

Georgia Special Education Rules Outline

LEA _____
 DATE _____

The purpose of this resource is to provide guidance to assist districts in creating compliant written procedures. 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.

C - Compliant **NC - Non-Compliant**

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

C	NC	Components
		FAPE inclusive for students aged 3 to 21: Full Educational Opportunity
		FAPE for students aged 22
		FAPE provision by 3rd 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
		Extracurricular activities accessibility
		FAPE and Extended School Year
		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

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

C	NC	Components
		Annual child find activity is published through public notification system
		Provides for identification, location and evaluation of children with suspected disability ages 3-21 including:
		Children birth through age three
		Preschool children, ages 3-5 not yet eligible for state-funded kindergarten
		Children enrolled in the LEA schools including public charter schools
		Children who are suspected of being children with disabilities

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

C	NC	Components
		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

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

C	NC	Components
		Initial evaluation referral process
		Timeframes for evaluations:
		60 calendar days
		Exceptions
		Parental Consent
		Reevaluation consideration
		Comprehensive Evaluations:
		Reviewed existing data
		Identified if additional data needed
		Used a variety of appropriate evaluation tools
		Administered by trained and knowledgeable staff
		Determination of eligibility:
		Eligibility team
		Documentation of evaluation results
		Exclusionary factors
		Determination of the disability and the need for special education (dismissal)

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

C	NC	Components
		Definitions for areas of disability for children aged 3 to 21:
		Autism spectrum disorder
		Deafblind.
		Deaf/hard of hearing
		Emotional and behavioral disorder
		Intellectual disability (mild, moderate, severe, profound).
		Intellectual disability (mild, moderate, severe, profound).
		Orthopedic impairment
		Other health impairment

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

C	NC	Components
		Significant developmental delay
		Specific learning disability
		Speech-language impairment
		Traumatic brain injury
		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-.06 - Individualized Education Program (IEP)

C	NC	Components
		Definition of IEP team
		Required sections of the IEP:
		Present level of performance
		Assessments and identified needs (academic, functional and developmental)
		Effect of the disability
		Parental concerns
		Consideration of special factors
		Consideration of assistive technology
		Measurable annual goals
		Benchmarks/short-term objectives for students on alternative assessment
		Criteria for measurement of goals/objectives
		Progress reporting and schedule
		Plan for services (special education, related services, modifications/accommodations, positive behavioral supports) with frequency, location, and duration of services
		Explanation for exclusion of participation with non-disabled peers
		Testing accommodations or modifications
		Consideration of ESY
		Transition Services:
		Beginning no later than 9 th grade or age 16, whichever comes first
		Appropriate post-secondary goals
		Transition services required to meet goals
		Student involvement: preferences and interests
		Representative of participating agency
		Transfer of rights
		Excusal of IEP team member
		Transition for children birth through 2 - Part C
		Parent participation in IEP: notification and invitation

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

C	NC	Components
		IEP/IFSP:
		Conducted within 30 days of determination
		Current within year
		Accessed by all service providers
		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-.07 - Least Restrictive Environment (LRE)

C	NC	Components
		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-.08-Confidentiality of Personally Identifiable Information

C	NC	Components
		Confidential Information
		Access Rights and required procedures
		Amendment of Records at parent request
		Results of hearing
		Parent Consent
		Safeguards
		Destructions of confidential information

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

C	NC	Components
		When parent rights must be provided to parents
		Content of Parent Rights:
		Prior written notice
		Parental Consent
		Access to education records
		Complaint process
		Mediation
		Student placement during pending due process
		Interim placements

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

C	NC	Components
		Independent educational evaluations
		Private school placement by parent
		Due process hearings
		Attorneys' fees
		Provided in language understandable to parents
		Parental opportunity to review records
		Parental participation in meetings
		Independent Educational Evaluations
		Parental Consent:
		Initial Evaluation
		Re-evaluation
		Services
		Parent refusal for consent/revocation
		Parent consent not required
		Parent training

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

C	NC	Components
		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: 160-4-7.11- Surrogate Parents

C	NC	Components
		Efforts to Locate Parents
		Ward of the State
		Homeless Youth
		Appointment of surrogate
		LEA determines need
		LEA maintains list

State Rule: 160-4-7.11- Surrogate Parents

C	NC	Components
		Criteria for surrogate parent selection
		Surrogate parent responsibilities

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

C	NC	Components
		Complaint Process
		Mediation Process
		Impartial Due Process Hearings

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

C	NC	Components
		LEA privately placed or referred students
		Parental placement in private school and LEA offer ofFAPE
		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

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

C	NC	Components
		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)

C	NC	Components
		GNETS Purpose and Services
		Consideration for GNETS Services
		Continuum of GNETS Service Delivery and Environments
		LEA Duties and Responsibilities

CFM Compliance Review Notes:

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