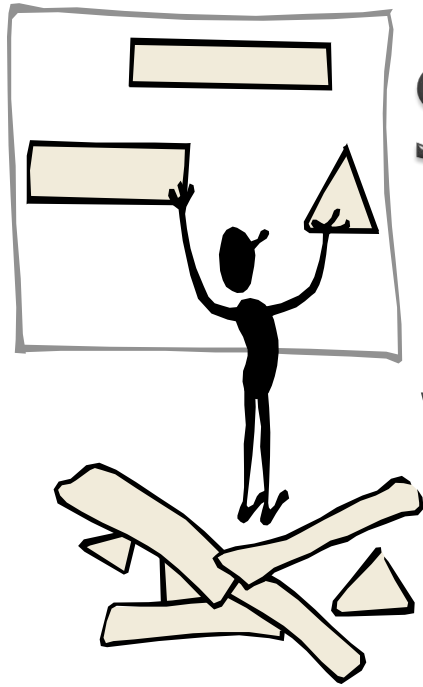


# Amendments to State Board Rules



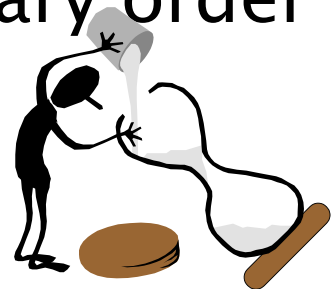
What are the changes?  
What difference will they make?

# Changes (amendments) to selected rules

- ▶ Eight (8) rules of the 21 special education rules have changes.
- ▶ They were “initiated” by the State Board of Education at the January meeting.
- ▶ Public hearing was held at 1:00 pm on February 10 at the GaDOE.
- ▶ Amendments to the rules were approved by the State Board of Education on March 11, 2010.
- ▶ Amendments are effective March 31, 2010.
- ▶ Until they are effective, the amended rules can be found on the special education web page.

# Why make changes now?

- ▶ Changes in federal regulations required some changes to several rules regarding consent and procedural safeguards (Parents Rights).
- ▶ While we were making some changes, we also decided to tweak some of the others to make them work better for children.
- ▶ Some changes in Dispute Resolution (due process hearings) were made as a result of federal monitoring and a preliminary order from a federal judge.



# Child Find (160-4-7-.03)

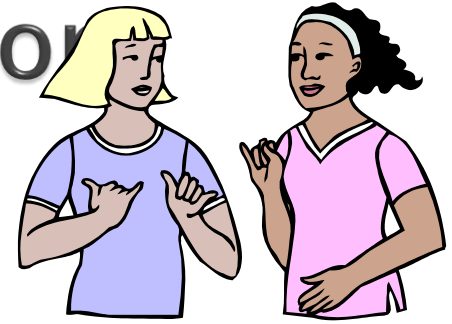
## ▶ What are the changes?



- Wording changes to clarify what is meant by interventions prior to referral.
- Allow for exceptions when a significant disability is impeding access to instruction, but the reason for the exception must be documented with the eligibility decision and should be rare and infrequent occurrence.



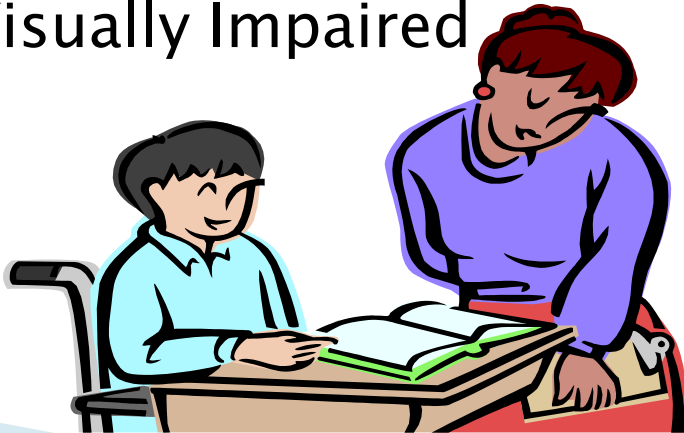
# Evaluations and Reevaluation (160-4-7-.04)



- ▶ What are the changes?
  - Evaluations over the summer and the 60 day requirement were adjusted:
    - Any summer vacation period when the majority of the system's teachers are not on contract do not count toward the 60 day timeline except that:
    - If the referral (consent ) is received 30 days or more prior to the end of the contract period, the 60 day calendar must be followed.
  - Clarifies the counting of days when schools are not in session for five consecutive days or more.
  - Defines “educational performance” as the academic, functional and/or developmental needs

# Eligibility and Categories of Eligibility (160-4-7-.05)

- ▶ What are the changes?
  - Educational performance is explained in the same way as it was in the previous rule on evaluations
  - Specific Learning Disability and
  - Visually Impaired



# Eligibility and Categories of Eligibility (160-4-7-.05)

- ▶ What about Specific Learning Disability?
  - Makes it clearer what data is required
  - Requires either 12 weeks of data for supplemental instruction or an amount of time required by the intervention, which can be less
  - Takes away requirement that all data has to be from current school year, they can overlap





# Eligibility and Categories of Eligibility (160-4-7-.05)



- ▶ What about Vision Impaired?
  - Makes the definition match the federal definition
  - Makes it clear that children with progressive visual disorders must be considered for eligibility
  - Allows a report from a neurologist rather than a vision specialist for cortical vision impairments
  - Makes some provisions (some flexibility) for low vision evaluations
  - Continues to require evaluation for Braille



# Least Restrictive Environment (160-4-7-.07)



- ▶ What are the changes?
  - Renames preschool environments to match federal reports
  - Adds requirements for students getting HOME BASED instruction
    - Quarterly review and a reintegration into school plan
  - Removes some of the hospital homebound requirements and simply refers to the state rule on hospital homebound.
  - Defines nonacademic settings to mirror the federal language in the IDEA

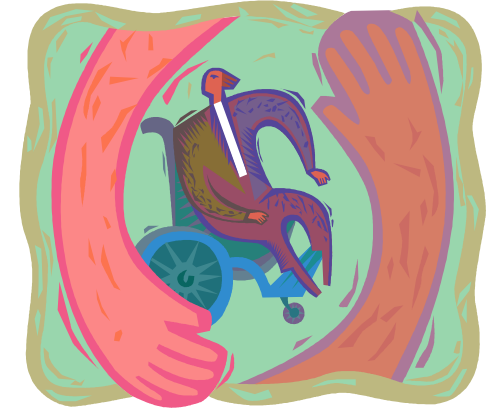


# Procedural Safeguards (160-4-7-.09)

- ▶ What are the changes?
  - Makes clear that consent is for all special education and related services
    - IEPs are the annual negotiation of what services are necessary
  - Adds the process of revoking or taking away consent to provide special education and related services
    - Parents may revoke consent at any time in writing



# Procedural Safeguards (160-4-7-.09)



- ▶ When consent is taken away,
  - Schools/systems must provide prior written notice to parents before removing the student from services
  - May not ask for mediation or due process to disagree with the decision to remove the student

# Dispute Resolution (160-4-7-.12)



- ▶ What are the changes?
  - In the Due Process Hearing section,
  - Adds some requirements about voluntary dismissal of a due process hearing
    - The motion may be until five days before the hearing is scheduled to occur.
    - If, for good, cause, the request may be refiled within the appropriate time period.
    - If lack of good cause, and the party does not appear, the case will be dismissed and cannot be refiled.

# Grants for Services (160-4-7-.18) & Services for Agency Placed Students (160-4-7-.19)

- ▶ What are the changes?
  - Simply name changes since the DHR (Department of Human Resources) was reorganized and renamed by the state legislature.



# Where to find the amended rules

- ▶ The amended rules can be found on the special education web page, under the section “WHAT’S NEW” at this link:  
[http://www.gadoe.org/ci\\_exceptional.aspx](http://www.gadoe.org/ci_exceptional.aspx)
- ▶ Once they are effective March 31, 2010, they will be included with all the state board rules for education.
- ▶ If you have questions or need more information, contact the Divisions for Special Education Services and Supports.