

President's Corner



Greg McElwee

Greetings GCASE members!

I hope everyone's school year has gotten off to a great start. As I type this letter as the current President, I am still humbled to have been given this opportunity. The work GCASE has done over the years has proven time and time again the valuable impact of a professional organization.

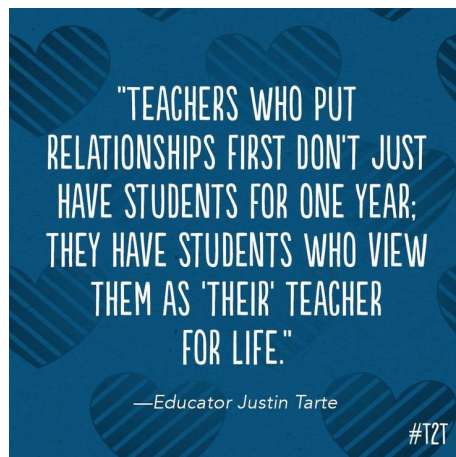
Your membership in GCASE provides you with a network of dedicated professionals always willing to help, access to resources and tools, and opportunities for unparalleled professional learning. We look forward to an outstanding year and look forward to seeing you all at our Fall Conference in Savannah.

So you "Wanna Be Startin Something" is going to be the theme for this year's Fall Conference in November. This conference is going to be primarily focused on relationships and how they can impact student achievement. We have some outstanding speakers lined up this year.

Tawanna Williams, Annette Breau, Zephine Smith-Dixon, and our keynote presentation will come from Flip Flippen. I encourage each of you to research these individuals and I guarantee you will be excited about the messages they will deliver.

Again, I want to thank you all for the opportunity to be President of this amazing organization. It will be my focus this year to continue the outstanding work of those individuals before me and build new relationships within our organization. My desire is that at the conclusion of my term we can look back and consider this year another successful chapter in the GCASE book. I wish you all the best and please do not hesitate to call on me as your President. See you all in November.

-Greg



Notes from the Executive Director

As you work with students with disabilities, their parents, and the educators who work with them this school year, know that G-CASE is always here to support you! Our 2018 Fall Conference (November 14-16) at the Savannah Marriott will offer you just what you need to sharpen your skills – while leaving you motivated, networked, and inspired to continue to improve outcomes for our students. Registration will open online at the GAEL website in about two weeks, and you can



go ahead and make your room reservations now at the Marriott – just tell them you are with G-CASE to get our corporate rate.

Everyone always looks forward to the Breakout Sessions at the conference because they highlight what Georgia Special Educators are doing in their systems—great initiatives that can be easily replicated! We invite all special educators to consider sharing new initiatives and resources that are working in your systems to improve outcomes for our students with disabilities through presentations during the Breakout Sessions. A *Request for Proposal* form is included in this newsletter.

Finally, when you register for the G-CASE Fall Conference, please consider joining our national organization, CASE (Council of Administrators of Special Education), which is an international professional educational organization affiliated with the Council for Exceptional Children (CEC); as well as the Georgia Association of Educational Leaders (GAEL). Just check the box when registering and we'll make sure your memberships with CEC/CASE, G-CASE, and GAEL are activated. It is so important for all of us to belong to professional organizations in order to have legislative representation, up-to-date information on special education research and laws, access to conferences and workshops at the regional, state, and national levels, leadership development, immediate legal updates affecting educators, and networking opportunities. You can never have too much information these days...



Sarah Burbach

...So, we look forward to seeing you at the 2018 Fall Conference in Savannah in November!

Determined to Help Students Be Self-Determined

By: Elise James,
Georgia Department of Education

Self-determination has been on the radar of advocates, school districts and researcher for close to twenty years. The need for students with disabilities to have the opportunity to build self-determination became a focus of IDEA 04 with the inclusion of language that requires the participation of students with disabilities in transition planning. Since 2010, students with disabilities in Georgia have had the opportunity to build self-determination skills by participating in their IEP through the Active Student Participation Inspires Real Engagement (ASPIRE) Project. Today the project is available for students with disabilities in every GLRS region, 20 GNETS and over 500 schools. Some districts have committed to providing this opportunity for students in pre-k through 12th grade. Districts have seen positive outcomes for students as a result of students with disabilities as a result of their participation in ASPIRE.

What is self-determination? While there are multiple definitions, the GaDOE transition manual interprets it as "...a concept that emphasizes the belief that all individuals have the right to direct their own lives through the choices they make". For students this includes:

- A combination of skills, knowledge, and beliefs that enable a person to engage in goal-directed, self-regulated, autonomous behavior.
- An understanding of one's strengths and limitations, together with a belief of oneself as capable and effective, are essential to self-determination.

Participation in student-led IEPs is one of the ways students can become self-determined. The Georgia Department of Education, Division of Special Education Services and Supports is intensifying their efforts to support districts to provide opportunities **for all students** to develop self-determination skills. Beginning this school year (2018-2019), the division will provide training and support for all districts who wish to implement the Self Determined Learning Model of Instruction (SDLMI). The SDLMI is an evidence-based teaching model that can be used across all disciplines and aspects of life that enables students to use a problem solving, goal-setting strategy to:

- Make choices and decisions
- Develop action plans for academic goals
- Self-monitor and self-evaluate progress toward academic goals

We are pleased to partner with the University of Kansas, under the direction of Dr. Michael Wehmeyer, to support training and implementation of the SDLMI and the Self-Determination Inventory, a research-based tool for measuring self-determination. GaDOE is determined to provide all students in Georgia public schools with the opportunity to be self-determined. For more information for how you can be a part of this work, contact Elise James, GaDOE Program Specialist at ejames@doe.k12.ga.us.

"... We know it (self-determination) is just another word for a life filled with rising expectations, dignity and respect and opportunities." (Robert Williams, Former Commissioner of the US Departmental of Health and Human Services Administration on Developmental Disabilities and person with a disability)





2018 GCASE Fall Conference

November 14th (beginning at 1:00 P.M.) through November 16th (ending at 12:00 Noon)

Savannah Marriott Riverfront [Link to Marriott](#) (for room reservations)

Online Registration on the GAEL website will be available within the next two weeks.

G-CASE President Greg McElwee has planned a super conference with the theme: *“Wanna Be Startin’ Somethin’”* – Excellent, motivational keynote speakers from across the United States; legal updates, a variety of breakout sessions, GaDOE report, special student opening presentation, awards, exhibitors, and a fabulous President’s Reception...

Several groups will also be meeting on November 14th before the Conference Kick-Off:

SELDA (8:00-12:00)

G-CASE Advisory Board (9:00-10:00)

G-CASE Executive Board (10:00-11:30)

GLRS (8:00-1:00)

GNETS



"Wanna be Startin' Somethin'!"

**November 14-16, 2018
Marriott Savannah Riverfront
100 General McIntosh Blvd, Savannah, GA 31401**

Join us as we *Wanna be Startin' Somethin'* at the 2018 G-CASE Fall Conference! We want you to share new initiatives or even new "spins" on proven processes and programs that work in your system in order to provide highly effective, positive outcomes for our Exceptional Students. The goal of this conference will be to showcase initiatives and resources that school districts are using to improve achievement for students with disabilities and to raise the graduation rate for them. G-CASE is seeking strong proposals for breakout sessions that focus on effective partnerships and resources. Preference will be given to proposals highlighting new initiatives and resources that have been started that are working!

Breakout sessions are 75 minutes long and are scheduled on Thursday, November 15th.

Please Note: Vendors seeking to present must submit a joint proposal with a school district that uses their product.

The deadline for submitting a proposal is September 7, 2018.

Proposals must contain the following information:

- Title of Proposed Breakout Session
- Summary of Presentation (100 words or less)
- Major Objectives of the Proposed Breakout Session
- Presenters: (name, position, school or district, and email for each presenter)
- Name, position, address, email and phone number of person submitting this Proposal

Important Information:

- Presenters are asked to provide electronic copies of handouts and/or presentations by October 31, 2018, so they can be posted on our website prior to the conference.
- Presenters who want attendees to have a hard copy of any handouts, must provide them at your own expense. **G-CASE does not provide hard copies of handouts.** However, we are glad to email documents out to attendees so that they can print their own copy prior to the conference.
- **Each presenter is expected to register for and attend the fall conference.** Up to two additional presenters **who are members of G-CASE** will be given a discounted registration rate of \$75 less than the regular registration rate. Reduced registration fees are processed through Sarah Burbach. Please contact her at sburbach@gael.org.
- Presenters must furnish their own laptops and projectors.
- Screens, power strips, tables, chairs and podium are provided in each breakout room.

Please email your completed proposal to Sarah Burbach, Executive Director of G-CASE, at sburbach@gael.org no later than September 7, 2018.

The selection of breakout sessions will be completed by mid-September and notification will be sent to the **person who submitted the proposal.**

Thank you for being an important part of our 2018 Fall Conference!



By: Dr. Zephine Smith-Dixon
State Director, Special Education Services and Supports



GEORGIA

The voice and vision of special education

By: Leslie Allen, President
Georgia Council for Exceptional Children

tion. As a result of this technical assistance, the GaDOE revised implementation guidance specific to child find, evaluation/reevaluation and eligibility. We will continue the review process and keep you abreast of additional implementation changes.

We are excited about the renewed commitment to state and local general supervision and believe that an effective general supervision system addresses both improved results and compliant implementation of IDEA. It is necessary for all stakeholders to consider innovative opportunities to improve outcomes for students with disabilities and remember that students are individuals-not subgroups.

The State will continue to address graduation as a target for the State Systemic Improvement Plan; however, increased school completion must be a P-12 focus. We are excited about the additional training and technical assistance for young children with disabilities and believe these opportunities will create equitable access for all students upon entry into kindergarten. Let's make it a great school year and partner in student success.

As the current President of Georgia Council for Exceptional Children, I would like to encourage you to start a local CEC chapter in your school district. This summer members of CASE, G CASE and Ga-CEC met to discuss Ga-CEC's dwindling number of members and active chapters. As Administrators in Special Education you play a vital role in supporting Special Education personnel. Dr. Luann Purcell, Executive Director of CASE, talked about how active CEC chapters can help build teacher/leaders and support new teachers in Special Education. CEC can provide professional learning, research based techniques and a professional support group which can help retain teachers in the field of Special Education. Starting a new chapter or renewing an "old" chapter involves some paperwork and selecting some teacher/leaders from your school district to hold meetings. Georgia CEC and the members of the Pioneer division are ready to help you in reactivating your chapter! We look forward to hearing from you! Sincerely, Leslie Allen, Georgia CEC-President (Lesloudallen@gmail.com)

E X H I B I T O R S

Do you have a good vendor that
works well with you that you'd like
to see at the Fall Conference in
Savannah?

Send contact information to Sarah
Burbach, Executive Director, at
sburbach@gael.org

Legal Update

BY: Beth Morris and Reagan Sauls
Harbin, Hartley & Hawkins LLC

Don't Get Caught in Student Record Spaghetti Junction: Untangling Laws Related to Educational Records

Student records. At first glance, it seems like an easy concept, and at one time it probably was – you walked over to a file cabinet and pulled out a file with a student's name on it. Inside were all of his or her student records and that was all there was to it. But in today's day and age, with ever increasing options for maintaining records electronically, student records could be anywhere and everywhere – in school files, in district files, in teacher files, on various people's computers, or in the cloud (what does that even mean?). So, when you receive a request for "all educational records" relating to a student, making sure you have them all and making sure you even know what that means is not all that easy. Even a simple request can raise a lot of questions and then add to that when a parent expands the request to records you don't typically consider to be education records. Are you gathering every work sample a student created? Every scrap paper used during testing? Are you printing every email? How are you supposed to know what to do, let alone have the time or ability to gather it??!

Requirements to provide records and requests for records may come in many different formats and pursuant to many different legal requirements. Of course, parents are entitled to access their child's records under FERPA as well as IDEA. Parents may also seek records pursuant to the Georgia Open Records Act, a valid subpoena or a request to produce records for pending litigation. Regardless of the basis for the request, it is important that you respond appropriately and consistent with the requirements for the various statutes.

As a result, it is really important that you know what documents actually constitute student records, when you do and do not have to produce them and ultimately, when and how you destroy them. Unfortunately, you will not find guidance on all issues related to records in one place (that would be too easy, right?).

What exactly is a Student Record?

First let's review the basics of student records. The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g; 34 CFR § 99 et seq, is the federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA prohibits school districts from releasing personally identifiable information (other than directory information) contained in a student's education records to anyone but certain enumerated federal, state, and local officials and institutions, unless authorized by the student's parent. Pretty straight forward, right? Not really.

When someone requests to review student records, what do you send? What exactly is a "student record"? Under FERPA, a student record is anything maintained by the district which contains personally identifying information about a student that (1) directly relates to a student; and is (2) maintained by the school or a person acting for the school. Is this limited to the permanent file? No, it does not just include paper documents. A "record means any information recorded in any way, including . . . computer media, video or audio tape..." It includes videotapes, audiotapes, and other media. What about "the Cloud" or Google drive? Electronic infrastructure to access, process, transmit, and store vast amounts of information; many educational and administrative tools used by teachers and district offices operate through

internet access; there are many types of Clouds, but the issues are similar regardless. Given the technology and prevalence of today's personal devices, there is no way to avoid the Cloud. FERPA does not prohibit the use of cloud computing solutions for the purpose of hosting educational records, but FERPA requires States to use reasonable methods to ensure the security of their IT solutions.

What does this mean when you are gathering records? It means that when there is a request for records the District must ensure that it is including *all* records, which in today's day and age does not just mean paper records in a file cabinet and will likely means you need to collaborate between administrators, IT folks and data clerks at both the school and central office level.

What is *not* a student record?

So, does this mean that everything in any way related to a child is a student record? No. The Supreme Court has long since held that such a requirement would be unreasonable -- it ruled that a student's work samples are not student records unless they are specifically maintained (think: work samples maintained as part of RTI or progress monitoring). Additionally, as noted above, directory information is not a student record. Under FERPA directory information can be released without parent consent and includes but is not limited to, the student's name, address, telephone listing, email address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g. undergraduate), dates of attendance (as in years of attendance, not specific days), participation in officially recognized activities and sports, weight and height of members of teams, degrees, honors and most recent educational agency attended. 34 C.F.R. § 99.3 It is most important to know how your district specifically defines directory information.

When you receive requests that seem overly broad, sometimes it is possible to narrow the request by talking to the parent to find out what they are seeking. If they sent a page long request, but really are only hoping to capture behavioral data, you can save yourself a lot of time by knowing that. In other instances, a parent really does want *everything* whether it's technically a student record or not. It may be a good idea in those cases to consult with your school board attorney. Certainly, all records, even those which are not student records, could potentially be obtained through a subpoena and sometimes you want to think about when to provide them and how to document what you are doing so that you do not set precedent for future requests.



Continued on page 7

Legal Update Continued

What about certain medical records contained in Student's files?

Students' medical records and education records under FERPA are not subject to Health Insurance Portability and Accountability Act ("HIPAA"). Districts need to make sure that nurses that work with Districts understand this distinction as well.

Wait you want what?

Districts need to be aware that all documents that are created fall into two general buckets, student records and open records. The Georgia Open Records Act defines what documents fall within its purview: "all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar materials prepared and maintained or received in the course of the operation of a public office or agency." O.C.G.A. § 50-18-72. Don't forget that there are exceptions to the Georgia Open Records Act, which includes student records protected by FERPA and state law.

If requested, *when* does the school show the records to parents and in what format?

Under FERPA, the school has forty-five calendar days to comply with the parents' request. Some schools have written procedures that establish a shorter time period. In this case, the school must comply with their shorter time period. 41 CFR § 99.11. Thus, as always, it is important to know what *your* procedures are. Under FERPA, a parent is entitled to an opportunity to inspect and review his or her child's records. Many districts provide a copy of the records in lieu of an opportunity to inspect the records and in fact, if circumstances prevented a parent from being able to inspect the records, they District would be required to provide a copy. Under IDEA, however, a district is entitled to charge a fee for a copy of the records, but not for search and retrieval unless such a fee would prevent a parent from being able to access such records.

Now that we know what student records are, how long do we have to keep them?

Although largely complementary with FERPA, the Individuals with Disabilities Education Act ("IDEA") goes beyond the requirements of FERPA in some respects. For example, IDEA requires that districts comply with any request to inspect and review records "without unnecessary delay and before any meeting regarding an IEP or any hearing." 34 C.F.R. § 300.613.

Failure to comply with this request – can trigger a parent's claim that they were not sufficiently able to participate in the meeting as an equal participant, not just a records claim. IDEA also requires that districts maintain a record of parties obtaining access to records collected, maintained and used. And IDEA requires that parents be informed when a school proposes to destroy student records. However, it is State law that guides us in the retention of these records. You can find the retention schedule here: <https://www.georgiaarchives.org/>.

The following is a sample of the retention schedule required under Georgia law.

Types of Records	Retention Schedule
Special Education Records	Until twenty-two and notice must be given
SST Files	Two years after the student leaves the district
Counseling test records	Retain for useful life
Health Management Plans	Two years after graduation or date of last attendance
School Psychologist files	Five years
Special Education Program selection and placement documentation	Permanent
Teacher's Student Folders	Retain for the useful life

It is interesting to note that Section 504 plans are not mentioned specifically in the retention schedule itself, but according to the Office in charge of these schedules those records would fall within the Health Management Plan retention schedule.

Although the topic of Student records seems mundane, there are many different laws and regulations that intersect to make the production, confidentiality and retention of records more difficult than one would believe. Certainly, the biggest concerns arise when you are looking back and realize that records have been omitted, do not exist or were not provided when they should have been. The best way to avoid these issues is to be informed and proactive when you receive such requests.

Are you or your district doing something amazing?

We want to know about it!

Send submissions and photos to jcarpenter@nwgnets.org so that we can highlight the wonderful things GCASE members are doing across the state!

A+

Legislative Summit

BY: Dr. Jenny McClintic
Legislative Chair, GCASE Executive Board



The Council for Exceptional Children and the Council of Administrators of Special Education had 266 advocates participate in this year's Legislative Summit. Tris Gilland and Jenny McClintic represented our chapter. This year's work focused on four main initiatives. These included fully funding IDEA, recruitment and retention of special education teachers, keeping public funds in public education and mental health supports. The Georgia team met with the staff of Senators Johnny Isakson and David Perdue and Representative David Scott as well as personal meetings with Representatives Rob Woodall and Austin Scott to discuss these key issues.



A rally was held the morning of July 10th on the Capitol lawn with Senator Cory Booker of New Jersey as speaker and special guest. He is proposing major legislation, Supporting the Teaching Profession Through Revitalizing Investments in Valuable Educators (STRIVE), that will specifically address the teacher shortage. Booker has long been an advocate for teachers and believes that every child receives a quality education.

We have been encouraged to share information on these critical areas via social media. Additional information surrounding these key issues may be found at: <https://specialeducationlegislativesummit.org/capitol-hill-day-resources/>



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November 15-17, 2018
 GCASE Fall Conference
 Savannah, Georgia

January 29-February 2, 2019
 CEC Special Education Convention & Expo
 Indianapolis, Indiana

March 18-20, 2019
 GCASE Spring Legal Conference
 Athens, Georgia

"Great teachers focus not on
 compliance, but on connections and
 relationships."

- PJ Caposey in Education Week Teacher

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Jenny Carpenter, Editor

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G-CASE serves the members of CASE who live and work in Georgia! Our major goal is to improve services to children with special needs. We strive to provide leadership and support to members by providing input into the policies and practices in Georgia which impact the quality of education and by providing support to the professionals who serve the students of Georgia.