

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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