

Division for Special Education Services and Supports



May All Your Wishes Come True



**Annual Spring G-CASE Legal Conference
Athens, Georgia
March 6, 2023**



Priorities



Increase Communication to all Stakeholders



Robust Professional Learning



Enhance General Supervision Technical Assistance and Monitoring



Specially Designed Instruction

Literacy, Math and Behavior



Teacher/Leader Retention



Discipline



Additional Support

- School Psychologists
- Instructional Unit
- Specially Designed Instruction
- Dually Identified Students
 - EL/SWD
- Special Education School Administrator Academy
- Outreach Unit
- Section 504 Support
- Expansion of GO-IEP

You have been granted three magic wishes.

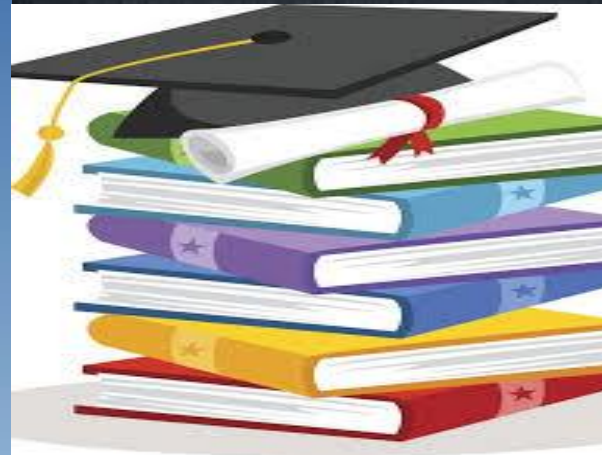


- What are your three wishes to improve outcomes for students with disabilities?

Wish #1

Improved academic
achievement for students
with disabilities







Students with Disabilities Achievement

School Year 2021-2022

SPP/APR INDICATOR 1

Indicator 1: Graduation

Percent of youth with Individualized Education Programs (IEPs) exiting from high school with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

Graduation Calculations in Georgia

Adjusted Cohort Calculation ESSA (CCRPI)

SWD (9th-12th) who graduate in four years with a regular high school diploma or state defined alternate diploma*



SWD who form the adjusted cohort for the graduating class

618 Data – Annual Event Calculation OSEP (APR)

SWD (age 14-21) who exit special education by graduating with a regular diploma



SWD (age 14-21) who exit high school by: graduating with a regular diploma, graduating with a state defined alternate diploma, receiving a certificate, **reaching maximum age, or dropping out

*Georgia began the alternate diploma track for students with the most significant cognitive disabilities in SY 2020-2021. The first alternate diploma graduates will likely be at the end of the 2023-2024 SY.

**Georgia does not use reaching maximum age.

Graduation Rate Comparison

Adjusted Cohort Calculation ESSA (CCRPI)

- Includes only high school students who exit school.
- Students must graduate in 4 years*.
- Alternate Diploma counts as "regular" graduate.

*Except State Defined Alternate Diploma students for whom cohort reassignment is made.

Annual Event Calculation OSEP (APR)

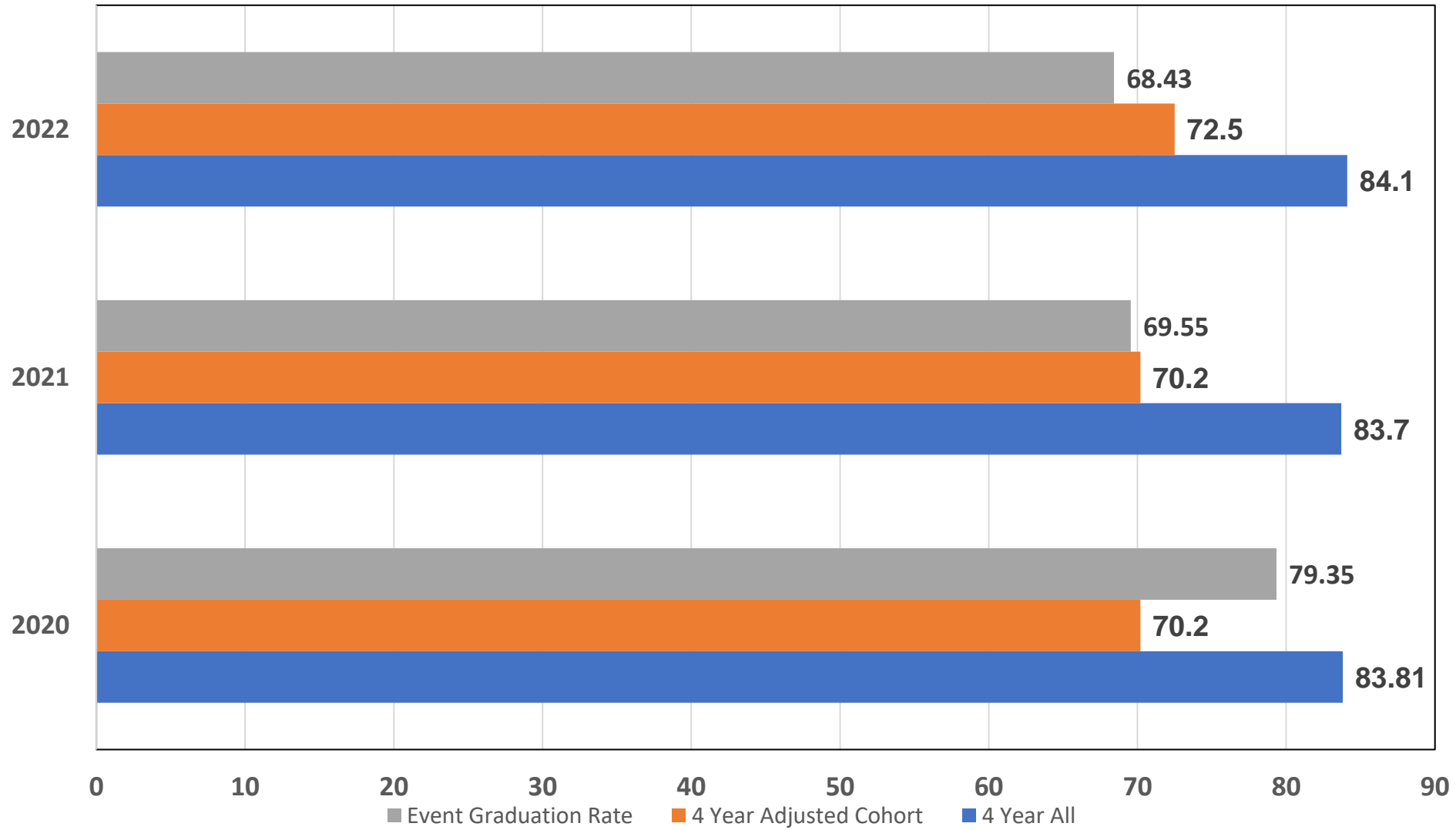
- Includes all students ages 14-21 who exit school and were enrolled on July 1st in Georgia.
- Students do not have to graduate in 4 years.
- Alternate Diploma does not count as a "regular" diploma

SWD Graduation Rate - 2020-2021

Year	All Students	4 Year Adjusted Cohort Rate (ESSA)	Annual Event Rate (IDEA)
2022	84.1%	72.5%	68.43%*
2021	83.7%	70.2%	69.55%*
2020	83.81%	70.2%	79.35%

*Students participating in the GAA and attaining a regular diploma were removed from the Annual Event Rate per OSEP guidance. These students remained in the Cohort Rate based upon an ESSA Waiver for Georgia.

Students with Disabilities Graduation Rate



SPP/APR INDICATOR 14

Indicator 14: Post-School Outcomes

Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Indicators 14a – 14c

Indicator	2020-2021	2021-2022
14A – Higher Education	26.86%	27.00%
14B – Higher Education or Competitively Employed	60.34%	61.67%
14C – Higher Education, Competitively Employed, Other Post-School Employment or Training	84.23%	84.08%
KEY - red = target not met green = target met		

SPP/APR INDICATOR 3

Assessment 20 U.S.C. 1416 (a)(3)(A))

Current SPP/APR Indicator Components

- A. Participation rate for children with IEPs
- B. Proficiency rate for children with IEPs against grade level academic achievement standards
- C. Proficiency rate for children with IEPs against alternate academic achievement standards
- D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards

3A. Reading Assessment Participation

- The actual percent is shown in bold for 2021-2022 with a + sign indicating met target and a – sign indicating did not meet target.
- The target is shown below the actual percent in parentheses. There was no target for SY 2020-2021 because it was a baseline year.

Grade	SY 2020-21	SY 2021-22
4th	77.84%	97.26% + (95.00%)
8th	63.30%	96.69% + (95.00%)
High School	62.74%	96.93 + (95.00%)

3A. Math Assessment Participation

The actual percent is shown in bold for 2021-2022 with a + sign indicating met target and a – sign indicating did not meet target.

The target is shown below the actual percent in parentheses. There was no target for SY 2020-2021 because it was a baseline year.

Grade	SY 2020-21	SY 2021-22
4th	77.7%	97.08% + (95.00%)
8th	61.48%	96.19% + (95.00%)
High School	60.71%	95.82% + (95.00%)

3B. Reading Proficiency Rate (against grade level academic achievement standards)

The actual percent is shown in bold for 2021-2022 with a + sign indicating met target and a – sign indicating did not meet target.

The target is shown below the actual percent in parentheses. There was no target for SY 2020-2021 because it was a baseline year.

Grade	SY 2020-21	SY 2021-22
4th	12.77%	13.52% - (14.77%)
8th	9.17%	8.50% - (11.17%)
High School	5.50%	8.27 + (7.50%)

3D. Reading Proficiency Gap (gap in rates for children with IEPs and all students against grade level standards)

The actual percent is shown in bold for 2021-2022 with a + sign indicating met target and a – sign indicating did not meet target.

The target is shown below the actual percent in parentheses. There was no target for SY 2020-2021 because it was a baseline year.

Grade	SY 2020-21	SY 2021-22
4th	23.89	24.27% - (21.89)
8th	32.01	32.16% - (30.01)
High School	24.16	34.17% - (22.16)

3B. Math Proficiency Rate (against grade level academic achievement standards)

The actual percent is shown in bold for 2021-2022 with a + sign indicating met target and a – sign indicating did not meet target.

The target is shown below the actual percent in parentheses. There was no target for SY 2020-2021 because it was a baseline year.

Grade	SY 2020-21	SY 2021-22
4th	18.93%	20.61% - (20.93%)
8th	7.91%	9.88% - (9.91%)
High School	5.69%	9.41% + (7.69%)

3D. Math Proficiency Gap (gap in rates for children with IEPs and all students against grade level standards)

Grade	SY 2020-21	SY 2021-22
4th	24.22	23.45% - (22.22)
8th	24.01	26.59% - (22.01)
High School	15.96	23.76% - (13.96)

3C. Reading Proficiency Rate (against alternate academic achievement standards)

Grade	SY 2020-21	SY 2021-22
4th	66.00%	65.00% - (66.00%)
8th	82.77%	84.62% + (82.77%)
High School	72.19%	70.08% - (72.19%)

3C. Math Proficiency Rate (against alternate academic achievement standards)

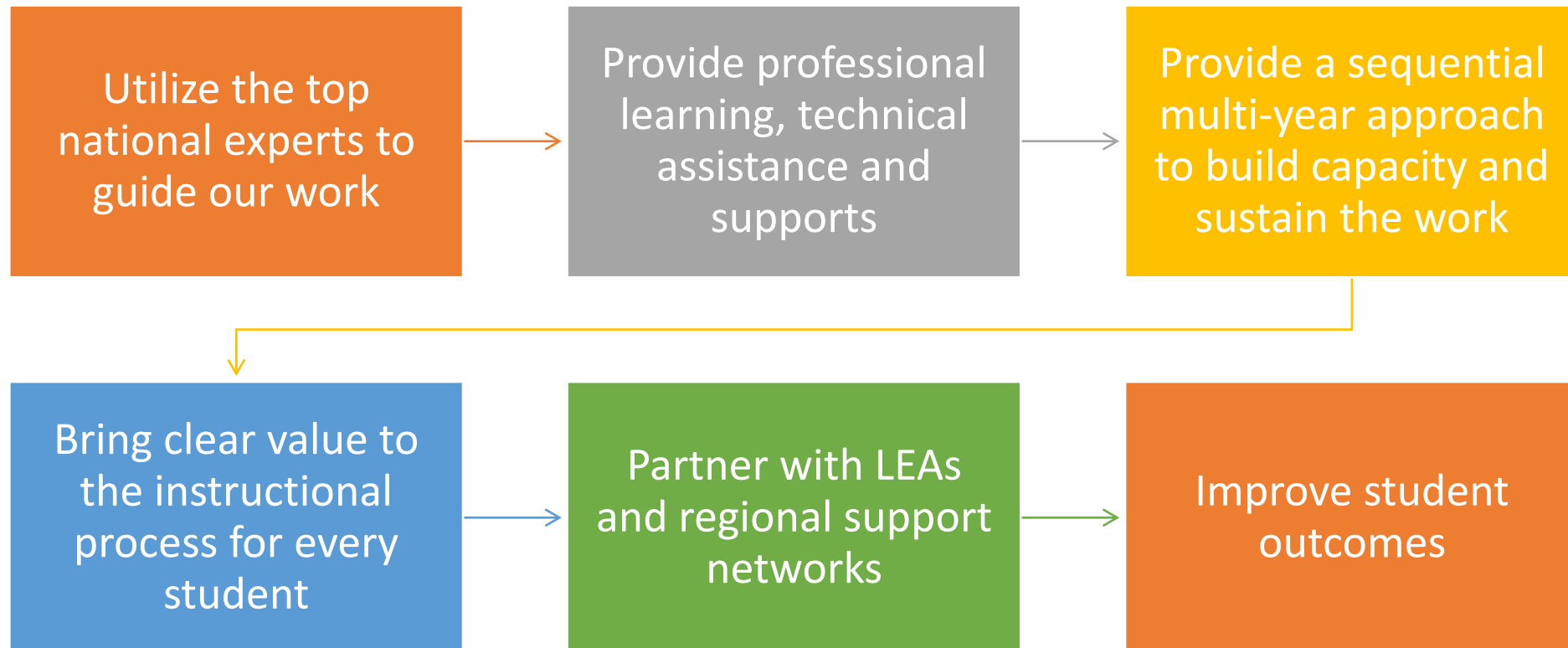
Grade	SY 2020-21	SY 2021-22
4th	58.98%	56.02% - (58.98%)
8th	66.52%	66.86 % + (66.52%)
High School	66.40%	71.07% + (66.40%)



Summary

- 24 Assessment Targets
 - 11 Targets Met
 - 13 Targets Not Met

Specially Designed Instruction



Wish #2

Improved discipline data
for students with
disabilities



Discipline Guidance

Stop relying on suspensions and expulsions, shortened school days, informal removals and other punitive practices as primary responses and consequences for students with disabilities.

Main message - Don't exclude a child from the classroom.

FY22 Total SWD Disciplinary Removals

Race-ethnicity	All Removals (ISS, OSS)	Percent of Total SWD Removals	Percent of Total SWD Enrollment	Difference
American Indian	69	0.18%	0.2%	-0.02
Asian	206	0.54%	2.2%	-1.66
Black	19,870	52.24%	38.9%	+13.34
Hispanic	5,074	13.34%	16.4%	-3.06
Two or More Races	1,717	4.51%	4.3%	+0.21
Pacific Islander	18	0.05%	0.1%	-0.05
*White	11,084	29.14%	38.0%	-8.86
Total	38,038	100.0%	100.0%	

Making a Wish a Reality

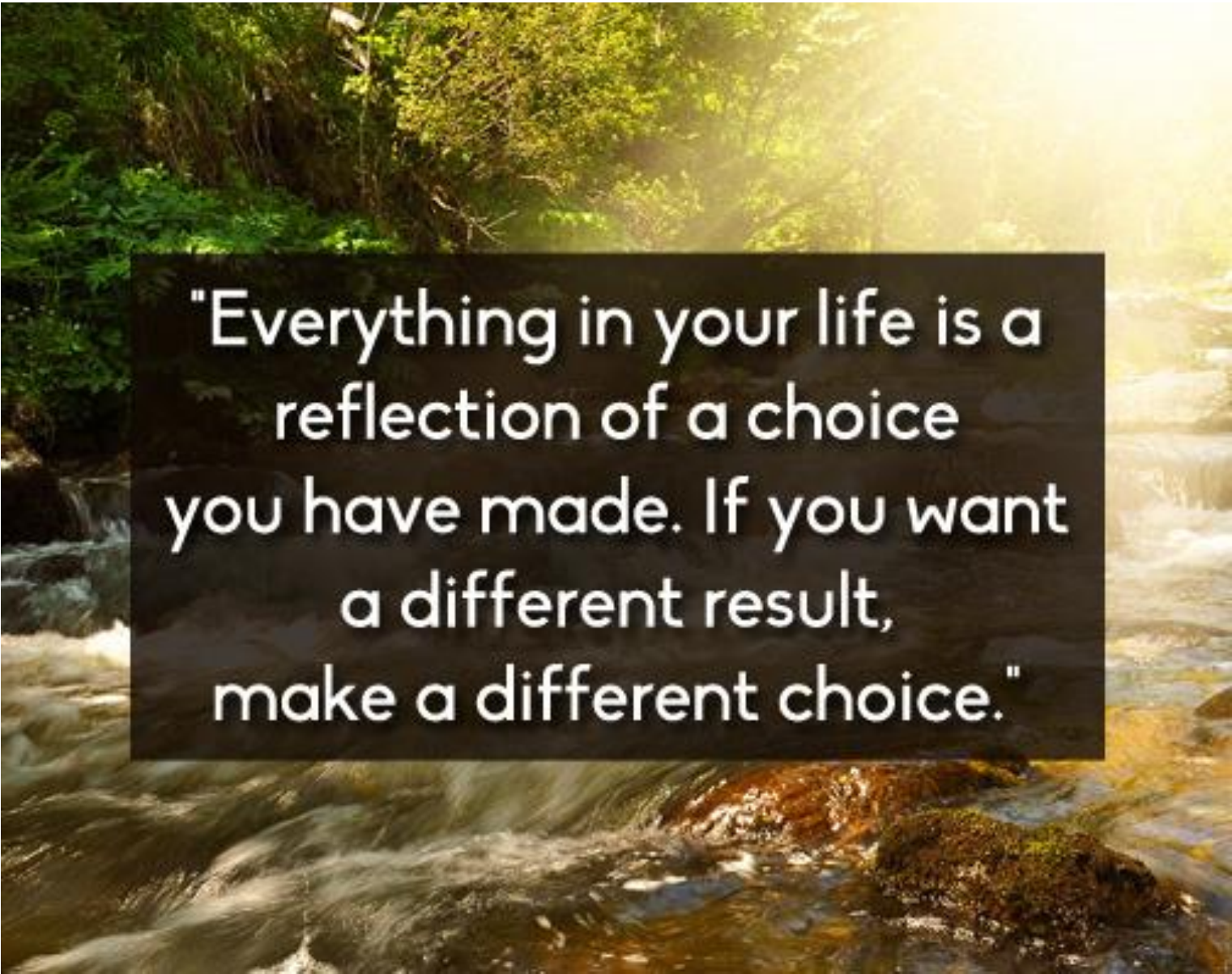
- Statewide Discipline Professional Learning Opportunity – Macon, November 3-4, 2022
- Regional Discipline Sessions
- Additional support for LEAs with chronic disproportionality
- Increased collaboration with School Climate Team from the Office of Whole Child
- Will offer FBA/BIP 4-day training sessions at all regional locations during FY24. Each session will be limited to 50 participants.

A Big Wish

Incarcerated students with disabilities are entitled to FAPE

- Do you have Policies, Practices and Procedures?
- Do you have a MOU with the local jail if needed?
- What is your process to identify students with disabilities in local jails?
- Are you serving all eligible students regardless of their home school district?
- Do you have a process to check at least weekly?
- How are services being provided to fidelity as determined by the IEP Team?
- Is transition planning a priority?
- How are students being reported for FTE and SR?

How will you
choose to
make a
difference?



"Everything in your life is a reflection of a choice you have made. If you want a different result, make a different choice."

Wish #3

Attract, Recruit and Retain
Special Education Teachers



Teacher/Provider Retention Grant

Thank you GLRS for supporting this work!

Continue the focus on Teacher Induction and Retention

- Teachers
 - Induction Program – Year 1 and 2
 - Special Education Leadership Development Academy (SELDA)
 - Executive Coach for 1st year SELDA participant
- Leaders
 - Special Education School Administrators Academy (SESAA)
 - Executive Coach for 1st year SELDA participants
 - Executive Coach for SESSA participants

Dream Big with Big Wishes

- Exploration of Para to Teacher Program
- Leverage funds to support initiative
- Collaborate with the University System of Georgia and CEEDAR to support the cohorts



More of my Wish List

- Certified Special Education Teachers and Speech/Language Pathologists
- Collaborate with PSC and USG to discuss SLP-A qualifications
- ADA Compliant Facilities
- General Supervision
- Discipline





IEPs, Evaluations and Re-evaluations

Review data for IEPs

- In date
- Out of date

Re-evaluations

- Data review



Child Find

Proposed Changes to the Rule

Interventions Prior to Referral

Source –
Child Find Chapter
in Implementation
Manual

Child Find is a critical part of the special education process for all children suspected of having disabilities.

IDEA *requires* that children who are *suspected* of being a child with a disability and *in need* of special education *are identified, located, and evaluated*. 34 C.F.R. § 300.111.

IDEA *does not* require that a child receive scientific, research, or evidence-based interventions before being *referred* for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111.

Interventions Prior to Referral –

Source: Child Find Chapter in Implementation Manual

- However, ***per our State Child Find Rule***, the implementation of a multi-tiered system of supports, including the use of scientific, research, or evidence-based interventions ***are required before referring*** a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)(b).

Proposed Changes to Child Find Rule*

- Removes the entire “Interventions Prior to Referral” section of the rule
- Part (b) of the “Interventions Prior to Referral” section states “***Prior to referring*** a student for ***consideration for eligibility*** for special education and related services, a student ***must*** have received scientific, research or evidence based interventions selected to correct or reduce the academic, social or behavioral problem(s) the student is having.
- The only exceptions provided in the current Child Find Rule are “circumstances where ***immediate evaluation*** and/or placement is required ***due to a significant disability*** that precludes access to instruction”

*These are not all the proposed changes

Reason for the proposed changes

- Our State Child Find Rule is ***in direct contradiction*** with IDEA and federal guidance.
 - [OSEP Memo 11-07 Response to Intervention](#) (January 21, 2011)
 - [OSEP Letter to Zirkel on RTI](#) (September 10, 2013)
 - [OSEP RTI Preschool Memo](#) (April 29, 2016)
 - [OSEP Return to School Roadmap: Child Find Under Part B of IDEA](#) (August 24, 2021)
 - [OSEP Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#) (February 2022)

Child Find Analysis

- Does the local educational agency (LEA) have **reasonable suspicion** that the child might be eligible under the IDEA?
 - “Red flags”
- If so, then did the LEA initiate the evaluation of the child within a **reasonable period of time**?
 - LEA initiation starts with providing parental consent for evaluation.

OSEP 11-07, Response to Intervention (RTI) Memo, January 21, 2011

- “The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 C.F.R. §§ 300.304-300.311, to a child suspected of having a disability under 34 C.F.R. § 300.8. If the [local educational agency (LEA)] **agrees** with a parent who refers their child for evaluation that the child may be a child who is eligible for special education and related services, the **LEA must evaluate the child** ... If, however, the LEA **does not suspect that the child has a disability, and denies the request** for an initial evaluation, the LEA **must provide written notice** to parents explaining why the public agency refuses to conduct an initial evaluation and the information that was used as the basis for this decision.” (emphasis added)

OSEP 11-07, Response to Intervention (RTI) Memo, January 21, 2011

- “Although the IDEA and its implementing regulations do not prescribe a specific timeframe from referral for evaluation to parental consent, it has been the Department’s longstanding policy that the LEA must seek parental consent within a **reasonable period of time** after the referral for evaluation, if the LEA agrees that an initial evaluation is needed.” (emphasis added).
- Also, the IDEA states that “[t]he public agency must **promptly** request parental consent to evaluate the child to determine if the child needs special education and related services. . .” 34 C.F.R. § 300.309(c) (emphasis added).

Question B-3: Can an LEA require that all students participate in general education multi-tiered systems of support (MTSS) or other general education interventions prior to referring a child for special education?

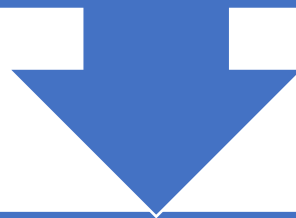
- Answer: **No.** MTSS is a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs with regular observation to facilitate data-based instructional decision-making. Many LEAs have implemented successful MTSS frameworks, thus ensuring that children who simply need short-term and targeted, or intensive interventions are provided those interventions, ***IDEA, however, does not require, or encourage, an LEA to use an MTSS approach prior to a referral for evaluation or as part of determining whether a child is eligible for special education or related services.***
- From [OSEP Return to School Roadmap: Child Find Under Part B of IDEA](#) (August 24, 2021)

- A parent may request an initial evaluation at any time to determine if their child is a child with a disability, regardless of whether the child has participated in an MTSS framework. 34 C.F.R. § 300.301(b). The implementation of MTSS strategies cannot be used to delay or deny the provision of a full and individual initial evaluation, pursuant to 34 C.F.R. §§ 300.304 through 300.311, to a child suspected of having a disability under 34 C.F.R. § 300.8.10
- ***It would be inconsistent with the evaluation provisions at 34 C.F.R. §§ 300.301 through 300.111 for an LEA to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in an MTSS framework.***

- If the responsible LEA does not suspect that the child has a disability, and denies a parent's request for an initial evaluation, the responsible LEA must provide prior written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for this decision as well as a copy of the notice of procedural safeguards. 34 C.F.R. §§ 300.503 and 300.504.
- As noted in the response to Question B-2, the parent may challenge the LEA's refusal by requesting a due process hearing or filing a State complaint.

Interventions are Important

“The use of interventions before referring a child for an initial evaluation for special education can have a positive impact on ***reducing the disproportionate representation*** of racial and ethnic groups in special education and related services.” (Source: Child Find Chapter in Implementation Manual)



Interventions are still a part of the Student Support Team process.

Interventions during Evaluation

If a parent or teacher requests an evaluation and interventions have ***not been provided*** prior to the referral, interventions may be provided ***while the child is being evaluated*** (within the 60-day timeline requirement).

Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the ***lack of interventions*** must ***not*** be a reason for determining that a child is ***not eligible for special education services (except for the category of Specific Learning Disability)***.

Specific Learning Disability (SLD) Intervention Requirement

- (iii) Results from supplementary instruction that has been or is being provided:
 - (a) that uses scientific, research or evidence-based interventions selected to correct or reduce the problem(s) the student is having and was in the identified areas of concern
 - (b) such instruction has been ***implemented as designed for the period of time indicated by the instructional strategy(ies)***.
 - If the instructional strategies ***do not indicate a period of time*** the strategies should be implemented, the instructional strategies shall be implemented for ***a minimum of 12 weeks*** to show the instructional strategies' effect or lack of effect that demonstrates the child is not making sufficient progress to meet age or State-approved grade level standards within a reasonable time frame
- From Georgia Board of Education Rule 160-4-7-.05 Appendix (i) under Required Data Collection

Special Education Rules have been posted for public comment on the GaDOE official [Proposed Rulemaking webpage](#):

- Proposed rulemakings are rules that are being considered for adoption by the State Board of Education. Prior to adoption rules must be formally initiated and submitted for a public review period of at least 30 calendar days.
- Rules Open for Public Comment on the [Proposed Rulemaking webpage](#):
 - 160-4-7-.03 Child Find Procedures
 - 160-4-7-.16 Georgia Learning Resources System (GLRS)
 - 160-4-7-.18 Grants for Services

Forty Years Later

- Add value and continue learning
- Stay positive
- Embrace change
- Be generous with your time and talent
- Go the extra mile
- Follow the rules, regulations and law
- Surround yourself with people you trust
- Build relationships
- Choose joy



Choose Joy



May
ALL YOUR
dreams
AND WISHES
come true



Thank You!

- You are the warriors advocating for students with disabilities each day!
- You are making a difference.
- Your job is hard, but your reward is so much greater.
- Always remember that you are surrounded and supported by a mighty army of colleagues.
- Thank you for all you do!

Contact Information

Wina Low

State Director

Division for Special Education Services and Supports

Georgia Department of Education

wlow@doe.k12.ga.us

470.316.8636
