February 14, 2023

VIA ELECTRONIC MAIL

Chris Ragsdale, Superintendent
Cobb County School District
514 Glover Street
Marietta, GA 30060

RE: Formal Complaint Resolution / Case Number **23-339874**
[redacted] ([redacted]) v. Cobb County School District

Dear Mr. Ragsdale:

This is the decision regarding the complaint filed against the Cobb County School District (district) by [redacted] (complainant) (parent) regarding her son, [redacted] (student). The concerns in the complaint are as follows:

1. Least Restrictive Environment (LRE) (34 C.F.R. §§ 300.114-117)
2. Implementation of individualized education program (IEP) (34 C.F.R. § 300.320)
3. Opportunity to examine records; parent participation in meetings (34 C.F.R. § 300.501)
4. Prior notice by public agency/notice of content (34 C.F.R. § 300.503)
5. Provision of free appropriate public education (FAPE) (34 C.F.R. §§ 300.17, 300.101)

The formal complaint process under the Individuals with Disabilities Education Act (IDEA) is to address specific allegations of violations of the IDEA and its regulations or violations of state special education rules. In response, the Georgia Department of Education (GaDOE) has reviewed all material submitted by the complainant, reviewed the Cobb County School District's response, and conducted telephone and/or electronic mail interviews with the complainant and with district representatives.

The facts are as follows:

1. The student is 5 years old and is enrolled at [redacted] Elementary School in Cobb County School District (district). The student is repeating pre-Kindergarten this year.

2. The student is eligible for special education and related services under the categories of Severe Developmental Delay (SDD) and Speech-Language Impairment (SI) .
3. The student is diagnosed with Down Syndrome, Sensory Processing Disorder, Atrial Septal Defect (i.e., abnormal hole in the heart), Avoidant/Restrictive Food Intake Disorder, and Pediatric Feeding Disorder, Chronic. The student is also non-verbal and requires special education, as well as related services such as speech-language therapy, occupational therapy, and physical therapy.
4. The complainant alleges that the district denied eligibility for Hospital Homebound Services (HHB) services and failed to provide the student with special education and related services in an alternative placement as needed.
5. The complainant alleges that the district failed to provide the student with the services that are listed in his IEP.
6. The complainant alleges that the district failed to provide the parent with all educational records, which denied the parent an opportunity to meaningfully participate in the student's education. The complainant alleges that the district predetermined to deny HHB services for the student, which denied the parent an opportunity to meaningfully participate in the September 21, 2022 and October 12, 2022 IEP Team meetings.
7. The complainant alleges that the district failed to provide the parent with prior written notice.
8. The complainant alleges that the district failed to provide the student with a free appropriate public education. The complainant alleges that by completely withdrawing the student from school, the district denied all remaining rights and protections that the student and the parent are entitled to under the IDEA.
9. On March 14, 2022, an IEP Team convened for the purpose of an annual review for the student. Required Team members were in attendance. Documentation indicates the parent received a copy of her Parental Rights, and progress reports. The IEP minutes indicates the Team discussed present levels of performance, parental concerns were noted, goals and objectives were discussed and agreed upon, ESY was discussed, and special education services we agreed upon.
10. The March 14, 2022 IEP Impact of Disability section states that in the area of Cognitive/Academics: "Academics: [The student's] weakness impact his ability to demonstrate his knowledge. He is inconsistent in showing a teacher that he knows colors, shapes, letters, and nouns. He needs assistance with his fine motor tasks and to communicate his basic needs without visuals. He may make noises to get an adult's attention, but has limited words (no, mama, blue, black, brown, and uses the signs for help, yes, and more). [The student] has weakness in the area of fine motor [which] impact[s] his ability to color in the lines, cut across paper, and open some containers. He needs adult assistant to develop these motor skills. These weaknesses are impacted by decreased muscle strength, decreased graded muscle control, and low muscle tone associated with Down syndrome."
11. The March 14, 2022 IEP Impact of Disability section states in that in the area of Functional/Daily Living: "[The student] will complete preferred tasks independently, but usually will only complete tasks with a preferred adult interacting or in close proximity. He is often looking around when completing fine motor tasks looking for attention from a preferred adult. He needs support from an adult to help him get started on some activities

and to participate in groups. He needs help eating certain foods and in the bathroom (he still wears a diaper and needs help accessing the sink - he is too little). He has glasses but does tolerate them for long periods of time."

12. The March 14, 2022 IEP Impact of Disability section states that in the area of Social/Emotional/Behavioral: "[The student's] weaknesses impact his ability to express what he wants with words and tends to refuse things that he does not want until an adult asks the right question. He uses yes or no with his head to communicate if he wants to do something. He is very picky about who he wants to work with, walk with, or play with although he has gotten better. He will just turn around backward or ignore the adult trying to work with him. It takes him a long time to warm up to others and the routine in a classroom. Once he is familiar with the routine, he will begin to participate independently. There are days where he just does not want to participate. He responds best to praise. [The student] prefers to play with toys alone and will give his toys away when he does not want them. He needs help interacting and playing with peers. He [has] limited words to express his emotions or wants/needs."
13. The March 14, 2022 IEP Functional/Daily Living section states in relation to his eating: "[The student] is a very picky eater and tends to eat the same foods everyday. He is occasionally willing to try new foods at cooking on Fridays. He wants certain adults to help feed him. He has started to help hold his food at lunch, but needs help squeezing his main vegetable pouches. He is even holding his banana the peel is pulled down part way [sic]."
14. The March 14, 2022 IEP Team recommended extended school year (ESY) because: "The committee looked at [the student's] progress report, information from the therapists and mom, and his current functioning to make a decision about ESY. We feel that his disability is impacting him socially and behaviorally in the classroom. [The student] is hesitant to work with adults that he is not familiar with. He has preferred adults and will refuse to work with others, this is even more difficult if they are strangers. He knows the schedule and where to go, but will refuse to move unless an adult comes in close proximity or holds his hands. We are working on him transitioning throughout the day with prompts and visuals. This is impacting his ability to demonstrate all of his knowledge."
15. The March 14, 2022 IEP Team recommended the following services for ESY: The IEP states: "We recommend that he receives 840 hours [sic] weekly over the 4 week ESY summer instruction on his IEP goals in regard to transitions, working with other adults, playing with peers, greeting others, and the 2 goals that were carried over from last year (coloring and Nouns). He needs direct and specialized instruction to maintain these skills over the summer. He is not showing areas of concern for OT and Speech at this point in time. We also feel that he will need support to eat in the ESY classroom since he does not feed himself all of his food independently and for toileting support."
16. The March 14, 2022 IEP Team was concerned that the student was not ready for Kindergarten. The Meeting notes state the following: "Mrs. Jollands (case-manager) brought up concerns about him being ready for Kindergarten due to his current functioning and maturity. He has improved so much this year on his ability to communicate, participate, and complete some independent work. Right now, he needs support throughout his day to communicate his needs, wants, and to participate in everything. He needs support on the playground, in the bathroom, and in feeding. She feels that with an additional year he could

have more independent skills and display more of his academic knowledge. Mom agrees that he needs more time. All the members agreed."

17. The IEP Team on March 14, 2022 agreed with the following services for the 2022-2023 school year outside the General Education classroom. The student's case-manager recommended: "60 minutes for math, writing, and reading for the next year to address his IEP goals and the preschool curriculum. He needs direct and specialized instruction to improve his fine motor skills, academic skills in math and reading, and to work on exposing him to age appropriate material in the classroom. She also recommended 60 minutes of behavior support throughout the day to address his social and emotional goals to provide specialized instruction and direct instruction to work on playing with peers, interacting with different adults, transitioning throughout the room, completing work with different adults. We also are recommending 60 minutes daily living to help [the student] in the bathroom, on the playground, and during feeding activities. Additionally, the student receives services in Occupational therapy and Physical therapy each for 30 minutes weekly." The IEP team agreed with this recommendation.
18. The March 14, 2022 IEP determined placement for the student was in small group setting because, "[The student] needs specialized instruction and support throughout his day for communication, fine motor, gross motor, academics, daily living for eating, playground, and toileting, and socialization/behavioral to help him participate in activities and interact with peers. He needs a smaller environment to have direct instruction on his IEP goals and to give him multiple opportunities to practice. Speech/Language: The IEP team determined that [the student] will be seen in the small group setting for 60 minutes weekly so that he may receive instruction related to his language goals in a smaller group environment so that he can have multiple opportunities for practice. OT services will be provided in a small group setting to address goals using individualized therapeutic activities."
19. The parent submitted a letter written by William Sharpe, Ph.D., a licensed psychologist and program director, to the district dated August 16, 2022. This letter states the following: "[The student] ([redacted]) is scheduled to begin a day treatment admission in the Children's Healthcare of Atlanta's Multidisciplinary Feeding Program at the Children's at Forsyth Clinic in Cumming, GA on Thursday September 29, 2022. His admission will be 8 consecutive weeks in which he will be in treatment ~5 hours per day (e.g., 8:15 am to 2:10 pm) Monday through Friday through his tentative discharge date of Wednesday November 23, 2022. These appointments are medically necessary to address severe food refusal and food selectivity. Additionally, a caregiver will be required to accompany [the student] to treatment daily throughout his admission."
20. The parent stated in a telephone interview with the investigator n January 19, 2023, that after she turned in the letter from Dr. Sharp, the school counselor sent her the paperwork to complete for Hospital Homebound Services.
21. The district's HHB application in the section entitled Letter to Physician/Psychiatrist states the following: ". . .The Georgia State Board of Education established Hospital/Homebound services for students who are able to participate in educational instruction but who are medically unable to participate in the school environment. The State Board rule (160-4-2-31) requires only <u>three hours</u> of instruction per week for students enrolled in the Hospital/Homebound program. The School District delivers this instruction through visits from a Hospital/Homebound instructor who takes class work to the student, reviews the

materials and instructional content with the student, and takes completed work back to the school."

22. Additionally, the district's application states "Hospital/Homebound services are appropriate only for those students who are medically unable to attend school on a daily basis. For students receiving Hospital/Homebound services, the School District requests information from the authorizing physician information that will allow the School District to develop a plan to transition the student back to the school setting as quickly as possible. This information will need to be updated periodically."
23. The district's application states "Note to Parents: Please provide all requested information and return the completed application to your child's school counselor. Parents are expected to read the entire application prior to signing. The application process is not finalized until the school counselor receives all parts of the application and signs the application. The school is responsible for providing assignments and grades to the students until the student is officially enrolled in the Hospital/Homebound program."
24. On the district's HHB Application Form, the Eligibility Policies are stated as follows:
    - I understand that eligibility is based on Georgia State Board of Education Rule 160-4·2·.31 Hospital /Homebound Service, and that the Medical Referral Form is part of the information used to determine eligibility.
    - I understand that the Medical Referral Form must be signed by a Georgia Board Certified licensed physician (if the medical condition is physical in nature) or psychiatrist (if the medical condition is psychiatric/emotional in nature). A nurse practitioner, or physician assistant who works under the supervision of a Georgia Board Certified licensed physician or psychiatrist.
    - I understand that only a psychiatrist can submit a Medical Referral Form for an emotional or mental health condition. The mental health condition presented must be listed in the latest edition of the Diagnostic and Statistical Manual CDSM).
    - I understand that local school system, school personnel and/or Hospital/Homebound personnel may contact the licensed physician, licensed psychiatrist, Nurse practitioner, or physician assistant to obtain information needed to determine if my child will be eligible for Hospital/Homebound services and provide appropriate instructional delivery.
    - I understand that my child must be enrolled in a Cobb County Public School prior to the request for Hospital/Homebound services.
    - I understand that the Hospital/Homebound services are for students confined to the home or hospital due to a medical or mental health condition which is acute, catastrophic, and/or chronic for temporary or intermittent periods of time.
    - I understand that I will be required to sign an agreement regarding Hospital/Homebound policies and procedures.
    - I understand that the student must be anticipated to be absent for a minimum of 10 consecutive school days per year or equivalent on a modified calendar (i.e., five school days on a high school block schedule) or the student has a chronic health condition causing him or her to be absent for intermittent periods of time anticipated at a minimum of 10 school days per year or the equivalent on a modified calendar.

- I understand that a student with a chronic health condition who is eligible for intermittent Hospital/Homebound service must be anticipated to be absent for at least three consecutive school days for each occurrence to be eligible for a Hospital/Homebound visit. The parent, guardian or approved adult must notify the Hospital Homebound Instructor at least five school days prior to the expected three or more absences to arrange the Hospital Homebound visit.
- I understand that if my child is eligible for Hospital homebound services, he/she is subject to the same mandatory attendance requirements as other students.
- I understand that if I cancel a Hospital Homebound visit or if my child is unable to fulfill the three-hour instructional visit, I must submit a written excuse note to the attendance office explaining the absences.
- I understand that I must provide a signed Medical Referral Form.

25. The parent signed the hospital homebound application on September 2, 2022.
26. On September 16, 2022, Barbara McElhanon, MD filled out the medical portion of the HHB application.
27. On the medical form for the HHB application dated September 16, 2022, the doctor stated the student's diagnosis to be: "[The student] is scheduled to begin an admission in the Children's Multidisciplinary Feeding Program on [September 29, 2022] for assessment and treatment of Severe Food Selectivity by type resulting in significant nutritional deficiency. His diagnoses (ICD-10 CODE) are Avoidant/Restrictive Food Intake Disorder (F50.82) and Pediatric Feeding Disorder, Chronic (R63.32)."
28. The doctor in answering the questions on the medical form dated September 16, 2022, indicated by a checkmark that the student is unable to attend school for a minimum of 10 consecutive school days, could not attend school with accommodations, nor could not attend school regularly with HHB services, intermittently. In addition, the doctor checked that the student is free of any communicable disease and that instruction could be provided to the student without endangering others. Also, the doctor checked that the student cannot attend school on a reduced basis and that the student is confined to a home or hospital.
29. The doctor additionally states on the medical form dated September 16, 2022 under "Treatment and Re-entry Plan," "[The student] will attend daily treatment visits (M-F) from 8:15 am to 3:00 pm for 8 consecutive weeks until his planned discharge date of 11/23/22. He will be able to return to his regular school schedule upon successful discharge from the Children's Multidisciplinary Feeding Disorders Day Treatment Program."
30. According to the formal complaint, the parent submitted all required HHB paperwork on or around September 19, 2022.
31. I parent stated in a telephone interview with the investigator on January 19, 2023, that soon after she submitted the paperwork for HHB, she could not remember the date, the school counselor called and told her the HHB application had been approved. The parent inquired as to the next step and was told they would hold an IEP Team meeting to discuss the particular services the student would receive.
32. On September 21, 2022, an IEP Team convened to hold an amendment IEP meeting for the purpose of discussing the HHB services requested by the parent. The parent, case manager/evaluator, local education agency (LEA)/SSA Representative, General education teacher, Occupational therapist, and Physical Therapist were in attendance.

33. The meeting notes section of the September 21, 2022 Amendment IEP meeting state the following: “Regarding Hospital Home Bound (HHB), the program was designed to serve students who are confined to their home or hospital due to medical reasons and are therefore unable to attend school. In [the student’s] case the family is choosing a Private Feeding Program due to food sensitivity and nutritional concerns. The program starts [September 28, 2022] and is complete on [November 23, 2022]. The program runs Monday-Friday from 8:15-3:00 pm. This program does not meet the eligibility criteria stated in section 2-6[.] HHB services are for students confined to the home or hospital due to medical or mental health conditions which is acute, catastrophic, and or chronic for temporary or intermittent periods of time. While the school does see [the student] eat at school, foods of various textures, we can appreciate the parental concern for nutritional deficiency. Due to [the student’s] age the school is concerned about his stamina for attending an all day program and then requiring him to work on specific academic lessons. The committee decided that based on the definition of Hospital Homebound, [the student] does not meet the criteria to receive Hospital Services. Mom does not agree with this decision. No changes were made to the rest of the IEP.”
34. The September 21, 2022 IEP Amendment meeting notes state that the parent states “the feeding pouches with fruit and vegetables are not available anymore, so he is not getting the proper nutrition anymore. She further discusses his eating difficulties.”
35. According to the September 21, 2022 Amendment meeting notes, it states, in part, that “The committee continued to go around the table to give their opinion on Hospital Homebound Services. Mrs. Werenski (OT) looked at the medical definition said ’t doesn't fit because of him going outside of the house…Mrs. Mock (LEA/SSA) stated that this is for chosen therapy not just a medical need.” The meeting notes also state that the parent stated that she “had been approved for HHB and then the team would decide how it was implemented. The LEA/SSA explained that the county processed the paperwork but the IEP committee makes the final decision.” The final decision at the IEP meeting was that he did not meet the criteria for HHB services.
36. On September 22, 2022, the parent emailed Ms. Ofiara (general education teacher) and Ms. Jollands (case manager), asking for another IEP Team meeting to reconsider the decision before the student starts his treatment on Sept^{em}ber 29th.
37. On September 26, 2022, the parent, through counsel, sent letters to the district’s Director of Special Education Compliance, requesting the student’s educational records and providing notice of the violations and demanding corrective measures.
38. The student started attending the feeding program on September 29, 2022.
39. In a telephone interview with the parent on January 18, 2023 discussing the HHB request, the parent stated that she received calls daily for 10 days about the absence from the district’s absence program. She responded daily that he was at the clinic for the program. On the 11th day, there was no call. The mother went to the computer and looked where she usually reported the absence and he was no longer in the system. He had been withdrawn from school. The parent stated that she had not been informed during the September 21, 2022 IEP meeting that this would happen.
40. On October 12, 2022, the IEP Team convened for another meeting to discuss the HHB request. The parent, head of Compliance for the district, LEA/SSA, special education

teacher/evaluator, general education teacher, occupational therapist, and speech therapist were in attendance. This meeting was held virtually and was recorded by both parties.

41. Additional notes for the October 12, 2022 Amendment meeting state that the definition of HHB services were read aloud so everyone would again know what the team's decision was based on at the previous meeting.
42. The October 12, 2022 Amendment meeting additional notes state, in part, that: "Here is summary of the concerns that Mrs. Coleman wrote: CCSD determined that [the student] did not qualify for HHB services because he would not be literally confined to his home or a hospital during his school absence. Apparently, CCSD feels that because [the student] is voluntarily receiving treatment, CCSD is not required to provide HHB services to him. CCSD is also of the opinion that despite what [the student]'s treating healthcare professional believe, [the student] has been seen eating at school, so the Program is not medically necessary. HHB regulations require that [the student]'s treating health professionals determine what is medically necessary. [The student's] doctors have determined that the treatments, which will be administered in a health clinic, are medically necessary. As a result, CCSD informed Ms. [redacted] that if [the student] undergoes treatments in the Program, she will have to withdraw [the student] from CCSD…." The meeting amendment additionally indicate discussion ensued about the fact that the school sees "him eating at school, trying new food during cooking class, is not confined to home and that it is therapeutic and not medically necessary as reasons he did not qualify. He did not meet the criteria. Mom still disagrees. Mom additionally states doctors said it is medically necessary, he can't come to school as it is during school hours, and she met the requirements for the program." Ms. Mock (LEA/SSA) states in part that "none of us are doubting that he has a chronic condition" but since he eats at school it is not a necessity. Mom states that he eats what is sent in and he has a nutritional deficiency."
43. The October 12, 2022 IEP notes also state, in part, the following: "The last concern that the team needs to address is that mom is concerned that he will be withdrawn after he misses 10 consecutive days. We did not discuss this at the last meeting. Mrs. Mock noted that he is unenrolled after 10 days and then will be re-enrolled in the same classroom with the same teacher when he returns. This was guaranteed by the Preschool Head of Department about a month ago...Mom wants to point out under [sic] that she does not think that hospital homebound can be denied. It is [sic] a guidance document on the Georgia Department of Education Website. Mom read a statement from the state that schools are not allowed to determine medical need only doctors can. Mrs. Coleman stated that we are not disagreeing that we cannot deny him to attend school due to illnesses. She said that she is hearing mom state that he is not eligible to go [sic] to school due to nutritional deficiency. Mom stated that [the student] has Food Intake disorder and Pediatric feeding disorder is what the doctor has told Mom is [the student's] concerns…Mrs. Mock stated that she still does not think [the student's] Feeding Therapy meets the criteria based on the definition and is making the call since she is the LEA. She stated that it is a therapy chosen by the parents. Mom said yes just as a parent would choose treatment for chemo[therapy], or another medical condition, she did choose this for [the student] based on what the Doctor said. Mom said he is confined and that should not be an issue. Mom said that he is confined during the school day at a facility. Mrs. Coleman stated the rule is that they are not able to attend school during the school day. There are some intermitted HHB, 'ut it doesn't say

anything specifically about school hours. Mom disagrees with the decision." No other changes were made to the IEP.

44. For the second IEP Amendment meeting held on October 12, 2022, the result was that the committee still denied HHB services.
45. The student returned to school on November 28, 2022 after he completed the feeding program.
46. No document provided that is specifically entitled Prior Written Notice (PWN). The district response states that, "The parent was provided prior written notice through the finalized copy of the IEP amendment."
47. The district states in its response that, "[o]n September 21, 2022, the IEP team convened for an IEP amendment to address the parent's request for hospital homebound services. The team considered whether he required a more restrictive placement of hospital homebound services but determined that he did not require a more restrictive environment to access his education and benefit from his IEP. While Parent stated that it was medically necessary, she admitted it was really for him to learn to self- feed and to eat more foods. Although, the team understood the Parent's concern, the IEP team did not consider feeding a weakness in the Student's present levels rising to the need for specialized instruction as he is able to feed himself with foods sent from home with various textures and has tried new foods when participating in class cooking activities. Additionally, the school team sought to understand why it was a medical necessity now and Parent stated they had been on a waiting list for 6-8 months and got lucky with the opening. Ultimately, based on the IEP discussion, it was determined Student's LRE is in a small group special education preschool classroom as Student is able to access his education in a small group school setting and receives benefits from the IEP in this setting and that a more restrictive environment was not needed or required."
48. On October 3, 2022, according to the District's Director of Compliance, she reviewed the records that were requested by parent's counsel and thought the records had been sent. The District admits in their response that it was not until the formal complaint on December 16, 2022 that they were made aware that records had not been received as requested. Upon receipt of the formal complaint the district researched whether the records had been sent. That same day after receiving the complaint and "realizing that there was human error in providing the records to the family, the records were finally provided."
49. The parent's attorney clarified in an email to the investigator on January 2023 that he now has everything that was requested regarding requested educational records. In an email on January 20, 2023, responding to questions sent to counsel and parent by the investigator, the attorney responded to whether they have received the requested records: "No records were provided to us until after we filed our formal complaint. We received them that night on December 18, 2022. Currently, we believe that we have all education records up to the date that we requested them on September 26, 2022, except the recording of the September 21st IEP meeting that CCSD made."
50. The records indicate that the student received no IEP special education services or support from September 29, 2022 through November 23, 2022 because he was absent from school and then withdrawn.
51. On January 20, 2023 the investigator sent an email to the District's compliance director asking the following for clarification: "The parent alleges and the paperwork mentions In

meeting notes that someone at the county office level had approved HHB and the IEP team disagreed so it was not approved. I need the name of the person who approved and any paperwork associated with that." The Director responded: "To clarify it was not approved but reviewed to ensure the application criteria by the DOE had been met. For students that are in special education, it is reviewed by Nakia Cotton, one of our program supervisors that oversees HHB and Home based teachers within our special education team. Prior to October, when the application was reviewed it said "provisionally approved" which we realized the verbiage may cause confusion with parents we revised this process. When applications are reviewed by one of our supervisors she indicates that it is verified the components that are required are met to move forward with the IEP."

52. In response to the email above, another email was sent to the District on February 3, 2023 in which the investigator asked the following: "I do have a question there is a discrepancy here that GaDOE would want me to ask you about in the facts that need to be clarified, before I send my facts in. It was the parent[']s understanding and mine based on emails with you, documents presented, that the student would be withdrawn after 10 days of absence on the 11th day. She was told he would be withdrawn at the October 12.2022 IEP meeting (see notes) not at the earlier meeting on September 12, as those notes never specifically state anything about withdrawal. So in actuality at the October 12, 2022 IEP meeting he had already been withdrawn? In fact, the Mom has stated she had received calls from the schools system for 10 days and on the 11th she checked and he was no longer in the system. So for clarification, you stated the student was withdrawn [September 23, 2022] prior to him even being absent or attending the feeding program? So, did you provide a PWN for that early withdrawal date?"

On February 3, 2023 the district's Director of Compliance emailed the investigator regarding the student's withdrawal from the district. She wrote: "Thanks for asking for clarification as it seems I was not clear in my communication. Although I certainly understand that absences and enrollment information assists with the facts of when the student stopped attending and when the student was no longer a student enrolled with the District, I do want to also clarify enrollment/withdrawal processes are outlined through District's board policy which applies to all students. To clarify the facts surrounding attendance and enrollment/withdrawal in the District, hopefully this information helps. According to attendance records, Student was absent on [September 19, 2022] and then attended school [September 20-23, 2022]. The Student did not attend school beginning on [September 26, 2022]. The school was aware that the Parent had indicated that she would be sending Student to an outside program; however, they followed the enrollment/withdrawal procedures for the District. The Student was withdrawn after [he] stopped attending school and after at least 10 days of absences not prior to. The withdrawal process indicates the school clerk utilizes the withdrawal date of Student's last day of attendance at school since the student was being administratively withdrawn as parent did not withdrawal the student. There would not have been a reason to provide a PWN on this issue as this was enrollment/withdrawal process action through District's board policy and not an action proposed or rejected by the IEP team… I have attached a statement from the school clerk regarding the actions which gives the information I just described. Yes according to the withdrawal information he had already been withdrawn; however, if the IEP team had determined HHB services had been required he would have been reenrolled. I can't recall specifically what was said in the meeting

regarding withdrawal since this is not a function of the IEP or special ed[ucation] we were probably giving general information to mom that would be withdrawn still."

53. According to an email from the school clerk at [redacted] Elementary School, "[The student] was withdrawn from [redacted] ES on September 23rd, which was [the student's] last day of attendance. Because the enrolling adult did not provide a signed withdrawal form, [a] 10-day waiting period from [the student's] last day in attendance was required. After the 10-day period elapsed, [the student] was withdrawn October 17th with a back-date of September 23rd. [The student] was re-enrolled on [November 28, 2022]."

The findings are as follows:

1. Least restrictive environment (LRE) requirements (34 C.F.R. § 300.114)

   Under the IDEA, each public agency must ensure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled and special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. § 300.114(a)(2).

   The Georgia Board of Education Rules states, in part, that each LEA must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Ga. Bd. of Educ. R. 160-4-7.07(3)(a). The above continuum must (1) Include the alternative placements listed in the definition of special education (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. Ga. Bd. of Educ. R. 160-4-7.07(3)(b). The school age placements include instruction inside the general education classroom, instruction outside of the general education classroom for individuals and small groups, separate day school or program, home-based instruction, residential placement in-state or out of state, and hospital/homebound instruction program. Ga. Bd. of Educ. R. 160-4-7.07(3)(d).

   Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations: (i). A free and appropriate public education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP; (ii) home-based services must be reviewed no less than quarterly by the IEP team; and (iii) all IEPs that require home-based placements will include a reintegration plan for returning to the school setting. Ga. Bd. of Educ. R. 160-4-7.07(3)(d)(4).

   Hospital/homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their

home or a hospital for a period of time. The LEA shall provide hospital/homebound instruction to students with disabilities, under the requirements found in Georgia rule 160-4-2-.31 Hospital Homebound Services. Ga. Bd. of Educ. R. 160-4-7.07(3)(d)(6).

The Georgia Hospital Homebound Services rule contains student eligibility criteria, how and when the hospital/homebound services should be initiated, and How hospital/homebound services should be provided. Ga. Bd. of Educ. R. 160-4-2-31. Hospital/Homebound (HHB) Services are defined as "academic instruction and other services provided to eligible students who are confined at home or in a health care facility for periods of time that would prevent normal school attendance based upon certification of need by the licensed physician or licensed psychiatrist who is treating the student for the presenting diagnosis." Ga. Bd. of Educ. R. 160-4-2-31(1)(d). Temporary HHB Service is defined as – HHB instruction and other services for eligible students who have a medically diagnosed physical or psychiatric condition, which confines the student to home or hospital and restricts activities for nine weeks or less, but for a minimum of ten consecutive school days or equivalent on a modified calendar or a minimum of five consecutive days on a high school block schedule. Ga. Bd. of Educ. R. 160-4-2-31(1)(l). Intermittent HHB service is defined as HHB instruction and other services for eligible students who have a medically diagnosed chronic health condition which may cause the student to be absent at least a total of 10 school days for intermittent periods per year or equivalent on a modified calendar or five school days per year on a high school block schedule. Ga. Bd. of Educ. R. 160-4-2.31(1)(f).

Here, the parent asserts that the district denied eligibility for Hospital Homebound Services (HHB) and failed to provide the student with special education and related services in an alternative placement as needed.

The student is a student with a disability who resides in the district and is eligible for special education and related services under the categories of Severe Developmental Delay (SDD) and Speech-Language Impairment (SI). The records reflect that the March 14, 2022 IEP Team agreed with the following services for the 2022-2023 school year Outside the General Education Classroom: "60 minutes for math, writing, and reading for the next year to address his IEP goals and the preschool curriculum. He needs direct and specialized instruction to improve his fine motor skills, academic skills in math and reading, and to work on exposing him to age appropriate material in the classroom. She also recommended 60 minutes of behavior support throughout the day to address his social and emotional goals to provide specialized instruction and direct instruction to work on playing with peers, interacting with different adults, transitioning throughout the room, completing work with different adults. We also are recommending 60 minutes daily living to help [the student] in the bathroom, on the playground, and during feeding activities. Additionally, the student receives services in Occupational therapy and Physical therapy each for 30 minutes weekly." The March 14, 2022 IEP Functional/Daily Living section states in relation to his eating: "[The student] is a very picky eater and tends to eat the same foods everyday. He is occasionally willing to try new foods at cooking on Fridays. He wants certain adults to help

feed him. He has started to help hold his food at lunch, but needs help squeezing his main vegetable pouches. He is even holding his banana the peel is pulled down part way [sic].

The records indicate that, in anticipation of the student's participation in a feeding program, the parent submitted a letter to the school dated August 16, 2022 from Dr. Sharpe, a licensed psychologist and program director for the Children's Healthcare of Atlanta's Multidisciplinary Feeding Program. This letter states the following: "[The student] [redacted] is scheduled to begin a day treatment admission in the Children's Healthcare of Atlanta's Multidisciplinary Feeding Program at Forsyth Clinic in Cumming, GA on Thursday September 29, 2022. His admission will be 8 consecutive weeks in which he will be in treatment ~5 hours per day (e.g., 8:15 am to 2:10 pm) Monday through Friday through his tentative discharge date of Wednesday November 23, 2022. *These appointments are medically necessary to address severe food refusal and food selectivity.* Additionally, a caregiver will be required to accompany [the student] to treatment daily throughout his admission." (emphasis added).

The record reflects that in a telephone interview with investigator, the parent stated that after she turned in Dr. Sharp's letter, the school counselor sent her the paperwork to complete for Hospital Homebound Services (HHB).

The record additionally reflects that the parent complete and signed the district's HHB application. On September 16, 2022, Barbara McElhanon, MD filled out the medical portion of the HHB application. On the medical form for the HHB application the doctor stated the student's diagnosis as follows: "[The student] is scheduled to begin an admission in the Children's Multidisciplinary Feeding Program on [September 29, 2022] for assessment and treatment of Severe Food Selectivity by type resulting in significant nutritional deficiency. His diagnoses (ICD-10 CODE) are Avoidant/Restrictive Food Intake Disorder (F50.82) and Pediatric Feeding Disorder, Chronic (R63.32)." The doctor indicated by a checkmark that "the student is unable to attend school for a minimum of 10 consecutive school days, could not attend school with accommodations, nor could not attend school regularly with HHB services, intermittently." In addition, the doctor checked that "the student is free of any communicable disease and that instruction could be provided to the student without endangering others." Also, the doctor checked "that the student cannot attend school on a reduced basis and that the student is confined to a home or hospital."

The record reflects that in a telephone interview, the investigator, the parent stated that soon after she submitted the paperwork for HHB, the school counselor called her and told her the HHB application had been approved. The parent inquired as to the next step and was told they would hold an IEP Team meeting to discuss the particular services the student would receive.

On September 21, 2022, an IEP Team convened to hold an Amendment meeting for the purpose of discussing the HHB services requested by the parent. The September 21, 2022 IEP amendment meeting notes section states the following: "Regarding Hospital Home Bound (HHB), the program was designed to serve students who are confined to their home

or hospital due to medical reasons and are therefore unable to attend school. In [the student's] case the family is choosing a Private Feeding Program due to food sensitivity and nutritional concerns. The program starts [September 29, 2022] and is complete on [November 23, 2022]. The program runs Monday-Friday from 8:15-3:00 pm. This program does not meet the eligibility criteria stated in section 2-6 HHB services are for students confined to the home or hospital due to medical or mental health conditions which is acute, catastrophic, and or chronic for temporary or intermittent periods of time. While the school does see [the student] eat at school, foods of various textures, we can appreciate the parental concern for nutritional deficiency. Due to [the student's] age the school is concerned about his stamina for attending an all day program and then requiring him to work on specific academic lessons. The committee decided that based on the definition of Hospital Homebound, [the student] does not meet the criteria to receive Hospital Services. Mom does not agree with this decision. No changes were made to the rest of the IEP" [sic].

The record reflects that the September 21, 2022 IEP Amendment meeting notes additionally state in part that the parent states "the feeding pouches with fruit and vegetables are not available anymore, so he is not getting the proper nutrition anymore. The meeting notes in the September 21, 2022 IEP amendment state, in part, that: "The committee continued to go around the table to give their opinion on Hospital Homebound Services. Mrs. Werenski looked at the medical definition said it doesn't fit because of him going outside of the house…Mrs. Mock stated that this is for chosen therapy not just a medical need." Additionally in these notes the parent stated that she "had been approved for HHB and that the team would decide how it was implemented and the LEA/SSA explained that the county processed the paperwork but the IEP committee makes the final decision." The final decision at the IEP meeting was that he did not meet the criteria for HHB services.

On September 22, 2022, the parent emailed the school, asking for another IEP Team meeting to reconsider the decision before the student starts his treatment on September 29, 2022. That meeting was held on October 12, 2022. The purpose of this meeting was to discuss the HHB request. The parent, the Director of Compliance for CCSD, a special education teacher/evaluator, general education teacher, an occupational therapist, the LEA/SSA representative, and a speech therapist attended. This meeting was virtual and was recorded by both parties.

The record reflects that in the Additional Notes section for the October 12, 2022 IEP Amendment meeting states that again the definition of HHB services was read aloud so everyone would again know what the teams decision was based on at the previous meeting. Furthermore, the notes state that: "Here is summary of the concerns that Mrs. Coleman wrote: CCSD determined that [the student] did not qualify for HHB services because he would not be literally confined to his home or a hospital during his school absence. Apparently, CCSD feels that because (the student) is voluntarily receiving treatment, CCSD is not required to provide HHB services to him. CCSD is also of the opinion that despite what [the student's] treating healthcare professional believe, [the student] has been seen eating at school, so the Program is not medically necessary. HHB

regulations require that [the student's] treating health professionals determine what is medically necessary. [The student's] doctors have determined that the treatments, which will be administered in a health clinic, are medically necessary. As a result, CCSD informed Ms. [redacted] that if [the student] undergoes treatments in the Program, she will have to withdraw [the student] from CCSD (Cobb County School District)." The meeting notes of this meeting contain the first mention that the student would be withdrawn if he attends the feeding program. Again, for the second time, the District's denial of hospital/homebound services was based on the student not being confined full time to a hospital or to the home and was not considered a medical necessity by the Team. They determined it was the parent's choice, and it was therapeutic in nature.

Whether a student receives HHB services is not an IEP Team decision or based on what is the least restrictive environment for the student. Instead, under Georgia law, "the [LEA] *shall* provide HHB services to students, including students with disabilities" who meet the requirements outlined in Georgia Board of Education Rule 160-4-2.31(2). (emphasis added). Therefore, if the student in this case, who happens to be a student with a disability, met the HHB eligibility criteria, the district was required to provide him HHB services. The role of the IEP Team is to "assist in the development of an [educational service plan (ESP)] to deliver the appropriate HHB services." Ga. Bd. of Educ. R. 160-4-2.31(3)(c).

While it is questionable whether the district's strict interpretation of "confined" is correct under HHB rules, it is clear from the record that the student's medically recommended treatment as stated by two medical professionals directly interfered with his ability to attend school for at least eight weeks. Under HHB rules, it states that the medical professionals are the ones who determine medical necessity, not the IEP Team as they did in this instance. The IEP Teams' purpose is to decide the specifics of the special education services and supports present in the IEP that will be delivered, the extent to which they are delivered, and which goals and objectives would be worked on. Instead, the IEP Team continued to deny this service saying it was not a medical necessity. Despite the district being aware that the student would be out of school for an extended time due to a valid medical treatment program, the district did not offer the full continuum of alternative placements that could deliver the special education and related services to accommodate the student's needs, including hospital/homebound and home-based services. Instead, the district knew the student was participating in the "medically necessary" feeding program and withdrew the student from school after the student was absent 10 school days. Since the student's last day in attendance was September 22, 2022, the record shows the student was withdrawn by the district as of September 23, 2022. No special education and related services were provided in the student's IEP until the student was re-enrolled after participating in the "medically necessary" 8-week feeding program.

Since the district failed to provide the full continuum of alternative placements to meet the needs of the student, the district is not in compliance with least restrictive environment (Ga. Bd. of Educ. R. 160-4-7-.07)

2. Implementation of IEP (34 C.F.R. § 300.320)

Under the IDEA, a student's IEP must include, among other things, a statement of the special education and related services and supplementary aids and services to be provided to the student, and the anticipated frequency, location, and duration of those services. 34 C.F.R. § 300.320(a)(4), (7). Additionally, each public agency must ensure that, as soon as possible following the development of a student's IEP, special education and related services are made available to the student in accordance with the student's IEP. 34 C.F.R. § 300.323(c)(2). Moreover, the public agency must ensure that: (1) the student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) each implementing teacher and provider is informed of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. 34 C.F.R. § 300.323(d).

Here, the complainant asserts that the district failed to provide the student with the services that are listed in the IEP. The student did attend the feeding program from September 29, 2022 through November 23, 2022. This resulted in a successive absence and a withdrawal from school.

The record reflects that, as discussed in the Finding One above, the district used the incorrect procedure for determination of HHB services and failed to consider home-based services as an alternative placement for the student while he participated in a "medically necessary" feeding program. The student was absent from school and participating in the feeding program for eight weeks and no special education and related services as required in his IEP were provided to the student during this timeframe.

On whole, as addressed above, the student was enrolled in a medical program to address a medical need and he did not receive services on his IEP from September 29, 2022 through November 23, 2022.

The district is not in compliance with Implementation of IEP (34 C.F.R. § 300.320)

3. Opportunity to examine records; parent participation in meetings (34 C.F.R. § 300.501)

Under the IDEA, the parents of a child with a disability must be afforded, in accordance with the procedures of §§300.613 through 300.621, an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the child; and the provision of a FAPE to the child. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child; and the provision of FAPE to the child. Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.

Here, the complainant asserts that the district failed to provide the parent with all educational records, which denied the parent an opportunity to meaningfully participate. The complainant alleges that the district predetermined to deny HHB services for the student, which denied the parent an opportunity to meaningfully participate in the September 21, 2022 and October 12, 2022 IEP Team meetings.

On September 26, 2022 the parent, through counsel, sent letters to the district's Director of Special Education Compliance, requesting the students' educational records in their possession including any recordings and providing notice of the violations and demanding corrective measures.

On October 3, 2022, according to the district's Director of Compliance, she reviewed the records that were requested by parent's counsel to ensure accuracy and then gave them to someone to send. The district's director of compliance thought the records had been sent.

The record reflects that the district states in their response to this formal complaint that it was not until the formal complaint was filed on December 16, 2022, that they were made aware that records had not been received as requested. Upon receipt of the formal complaint, the district researched whether the records had been sent. That same day, after receiving the complaint and "realizing that there was human error in providing the records to the family, the records were finally provided". The parent's attorney confirmed in an email to the investigator on January 20, 2023 that he now has everything that was requested.

On whole, the records were requested on September 26, 2022 by the parent via counsel. The requested educational records in its entirety were not sent by the district until after the complaint was filed on December 16, 2022. While the delay appears to be inadvertent, the records were not provided within 45 calendar days.

The district is not in compliance with Opportunity to examine records; parent participation in meetings (34 C.F.R. § 300.501)

4. Prior notice by public agency/notice content (34 C.F.R. § 300.503)

Under the IDEA, the parents of a student with a disability shall be provided written notice a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education (FAPE) to the child. 34 C.F.R. § 300.503(a).

The written notice must include: (1) a description of the action proposed or refused by the agency; (2) an explanation of why the agency proposes or refuses to take the action; (3) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) a statement that the parents of a student with a disability have protection under the procedural safeguards of Part B of IDEA and if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) sources for parents to contact

to obtain assistance in understanding the provisions of the Part B of the IDEA; (6) a description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) a description of other factors that are relevant to the agency's proposal or refusal. 34 C.F.R. § 300.503(b).

Under the GaDOE Special Education Rules, in most cases, the above Notice requirements can be addressed by providing the parents(s) with a copy of documents such as the consent to evaluate, consent for placement, evaluation report, eligibility report, invitation to a meeting, the full individualized education program (IEP) (with minutes, if taken), and/or relevant documents, as appropriate. Ga. Bd. of Educ. R. 160-4-7-.09(5)(c).

Here, the parent asserts in the formal complaint, that the district failed to provide the her with prior written notice for the denial of HHB services. The district states in their response that the IEP was used as Prior Written Notice to the parent.

The record reflects that the complainant did submit all required paperwork for HHB services prior to the start of those services. There were two medical professionals that stated, in writing, that this specialized feeding program was medically necessary for the student. The parent asserts that she was told that hospital/homebound instruction had been approved and there would be an IEP Team meeting set up to discuss the special education services and supports as per the IEP that would be provided to the student.

The record shows at the September 21, 2022 IEP Team meeting, the IEP Team denied the request for HHB services. The Team based this on a failure to meet the HHB criteria. They based this on the fact, in their opinion, that the feeding program was not medically necessary, that it was a choice made by the parent, that it did not fit the criteria because the student was not confined to a hospital or home and could leave. All of these reasons were clearly stated and discussed in the IEPs of September 21, 2022 and October 12, 2022.

As an initial matter, LEAs are required to provide PWN a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education (FAPE) to the child. 34 C.F.R. § 300.503(a). In the parent's complaint, the district's denial to provide Hospital/ Home based instruction would fall under the district's proposal to change the educational placement of a child. Therefore, the district was required to provide PWN for the above situation. Below is an explanation of how the student's IEP would meet the requirements of the PWN for the above situation.

At the September 21, 2022 IEP Amendment meeting, the parent expressed concerns about being denied HHB services when the doctor recommended it. At this IEP meeting and the subsequent one held on October 12, 2022, the parent was repeatedly told "that the team felt this was not medically necessary as they saw him eating in school." The complainant was also told that this program was a choice made by the complainant and was therapeutic

in nature. Plus, the team also felt that the student was not confined to the hospital or to his home.

Based on the September 20, 2021 and the October 12, 2022 IEP Amendments, and accompanying minutes from the meetings, some of the requirements of PWN through those documents were met. First, "a description of the action proposed or refused by the agency," was shown through the minutes noting the IEP Teams proposal for the student not to receive Hospital Homebound Services. *See* 34 C.F.R. § 300.503(b)(1). Second, "an explanation of why the agency proposes or refuses to take the action" was shown through the meeting minutes detailed discussion of the reasons why they refused it. They did point out that this was a chronic condition, but still refused to provide services. Additionally in the minutes, the IEP Team discussed how observations of the student shows he eats in school. They did also discuss that they felt that the length of the student's day based on past history would be difficult for the child. *See* 34 C.F.R. § 300.503(b)(2).

Additionally, "a statement that the parents of a student with a disability have protection under the procedural safeguards of Part B of IDEA [,] the means by which a copy of a description of the procedural safeguards can be obtained [and] sources for parents to contact to obtain assistance in understanding the provisions of the Part B of the IDEA" was shown through the Parent Rights document provided to the parent at the September 21, 2022 and the October 12, 2022 IEP Team meetings. In addition the parent was told she could reach out to the Director of Compliance with any questions or concerns. *See* 34 C.F.R. § 300.503(b)(4)-(5).

Lastly, "a description of other options that the IEP Team considered and the reasons why those options were rejected" and "a description of other factors that are relevant to the agency's proposal or refusal," were shown through the minutes describing options. The only option that was presented to the parent by the district was if the student goes to the program after 10 consecutive days of absence that on the 11th day he would be withdrawn. The district felt that there were not any options to offer as he did not meet the criteria. *See* 34 C.F.R. § 300.503(b)(6)-(7).

It is worth noting that even though the district's IEP that served as PWN stated that HHB services were denied because the student did not meet the HHB criteria, the district then offered a new reason in its response to this complaint that HHB services were denied because it was not the LRE for the student.

Nevertheless, on whole, the district did meet the requirements of PWN through the IEP and accompanying minutes.

The district is in compliance with Prior notice by public agency/notice content (34 C.F.R. § 300.503)

5. Provision of FAPE (34 C.F.R. §§ 300.101 and 300.17)

   A FAPE must be available to all children residing in the State between the ages of 3 and 21, and "[e]ach State must ensure that [a] FAPE is available to any individual child with a disability who needs special education and related services…" 34 C.F.R. § 300.101(a), (c). A provision of a FAPE includes, among other things, that the public agency provide special education and related services "that are "provided in conformity with an [IEP] that meets the requirements of [34 C.F.R.] § 300.320 through § 300.324." 34 C.F.R. § 300.17(d).

   Here, the parent asserts that the district failed to provide the student with a free appropriate public education. The parent asserts that by completely withdrawing the student from school, the district denied all remaining rights and protections that the student and the parent are entitled to under the IDEA.

   On whole, the record reflects that the district used an incorrect procedure for determining eligibility for HHB services and failed to consider homebased services for the student. The district, through the IEP Team, rejected the recommendations of the medical professional that this unique 8-week feeding program conducting during school hours was medically necessary for the student. In addition, even knowing that the student was participating in a medically recommended program, and not enrolled in another school or educational program, the district withdrew the student and provided no special education and related services to him from September 29, 2022 through November 23, 2022.

Therefore, the district is not in compliance with FAPE (34 C.F.R. §§ 300.101 and 300.17).

The resolutions are as follows:

The district shall schedule an IEP Team meeting with the parent to consider a reasonable schedule and delivery method to provide 50 total hours of compensatory services to the student in the areas of Academics, Daily Living Skills, Speech, PT and OT. The compensatory hours shall be provided in addition to the services required in the student's IEP. The district will provide a compensatory education plan to the GaDOE no later than March 3, 2023, advising how the compensatory hours will be delivered. Documentation of the completion of these services should be submitted to the GaDOE no later than September 29, 2023.

The district shall review and revise, if necessary, its policies, practices, and procedures including but not limited to LRE continuum for alternate placements (specifically addressing hospital/homebound services for students with disabilities), Implementation of the IEP (in particular the provision of services and supports to students with disabilities), records requests and provision of FAPE. The district shall provide these procedures to the GaDOE for approval no later than March 17, 2023. Upon approval of these procedures, the district shall train all special education teachers and administrators in the district on how to implement these procedures through documented practices. The training will be documented with training materials and attendance rosters of participants and shall be provided to the GaDOE no later than April 28, 2023.

All required documentation should be sent to:

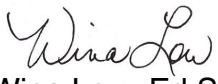
Dr. Scott Smith, Program Manager
Family Engagement and Dispute Resolution
Special Education Services and Supports
Georgia Department of Education
scsmith@doe.k12.ga.us

All decisions arising from this complaint process are final. There is no appeal or reconsideration process for formal complaint investigations. However, parties retain their right to utilize all dispute resolution processes. Failure of the Cobb County School District to complete the required actions may result in the withholding of federal and/or state funds for special education.

If you should have any questions, please contact Nykia Burke at nburke@doe.k12.ga.us or 404-807-1690.

Sincerely,

ss



Wina Low, Ed.S., State Director
Division for Special Education Services and Supports

WL:ss

cc: George Morgan, Cobb County School District, Director of Special Education
Jessica Coleman, Cobb County School District, Special Education Compliance Director
[redacted], Parent/Complainant
Robin White, GaDOE Investigator
Glenda Henderson, GaDOE District Liaison