



December 8, 2023 Email Blast

## Office of Federal Programs - Division for Special Education



*IDEA 1975 to Present:  
Individuals with Disabilities Act*

Directors,

Individuals with Disabilities Education Act (IDEA) turns 48! National Special Education Day was celebrated on December 2, 2023 to commemorate the birth of IDEA. In 1972, *Mills v. Board of Education of District of Columbia* started the process when the court ruled that all students, even those with disabilities, have a right to a free appropriate public education with consideration of their individual abilities. Three years later in 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act (PL 94-142) requiring all public schools accepting federal funds to provide equal access for children ages 3-21 years with disabilities. The law was reauthorized in 1990 and the name changed to IDEA. The last reauthorization of IDEA was in 2004. The Office of Special Education Programs has periodically released revised regulations to support the implementation and interpretation of the law. Please join me in celebrating 48 years of services for students with disabilities.

I graduated high school in 1976, the year of the bicentennial. With 200 years of history in the United States, individuals with disabilities were just being recognized. The birth of special education as we know it was in its infancy. I only recall one such class at the elementary and high school level when I was a student in school. Many students with significant disabilities were just being allowed to attend public school. 48 years is a long time ago but not really.

Certainly, a big change has happened in my lifetime. Growing up, I can recall one child in the community with a disability. Sadly, the child was in an institution except for holidays. We all know there were other children in the community with disabilities, including the students in the one special education class at each school, but we did not know the children as they did not play with us on the playground, attend class with their non-disabled peers or eat in the cafeteria. By the time I started teaching middle school, there was a full array of special education classes and some mainstreaming, as we would have said at the time, was occurring. A lot of progress in a few short years but we know it took until the early to mid-90s to really examine least restrictive environment and inclusion. Greer v. Rome City School District set the bar for the expectations of education in the least restrictive environment alongside non-disabled students. Attorney Jon Zimring, Atlanta, represented the plaintiff while the school district was defended by Brinson, Askew and Berry from Rome and Harben and Hartley from Gainesville. These names are familiar to most today even though the case was in November 1990. See the excerpt below taken directly from the plaintiff's pretrial brief.

**Least Restrictive Environment, 34 C.F.R. § 300.550(b) (2) (1990).**

*The State of Georgia through the Department of Education has adopted analogous regulations that governs the removal of handicapped students from the regular classroom. The regulations provide that:*

*To the maximum extent appropriate, handicapped students of Georgia shall be educated with students who are not handicapped. [R]emoval of handicapped students from the regular classroom shall occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. Further, it is the policy of the Georgia Department of Education that handicapped students have the right to be educated with their non-handicapped peers unless clear evidence is available that partial or whole removal is desirable for the welfare of the student or for other students. Quoted from appendix "D" attached to Plaintiffs' August 24, 1990, Pretrial Brief.*

If interested and unfamiliar with the Greer case, take the time to read the findings as it still applies today and is very relevant. Not only did this case bring changes with LRE but it also secured education for the student in their home school rather than a FAPE offered by the LEA in a centralized program at another elementary school. The plaintiff won the right to have their child educated with non-disabled peers in the child's zoned school. Something to consider when discussing centralized services for students with disabilities. Can the child be served in their home school? By the time this case began to infiltrate across Georgia and the nation, I was working in special education as a Diagnostic Lead Teacher at the district level. As part of my responsibilities, I

had to provide professional learning not just to special education teachers but all teachers and leaders to ensure LRE for students with disabilities. 48 years is a long time but not really so long ago. Let's make sure we are leading special education services across the state to uphold the law as well as the true spirit of the law. Access to the general curriculum continues to be one of our largest challenges. We certainly don't want to look back 48 years from now only to discover we are facing the same challenges.

Special education is a service not a place. Specially designed instruction, accommodations, assistive technology, and access to the general curriculum through the least restrictive environment should be among our highest priorities in providing a free appropriate public education for all students with disabilities.

**Please participate in the GVRA survey for the Comprehensive Needs Assessment.**

The participant numbers are much lower than three years ago. Feel free to share across your district and with parents.

The Research and Evaluation Unit (REU) at the Institute on Human Development and Disability (IHDD) at the University of Georgia (UGA) is conducting a Comprehensive Statewide Needs Assessment (CSNA) on behalf of the State Rehabilitation Council (SRC) of the Georgia Vocational Rehabilitation Agency (GVRA). We are seeking input from individuals with disabilities, key stakeholders (family, friends, professionals, or advocates), service providers, and employers in Georgia regarding competitive, integrated employment for Georgians with disabilities.

The information gathered will inform GVRA's portion of Georgia's Unified State Plan, as well as influence decision-making and delivery of vocational services to individuals with disabilities. You can participate by completing the surveys or participating in interviews/focus groups. Links to the webpage, surveys, and interview participation are below.

Surveys can be found by going to the [2023 CSNA for Georgia Vocational Rehabilitation Agency \(GVRA\) webpage](#) or clicking on the links posted below. Once you are on the web page, please click on the big icons to select the survey you want to complete. Each survey takes approximately 10-15 minutes, and participation is voluntary.

Survey Links:

- Individual with a Disability Survey (Any job seeker [past or present] with a disability who lives in Georgia.)
- Stakeholder Survey (Family, friends, professionals, and advocates of job seekers with disabilities.)

-Service Provider Survey (Providers of services that help individuals with disabilities find jobs.)

-Employer Survey (Individuals or organizations hiring people with disabilities.)

Interviews or Focus Groups:

-If you would like to participate in an interview or a focus group, please complete the form. One of our study team members will contact you to determine eligibility and schedule at a time convenient for you. Interviews will take about 20-30 minutes, and focus groups will take about 45-60 minutes.

Participate in Interview/Focus Group

If you have questions or need help completing the surveys, please contact the Research and Evaluation Unit (REU) at IHDD by sending an email to [researchevaluation.ihdd@gmail.com](mailto:researchevaluation.ihdd@gmail.com) or calling (706) 542-6089.



*If we all could see the world through eyes of a child, we would see the magic in everything. - Chee Vai Tang*

Students with disabilities are included in general education classrooms today. The battle to include students with disabilities in the classroom has been won but are the students receiving specially designed instruction? Please join the professional learning offered by our Instructional Unit on specially designed instruction. The team will provide coaching and intensive support for LEAs so watch for the opportunity to apply. Contact Dr. Katherine Johnson for more information at

[Katherine.Johnson@doe.k12.ga.us](mailto:Katherine.Johnson@doe.k12.ga.us).

I know the countdown has already started. The holiday break will be here very soon. The anticipation of the magic of the holidays is hard to describe. My youngest granddaughter, Josie, has been asking for a cotton candy machine for about the last three years. Josie is nine years old now but her birthday is just around the corner. As usual, she asked again for a cotton candy machine. You may be wondering why Josie is still asking but the answer is simple. Her parents have vetoed the cotton candy machine. I decided that Josie will have a cotton candy machine this year before she is too old to be interested. We have typically traveled to see the children on Christmas so they could have Santa at home. This year, they are all coming to Nana and Big Daddy's house so Josie will have her cotton candy machine, but I am prepared for it to stay in Georgia as I don't think her parents will agree for it to go back to Utah. There is also a possibility of a snow cone machine. Let me add that I do not like mess in my house but I would do anything to make Annabelle or Josie happy. Hopefully, I won't be in too much trouble with her parents. Enjoy the season! Mine will be

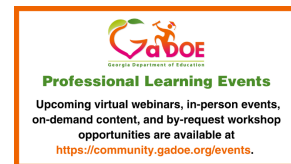
with cotton candy!

Thank you for all you do to ensure students with disabilities are provided access to a free appropriate public education. There were warriors in the early 70's that really started the change. Now, it is our responsibility to stand in the gap to protect the rights of students with disabilities. Your work is making a difference. Many lives are impacted each day due to your commitment and dedication. I appreciate each of you!

Keeping students first,  
Wina

## Special Education Events & Due Dates

Please review the information below and the Due Dates Calendar for deadlines and key dates.



*Professional Learning  
Events*

### Coming Up

**December 11-14** at 8:30 a.m. – 3:30 p.m. Functional

Behavior Assessment and Behavior Intervention: SW Georgia

**December 11-14** at 8:30 a.m. – 3:30 p.m. Functional Behavior Assessment and Behavior Intervention: South Central

### Reminders

**December 13** Student Record: Data Cleanse -Closes (Data Collections, Indicators 1, 2, & 4)

**January 1** High Cost Grant Applications Available (Submitted via [www.gahcf.org](http://www.gahcf.org))

**January 1** Grant for Residential and Reintegration Services Grant Applications Available (Submitted to Budget Liaison using Portal email)

**January 1** American Printing House (APH) Census Opens (Submitted via GIMC website direct link)

Visit GaDOE Community for a complete listing of GaDOE Professional Learning Events.

## District Highlight: Bulloch County Schools

**Southeast Bulloch Middle School**

# Bulloch County Schools

Special Education teacher Jennifer Johnson initiated The Common Grounds, a coffee shop run by students being served in the special education department.

The Common Grounds is an instructional method to teach pre-vocational skills that are necessary for not only finding employment but maintaining that employment. They also include problem-solving, communication with others, working as a team, following directions, taking initiative, and showing emotional restraint. They also include skills like handling money, using a timesheet, preparing orders, or assembling products, any of which may be necessary for maintaining employment.

The students run the coffee shop Monday, Wednesday, and Friday. It even offers delivery!



*Arrows*

**Practice Pointers – Individualized Education Program**

## **(IEP): Instructional and Classroom Testing Accommodations**

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

Accommodations provide children with disabilities a variety of ways to access the Georgia Standards, so their disabilities are not barriers to achievement.

Children receiving accommodations are still expected to meet the same grade level standards as their peers without disabilities, and accommodations should provide access to or promote skill growth. Also, some accommodations may be used instructionally that will not necessarily be used for assessment.

Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis, and accommodations should not be confused with differentiated instruction. Additionally, classroom testing accommodations should be individualized, determined by subject area, and be as specific as possible.

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/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.

For more information, please see our [Special Education Rules Implementation Manual](#), our [IEP Resources](#) and [Specially Designed Instruction \(SDI\)](#) webpages, our [Parent Information Fact Sheets](#), the [Student Assessment Handbook - 2023-2024 / Fact Sheets and Teacher Tools](#), and the [PROGRESS Center at American Institutes for Research / IEP Tip Sheet PLAAFPs](#).

## **School-Based Medicaid Services Billing Clarification**

The setting of the school-based service distinguishes School-Based Medicaid Services from other Medicaid services that are rendered to students. Correct coding must be used to identify the setting. School-Based Medicaid services do not interfere with a provider's ability to bill for a service that they render in the community setting.

-LEAs must use the appropriate modifiers as outlined in the CISS policy manual for claims submission to GAMMIS.

-Students may receive services in the school and in the community if the correct codes are used and there is no duplication of services. This is outlined in the Children's Intervention School Services (CISS) manual for LEAs and the Children's Intervention Services (CIS) manual for community providers. [CISS,

Chapter 600, Sections 603.4, 606.2 and 607 (bottom of page, VI-9)]

LEAs (special education directors, etc.) are strongly encouraged to familiarize themselves with the CISS manual. CISS manual questions should be directed to Tamara Wilson at [twilson@dch.ga.gov](mailto:twilson@dch.ga.gov) for clarification. Claim questions may be submitted to Tamara Wilson and/or to Gainwell Technologies Provider Contact Center for review.

## School Completion Toolkit

The School Completion Toolkit offers a process for identifying needs and improving special education programs. It also provides links to State and national resources, as well as successful practices from LEAs across Georgia, aimed at improving outcomes for all students. Note: We are working on updating the graduation rate info on the [School Completion Toolkit main page](#).

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