

## Georgia Special Education Rules Outline

The purpose of this resource is to provide guidance to assist districts in creating compliant written procedures by aligning the Measurable Indicators, Over-Archiving and Probing Questions, and State Rules. Every component of every rule is not listed here. Rules in this document are hyperlinked to the actual State Rules. Read the entire State Rule for a thorough understanding.

### **Area of General Supervision I: Identification Processes**

#### *Overarching Questions*

#### Indicators:

*9: Disproportionality in Special Education*

*10: Disproportionality by Category*

*11: Child Find*

*12: Early Childhood Transition*

**State Rule: [160-4-7-.08](#) - Confidentiality of Personally Identifiable Information**

✓	Components
	Confidential Information
	Access rights and required procedures
	Amendment of Records at parent request
	Results of hearing
	Parent consent
	Safeguards
	Destruction of confidential information

**State Rule: [160-4-2-.32](#) - Student Support Team**

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

**State Rule: [160-4-7-.03](#) - Child Find Procedures**

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

**State Rule: [160-4-7-.04](#) - Evaluations and Reevaluations**

✓	Components
	Initial evaluation referral process
	Timeframes for evaluations <ul style="list-style-type: none"> <li>• 60 calendar days</li> <li>• Exceptions</li> </ul>
	Parental Consent
	Reevaluation consideration
	Comprehensive Evaluations <ul style="list-style-type: none"> <li>• Variety of appropriate evaluation tools</li> <li>• Administered by trained and knowledgeable staff</li> <li>• Existing data reviewed</li> <li>• Identify additional data needed</li> </ul>
	Determination of eligibility <ul style="list-style-type: none"> <li>• Eligibility team</li> <li>• Documentation of evaluation results</li> <li>• Exclusionary factors</li> <li>• Determination of the disability and the need for special education (dismissal)</li> </ul>

**State Rule: [160-4-7-.05](#) - Eligibility Determination and Categories of Eligibility**

✓	Components
	Definitions for areas of disability for children aged 3 to 21: (a) Autism spectrum disorder. (b) Deafblind.

	(c) Deaf/hard of hearing. (d) Emotional and behavioral disorder. (e) Intellectual disability (mild, moderate, severe, profound). (f) Orthopedic impairment. (g) Other health impairment. (h) Significant developmental delay. (i) Specific learning disability. (j) Speech-language impairment. (k) Traumatic brain injury. (l) Visual impairment.
	Determination of eligibility by Eligibility Team (qualified professionals and parents)
	Exclusionary factors for eligibility
	Documentation of eligibility/ineligibility: variety of appropriate sources and well documented
	Evaluation Report and Determination provided to parents

**State Rule: [160-4-7-.13](#) - Private Schools**

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

**Area of General Supervision II: Services and Supports**  
*Overarching Questions*

**Indicators:**

***4a & 4: Suspension and Expulsion***

***5: LRE***

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

✓	<b>Components</b>
	LRE Requirements: Written policies and procedures exist
	Annual IEP placement determination
	Full continuum of alternative placements
	Location of services
	Preschool placements and services
	School age placements and services
	Non-academic and extracurricular settings

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

✓	<b>Components</b>
	Relationship of general code of conduct to IEP
	Interim alternative settings and 10-day rule
	Manifestation determination
	Functional behavior assessment
	Behavior intervention plan
	Special Circumstances: weapons, illegal drugs, injury
	Provision of notification of change of placement
	Appeal process
	Placement during appeal
	Protections for children not yet eligible
	Referral to law enforcement and judicial authorities
	Change of placement due to disciplinary removal

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

✓	<b>Components</b>
	Definition of IEP team
	Required sections of the IEP: <ul style="list-style-type: none"> <li>• Present level of performance</li> <li>• Assessments and identified needs (academic, functional, developmental)</li> <li>• Effect of the disability</li> <li>• Parental concerns</li> <li>• Consideration of special factors</li> <li>• Measurable annual goals</li> </ul>

	<ul style="list-style-type: none"> <li>• Benchmarks/short-term objectives for students on alternative assessment</li> <li>• Criteria for measurement of goals/objectives</li> <li>• Progress reporting and schedule</li> <li>• Plan for services (special education, related services, modifications/accommodations, positive behavioral supports) with frequency, location, and duration of services</li> <li>• Consideration of assistive technology</li> <li>• Explanation for exclusion of participation with non-disabled peers</li> <li>• Testing accommodations or modifications</li> <li>• Consideration of ESY</li> </ul>
	<p>Transition Services</p> <ul style="list-style-type: none"> <li>• Appropriate post-secondary goals</li> <li>• Transition services required to meet goals</li> <li>• Student involvement: preferences and interests</li> <li>• Representative of participating agency</li> </ul>
	Transfer of rights
	Excusal of IEP team member
	Transition for children birth through 2 – Part C
	Parent participation in IEP: notification and invitation
	<p>IEP/IFSP</p> <ul style="list-style-type: none"> <li>• Conducted within 30 days of determination</li> <li>• Current within year</li> <li>• Accessed by all service providers</li> </ul>
	Inter and Intra – state transfer of students with IEPs
	FERPA and transmittal of records
	Review and Revision of the IEP

**State Rule: [160-4-7-.14](#) - Personnel, Facilities, and Caseloads**

✓	<b>Components</b>
	Maintenance of credentials for professional employees
	Classroom size and appropriateness
	Maximum class size and caseload by eligibility category

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

✓	<b>Components</b>
	GNETS Purpose and Services
	Consideration for GNETS Services
	Continuum of GNETS Service Delivery and Environments
	LEA Duties and Responsibilities

**Area of General Supervision III: Student Progress**  
*Overarching Questions*

**Indicators:**

**3: Assessment**

**7: Preschool Outcomes**

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

✓	Components
	FAPE inclusive for students aged 3 to 21: Full Educational Opportunity
	FAPE for students aged 22
	FAPE provision by 3 <sup>rd</sup> birthday
	FAPE for incarcerated students
	Definition of regular high school diploma
	Delay of services not allowed
	Medicaid payment allowances and limitations
	Notice to parents regarding use of benefits
	Residential placement
	Provision of accessible instructional materials
	Provision of assistive technology
	Assistive technology evaluations
	Home use of assistive technology
	FAPE and Extended School Year
	Extracurricular activities accessibility
	Access to physical education and specially designed physical education
	Services to public charter schools that are not LEAs
	Charter schools that are LEAs
	Programming options and equal access
	Hearing equipment checks
	Prohibition of mandatory medication

**Area of General Supervision IV: Parent Engagement**  
**Overarching Questions**

**Indicators:**

**8: Parent Involvement**

**16: Complaint Timelines**

**17: Hearing Timelines**

**18: Resolution Session**

**19: Mediation**

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

(The term “Procedural Safeguards Notice” also refers to the document commonly identified as “Parent Rights”)

✓	<b>Components</b>
	When parent rights must be provided to parents
	Content of Parent Rights <ul style="list-style-type: none"> <li>• Independent educational evaluations</li> <li>• Prior written notice</li> <li>• Parental Consent</li> <li>• Access to education records</li> <li>• Complaint process</li> <li>• Mediation</li> <li>• Student placement during pending due process</li> <li>• Interim placements</li> <li>• Private school placement by parent</li> <li>• Due process hearings</li> <li>• Attorneys’ fees</li> <li>• Provided in language understandable to parents</li> </ul>
	Parental opportunity to review records
	Parental participation in meetings
	Independent Educational Evaluations
	Parental Consent <ul style="list-style-type: none"> <li>• Initial Evaluation</li> <li>• Re-evaluation</li> <li>• Consent for initial placement</li> </ul>
	Parent refusal for consent/revocation
	Parent consent not required
	Parent training

**State Rule: [160-4-7-.11](#) - Surrogate Parent**

✓	<b>Components</b>
	Efforts to locate parents <ul style="list-style-type: none"><li>• Ward of the state</li><li>• Homeless youth</li></ul>
	Appointment of surrogate <ul style="list-style-type: none"><li>• LEA determines need</li><li>• LEA maintains list</li></ul>
	Criteria for Surrogate parent selection
	Surrogate parent responsibilities

**State Rule: [160-4-7-.12](#) - Dispute Resolution**

✓	<b>Components</b>
	Complaint Process
	Mediation Process
	Impartial Due Process Hearings



**Area of General Supervision V: Readiness for College and Career**  
[Overarching Questions](#)

**Indicators:**

***1: Graduation Rates***

***2: Dropout Rates***

***13: Secondary Transition***

***14: Post School Outcomes***

**State House Bill 400 - Bridge Law**

✓	<b>Components</b>
	Sixth, seventh, and eighth grade students receive:
	<ul style="list-style-type: none"> <li>• Counseling</li> </ul>
	<ul style="list-style-type: none"> <li>• Regularly scheduled advisement</li> </ul>
	<ul style="list-style-type: none"> <li>• Career awareness</li> </ul>
	<ul style="list-style-type: none"> <li>• Career interest inventories</li> </ul>
	<ul style="list-style-type: none"> <li>• Information to assist students in evaluating their academic skills and career interests</li> </ul>
	Individual Graduation Plan for 8 <sup>th</sup> grade students
	High School students receive:
	<ul style="list-style-type: none"> <li>• Career counseling</li> </ul>
	<ul style="list-style-type: none"> <li>• Career guidance</li> </ul>
	<ul style="list-style-type: none"> <li>• Regularly scheduled career advisement</li> </ul>
	<ul style="list-style-type: none"> <li>• Information to enable students to successfully complete their individual graduation plans</li> </ul>

See also *Transition Services* under State Rule: [160-4-7-.06](#) IEP

State Rule: [160-4-7-.21](#) – Definitions (glossary of common terminology)