

160-4-7-.01 PURPOSE FOR EXCEPTIONAL STUDENTS RULES.

(1) PURPOSE. These rules are designed to:

(a) Ensure that all eligible children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living; [34 C.F.R. § 300.1(a)]

(b) Ensure that the rights of children with disabilities and their parents are protected; [34 C.F.R. § 300.1(b)]

(c) Assist educational agencies to provide for the education of all children with disabilities; and [34 C.F.R. § 300.1(c)]

(d) Assess and ensure the effectiveness of efforts to educate children with disabilities. [34 C.F.R. § 300.1(d)]

(2) APPLICABILITY TO STATE AND LOCAL AGENCIES.

(a) Public agencies within the State. These provisions -

1. Apply to all political subdivisions of Georgia that are involved in the education of children with disabilities, including:

(i) The Georgia Department of Education (GaDOE);

(ii) Local educational agencies (LEAs), regional educational service agencies (RESAs), state schools and state charter schools;

(iii) Other State agencies with educational programs and schools such as the Department of Human Resources and Department of Labor; and,

(iv) The Department of Corrections, Department of Juvenile Justice and other local correctional facilities. [34 C.F.R. § 300.2(b)(1)(i) – (iv)]

2. Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under the Individuals with Disabilities Education Improvement Act (IDEA 2004). [34 C.F.R. § 300.2(b)(2)]

(b) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under IDEA 2004 are given to children with disabilities -

1. Referred to or placed in private schools and facilities by that public agency; or
2. Placed in private schools by their parents when FAPE is at issue. [34 C.F.R. § 300.2(c)(1) – (2)]

(3) STATE ADVISORY PANEL. The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in Georgia. [34 C.F.R. § 300.167]

(a) The advisory panel must consist of members appointed by the State Board of Education, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including:

1. Parents of children with disabilities (ages birth through 26);
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 et seq.);
6. Administrators of programs for children with disabilities;
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
8. Representatives of private schools and public charter schools;
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
10. A representative from the State child welfare agency responsible for foster care; and
11. Representatives from the State juvenile and adult corrections agencies. [34 C.F.R. § 300.168(a)(1) – (11)]

(b) Special rule. A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26). [34 C.F.R. § 300.168(b)]

(c) Duties. The advisory panel must:

1. Advise the GaDOE of unmet needs within the State in the education of children with disabilities;

2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

3. Advise the GaDOE in developing evaluations and reporting on data to the Secretary of the United States Department of Education;

4. Advise the GaDOE in developing corrective action plans to address findings identified in Federal monitoring reports; and

5. Advise the GaDOE in developing and implementing policies relating to the coordination of services for children with disabilities. [34 C.F.R. § 300.169(a) – (e)]

(4) LIMITATION. Unless specifically stated in these Rules, it is not the intention of these Rules to change or expand the rights or responsibilities provided under any Federal law or regulation.

(5) This rule shall become effective July 1, 2007.

Authority O.C.G.A. § 20-2-152; 20-2-240.