

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Special Education

Policy Number: 108.03

Effective Date: 07/10/2025

Page Number: 1 of 14

Authority:
Commissioner

Originating Division:
Inmate Services Division
(Education)

Access Listing:
Level I: All Access

I. Introduction and Summary:

It is the policy of the Georgia Department of Corrections (GDC) to provide services to meet the educational or vocational needs of offenders who qualify for special placement in education due to physical, mental, emotional, or learning disabilities. All offenders who are younger than twenty-two (22) years of age are screened for prior diagnosis of 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; Americans with Disabilities Act: Public Law 101-336; Family Educational Rights and Privacy Act (FERPA): 20 U.S.C. § 1232g, 34 CFR Part 99.
- B. O.C.G.A. §§42-5-64 and 42-5-57; and
- C. ACA Standard: 5-ACI-7B-10.

III. Definitions:

As used in this SOP, these terms are defined as follows.

- A. **Aspen** - Aspen is a company that provides an online student information database for use with offenders who qualify for Special Education services within GDC.
- B. **Compliance Monitoring** - The process in which regional and central office staff, as well as staff from the Georgia Department of Education (GA DOE), review Special Education records, services, equipment, and materials annually to determine compliance with federal and state regulations.
- C. **Due Process Hearing** - An established course for judicial proceedings, 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.

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- D. **Family Educational Rights and Privacy Act (FERPA)** - Federal law that protects the confidentiality of student records.
- E. **Free and Appropriate Public Education (FAPE)** - All individuals with disabilities who are under the age of twenty-two (22) have the right to FAPE. To be appropriate, education programs for students with disabilities must be designed to meet their needs to the same extent that the needs of non-disabled students are met. Teachers of students with disabilities must be trained in the instruction of individuals with disabilities.
- F. **Full Time Equivalent (FTE) Count** - A report submitted annually by the Special Education Administrator that counts the number of offenders served in Special Education and tracks the completion outcomes of these offenders. The FTE Count is vital to the grant funding received by GDC each year.
- G. **GO-IEP** - GO-IEP is an online IEP tool that facilitates management and implementation of the IEP in order to ensure compliance with federal and state mandates.
- H. **Individualized Education Plan (IEP)** - A written document for a student with disabilities that outlines the Special Education services, accommodations, and goals established to assist the student in making educational progress.
- I. **Individuals with Disabilities Education Act (IDEA)** - The federal law that provides for a Free and Appropriate Public Education to individuals with disabilities who are under twenty-two (22) years of age.
- J. **Prior Written Notice (PWN)** - Refers to the notice required when the IEP team proposes or refuses to initiate the change of identification, evaluation, or educational placement of the offender or provision of FAPE. The content of the notice must include a description of the action proposed or refused by the team; an explanation of why the IEP team proposes or refuses the action; a description of each evaluation procedure, record, or report the IEP team used as a basis for the proposed or refuted action; a description of other options that the IEP team

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considered and reasons why those options were rejected; and a description of other factors that are relevant to the IEP team proposal or refusal.

- K. **Special Education** - Instruction and related services, such as specified materials and equipment, deemed necessary for an individual with disabilities to benefit from the educational program. Special Education services must be conducted in the least restrictive environment, or to the maximum extent appropriate.
- L. **Special Education Administrator** - The Director of Academic Education, or designee, named by the Director of Academic Education, who is responsible for the oversight of Special Education services within GDC.
- M. **Special Education Manual** - A guide to Special Education services within GDC that contains forms needed for documentation and compliance with federal and state mandates. All forms referenced in this SOP can be found in the Manual, and every GDC facility has a copy of the Manual per DOE guidelines.
- N. **Special Education Teacher** - Teacher who is certified in the instruction of students with disabilities.
- O. **Surrogate Parent** - As defined by the Georgia Department of Education, an individual appointed by the local education agency (LEA) to make educational decisions regarding a FAPE of a child with a disability.
- P. **The State Repository of Information System (SCRIBE)** - GDC's official offender records management system.

IV. Statement of Policy and Applicable Procedures:

- A. Special Education Teachers at designated facilities, and under the direction of the Special Education Administrator, are responsible for ensuring that offenders aged 17 - 21 are screened for prior diagnosis of disabilities and served appropriately while incarcerated.

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B. Specific policy and procedures are established to ensure that GDC complies with state and federal mandates regarding Special Education services.

C. All Due Process protections guaranteed by State and Federal Departments of Education laws, rules, and regulations governing Special Education will be followed.

D. Qualifications for Special Education Services:

1. An offender who is under twenty-two (22) years of age, who has a prior history of disability and/or an IEP in the last educational setting, and has an educational need will be admitted into the Special Education program.
2. An offender who is under twenty-two (22) years of age, who has no prior history of a disability and/or no IEP in the last educational setting, will not be considered eligible for Special Education services.
3. An offender who has a prior history of disability and/or an IEP but has been exited from Special Education in a prior school system will not be considered eligible for Special Education services.
4. An offender who has reached the age of twenty-two (22) is no longer eligible for state and federal IDEA provisions.

E. Offender Rights:

1. Consent for evaluation must be obtained from an offender who is aged seventeen through twenty-one (17-21) or under the age of twenty-two (22) utilizing Form 14, Consent for Evaluation/Re-Evaluation. If an offender who is aged sixteen (16) or under is housed in a GDC adult correctional facility, parental or Surrogate Parental consent must be obtained.

Note: Forms referenced in this policy are in the Special Education Manual.

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2. Consent to request records from schools of prior enrollment must be obtained as required by FERPA.
3. Offenders will have hearing and vision screenings performed by qualified medical staff at the facility prior to evaluation/re-evaluation if there is evidence of a significant change since the last hearing and vision screening on record.
4. An individual formal re-evaluation or data review will be performed by qualified staff.
5. An eligibility report will be completed prior to placement.
6. Consent for placement must be obtained from an offender, parent, or Surrogate Parent, as appropriate, based on age.
7. An IEP will be created upon transfer to a facility that provides Special Education services.
8. A complete review of eligibility or a data review is required every three (3) years.
9. Offenders may refuse Special Education services at any time. Upon refusal, the offender will be exited from services in GO-IEP and Aspen.
10. Offenders of appropriate age and eligibility may not request re-admission into Special Education services at any time once he or she has signed a refusal of services on Form 19, Special Education Refusal of Services.
11. GDC will strictly adhere to FERPA to protect the confidentiality of students' educational records and uphold their rights to privacy and access and will not release information to unauthorized individuals without a signed release form, except as permitted by law.

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F. Diagnostic Facilities:

1. The Special Education Teacher at the Diagnostic Facility will:
 - a. Be given a list of newly admitted offenders aged seventeen through twenty-one (17-21) years old.
 - b. Forward the list to the Special Education Administrator, who will use the Georgia Unique Identifier for Education (GUIDE) system to seek initial verification of a history of Special Education services.
 - c. Interview offenders who were found to have a history of Special Education services and document on Form 1, State Prison Education Interview.
 - d. Research and obtain offender Special Education records, transcripts, and score reports from prior educational institutions utilizing Form 4, Request for Educational Records; Form 31, Request for Educational Records Cover Sheet; and Form 29, Research Assessment.
 - e. Make at least three (3) attempts to collect prior educational records within ten (10) business days of initial interview to include phone call, facsimile, email, and/or postal mail, documenting these attempts on Form 8, Records Access Log.
 - f. Verify current eligibility to receive Special Education services and submit verification to the Special Education Administrator utilizing Form 13, Verification of Special Education Status. The Special Education Administrator will enter the offender's information into the Aspen database for FTE Count and GO-IEP usage. The Special Education Administrator will claim the GTID number in GO-IEP and assign the Diagnostic Facility Special Education Teacher as the case manager in GO-IEP.
 - g. Distribute and explain, as needed, the Inmate Guide to Understanding Special Education Rights, ensuring that offenders understand:

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- i. As an adjudicated adult, the rights previously afforded to parents under IDEA have been transferred to the offender.
 - ii. The offender is entitled to all rights outlined in IDEA, including notice of all meetings pertaining to the offender's program, written consent for participating in Special Education programming, and right to attend the individual's meetings (as appropriate), obtain an individual evaluation, review the individual's records, and obtain a Due Process Hearing, if necessary.
 - h. Notify appropriate facility staff that the offender has an educational disability and should be transferred, housed, and retained at a facility designated as a Special Education Facility, utilizing Form 29, Recommendation for Consideration of Inmate Placement.
 - i. Retain all documents in the offender's Special Education folder to be transferred to the permanent Special Education facility upon transfer.
 - j. Upload documentation in GO-IEP, if appropriate.
 - k. Notify the Special Education Administrator that a qualified offender will be shipped to another facility for documentation purposes and case manager changes in GO-IEP and Aspen.
2. Offenders who qualify for Special Education services should be transferred within ten (10) business days of verification of exceptionality, barring security risks or other emergency situations.
 3. Delay of movement should be discussed with the Special Education Administrator so that documentation can be created for Compliance Monitoring.

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4. The diagnostic facility that receives female offenders is the permanent Special Education facility for female offenders. These individuals will not transfer to another female facility for services.

G. Permanent Special Education Facilities:

1. The Special Education Teacher will:

- a. Communicate with the Special Education Teacher at the diagnostic facility.
- b. Notify the Special Education Administrator that the offender has arrived so that the case manager may be changed in GO-IEP to the Permanent Facility Special Education Teacher.
- c. Participate in intake to identify offenders who qualify for Special Education services.
- d. Review documents sent from the diagnostic facility to determine appropriate placement, testing, or activities, including IEP deadlines and re-evaluation.
- e. Lead the IEP team, which will consist of the offender (if appropriate), the Special Education Teacher, another academic instructor, the Special Education Administrator, and/or the Deputy Warden of Care and Treatment, and a staff member from another department within GDC (if appropriate). Per U.S. Department of Education guidelines, the parent should be invited to the IEP meeting. GDC will invite the parent through a letter generated in GO-IEP. The parent may attend through a virtual conference. The parent may not attend if he/she is a co-conspirator, a victim, incarcerated, or otherwise legally ineligible to have contact with the offender.
- f. Complete the IEP utilizing GO-IEP after facility admission, utilizing the Dashboard in GO-IEP for priority scheduling.

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- g. Provide PWN if the IEP team has varied significantly from prior IEP documents.
- h. Update the IEP at least once per year, considering health concerns, post-secondary goals, present levels of performance, annual goals, related services, and accommodations.
- i. Determine the continued eligibility with the IEP team by conducting a data review and/or initiating a re-evaluation with the contract psychologist.
- j. Obtain hearing and vision screening records completed during diagnostics and determine if significant changes have occurred. If significant changes are noted, schedule a hearing and vision screening within the facility, if available, or work with facility staff to schedule an outside medical appointment prior to the re-evaluation, as is mandated by federal and state law.
- k. Maintain document confidentiality, only sharing information as is appropriate through FERPA.
- l. Ensure that the offender is enrolled in both an academic education class and the Special Education program within SCRIBE.
- m. Communicate immediately with the Special Education Administrator if an offender who is in the Special Education Program is moved to a facility that is not a designated Special Education Facility.
- n. Provide appropriate instructional services through FAPE in the least restrictive environment to include in-class support, small group instruction, direct instruction, one-on-one instruction, consultation, and distance learning or alternative models of instruction, as appropriate.

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H. Non-Special Education Facilities:

1. Offenders who report that they have received Special Education services in the past, who are under twenty-two (22) years of age, and who are housed at state prisons that do not provide Special Education services may reinstate services as long as they meet qualification criteria, including not having signed a refusal of services while incarcerated or not having been exited from Special Education services in a previous school system.
2. Names and GDC Identification Numbers of any offender who wishes to reinstate services should be sent to the Special Education Administrator who will contact Offender Administration and, when appropriate, the Director of Facility Operations to determine movement possibilities, if applicable.
3. The facility may continue to serve the student in education classes until the student can be verified and transferred.
4. If a student cannot be transferred due to security, e.g., a program that is mandated for the offender, etc., a rationale will be documented by the Special Education Administrator for Compliance Monitoring.
5. The Special Education Administrator will work with facilities to determine an alternate plan for serving offenders who qualify for Special Education services in Probation Detention Centers, Transition Centers, or who cannot be transferred due to security concerns, etc. to include distance learning or other models of instructional delivery.
6. If an offender does not wish to participate in Special Education services but has not been removed from the program, the regular education teacher will ask the student to sign Form 19, Special Education Refusal of Services, and forward this form to the Special Education Administrator. The Special Education Administrator will remove this student from Aspen and GO-IEP, if appropriate.

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I. Special Housing Units:

1. The provision of Special Education services extends to offenders who qualify for services and are placed in special housing units to include Tier, Segregation, and Special Management Unit.
2. The provision of Special Education services extends to offenders who are housed in a facility or dorm that is on temporary lockdown due to security provisions.
3. The Special Education Teacher will:
 - a. Establish a designated time and date each week to provide Special Education services to qualified offenders.
 - b. Document services that are provided to qualified offenders in special housing.

J. Refusal of Services:

1. An offender may refuse Special Education services at any time. The offender will:
 - a. Complete and sign Form 19, Special Education Refusal of Services; and
 - b. Be served with PWN.
2. If an offender refuses Special Education services and refuses to sign the appropriate form, the Special Education Teacher and another witness may each sign the document and note the refusal. The Special Education Administrator will contact the Georgia Department of Education for permission to remove the offender from services.

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3. Refusal of Special Education Services does not constitute a refusal of, or removal from, other academic education programming. An offender may remain in educational programming and refuse Special Education Services.
4. Form 19, Special Education Refusal of Services, should be retained in the Special Education file for the offender. A copy should be sent to the Special Education Administrator. The refusal will be noted as an Exit Event in GO-IEP by the Special Education Administrator.

K. Due Process Hearing:

1. An offender has the right to a Due Process Hearing in the event of a dispute about evaluation or placement in the Special Education program.
2. The steps for a Due Process Hearing include:
 - a. The offender requests a Due Process Hearing Request form from the Special Education Teacher.
 - b. The offender will complete the form to include his or her concerns as well as potential solutions and return it to the Special Education Teacher.
 - c. The Special Education Teacher will sign and date the form and forward the due process request to the GDC General Counsel before the close of business on the day received.
 - d. The General Counsel will notify the Attorney General's Office of the receipt of the due process request for appropriate processing within one (1) business day of receiving the form.

L. Transfers:

1. Offenders will not be transferred to any facility, unless for penological reasons, that cannot provide appropriate Special Education services.

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2. If an offender is transferred, the Special Education Teacher should notify the Special Education Administrator. At this point, an alternative plan should be made to serve the offender with Special Education Services.

M. Program Completion:

1. When an offender reaches the age of twenty-two (22), the Special Education Teacher should end the program as "Completed Successfully" in SCRIBE and issue a certificate of completion. Regular academic education programs should not be ended.
2. If an offender refuses Special Education services and signs Form 19, the program should be ended as Voluntary Withdrawal in SCRIBE.
3. If an offender transfers to a charter school, the program should be ended as a Transfer.
4. If an offender earns a high school equivalency diploma or is paroled or released, the Special Education program should be ended as "Completed Successfully" in SCRIBE.
5. Program completion reasons will also be documented in the Aspen database for FTE Count purposes.
6. The records and file of each offender who is no longer enrolled in Special Education services will remain at the Special Education Facility.

N. Compliance Monitoring:

1. GDC Special Education Administrator, or designee, will review all Special Education caseloads monthly to determine if the program is compliant with federal and state requirements on IEP development and implementation. If a facility is not in compliance, a written review and recommendations will be shared with Special Education Teachers and facility leadership. On-site

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training will be provided by the Special Education Administrator or designee, if training is needed for compliance.

2. The Georgia Department of Education will conduct annual program evaluation through Compliance Monitoring.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:**

Documents generated for individual students are housed online in the GOIEP and GA DOE environments and are retained per the respective retention schedules of those agencies. Any printed, paper copies of forms generated for a student are kept in a folder for that student in the special education office for five (5) years. If a student is released from GDC custody, the student's folder and records may be transported to central office to be stored by the academic director until the remainder of the five (5) years of retention.