

## Georgia Special Education Rules Outline

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.

LEA \_\_\_\_\_ DATE \_\_\_\_\_

✓ indicates component was compliant

The highlighted ✗ indicates component was non-compliant

### 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 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

	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
	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 are accompanied by documentation of scientific, research or evidence based academic or behavioral interventions that demonstrate insufficient rate of progress ( <b>only required for SLD</b> )
	Exception allowed only when evaluation and/or placement is required due to a significant disability

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

	<b>Components</b>
	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**

	<b>Components</b>
	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).
	Orthopedic impairment
	Other health impairment
	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)**

	<b>Components</b>
	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 <sup>th</sup> 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
	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)**

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

	<b>Components</b>
	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**

	<b>Components</b>
	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
	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**

	<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: [160-4-7.11](#)- Surrogate Parents**

	<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

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

	<b>Components</b>
	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

**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