

PARENTS

Family, School, and Community Partnerships

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

This document will assist parents, children, teachers, and other educational decision makers in understanding the special education process. Special education is not a place, but a supportive service for children to progress in the *general* education curriculum.

Parent and Student Rights

Parents and children have many rights under the special education law, Individuals with Disabilities Education Act (IDEA). It is important that parents and children understand their rights to a free appropriate public education (FAPE). The term "appropriate" is based on the educational needs of the individual child that are outlined in the Individualized Education Program (IEP). The IEP is deemed a working document created by a team of educators and the family that establishes individual goals for a child to achieve and succeed. It is the responsibility of the local educational agency (LEA)¹ to provide parents with notice of their parental rights (also called procedural safeguards) in an understandable language.

Parents are encouraged to participate in meetings about their child to discuss with the school staff the child's evaluation and instructional needs, as well as the progress on goals and objectives within the IEP and in the general education curriculum. It is important that the [National PTA Standards for Family-School Partnerships Engagement](#) be embedded in this process.

Definition of Parent

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

¹ Local educational agencies include public boards of education or other public authorities legally constituted within Georgia for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, including state charter schools and Georgia Department of Juvenile Justice (DJJ).

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

There are some exceptions when a biological or adoptive parent still has legal authority to make educational decisions for the child, and another person is qualified to act as the parent. (See [34 C.F.R. § 300.30\(b\)](#); Georgia Rule [160-4-7-.21](#)(31)(b)-(c)).

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

Surrogate Parents (Georgia Rule [160-4-7-.11](#))

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

A surrogate parent is needed when:

- no parent (as defined by the IDEA) can be identified;
- the LEA, after reasonable efforts, cannot locate a parent;
- the child is a ward of the State; or

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- the child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

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

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

*A person assigned as a surrogate parent who receives compensation for these services by an agency would not necessarily be considered an employee of the agency under the IDEA.

LEAs must have a method for determining whether a child needs a surrogate parent and a method for assigning surrogate parents prepared to serve in that role. (See [34 C.F.R. § 300.519](#) for more on surrogate parents.) LEAs must also maintain a list of eligible persons to serve as surrogate parents. It is also strongly suggested that LEAs provide annual training to surrogate parents.

Parent Participation (See Georgia Rules: 160-4-7-.04, 160-4-7-.05, 160-4-7-.06)

Parents are to be included as members of any decision-making team for their child. Parent participation includes decisions about eligibility, initial evaluation, reevaluation, development, review, and revision of the IEP, the provision of a FAPE, and educational placement. This requirement does not include informal or unscheduled meetings involving LEA personnel or meetings on issues such as teaching methods, lesson plans, or coordination of service provision, as long as those issues are not addressed in the child's IEP. Nor does it include meetings involving the preparation of a proposal or response to a parent proposal that will be discussed at a later meeting.

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The LEA must notify the parent early enough to ensure that he/she will have the opportunity to attend any meeting with respect to the identification, evaluation, and educational placement of their child, and the provision of a FAPE to their child. The LEA must also schedule the meeting for a mutually agreeable time and location. If neither parent can be present in a meeting concerning educational decisions for a child, the LEA must use other methods to ensure parent participation. These methods could include individual/conference telephone calls or video conferencing. If the LEA cannot convince the parent to attend, after several documented attempts to include the parent in the meeting, the meeting can be held without the parent. The LEA must make and document reasonable efforts to ensure the parent's involvement. Such efforts are defined as: detailed records of phone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to a parent's home or place of employment and the results of those visits. (See [34 C.F.R. § 300.322](#) for more information.)

The involvement of parents in all educational decisions about their child will help result in individualized services that meet the unique needs of children as well as in the development of a closer, more collaborative relationship with LEAs. The contributions that parents make to the process are important because they help ensure the educational progress of the child.

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

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

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

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The Parent Rights notice should be written in language understandable to the general public and provided in the native language of the parent or other mode of communication (e.g., braille or sign language) used by the parent, unless it is clearly not feasible to do so. If necessary, the LEA will translate the notice orally or by other means so that the parent understands the content of the notice. See 34 C.F.R. § 300.504(d). The Parent Rights notice may be provided by electronic mail (e-mail) and may be posted for access on the GaDOE and/or LEA website(s). If parents would like a more detailed explanation of these rights, they can contact a teacher or administrator, the local special education director, and/or the Georgia Department of Education, Division for Special Education Services and Supports at 404-657-9968 or spedhelpdesk@doe.k12.ga.us. Parents may also check to see whether their LEA has a [Parent Mentor](#) on staff. Parent Mentors are parents of a child with a disability who work for the LEA as a connection between schools and families. More information may also be obtained through Georgia Parent Mentor Partnership, <http://www.parentmentors.org/>.

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

Confidentiality is one of the rights afforded to parents. Confidentiality of educational records is a basic right shared by all students in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act ([FERPA](#)) of 1974, which applies to all students, not just those with disabilities.

All LEA personnel (including contracted employees) are governed by confidentiality requirements and should receive training and information regarding the law. Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA).

Personally identifiable information includes the following:

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

FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools. IDEA also specifies that each LEA must permit parents to inspect and review any education records that are collected, maintained, or used by the LEA under Part B of the IDEA. The LEA must comply with a request to inspect records without unnecessary delay and before any meeting regarding an IEP, a disciplinary

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hearing, due process hearing, or a resolution meeting. (See [34 C.F.R. § 300.613](#)). In no case should the LEA delay more than 45 days after the request has been made. More information about FERPA can be found at this [website](#).

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

LEAs must maintain the confidentiality of information in children's educational records. The LEA can assume that both parents of a child have authority to inspect and review the child's records unless the LEA has been advised that a parent's rights to see the records have been terminated by a court order.

Parents of a child with a disability must be allowed an opportunity to inspect and review all education records with respect to:

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

Prior Written Notice by the District (Georgia Rule [160-4-.09](#); [34 C.F.R. § 300.503](#))

LEAs must inform the parents in writing and within a reasonable time of any actions being proposed or actions the LEA refuses to initiate. These include any of 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, as outlined below, when the discussion occurred during an IEP Team meeting. At other times, the parent will request an action and the LEA will respond in writing. Regardless of the way the LEA decides to provide prior written notice, the notice must contain:

- a description of the action refused or proposed by the LEA;
- an explanation of why the LEA 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;

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- a statement that the parents have the protections of the procedural safeguards and if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
- 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 LEA's proposal or refusal.

Parental Consent (Georgia Rule [160-4-.09](#); [34 C.F.R. § 300.300](#))

The LEA is required to obtain informed written consent for each action requested, as outlined below. Parental consent is voluntary and may be revoked at any time. Consent is required for each of the following actions:

- to conduct an initial evaluation;
- to conduct a reevaluation;
- for the initial provision of special education and related services; and
- before disclosure of personally identifiable information that is subject to confidentiality.

If a parent has questions about any proposed actions or changes to the IEP, it is recommended that he or she discuss the questions with the special education teacher or administrator or request an IEP Team meeting for further discussion.

Consent for the initial evaluation does not provide consent for initial provision of special education and related services. A parent may revoke consent for the receipt of special education and related services once the child is initially provided special education and related services. This revocation of consent must be made in writing and is for all special education and related services, not for individual services. When a parent revokes consent for special education and related services, the LEA must provide the parent prior written notice including all required components.

Evaluations and Reevaluations (Georgia Rule [160-4-.04](#); [34 C.F.R. §§ 300.301-300.305](#))

Parents have the right to request that their child receive a full and complete evaluation to determine whether he/she has a disability and is in need of special education and related

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services. This includes having the child assessed in all areas of the suspected disability (including but not limited to behavior, academics, communication, social skills, and daily living skills).

This evaluation must consist of several sources of information, including more than one test. These tests must be given in the language that the child normally uses (i.e., their native language), unless it is clearly not feasible to do so.

In addition, parents have the right for their child to be given appropriate tests by qualified examiners. The initial evaluation must be completed within 60 calendar days from the date the LEA receives the parent's signed consent for the evaluation. When consent is given for the initial evaluation and less than 30 days of school are left in the school year, the LEA still has 60 days to complete the evaluation. However, the 60-day count stops when the school year ends (defined as the teachers' last day under contract) and starts again when the new school year begins (defined as the teachers' first day under contract). It is important to note that when school is closed for more than 5 consecutive school days for holidays or other breaks, those days and the weekends before and after do not count in the 60 days allowed for the initial evaluation.

Parents have the right for their child to have a reevaluation at least every three years. Either the parent or the teacher can make a request for a reevaluation in less than three years if needed. Reevaluations shall not occur more frequently than one time per year unless the parents and the LEA agree one is needed. The 60-day timeline only applies to the initial evaluation. Once a child is in special education, all further evaluations are considered reevaluations, regardless of whether there is any change in the disability(ies). The reevaluation must be completed within a reasonable timeframe, no later than the three-year reevaluation date. However, many factors should be considered in determining a reasonable timeframe for the completion of a reevaluation, such as the needs of the child, the date of the last comprehensive evaluation, parent input, and changes in the child's behavior, attendance, and rate of progress.

Finally, parents have the right to be involved in the decision about their child's eligibility and the programs and services the child needs as part of the initial evaluation and the reevaluation. For more information, see the Evaluations and Reevaluations chapter.

Independent Educational Evaluation (IEE) (Georgia Rule [160-4-.09](#), [34 C.F.R. § 300.502](#))

The parents of a child with a disability have the right to obtain an independent educational evaluation (IEE), at their own expense and sometimes at public expense. The LEA must provide to the parent, upon request, information about where to obtain an IEE and the agency criteria for such evaluations. When the evaluation meets the requirements of the LEA, the results of the evaluation must be considered by the IEP Team in any decision related to the provision of a

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FAPE for the child, no matter who paid for the evaluation, and may be presented by either party as evidence in a due process hearing.

A parent may request an IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent. The LEA may develop criteria for IEEs including the location of the evaluation and the qualifications of the evaluators. The qualifications of the independent evaluator must be the same as those required of the LEA's evaluators. The LEA may set a reasonable limit on the cost of the IEE. However, the LEA must also allow parents the opportunity to demonstrate that unique circumstances exist that warrant an IEE at public expense that does not meet LEA criteria. See Letter to Anonymous, 56 IDELR 175, Office of Special Education Programs, August 13, 2010. If a parent requests an IEE at public expense, the LEA must either agree to pay for the independent evaluation or begin due process procedures to show that the LEA's evaluation is appropriate. If there is a due process hearing and the LEA's evaluation is judged to be sufficient, then the LEA will not have to pay for an IEE. (See 34 C.F.R. § 300.502 for a complete explanation of IEEs.)

Parents are not entitled to an IEE at public expense before they allow the LEA to conduct its own evaluation. Once the LEA evaluation occurs, and the parents disagree with the evaluation, they can request an IEE at public expense. The LEA may ask the parent why they disagree with the LEA evaluation, but the LEA cannot require an explanation. If the LEA agrees to provide an IEE, the LEA will provide the parents with a list of qualified examiners from which to choose for the IEE. LEAs should work with the parents to find a mutually agreeable evaluator.

Least Restrictive Environment (Georgia Rule [160-4-.07](#); 34 C.F.R. §§ [300.114-300.120](#))

To the maximum extent appropriate, a parent has the right to have his or her child placed in general education classrooms. Also, to the maximum extent appropriate, a parent has the right for his or her child to participate in all school programs and activities with other children without disabilities. To the maximum extent appropriate:

- LEA personnel must make accommodations (supports) and modifications (changes) so the child can participate in all school programs and activities;
- the parent has the right for his or her child to participate in non-academic and extracurricular activities (such as lunch, recess, counseling, sports, and clubs) to the same extent as children without disabilities;

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- the parent has the right for the IEP Team to consider a variety of different special education services to meet the needs of his or her child in the least restrictive environment;
- the parent has the right to have supplementary aides and services (extra support) provided to allow his or her child to remain in general education classes as much as appropriate before considering whether to remove the child from the general education classroom; and
- the parent has the right to have his or her child placed in the zoned school unless the IEP Team determines otherwise.

DISPUTE RESOLUTION

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

Mediation (Georgia Rule [160-4-7-.12](#); [34 C.F.R. § 300.506](#))

Mediation is a way to discuss and resolve disagreements between the parent and the LEA with the help of a trained, impartial third person. Either the parent or the LEA can request mediation to resolve disputes. Since this process is voluntary for each party, both parties must agree to mediation. All discussions during the mediation process are confidential and may not be used as evidence in any due process hearings or civil proceedings. The Georgia Department of Education (GaDOE) contracts with a number of qualified mediators and will assign a mediator when mediation is requested. If an agreement is reached during mediation, the written agreement is legally binding in a State or District Court. The failure to carry out a written agreement may also be the subject of a formal complaint. For more information on mediation, refer to the Dispute Resolution chapter.

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Formal Complaint Process (Georgia Rule [160-4-7-.12](#), [34 C.F.R. §§ 300.151-300.153](#))

Parents (as well as any individual or organization) may file a formal complaint with the GaDOE when they believe a violation of the IDEA or state special education rules has occurred. A formal complaint investigation is a procedure to determine whether the LEA is complying with federal or Georgia laws and/or regulations regarding the provision of special education and related services to children with disabilities.

The formal complaint investigation is conducted by the GaDOE through the use of qualified, contracted investigators.

In addition to filing a complaint with the GaDOE, the party filing the complaint must forward a copy of the complaint to the LEA who serves or served the child. The LEA is required to respond to the complaint, and the response is requested within 10 business days. A parent who files a complaint will have an opportunity to engage voluntarily in mediation with the LEA to resolve the dispute. For more information on the formal complaint process, refer to the Dispute Resolution chapter.

Impartial Due Process Hearing (Georgia Rule [160-4-7-.12](#); [34 C.F.R. §§ 300.507-300.518](#))

In addition to mediation and the state complaint process, certain disagreements between the parent and the LEA may be resolved through a due process hearing. Parents or the LEA may request an impartial due process hearing regarding any matter related to the identification, evaluation, placement, or the provision of FAPE to the child.

When an impartial due process hearing request is filed, the LEA must offer and convene a resolution meeting with the parent and the relevant members of the IEP Team within 15 days unless the parties agree to waive the meeting or participate in mediation instead of a resolution meeting.

When the resolution meeting (or the alternate mediation) does not result in agreement, the impartial due process hearing will be held within 45 days after the 30-day resolution period. An impartial due process hearing is conducted as an administrative hearing.

For more information on impartial due process hearings, refer to the Dispute Resolution chapter.

Discipline Procedures and Rights (Georgia Rule [160-4-7-.10](#); [34 C.F.R. §§ 300.530 – 300.536](#))

Children with disabilities may be suspended out of school for less than 10 days in any school year, and no special education services are required to be provided. When a child is suspended or expelled out of school for more than 10 days, the LEA must continue to provide a FAPE for that child even if the child is

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not attending his or her regular school. The location or place where the services are provided may change.

If the child possesses or sells illegal drugs, possesses weapons, or causes serious bodily injury, the LEA may change the placement for up to 45 school days without regard to whether the behavior is a manifestation of the disability. Parents will receive immediate notice of the change in placement.

Once a child has been suspended for more than 10 days in a school year, a manifestation determination must be held to decide whether the behavior was caused by or had a direct and substantial relationship to the child's disability and/or whether the conduct was a direct result of the school's failure to implement the student's IEP.

- If the team determines the behavior was caused by the disability and/or the IEP was not followed, then the child must return to the original setting unless it is a case of illegal drugs, weapons, or serious bodily injury.
 - A Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP) must either be conducted or reviewed and revised when the behavior is a manifestation.
- If the team determines that the behaviors were not caused by the disability and that the IEP was followed, then the child may be disciplined according to LEA policy.
 - The child must continue to receive a FAPE. The IEP Team will determine how the services must be provided. An FBA/BIP may be developed or reviewed and revised to prevent further behavior problems.
- If the parent disagrees with the decision of the manifestation determination, he or she may appeal by requesting a due process hearing. An expedited hearing must occur within 20 school days. The child will remain in the setting decided by the discipline process until the hearing occurs. See the Dispute Prevention and Resolution chapter on how to request a due process hearing.

Under special situations, if the behavior that causes a child to get into trouble and be suspended is not related to the child's previous behavior that resulted in removals from school or to the child's disability, the LEA may consider the factors listed below before deciding a new suspension that results in more than 10 cumulative days of suspension for this school year is or is not a change in placement. The LEA must consider these factors when making a determination:

- The series of removals during the current school year;
- Behavior similarity to previous behavior that resulted in a series of removals;

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- The length of each previous removal;
- The total amount of time the child has been removed; and
- The proximity of the removals to one another.

If the child is moved to another setting due to discipline, that child must continue to participate in the general curriculum and to progress toward meeting the goals and objectives in his/her IEP.

When the LEA had knowledge that the child might be a child with a disability prior to the behavior occurring, the child will have the same protections of discipline as a child with an IEP. A LEA has knowledge when:

- the parent expressed concern in writing to the school that the child is in need of special education and related services; or
- the parent requested an evaluation for special education; or
- the child's teacher or other school district staff expressed concerns to supervisory personnel in the LEA about a pattern of behavior demonstrated by the child.

Any evaluations that have been requested for a child being disciplined must be completed in an expedited manner.

A FAPE, even though it is in a different location, shall be provided to all children with disabilities who have been suspended out of school or expelled so that the child can continue to make progress toward meeting the goals and objectives of his or her IEP and make progress in the curriculum. See Discipline chapter for more details.

Change of Placement for Disciplinary Removals for Children with Disabilities (Georgia Rule [160-4-7-.10](#); [34 C.F.R. §§ 300.530 – 300.536](#))

When a child violates a school rule, uses or sells illegal drugs or weapons, or does something that causes serious bodily injury to another person, there are provisions that clarify what action the LEA can take and what rights are afforded the child and the child's parent. The possible actions by the LEA and the parental/student rights in these matters are explained in the Discipline chapter. However, a student with an IEP, even when suspended or expelled for more than 10 days, always maintains the right to services that allow the opportunity to participate in the general curriculum and the right to receive FAPE, although in a different location.

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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, the LEA is not required to pay for the cost of education, including special education and related services for the child as long as the LEA made a FAPE available to the child.

Private school placement may occur in three circumstances:

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. The chapter on Private Schools contains more details.

Georgia offers a [Special Needs Scholarship Program](#) that allows *eligible* students to transfer to another public school or to use a state-funded scholarship to attend an approved private school. To learn more about eligibility and requirements go to

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<http://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Special-Needs-Scholarship-Program.aspx>. The scholarship may defray or cover the cost of tuition at private schools.

Transfer of Rights (Georgia Rule [160-4-7-.07](#); 34 C.F.R. § 300.520)

At age 18, students become their own educational decision makers, unless a court decides they are not able to make these decisions. On or before a student's 17th birthday, the LEA is to inform the parent and the student that, at age 18, the student attains the age of majority in Georgia and will become his or her own educational decision maker. LEAs may also inform the parent of other options or about where to get more information about power of attorney, guardianships, supported decision making, and other similar options. For example, it may be that for some students, a guardianship or a more limited form of transfer of rights would be necessary. Beginning at age 18, the LEA is to send all notices to both the parent and the student, but the student will provide informed written consent for any action requested by the LEA. When the student turns 18, he or she becomes the educational decision maker. However, while the student is eligible under the IDEA, the parent retains the rights to all notices of meetings, notices of changes in program or placement, and notices of evaluations.

Frequently Asked Questions

1. Is it necessary to retrain our surrogates?

To ensure that surrogates understand all of their educational responsibilities, retraining may be needed anytime there is a change to federal and/or state law and regulations impacting special education.

2. Do all foster parents need surrogates?

No, the definition of parent in the IDEA and Georgia Special Education Rules allows foster parents to act as a parent for special education purposes.

3. When parents are divorced, are both parties entitled to attend the IEP Team meeting?

As an initial matter, the IDEA requires that an LEA ensure at least one parent is present or afforded the opportunity to participate in IEP Team meetings. See 34 C.F.R. § 300.322(a). However, when parents are divorced, the parental rights under IDEA apply to both parents unless a court order or state law specifies otherwise. See Letter to Biondi, 29 IDELR 972 (OSEP 1997); Letter to Serwecki, 44 IDELR 8 (OSEP 2005). This also applies to separated parents. See Letter to Best, 30 IDELR 145 (OSEP 1998).

4. May an LEA conduct an IEP Team meeting without a parent in attendance?

If, after multiple attempts to contact the parent using multiple formats, the LEA is unable to convince the parent to attend, the LEA may conduct the IEP Team meeting without the parent. The LEA should keep detailed records of any letters, telephone calls, and/or visits to

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the parent. If attempts to ensure parental participation do not result in parent attendance, a copy of the IEP must be sent to the parent in a timely manner.

5. What information must the LEA include in its notice to parents about the IEP Team meeting?

The notice of an upcoming IEP Team meeting must indicate the purpose, time, and location of the meeting and who will be in attendance. The notice must also inform the parents of the IDEA provisions relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child and relating to the participation of Babies Can't Wait service coordinators or other representatives of Babies Can't Wait at the initial IEP Team meeting for a child previously served under Babies Can't Wait. See 34 C.F.R. [§ 300.322\(b\)\(1\)](#). The LEA's notice to parents is not required to identify individuals who will be attending the IEP Team meeting by name, as long as the notice identifies the individuals by position. See Letter to Livingston, 21 IDELR 1060, OSEP (August 29, 1994). If the purpose of the IEP Team meeting will be the consideration of postsecondary goals and transition services, the LEA must invite the student and identify any other agency that will be invited to send a representative. 34 C.F.R. § 300.322(b)(2).

6. Do IEP Team members vote on IEP decisions?

No. There is no "majority vote" rule for IEP Team meetings. Decisions should be reached by consensus. If the Team cannot reach consensus, the LEA must provide the parent with prior written notice of the LEA's proposals or refusals, or both, regarding the child's educational program. Parents are equal participants in the IEP process, but they do not have veto power over the IEP. If the parent disagrees with the Team's decision, he or she can utilize the dispute resolution options.

Resources

See the Georgia Department of Education, Division for Special Education Services and Supports [website](#) where there is a direct link to Family Engagement Information and Resources.

[Parent Rights](#) notice provides a variety of information to parents about special education and related services and provides multimedia formats of parent rights in multiple languages.

[Fact Sheets](#) provide information in multiple languages on a variety of topics:

- Assistive Technology
- Child Find
- Discipline
- Due Process
- Eligibility Determination

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- Extended School Year
- Initial Evaluation and Re-Evaluations
- Formal Complaints
- Functional Behavioral Assessments and Behavioral Intervention Plans
- Helping your Child with Disabilities with Homework
- IEPs
- Mediation
- Person Centered Planning
- Reevaluations and Independent Educational Evaluations
- Starting and Keeping your Child on a Path to Graduation
- Transitions from Early Intervention to Public School
- Transition to Life After High School

[Parent Mentors](#) website lists districts with parent mentors. For more information, call the local district special education office or a Parent Mentor if your district has one on staff.

[Parent to Parent of Georgia](#) or call 800-229-2038

Valuable information and answers to questions can be obtained from Parent to Parent of Georgia (P2P), which is the state's Parent Information Training Center (PTI) under IDEA. Assistance is also available for parents who speak Spanish.

[GaDOE Special Education Questions and Support Desk](#) or call 404-657-9968. A support line for parents and districts to answer special education related questions, explain the procedural safeguards (parent rights), provide information about the dispute prevention and resolution processes, discuss options for addressing concerns or disagreements about a student's special education program, and provide other useful resources and informational materials.