

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Special Education		
Policy Number: 108.03	Effective Date: 3/5/2018	Page Number: 1 of 4
Authority: Commissioner	Originating Division: Inmate Services Division (Education)	Access Listing: Level I: All Access

I. Introduction and Summary: It is the policy of Georgia Department of Corrections (GDC) to provide services to meet the educational and vocational needs of offenders who require special placement because of physical, mental, emotional or learning disabilities. All offenders 21 years of age and under are screened for disabilities that relate to educational needs and are referred for special education services as appropriate.

II. Authority:

- A. Individuals with Disabilities Act (IDEA) of 2004: Public Law 101-476 and 105-17;
- B. Americans with Disabilities Act: Public Law 101-336;
- C. O.C.G.A. §§42-5-64 and 42-5-57; and
- D. ACA Standard: 4-4475.

III. Definitions:

- A. **Individuals with Disabilities Education Act (IDEA)** - The federal law which provides for a free, public education to individuals with disabilities under the age of 21.
- B. **Rehabilitation Act of 1973** - The federal civil rights law protecting the rights of individuals with disabilities. Provides that "no otherwise qualified handicapped individual in the U.S.... shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
- C. **Americans with Disabilities Act** – The federal law which ensures that all individuals with disabilities are guaranteed the same rights and privileges as those without disabilities.

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- D. **Special Education** - Instructions and related services, such as specified materials and equipment, deemed necessary for an individual with disabilities to benefit from the educational program.
- E. **Screening** - The process conforms to the IDEA prescription for the identification of Special Education offenders in adult facilities.
- F. **Due Process** - An established course for judicial proceeding, designed to safeguard the legal rights of an individual. Under IDEA, the rights of parents and students are protected through a procedural Due Process structure.

IV. Statement of Policy and Applicable Procedures:

- A. Education staff at designated facilities, and under the direction of Education Central Office, are responsible for ensuring that offenders are screened for disabilities according to the required procedures stipulated in the GDC Corrections Special Education Procedures Manual.
- B. The required documentation for Special Education qualified and consenting offenders are sent to the Education Central Office for admission approval. Central Office (CO) forwards approved admissions to the CO Classification Unit for offender assignment to a facility that has Special Education services.
- C. Once the offender is assigned to the designated facility, the on-site Special Education staff enroll, write, and submit a copy of the Individualized Education Program (IEP) to the CO within 30 days of the offender's arrival.
- D. All offenders receiving Special Education services must be enrolled in an academic education course (L/RR, ABE, or GED Preparation), as well as enrolled in special education.
- E. All Due Process protections guaranteed by the State and Federal Departments of Education laws, rules and regulations governing Special Education will be followed.

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1. Consent for evaluation is obtained from the offender if age 17 or older. Parental or surrogate parent consent is obtained if offender is 16 or younger.
 2. Offenders will have a hearing and vision screening prior to evaluation.
 3. An individual, formal evaluation will be completed by qualified staff.
 4. An eligibility report will be completed prior to placement.
 5. A placement meeting is held to determine whether or not Special Education services are appropriate.
 6. Appropriate consent for placement will be obtained from the offender or surrogate parent.
 7. Central Office will place the offender in Special Education services upon approved documentation.
 8. An IEP will be created within 30 days of enrollment at a facility with Special Education services.
 9. Consent for placement is obtained from student or surrogate parent.
 10. The IEP remains in effect for no longer than one year. If changes are made in the program or placement, an update is required.
 11. GDC may modify IEP or placement due to security or penological interests.
 12. A complete review of eligibility is required every three years.
- F. State and Federal IDEA provisions are applicable only to offenders 21 years or younger.
- G. The records and file of each offender who is no longer eligible for Special Education services (attained the age 22, completed GED, paroled, released) shall

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be sent to the Education CO within 30 days of the change of Special Education eligibility/enrollment. The file must include the IEP completed as of the date of termination and include the clearly stated reason for the Special Education termination.

H. Offenders will not be transferred to any facility, unless for penological reasons, that cannot provide appropriate special education services.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.