

**Frequently Asked Questions:**  
**EVALUATION AND ELIGIBILITY**

**Evaluation:**

***Parental Request/Consent for Evaluation:***

**If a parent refuses consent for an evaluation, is the school system required to go through either mediation or due process?** No, when the school system decides that an evaluation is needed but the parent refuses, the system may choose to, but is not required to, seek mediation or due process. If the student is a home-schooled or private school student, this consent override does not apply.

**Can parents request an evaluation anytime during the process of RtI?** Yes, IDEA requires that school systems consider the parent's request for an evaluation. If evidence of prior interventions has not been obtained, the evidence can be collected during the evaluation period. If the school system decides not to conduct the evaluation, they must provide the parent with prior written notice and advise them of their parental rights to seek mediation or a due process hearing.

***Vision and Hearing:***

**Must a student's hearing and vision be corrected prior to completing a comprehensive evaluation?** Systems are expected to complete the comprehensive evaluation and determine eligibility by the 60 day timeline. There must be documentation that the child's hearing and vision abilities are not interfering with performance. Hearing and vision should be one of the initial factors examined when a child begins to demonstrate delays. Vision and hearing screenings can occur at the first three Tiers of the Georgia Student Achievement Pyramid of Interventions.

***Adaptive Behavior:***

**Must the sources for adaptive behavior scores be obtained from standardized assessments?** Yes, at least two assessments, that have been normed on the general population, must be conducted.

**Is a local system required to obtain an adaptive behavior score from someone outside of the school system?** It is expected that the second measure of adaptive behavior shall be completed from someone outside of the school.

***Evaluation Report:***

**Are school psychologists required to write a psychological evaluation report?** Yes; however, special education directors and school psychologists should work together to determine the essential components needed in a psychological report due to the comprehensive requirements of the eligibility report. It is conceivable that psychological evaluation reports may not need to be as detailed due to the comprehensive nature of the new eligibility report.

**Re-evaluation:*****Parental Consent for Re-evaluation:***

**What happens if the parent refuses consent for re-evaluation?** The school system can determine based on the current data and other information that the student either continues to or does not continue to be eligible. The system should then provide prior written notice to the parents. Systems may also use the consent override procedures (due process hearing or mediation) to gain permission to evaluate.

**If the parent requests an evaluation at the re-evaluation consideration meeting and the system does not feel that it needs one to continue eligibility and documents that the student is still eligible, what happens if the information obtained in a re-evaluation conflicts with the current eligibility?** The team must consider all information, not just the assessment/psychological. Test scores alone should not determine if the system should reconsider eligibility. On a case-by-case basis, this information should be reviewed and the initial determination that the student continues to meet eligibility may need to be revised based on the additional information. The system certainly does not have to wait three years to consider eligibility again.

***Timelines for Re-evaluations:***

**What are the timelines for completing a re-evaluation?** The 60 day timeline only applies to the initial evaluation. Once a student is in special education, all further evaluations are considered re-evaluations. The re-evaluation must be completed within a reasonable timeframe, no later than the 3 year eligibility determination date.

***Progress Monitoring Data for Re-evaluations:***

**What data is used for progress monitoring for a student that is being re-evaluated?** Students currently served by special education can have progress monitoring data collected from their established IEP goals.

### Eligibility:

#### **Forms:**

**Is the local system required to use the state recommended eligibility form?** No; however, it is expected that all of the required components specified in the Special Education Rules and included on the model form should be included if systems choose to develop and utilize different eligibility reports.

**Are the short and long versions of the old eligibility forms being discontinued?** Yes, the GaDOE recommends the use of one eligibility form and encourages school systems to transition to the new form as initial evaluations are conducted to determine initial eligibility for special education. The new eligibility form documents the determination decision based on all the information presented and is a process completed by the team. During redeterminations, it is not necessary to use the new form when no new information is being collected and reported. If new data is being collected and used to make an eligibility determination, the new form can be used.

#### **Prior Interventions:**

**What is Response to Intervention (RtI)?** RtI is a framework of explicit instruction and support that is provided to students through general education and other supports. In Georgia, RtI is operationalized through the Georgia Student Achievement Pyramid of Interventions. RtI occurs at each of the four tiers. When a student struggles, the problem solving team must analyze the data collected through formative assessments such as progress monitoring to determine if the student is making progress. If the data indicates progress, the student is responding and does not require more intense support along the continuum of the pyramid.

**Does the Student Achievement Pyramid of Interventions require that SST be in place for at least 12 weeks prior to a referral for special education evaluation?** No. However, it is expected that the student will have been in general education supports for sufficient time to collect data from progress monitoring. A system should operationalize their pyramids to include a range of expected length needed at each tier. Most importantly, all students should have some consistency within the support provided and the frequency and duration offered. Research has shown that extended lengths of time are necessary at each tier for students to experience genuine progress. Please refer to the Decision Making Along the Pyramid of Interventions guidance provided at [www.georgiastandards.org](http://www.georgiastandards.org). For consideration of Specific Learning Disability, the regulations state that along with other criteria, a minimum of 12 weeks along with a minimum of 4 data points is required for consideration of eligibility. The data from these 12 weeks of support can be extrapolated from support at Tier 2 and Tier 3. However, the team must be able to provide enough data to determine if the student was not making progress toward obtaining the benchmark. As systems operationalize RtI, it is expected that systems will provide more than the 12 weeks of support when it is evident that a student is making progress. An immediate referral after only 12 weeks of support is not best practice. The problem solving team must analyze the progress monitoring data and have evidence to support the trend line from the data points.

**Will I have to begin the RtI process each year if a student is not referred for special education**

**evaluation?** No. For those students that completed the school year by receiving either Tier 2 or Tier 3 support, it is expected that they will begin the current school year with the same support. In addition, it is expected that students should not be referred for a special education evaluation immediately upon beginning a new school year. The problem solving team should review any supports that may have been provided during the summer break and the supports that will be provided during the school year. If a referral for special education evaluation is eventually made, the data from the previous school year and the current school year should be reviewed to determine if there was a response to the interventions.

**Is the local system responsible for conducting progress monitoring for private school students that are referred for special education evaluation?** The local school system is responsible for conducting child find and completing a comprehensive evaluation. However, data included in the comprehensive evaluation can be derived from multiple sources including general education instruction and data provided by the private school.

**What is the role of the local system when a student is referred for a special education evaluation and there is no data on interventions or results of progress monitoring?** A system must provide interventions and collect progress monitoring data during the 60 day timeline after consent for special education evaluation is signed. These interventions are implemented and frequent progress monitoring is used to assess student response to the interventions prior to the determination of eligibility for special education.

**How does a local system implement interventions if a parent requests immediate referral for special education evaluation?** During the 60 day timeline, a system shall begin interventions and the data collection process. Data can be collected from the results of general education instruction and interventions that occurred prior to the date of consent for special education evaluation. In addition, it is always appropriate to analyze and utilize data obtained from support in Tier 1 and Tier 2.

**A private school wants to have an evaluation of a student to determine educational need. How can the interventions, if any, done in the private school be documented?** Evidence of prior interventions is required for students referred for an evaluation from a private school. The school system can accept less formalized intervention data from the private school setting or they can assist the private school in strategies for collecting valid data based on interventions implemented prior to the referral for evaluation or during the evaluation period.

**Is the Student Support Team required to begin implementing interventions with progress monitoring this school year?** Yes, the SST has always recommended specific interventions to address student needs. However, this school year and in subsequent years it is now expected that interventions and progress monitoring data are collected in the area(s) of delay.

**Are students with speech or language issues required to have interventions through the Georgia Student Achievement Pyramid of Intervention?** Yes, any student presenting with a delay must be provided evidence based interventions in the area of concern.

**What type of interventions and progress monitoring are expected for pre-school students?** The data collection on the interventions will be informal and may be of a qualitative nature. Much of the evidence of interventions and progress monitoring will be through interviews. The school system should also use this opportunity to work with early education providers to ensure that children have access to the DECAL standards.

**What is considered adequate response to instruction?** The research findings have defined adequate response as an increase of one standard deviation on a formal measure of progress monitoring. However, systems are not required to utilize a formal measure for progress monitoring.

***Exclusionary Factors:***

**Are we going to get any clarity on the ambiguity on the exclusionary factors?** We have put guidance into the implementation manual regarding these exclusionary factors. The eligibility team must complete the evaluation and eligibility processes and decide the impact of the exclusionary factors based on the data and other information. This is a reasoning process, there is no magic formula. Students who have irregular school attendance, for example, may be a student with a disability, if the team determines that the attendance has not impacted the performance or response to interventions. The presence of exclusionary factors does not necessarily mean the student cannot be eligible. It means that the team must consider the factor, discuss the impact and make and document the professional judgment of eligibility. If an exclusionary factor is determined to be the primary reason for the delays, the team must provide the data that was analyzed to make this decision.

***Transfer Students:***

**What are the procedures for determining eligibility on out-of state transfer students?** The local system may review the out of state eligibility and data and accept the eligibility determination. If the local school needs additional data prior to making an eligibility determination, FAPE must be provided while this determination is being made. In the meantime, if the student is referred for an evaluation to determine eligibility, it is considered an initial evaluation and the 60 day timelines apply.

**When a student transfers in to the school system from another state, is the determination of eligibility up to one individual who is reviewing the records or is it a team decision?** Eligibility is always a group determination. However if the student was determined eligible in another state, the group determination was already made and the receiving system can accept the eligibility determination. If

the system chooses not to accept the determination, the team should refer the student for a comprehensive evaluation to determine eligibility under Georgia Special Education Rules.

**When a student moves into a system (especially from out of state or out of county), and parents report that their child received special education services in the previous system, is the receiving system obligated to go on the statement of the parent when no records have been received? Can the student be placed in the general education classroom and receive instruction and supports through the Georgia Student Achievement Pyramid of Interventions, while the records from the previous school are obtained?** If a child with a disability has an IEP developed in another state or system and transfers to a new district, the new system in consultation with the parent must provide the child with FAPE. This should include services comparable to those described in the child's IEP from the previous LEA or, in the absence of an IEP, as reported by the parent. During this time, the new system may choose to adopt the out of system IEP in its entirety including annual review date or develop a new IEP using information from the IEP developed in the prior system establishing a new annual review date. In the absence of complete or appropriate documentation the new district may complete an evaluation and develop a new IEP. The least restrictive placement for students with disabilities should be the general education classroom with appropriate accommodations and supports. If a student's IEP services cannot be provided in a general education classroom, placement in other environments is also appropriate if needed for the student to receive FAPE.

**What is the timeline for accepting an eligibility and IEP from another state that the system feels is incomplete? If additional information is needed, can the system accept the eligibility then complete the additional assessments, or is the timeline 60 days whether the eligibility is accepted or not?** If an out-of-state eligibility is initially accepted, with the understanding that additional information is needed, then that information is gathered and reported. The 60 day timeline does not apply because the student has been determined eligible.

**What is the procedure for students who enter the system with an expired eligibility or IEP? Do those students have to go back through the Student Achievement Pyramid of Interventions or is it considered an initial evaluation with the 60 day timeline?** If the student has been in a program, available information should be reviewed to assist the eligibility/IEP team to make decisions on additional information needed, supports, and services.

For those students who come into the system with an expired eligibility, and the team determines that services are necessary while the initial eligibility information is being gathered and reviewed, the IEP date reported could precede the reported date of the initial eligibility. While this may affect data reporting, the reasons for the discrepancy can be documented. If the student comes into the system with an out of date eligibility or IEP, the system should not report that it was out of date. The eligibility should be identified as an initial eligibility, with the timeline starting at the date consent to evaluate is received.

The progress monitoring and other information gathered during the 60 day timeline for initial eligibility for a student who comes from out of state with an expired eligibility may look very different from that of

the student who has gone through the Pyramid of Interventions. However, professional judgment should be utilized so that the information needed and then gathered meets the needs of the eligibility team.

**Is there a policy regarding accepting a student with an Other Health Impaired eligibility from another state?** No, there is no specific policy related to students with Other Health Impairments who transfer into a Georgia school system. The receiving school system must review the information received and make an eligibility decision based on the individual child. A diagnosis of Attention Deficit-Hyperactivity Disorder can be made by a physician or a clinical psychologist.

***Eligibility Areas:***

**Can a child have a primary disability and a secondary disability?** A child may present with more than one disability.

**What medical diagnosis does not require physician documentation?** Under OHI, students who are ADD/ADHD may have the medical diagnosis made by a licensed psychologist who has a community based practice.

**Are two IQ scores required prior to determining a student eligible under Intellectual Disability?** As has been the standard for many years, at least two assessments of intellectual functioning must be conducted prior to determining Intellectual Disability eligibility.

**Who is responsible for completing the structured observation required to determine eligibility for Intellectual Disability?** Any member of the eligibility team may complete the observation. A sample structured observation form is available on the GaDOE website.

**Did Intellectual Disability remain an exclusionary factor for determining Emotional Behavior Disorder?** Yes, an Intellectual Disability is an exclusionary factor for Emotional Behavior Disorder; however, a team must determine if an Intellectual Disability and Emotional Behavior Disorder exists concurrently or if the observed behaviors are a characteristic of the Intellectual Disability.

**Can a student with an articulation be eligible for special education?** Yes, as long as there is documentation of the student not responding to prior interventions and the articulation or other communication impairment adversely affects the student's educational performance.

**Can a gifted child be considered a student with a specific learning disability?** Yes, a child may be gifted and also eligible for special education if the child meets the specific criteria for eligibility.

**Can initial eligibility under Significant Developmental Delay occur during the school year the child turns seven?** Initial eligibility must occur on or before the child's seventh birthday.

***Dismissal:***

**If a child is dismissed from special education, must the eligibility form be completed?** There must be a review of the data indicating that the child is not a child with a disability. This must be shared with the parents. To meet the requirements of prior written notice, the parents must be informed of changes, what data was considered, what options were considered. Completing or updating the eligibility form will document this.