title, shall hold a current Georgia Quality Assurance Screening (G-QAS) rating of Level III or higher in both interpreting and transliterating, as approved and maintained by the Georgia Department of Labor/Vocational Rehabilitation Program (DOL/VR), and/or documentation of advanced interpreting skills and qualifications through current national certification from the Registry of Interpreters for the Deaf (RID), and/or documentation of advanced interpreting skills and qualifications through current national certification from the National Association of the Deaf (NAD) Levels III, IV or V, and/or documentation of advance interpreting skills and qualifications through a current Educational Interpreter Performance Assessments (EIPA) rating of Level 3.5 or higher. The EIPA rating cannot be more than five years old.
 2. Maintenance of current credentials are the ongoing responsibility of any educational interpreter employed by BCCS for purposes of educational interpreting for children who are deaf or hard of hearing. Maintenance of records of current credentials shall be the ongoing responsibility of BCCS, and current credentials of educational interpreters must be filed with other personnel records (e.g. teacher certification credentials).

Classroom Size and Appropriateness

BCCS provides a classroom of suitable size in a distraction-free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies, and equipment to meet the needs of the class or individual children to be served. GaDOE has established this policy as a safeguard to prevent placing children with disabilities in classrooms that are too small, have visual or auditory distractions or do not have items necessary to provide appropriate instruction.

Thirty-eight square feet is provided for each child in the class with a variance of 10 percent depending upon the total number of personnel in the class at any time, the type of children and class, the kind and amount of furniture and equipment required, and the necessity for storage capabilities. Special circumstances are reviewed by the Facilities Department of the GaDOE and shall be addressed in the approved local facility plan.

Maximum Class Size and Caseload Children Ages 3-5 Information about caseloads for children with disabilities are contained below.

The following are maximum class sizes and caseloads for personnel providing services for children, ages 3 through 5, in Community (C), Full Day, and Part Day classes. All numbers shown for Maximum Class Size are with a Paraprofessional.

| | Maximum Class Size | Caseload |
|----------|---------------------------|-----------------|
| Full Day | 8 | 16 |
| Part Day | 12 | 32 |
| C | - | 32 |

Maximum Class Size and Caseload by Eligibility Category Information about caseloads for children with disabilities for school-age children is listed below:

| DELIVERY | | MAXIMUM CLASS SIZE | | CASELOAD |
|------------------------------------|---------------------|--------------------|------------|----------|
| | Self-Contained (SC) | W/O Para | With Para* | |
| PROGRAM AREA | Resource (R) | W/O Para | With Para* | |
| INTELLECTUAL DISABILITIES | | | | |
| MILD | SC | 10 | 13 | 14 |
| | R | 10 | 13 | 26 |
| MODERATE | SC | NA | 11 | 11 |
| SEVERE | SC | NA | 7 | 7 |
| PROFOUND | SC | NA | 6 | 6 |
| | | | | |
| EMOTIONAL AND BEHAVIORAL DISORDERS | SC | 8 | 11 | 12 |
| | R | 7 | 10 | 26 |
| | | | | |
| SPECIFIC LEARNING DISABILITIES | SC | 12 | 16 | 16 |
| | R | 8 | 10 | 26 |
| | | | | |
| VISUAL IMPAIRMENTS | SC | NA | 6 | 7 |
| | R | 3 | 4 | 13 |
| | | | | |
| DEAF/ HARD OF HEARING | SC | 6 | 8 | 8 |

| | | | | |
|------------------------------------|----|----|----|----|
| | R | 3 | 4 | 11 |
| | | | | |
| DEAF- BLIND | SC | NA | 6 | 7 |
| | | | | |
| SPEECH- LANGUAGE IMPAIRMENTS | SC | 11 | 15 | 15 |
| | R | 7 | NA | 55 |
| | | | | |
| ORTHOPEDIC IMPAIRMENTS | SC | NA | 11 | 11 |
| | R | 4 | 5 | 15 |

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

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

Note: The placement of children with autism, traumatic brain injury, or other health impairments, and significant developmental delays (grades K and above) in the above program areas will not change class sizes.

Note: Children, with an IEP designating the service location for the delivery of goals and objectives to be the regular classroom environment, shall be reported in their special education program category if instruction is provided in a:

- A. Team/Collaborative Model; or*
- B. Consultative Model*

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

Components:

GNETS Purpose and Services

The Georgia Network for Educational and Therapeutic Support (GNETS) is a service available within the continuum of supports for LEAs to consider when determining the least restrictive environment for students with disabilities, ages 5-21. GNETS services is an option in the continuum of supports that prevents children from requiring residential or more restrictive placement. Specifically, GNETS provides comprehensive educational and therapeutic support services to students who exhibit intense social, emotional, and/or behavioral challenges with a severity, frequency, or duration such that the provision of education and related services in the general education environment has not enabled him or her to benefit educationally based on the IEP.

GNETS services aim to support students with social, emotional, and/or behavioral challenges. These students' behaviors may include but are not limited to, significant, aggressive, self-destructive, atypical, and withdrawal behaviors. Children receiving GNETS services are taught coping skills, behavior regulation, and adaptive behaviors, with a keen focus on developing positive interpersonal relationships with others.

GNETS services are implemented with greater intensity and frequency than what is typically delivered in a general education school environment. The supplemental aids and services available at GNETS must be appropriate and necessary in order for the child's IEP team to consider GNETS services.

GNETS will be staffed to meet the needs of a unique population of students requiring intensive individualized supports, including providing appropriate therapeutic services identified in the IEP. The staff receive specialized training in skills designed to deescalate major disruptive behaviors and assist students with meeting their IEP goals. GNETS staff will collaborate with professionals from a variety of agencies to enhance students' social, emotional, behavioral and academic development based on their IEPs.

The IEP team will assess at least annually whether the student with disabilities is ready to transition to a less restrictive setting. Progress monitoring data aligned with IEP goals should be reviewed to determine if the student is ready to receive a free appropriate education (FAPE) in the lesser restrictive environment.

Consideration of GNETS Services

Consideration for GNETS services is determined by the student's Individualized Education Program (IEP) team using the criteria set forth in SBOE Rule 160-4-7-.06. IEP teams considering recommendation of GNETS services will follow the notice requirements of SBOE Rule 160-4-7-.06. The IEP meeting will include a GNETS director or his/her designee. An individual student is considered for GNETS services only if his or her IEP team recommends GNETS services based on the existence of all of the following, which will be documented in the student's education record:

1. Documentation that indicates evidence of annual IEP reviews, progress monitoring data aligned with IEP goals, documentation indicating prior services were delivered

- in a lesser restrictive environment, and the student's inability to receive FAPE in that environment.
2. A Functional Behavioral Assessment (FBA) and/or Behavior Intervention Plan (BIP) administered within the past year.
 3. Documentation that a comprehensive reevaluation has been completed within the last 3 years.

Continuum of GNETS Service Delivery and Environments

The IEP team must determine that GNETS services are necessary for students to receive FAPE. Removal from the general education setting will occur only when the nature or severity of students' social, emotional and/or behavioral challenges are such that education in a general education setting with the use of supplementary services and intensive individualized interventions cannot be achieved. The IEP team will consider the various settings in which GNETS services may be delivered and determine whether the individual student is likely to receive FAPE in each environment, beginning with the least restrictive setting.

The GNETS continuum of services by environment may be delivered as follows:

1. Services provided in the general education setting in the student's Zoned School or other public school.
2. Services provided in the student's Zoned School or other public school setting by way of a "pull out" from the general education setting for part of the school day.
3. Services provided in the student's Zoned School or other public school for part of the school day in a setting dedicated to GNETS.
4. Services provided in the student's Zoned School or other public school for the full school day, in a setting dedicated to GNETS.
5. Services are provided in a facility dedicated to GNETS for part of the school day.
6. Services are provided in a facility dedicated to GNETS for the full school day.

LEA Duties and Responsibilities

The BCCS:

1. Ensures that FAPE is delivered to students recommended for GNETS services in the least restrictive environment (LRE).
2. Convenes IEP team meetings as required by State Board of Education Rule 160- 4-7-.06.
3. Conducts FBAs/BIPs for any student considered for GNETS services in accordance with (3)(c)(2) of this rule.
4. Collaborates with the GNETS to determine opportunities for students to have access to general education activities.
5. Provides transportation to and from a GNETS, as required, including transportation to and from home/school for students receiving GNETS services for part of the school day and for students participating in extracurricular activities.
6. Maintains and reports student record data in accordance with the State Board of Education Rule 160-5-1-.07 and GaDOE guidance.
7. Provides student outcome assessments and other relevant data to GNETS director or designee.
8. Monitors student IEP goals annually to determine students' progress and access to services in a lesser restrictive environment.
9. Provides ongoing professional learning opportunities and best practices for teachers to support students who exhibit social, emotional, and/or behavioral

challenges.

10. Allocates supports and resources, which may include in-kind services to GNETS to facilitate flexible models of service delivery and best practices for equitable educational support as appropriate.
11. To the maximum extent possible, collaborates with community service providers to deliver mental health services and/or family support in students' Zoned schools.
12. Collaborates with GNETS to examine student records and discuss the coordination of service provisions for students being considered for GNETS in accordance with 34 CFR §300.501(2)(3).
13. Provides GNETS staff access to longitudinal data for all students receiving GNETS services to ensure teachers can access records for students included on their rosters.
14. Submits student schedules to the GaDOE with the GNETS code.
15. Monitors facilities for safety and accessibility for students served by GNETS and reports identified concerns to all key stakeholders such as fiscal agents, GNETS directors, and any other appropriate parties.
16. Collaborates with GNETS staff to develop a reintegration plan to facilitate the reintegration of students who are exiting GNETS to a less restrictive Environment. The reintegration plan involves the GNETS staff, school staff, student, and parents. A schedule is developed with appropriate supports from GNETS staff and school staff in place prior to reentering a less restrictive environment.

State House Bill 400 - Bridge Law

The BRIDGE (Building Resourceful Individuals to Develop Georgia's Economy) Act, House Bill 400, was signed into law in May 2010 to create an atmosphere motivating middle and high school students to learn because they see the relevance of education to their dreams and future plans. The implementation of the BRIDGE Act provides middle and high school students with career counseling and regularly scheduled advisement to choose a focused plan of study.

Middle School Students

Beginning in the 2010-2011 academic year, local school systems were required to provide sixth, seventh, and eighth-grade students the following:

- counseling
- regularly-scheduled advisement
- career awareness
- career interest inventories
- information to assist students in evaluating their academic skills and career interests

Another part of the BRIDGE Act is the requirement that all 8th-grade students during their spring semester create an Individual Graduation Plan (IGP). This graduation plan helps "map out" the rigorous academic core subjects and focused work in mathematics, science, or humanities, fine arts, world languages, or sequenced career pathway coursework. The IGP is based on the student's selected academic and career area to prepare them for their chosen career. This plan must be developed in consultation with parents/guardians, students, school

counselor, or teacher as an advisor.

High School Students

Beginning in the 2010-2011 academic year, local school systems were required to provide the following to high school students:

- career counseling
- career guidance
- regularly-scheduled career advisement
- information to enable students to successfully complete their individual graduation plans, preparing them for a seamless transition to postsecondary study, further training, or employment.

State Board Rule: 160-4-7-.17 – Required Reports

The Georgia Department of Education, as the SEA, is required to report annually to the United States Department of Education and the general public the performance of each LEA on the targets of the state's performance plan. To do so, the Georgia Department of Education must collect data from each LEA, including state charter schools. The data the Georgia Department of Education collects from LEAs includes demographics, student indicators, test results, and administrative indicators. Generally, the Georgia Department of Education collects this information through the FTE-reporting process and Student Record data collection; however, to collect data regarding the LEA's progress on specific targets, each LEA must complete and submit data through the Consolidated Application or stand-alone data collections in the Georgia Department of Education's secure data portal. State charter schools must be sure to follow the specific instructions in submitting data to the Georgia Department of Education. Failure to provide complete and accurate data or failure to abide by the timelines and deadlines for doing so can drastically affect the reporting for a school and can result in the misappropriation, or lack thereof, of federal funding.

Using the data provided to it by the LEAs, the Georgia Department of Education will compile reports and make determinations as to each LEA's compliance with IDEA. In addition to a state charter school's progress towards meeting the targets in the state performance plan, GaDOE will also calculate and repro the state charter school's compliance with IDEA's maintenance and effort requirement, disproportionality, student environments, postsecondary outcomes, and preschool transition. Each LEA will receive an annual determination from the Georgia Department of Education based on the LEA's performance indicators. The annual determination a state charter school receives will guide the level of intervention and assistance that the Georgia Department of Education will provide the state charter school.

SEA Monitoring

General Supervisory Authority IDEA requires each SEA to be ultimately responsible to ensure that children with disabilities receive FAPE in accordance with IDEA. As a result, the Georgia Department of Education has general supervisory authority over all compliance matters regarding students with disabilities receiving special education and related services. This means that the Georgia Department of Education may take any steps authorized by law to ensure a state charter school complies with IDEA. The Georgia Department of Education may conduct onsite monitoring or a record review of a state charter school and require the state charter school to complete corrective action steps to achieve compliance with IDEA. The Georgia Department of Education may also withhold state or federal funding or direct the use of such funding for specific efforts to comply with IDEA. In extreme circumstances, the Georgia Department of Education can provide direct services to students with disabilities and withhold funding that would have been provided to the LEA of those students to offset the cost of providing direct services.

Georgia's Continuous Improvement Monitoring Process (GCIMP)

In addition to its general supervisory authority, the Georgia Department of Education must develop and utilize a process for monitoring and evaluating LEA compliance with IDEA. As a result, the Georgia Department of Education developed Georgia's Continuous Improvement Monitoring Process (GCIMP) to offer state-wide improvement and focused assistance to meet the needs of students with disabilities. GCIMP uses many different components, including the State Performance Plan and the LEA's performance, LEA fiscal management, and monitoring activities to identify state and LEA needs. Each LEA is monitored through a tiered approach

ranging from data review to compliance agreements and focused monitoring. The Georgia Department of Education provides targeted technical assistance, professional learning, as well as incentives and sanctions through GCIMP. State charter schools, as LEAs, will be treated by the Georgia Department of Education as any other LEA through GCIMP.

IDEA Fiscal Requirements

IDEA provides several fiscal requirements that are applicable to IDEA funds. Local educational agencies (LEAs) must maintain the state/local special education financial effort previously provided. LEAs may not use IDEA funds to supplant or replace state or local funds unless the LEA meets MOE requirements.

Maintenance of Effort

A local educational agency (LEA) may receive IDEA funds only if the Georgia Department of Education (Department) determines that the LEA has maintained the level of funding from the preceding fiscal year on the basis of aggregate expenditures of state and local special education funds or on a per-pupil expenditure basis:

- The Department will test aggregate expenditures of state and local funds to determine whether the MOE standard is met. If the Department determines that the LEA has met the MOE requirement based on aggregate state/local special education expenditures, no further calculations are required.
- If the LEA does not meet the MOE requirement based on aggregate expenditures of state /local special education funds, a per-pupil amount is calculated by the Program Manager.

If an LEA fails to meet the MOE standard for the aggregate and per-pupil expenditures of state and local special education funds, the LEA may reduce the level of expenditures where such reduction is attributable to one or more of the following MOE exceptions:

- the voluntary departure, by retirement or otherwise, of special education personnel;
- the termination of the LEA's obligation to provide a program to a student with a disability that is an exceptionally costly program because the student has left the LEA, reached the maximum age, or no longer needs the program; the termination of costly expenditures for equipment; and/or,
- the amount of the 50% reduction in the local effort if the LEA's initial allocation was greater than the previous year's allocation. The "Exception to the Local MOE" form must be copied, completed, and placed in the Upload File in the Program Information tab before the IDEA budget can be reviewed and approved. If the LEA does not meet the MOE requirement with the above exceptions, the LEA must reimburse the difference to the state with non-federal funds.

Excess Cost

IDEA funds provided to LEAs may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs for the education of an elementary or secondary school student with a disability that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary or secondary school student. An LEA must spend at least the average annual per-student expenditure on the education of an elementary or secondary school student with a disability before IDEA funds can be used to pay the excess costs of providing special education and related services. The LEA is required to compute the minimum average amount separately for students with disabilities in its elementary and secondary schools (34 CFR 300.16). This amount is calculated by the Department based on the most current

expenditure reports. The combined enrollments may not be used to compute this average.

Supplement NOT Supplant

A local educational agency (LEA) may use IDEA funds only to supplement and not supplant federal, state, and local funds. However, if the LEA meets or exceeds its level of state/local expenditures for special education and related services from year to year, either in total or per pupil, then IDEA funds are, in fact, supplementing those state/local expenditures.

An LEA presumed to be in violation of the supplement not supplant requirement in IDEA will be required to document that the MOE standard has not been met prior to the presumption being tested. It is important to remember, however, that any determination about supplanting is very case-specific; this makes it difficult to provide general guidelines without examining the details of the situation. OMB Circular A-133 Compliance supplement presumes supplanting has occurred if federal funds are used to provide services that

- were required to be made available under other federal, state, or local laws;
- were provided with non-federal funds in prior years; or
- were provided to IDEA participating children, if those same services are provided with non-federal funds to non IDEA children.

An LEA may rebut a supplanting determination if it can demonstrate it would not have provided services if the federal funds were unavailable. An LEA should consider maintaining documentation, including (but not limited to)

- fiscal or programmatic documentation to confirm that, in the absence of IDEA, Part B funds, the LEA would have eliminated the services in question;
- state or local legislative or local board action; and/or
- budget histories and other data.

Budget

Each year a state charter school must complete a comprehensive plan for providing services under IDEA as part of the Consolidated Application. A portion of this plan includes a budget that will be reviewed and approved by the Georgia Department of Education. All expenditures of IDEA funds must be consistent with the budget approved by the Georgia Department of Education.

Other Expenditure Requirements

A state charter school may use up to 15% of its IDEA funds to develop a coordinated early intervening services (CEIS) program for regular education students who are not identified as needing special education or related services but who need additional academic and behavioral support to succeed in the general education environment. The CEIS should have an emphasis on Kindergarten through 3rd grade. A state charter school that received a determination of significant disproportionality based on race or ethnicity in its identification, placement, or discipline of students with disabilities must reserve the maximum 15% of IDEA funds for CEIS to serve students in those groups significantly disproportionate. A state charter school must reserve a proportionate share of its IDEA funding for services to be provided to parentally placed in private schools and home schools. No child that is parentally- placed in a private or home school is individually entitled to services through the state charter school, but the state charter school must provide special education services to such students as a whole. In other words, the state charter school may determine the nature and amount of services it will provide and may cease to provide those services once the proportionate share is exhausted. The

calculation of the proportionate share is completed through the Consolidated Application and will vary depending on the number of children that are parentally placed in private or home schools.

Special Education Discretionary Grants

In addition to formula allocations under IDEA, state charter schools may apply to the Georgia Department of Education for additional funding to serve special education students. These discretionary grants are designated for specific purposes, and often the state charter school will need to apply for the funding on an annual basis using the timeline and deadlines established by the Georgia Department of Education. Many of the discretionary grants are awarded on a reimbursement basis and require specific documentation to be submitted to the Georgia Department of Education before the state charter school will have access to the funds.

Federal Grant for High-Cost Students

Because state charter schools must provide each student with a disability FAPE without regard to the cost or if the services needed by the student are traditionally provided by the school, a state charter school may receive a student whose special needs present an economic burden for the school. To help offset the sometimes high cost of providing the special education and related services needed to provide a student FAPE, state charter schools, as an LEA, may apply for additional funding from the Georgia Department of Education. If the state charter school serves a special education student whose needs require the school to expend more than three times the state average per-pupil expenditure, the state charter school may apply for the grant for high-cost students. The state average per-pupil expenditure is calculated annually, but three times that expenditure is usually approximately \$27,000.

State charter schools that serve high-cost students must apply for the additional grant funding through an application process administered by the Georgia Department of Education. The state charter school should expect to provide documentation to verify the services the school provides, such as service contracts, invoices, payment records, payroll records, and the child's IEP. Funds received through the high-cost grant must only be used for providing the direct special education and related services as identified in that child's IEP. The funds that are received through the high-cost grant cannot be used for medical services that are reimbursable under a student's Medicaid plan. The total amount of funding available under the high-cost grant is limited. As a result, specific grant awards will vary depending on the state's needs as a whole. Typically, an LEA, including a state charter school, will receive additional funding under the high-cost grant to cover only a portion of the cost to provide required services to high-cost students. As a result, a state charter school should not expect the high-cost grant funding to provide for all the services a high-cost student needs, and the state charter school must be prepared to provide required services using other supplemental funding.

State Grant for Residential and Reintegration Services

In situations in which a state charter school must place a student in a residential setting to ensure the student receives FAPE, the state charter school may apply for additional funding through the Georgia Department of Education to offset the cost of the residential placement. The student's placement in the residential facility must be made by the student's IEP Team in accordance with IDEA. Additionally, the residential facility must be a facility that is approved by the Georgia Department of Education as meeting certain criteria consistent with state standards. The state charter school remains responsible for ensuring the implementation of the student's IEP even though the student is served through a residential facility.

State charter schools that serve a student in a residential placement must apply for the additional grant funding through an application process administered by the Georgia Department of Education. The state charter school should expect to provide documentation to verify the residential services, such as service contracts, invoices, payment records, and the child's IEP. Funds received through the residential and reintegration grant must only be used for providing the direct special education and related services as identified in that child's IEP. As part of the application process, the state charter school must have a plan to reintegrate and transition the student to a less- restrictive setting.

The total amount of funding available under the residential and reintegration is limited. As a result, specific grant awards will vary depending on the state's needs as a whole. Typically, an LEA, including a state charter school, will receive additional funding under the residential and reintegration grant to cover only a portion of the cost to provide required services to students in residential placements. As a result, a state charter school should not expect the residential and reintegration grant funding to provide for all the services a student in a residential placement needs, and the state charter school must be prepared to provide required services using other supplemental funding.

Baconton Community Charter School General Supervision of Compliant Practices Policy and Procedures Manual

A hard copy of Baconton Community Charter School's Policies and Procedures manual is kept in the Special Education Directors' office and available to all staff at any given time. An electronic copy is given to special education teachers and staff, as well as a link to the manual is on the school website at <https://bccsblazers.org/>. All staff are given information at the beginning of the school year on how to access the Special Education Policies and Procedures Manual during pre-planning. The manual is reviewed once a year by the Special Education Director. Any state updates or changes will be made to the manual with DOE guidance and the updated version will be sent to special education staff electronically as well as posted on the website. The special education director meets at a minimum of once monthly with all veteran and new special education staff here at BCCS. A professional learning calendar is created for the school year to include these dates. During these meetings, professional learning is given to ensure a thorough knowledge of the policies and procedures that are expected at the state and district level.

Initial Referral

The special education director/school psychologist is contacted when any student at BCCS is being considered for an evaluation for special education services. The director/school psychologist reviews all MTSS folders to ensure that sufficient interventions and progress monitoring have been completed. A parent's consent and parental rights and safeguards are provided to the parent. When the parent signs and returns the consent to evaluate, the Special Education Director/Due Process Facilitator logs the information in the Special Education student file. Once consent is received the evaluation process can begin. The special education director and school psychologist monitor the 60-day timeline to ensure the process is being completed in a timely manner. When the evaluation is complete the director will set up an eligibility meeting with all required members to review evaluation results and determine eligibility. Once a determination has been made, the psychologist will complete the eligibility report in GO-IEP.

Reevaluation

Data review meetings are held prior to the expiration date of the previous evaluation. This

meeting is scheduled enough in advance that if additional assessment is required, the assessment can be completed prior to the due date. The Data Review Team MUST include the special education director or the school psychologist. The special education director or school psychologist will obtain parental consent for additional assessment that is recommended. The Due Process Facilitator will input this information into the students' electronic file in GO-IEP. The special education director will inform the psychologist that an evaluation needs to be completed. The psychologist and any other related service provider will conduct evaluations. Evaluation reports will be completed, and new eligibility will be started. The psychologist will contact the special education teacher to set up a reevaluation meeting with the IEP team. The psychologist and related service providers will review the results from the evaluation and the Eligibility team will determine continued eligibility. The eligibility determination will be documented in GO-IEP by the psychologist. If the child continues to meet the requirements for eligibility, the IEP team will write a new IEP and input all information in GO-IEP. If the student no longer meets requirements for special education services, the student will be dismissed from special education and all information will be input in GO-IEP and the student will be exited.

IEP Process

Baconton Community Charter School implements procedures and practices to ensure that all students with disabilities receive an effective special education program that results in progress toward IEP annual goals and in general education. The special education director and Due Process Facilitator will review all IEPs to ensure compliance. If any IEP is found to be non-compliant, an IEP meeting will be scheduled and appropriate steps will be taken to ensure compliance.

Special education teachers are to schedule annual reviews at least one day prior to the last meeting date giving the parents at least a 10-day notice. It is the special education teachers' responsibility to develop IEPs and ensure that no gap in service occurs as well as incorporating progress monitoring in areas impacted by their disability and for each annual goal. The special education director will review IEPs to ensure that students with disabilities are participating in state and district testing. The special education teacher will ensure that accommodations will be provided for classroom testing and state and district testing that allow students to demonstrate their level of proficiency in the general education curriculum as specified on the IEP. The special education teacher will submit the new IEP, meeting notice, members present to the sign-in sheet, progress monitoring, and data to the special education director. The director will monitor that special education services are being provided, specified on the IEP, through monthly monitoring. Technical assistance and professional learning will be provided to teachers if determined through the TKES process.