

FREQUENTLY ASKED QUESTIONS

Individualized Education Program (IEP)

Timelines for Developing the IEP:

What are the timelines for developing an IEP after a determination of eligibility is made? After a student is determined eligible for special education services, the system has 30 calendar days to develop and implement the IEP. A local school system is required to have an IEP in place by the beginning of the school year for any currently eligible students.

Can you give parents a final date for conducting a meeting if the deadline for developing an IEP is approaching and the system has tried to get the parent to commit to a meeting but has been unsuccessful? The school should make and document the attempts to schedule the meeting using multiple formats (e.g. written notice, phone calls, home visits, etc.) If the parent does not respond, the school may have the meeting without the parent present and send the parent a copy of the IEP within a reasonable time prior to implementation of the IEP. If the parent responds and indicates that they wish to participate in the development of the IEP, but cannot meet, the system must document the multiple good faith attempts to involve the parent before conducting the IEP without the parent.

Components of the IEP:

What are some examples of supportive services? A range of supportive services are available. Some examples of supportive services include nursing, interpreters, and paraprofessionals.

Where is the place for a parent signature? There is not a requirement that a parent sign the IEP. The IEP is a consensus document and reflects the program to be implemented for the student. The IEP documents whether or not the parent participated in the IEP meeting. If the parent does not agree with the IEP, they may request another IEP meeting or a due process hearing.

In a co-taught class, who would be the provider? The provider is the provider of special education services and the special education teacher should be listed as the provider.

Why is the option of general education with no support not included on the model IEP? It should be understood that students are in the general education classes except for what is specified in the IEP and there is no need reiterate it. Systems may choose to develop IEP forms that require the listing of general education classes.

On the IEP, where do you document that the setting of general education with no support has been considered? It is assumed that, if there are no special education services listed for a student in a particular curricular area, then the student is educated in the general education classroom. The basis of the student's educational program is the general education classroom with no special education

supports. Therefore, the IEP should only document those things that constitute a change in the student's educational program.

Discuss the difference in the two types of goal sheets. One sheet has annual goals and short-term objectives and the other is for annual goals only. Only students who participate in the GAA are required to have short-term objectives. When annual goals are used without short-term objectives, the annual goals must be measurable.

What if the parent requests short-term objectives, but the student is not in the Georgia Alternate Assessment? The school system should develop procedures regarding the development of short-term objectives. Under IDEA and Georgia Special Education Rules, there is no language that would prevent an IEP team from developing short-term objectives for a non-GAA student.

How should annual goals be written? Goals should be directly related to the present levels of performance and to deficits due to the student's disability. These goals should also be based upon assuring access to the grade-level content standards.

Is it necessary to have a page of goals for each domain (such as behavior, communication, etc.) or can all goals be listed on the same page? The goals may be listed on the same page if short-term objectives are not developed. If short-term objectives are developed, the annual goal for each domain area and subsequent short-term objectives should be listed on the same page.

Why is transportation not separate on the model IEP form? Transportation should be considered under related services.

Is there a minimum requirement of time for consultative services such as OT? The IEP team may determine any amount of Occupational Therapy services needed by the student. In order to report the services for FTE, consultation is defined as at least one segment per month of direct services.

Is it necessary to provide testing accommodations for classroom or school tests, such as benchmarking? Accommodations that are required for classroom testing including benchmarking should be identified on the IEP in the section identified as Classroom Testing Accommodations.

On the IEP form, what is the best way to document that you have considered the options? Put a check in the box along the side by the option(s).

If an IEP team wants to use a special accommodation not specified/approved for a state assessment, what is the process? Work with your system Assessment Coordinator who will contact the Assessment and Accountability Division to ask permission for an individual student accommodation that is directly related to the student's disability and the specific assessment for which it is requested. Students must use approved accommodations or the student will count as a non-participant in the assessment. IDEA, NCLB and State Rules require that all students participate in the state-wide or district-wide assessments.

If you put a specific concern that the parent has under Parental Concerns, does that mean it has to be implemented since it is in the IEP? Putting the parents' concerns under the Parental Concern section

does not mean that it is an IEP decision, it is the documentation of the parental concern and consideration by the team.

Is it okay if accommodations related to assistive technology are provided in the accommodation section but not in the assistive technology section of the Consideration of Special Factors section? As long as the required assistive technology devices and services are contained in the IEP, it would be acceptable; however, it would be best practice to put the technology in the Special Factors section as well.

Does the GaDOE require that the standards being assessed on the Georgia Alternate Assessment be listed on the IEP? No. Although the IEP is standards-based, there is no requirement that standards be listed within the IEP. In the case of students assessed on the GAA, the IEP should focus on those skills that the student needs to develop to better access the grade-level content standards and to address other developmental and functional needs. Although only a certain number of standards are assessed for the GAA, this should not limit the exposure of the student to other standards at that grade level.

Are minutes of the IEP meeting required? Formal minutes are not required for IEPs. Prior to this reauthorization, minutes were focused on the options considered, discussion around those options, and documentation of the decisions. All required information is documented in the IEP form. Minutes of the IEP meeting that are separate from the IEP are not required. In some cases, systems may want to record some minutes to document prior written notice as necessary. Systems should develop their own guidelines on the development and use of minutes.

How can minutes be used for prior notice? When a school system chooses not to provide an evaluation or other service requested by the parent, the minutes can document prior written notice. If used for this purpose, the minutes should include all components of prior written notice.

What is prior written notice? Prior written notice is a response to parents from the school system that includes a description of an action either proposed or refused by the school system and an explanation of why the system proposes or refuses to take action. The explanation must include a description of each evaluation, assessment, record or report that the system used as a basis for the proposed or refused action. Any other facts relevant should be included as well as other actions considered. The notice must include a statement that the parent has the protections of IDEA and provide sources of assistance for parents to assist them in understanding the procedural safeguards.

Where are Speech Therapy services listed on the IEP? Speech therapy can be listed on the Supportive Services line on the IEP form.

On the example of the IEP form, there is not a list of time, but just segments (i.e., daily, periods per week, etc.). In the past there was a requirement to put time (hours, minutes)? Does the amount of time have to be listed? Segments are preferred especially when a student moves from one school to another school in the same system that may be following a different schedule or to a school in another school system.

What is the best practice for beginning and duration dates when you are working in a 4x4 or block situation especially in high school when you don't know the schedule of the student? Suggestions to meet this need include developing an amendment at the beginning of each semester or listing "services provided one semester between 08/08/07 and 05/30/08".

For the progress report times on the goal page of the model IEP, there are only 4 spaces provided. Is progress reporting limited to the four times that are currently listed on the model IEP or can a school system increase the number of times progress is reported? Parents must be informed when reports on the progress toward meeting annual goals will be provided. Notification of student progress toward annual goals must occur as frequently as parents of general education students are notified of their academic progress through report cards. However, a system may choose to notify parents of progress toward meeting annual goals more frequently.

Participants in the IEP Meeting:

How do we document participation in the IEP? The first page of the model IEP lists the team members in attendance at the meeting. Some systems have attendees initial by their names. Others have them sign their names under the section for members in attendance. Members should not be listed if they are not participating in the meeting. This section is for actual participants in the meeting and not a listing of invited participants.

How much do you have to delineate the provider title? The system has the option of determining how titles are listed. Abbreviations such as Spec. Ed. Teacher may be used as long as the abbreviations are clear to the team members including the parents.

If a child has never been in general education do you need to have a general education teacher? Yes, a general education teacher is required to participate in the meeting. There should be very few exceptions to the rule. Federal regulations and State Special Education Rules require the IEP Team consider the continuum of services and that a general education teacher be a participant if the student is or may be participating in a general education class. There are very few circumstances when a general education teacher would not be needed to consider the full continuum and the participation in general education.

For state schools and GNETS programs, who should be responsible for ensuring the participation of the general education teacher? In most circumstances it is the local school system's responsibility to provide a general education teacher for the IEP meeting. Participation can be in person or via conference call or other means of participation.

Who should be the regular teacher when the child is a 3 or 4 yr old receiving services in the home? The parent or other caregiver would be the general education teacher if the child is receiving services only in the home.

Can someone who is an instructional coach and not in the classroom serve as a general education teacher? First preference is someone who teaches the child, but the instructional coach can fill the role.

If the instructional coach is serving as the general education teacher, he or she should know the child in a regular education environment and know the curriculum in which the child will be participating.

If a teacher is dually certified both in special education and general education, can he or she serve dual roles? When making the decision to use the same person to fill both roles, it is important that the needs of the child be considered first. The letter of the law would allow a teacher to fulfill dual roles, but it is not best practice.

Can the LEA representative also fill the role of the general education person? Yes, as long as one of the child's general education teachers meets the requirements of the LEA, they can serve these dual roles.

Does the LEA representative have to be able to COMMIT to services (as in the past) or just be knowledgeable of the resources of the system? For IEP meetings the LEA representative must be knowledgeable about the resources; however, in an early resolution session the LEA representative must be able to commit resources.

Excusals of IEP Team Members:

On the first page of the IEP, do the additional IEP members need an excusal? No, only the required members of the team need excusal.

During a course of an IEP meeting if an emergency comes up and a person has to leave unexpectedly, what is the best practice? When the team member leaves, stop and ask the parent if they want to continue the meeting. If they want to excuse the team member, the meeting can proceed. If the parent does not want to proceed without the team member, the meeting can be re-scheduled.

Can the general education teacher be excused from an IEP meeting if the parent agrees? Yes, but systems must be sure parents understand that they can refuse to permit the excusal and reschedule the meeting if they prefer.

Are related service providers such as Occupational and Physical Therapists required to have an excusal? Only the required members should have an excusal. If the therapist is a required member for an individual student, an excusal would be required.

On the parent request for excusal form, it says in whole and or part, would we need to do an excusal form if the teacher does not stay the whole time? Yes, an excusal would be needed if any of the required members leave before the meeting is over. Systems should discourage the practice of having the general education teacher leave in the middle of the meeting. Their role is important for the entire meeting.

Can the written excusal be through e-mail? Yes, if the parent communicates with the school staff routinely via email and the response from the parent is received prior to the meeting.

Transfer Students:

What is the receiving school system's responsibility to provide special education services to students who move into the system with an IEP that includes services that are not available in the system? The team should consult with the parents to determine the specific services that are needed for the student to receive FAPE similar to the services that the student has been receiving.

What if new services and/or goals are added to the IEP within a short time of departure from the previous system and they have not even implemented before leaving the school, what is the receiving system's responsibility? The receiving school has an obligation to provide comparable services until such time as the local system either adopts the previous IEP or develops their own.

When you have a student moving within Georgia can the IEP be accepted? Yes, if the IEP team believes that the IEP addresses the student's individualized needs. If the IEP from another system is accepted, it should be implemented in a timely manner.

When a student transfers from out of state to a Georgia school, is there a specific timeline to develop an IEP? If the school chooses not to accept the IEP from the previous school system and decides to conduct an evaluation to assist in developing an IEP, the system has 60 days from the receipt of the signed parental consent for evaluation and the determination of eligibility. Following the eligibility determination, the system has 30 calendar days to develop an IEP, but the system must provide FAPE in the meantime.

Amendments:

If an IEP is amended, can changes be made on the document and, if so, is a rationale required? The amendment can be documented directly on the IEP and a copy sent to the parent. A rationale is not required.

Is it appropriate for a teacher to recommend an actual meeting because a parent is calling frequently to request changes without having a meeting? Yes, if frequent changes are needed, it is probably important to have a meeting. Any member of the IEP team may request a meeting rather than just documenting an amendment.

How can an IEP be amended without having a face-to-face meeting? Following communication with the parents, if both the school and parents agree that a meeting is not necessary to amend the IEP, an amendment can be made. The parents and staff working with the student must be provided a copy of the amended IEP.

Can you make a change in time or placement on the IEP without a meeting – as part of an amendment? Are there any changes that can be made to an IEP that require a meeting, and cannot be made through the use of an amendment? The answer to both of these questions is yes, but IDEA does not specify any specific circumstances in which these changes may be made. Professional judgment

should be used to determine when it is necessary to convene a meeting. Amendments are intended to relieve the paperwork burden when minor changes need to be made in the IEP.

Transition:

How would an IEP Transition team work through what seems to be unrealistic expectations of students and or/parents during the transition time? The team should explore the basis for the expectations and determine if there are intermediate steps that can be taken that would both ensure that the student is given a highly challenging program that is based upon their strengths and needs and that the outcomes of the program provide the student with as successful a post-school experience as possible.

Transition assessments can be utilized to assist in identifying what the student truly wants to do. More refined expectations can be identified and the student's strengths, needs, and goals toward meeting those expectations can be explored using these assessments. Through interagency integration, there may be opportunities for students to participate and learn about possibilities related to their expectations.

Identify exactly what intermediate steps would be necessary to attain the goal. For instance, if a student wants to be a professional football player, he would need to attend college. In order to attend college, he must obtain a high school diploma. The transition plan could then address coursework, GHSGTs, admission requirements at selected colleges and college entrance exams as well as participating on the high school team.

Considering the required measurable goals for transition services, can the system be responsible for measuring how other agencies follow through on what they say they will do? Systems must convene an IEP Team meeting if another agency does not carry out the responsibilities they have on the transition services plan. The team will develop alternate strategies for accomplishing the goals that were not carried out. As IEPs are developed, transition goals should focus on what the student is/will be doing rather than what the other agencies will do for the student.

When a goal on the Transition Plan contains a final goal of "will attend college" or a technical school, what is the school system's role in actually having the student attend college? Is the school system responsible for paying for college or a technical school as it was a goal on the Transition Plan? No, the school system would not be responsible for paying for college or technical school. The purpose of the Transition Plan is to show the steps the student and school system will take to obtain that final goal. In previous court cases, the school system was found to be out of compliance if a goal was not measurable, or if the measurable goal was not backed by objectives and a plan of action for the student to achieve the goal.

Additional Questions:

Are interim IEPs required? Georgia rules do not define interim IEPs and they are not required. When a student transfers into a school system from another state, the receiving school may accept the previous IEP as is until it expires or until a new IEP is developed. The school may also choose to conduct an evaluation and implement a new IEP. If a new evaluation is conducted, this is treated as an initial evaluation and required timelines apply. If the student is transferring from another school system in the state of Georgia, the school system may accept the IEP as written or amend if necessary.

Is it more restrictive to have dedicated paraprofessional all day in the general education setting or a combination of general education and special education locations? This would be determined on a case-by-case decision based on individual needs of the student. Sometimes when an adult is with a child all day, it may inhibit the other students from interacting with the student with a disability. IEP teams may want to consider adding a paraprofessional to the classroom rather than to a specific student in some circumstances. Or the IEP team may consider how much support is really necessary, are there other ways to accomplish this and allow the student to remain in the regular education setting.

What about the responsibility for supports and services for extracurricular activities? The IEP team should determine if access to extracurricular services needs to be addressed and, if so, what supports are necessary. An IEP does not negate eligibility requirements, such as having to try out for the team or to have an 'A' average to be in French club.

If the Manifestation Determination decides that student's behavior was not a manifestation of the disability and the tribunal decides that the student is to be served in an alternative educational setting, must the LSS provide transportation? First, the tribunal does not determine the placement, the IEP determines the placement of the student so that he or she may continue progress toward meeting the IEP goals and accessing the general education curriculum. Whether or not transportation must be required will depend on whether specialized transportation was required in the IEP. If it was in the IEP, then it must be provided for alternative school. In other circumstances, the team must consider whether not having transportation results in removing the student from services. If so, the IEP team should consider an alternative.

Can a teacher choose to use an instructional accommodation in the classroom and not use it on the state mandated test? In the past, it seemed like there had to be a one-to-one correspondence between the accommodation in the classroom and the accommodation on the assessment. Is that still the case? Students may require accommodations for classroom instruction that are not required to participate in statewide testing. However, an accommodation used in statewide testing should be consistent with the accommodations used in classroom instruction. In other words, an accommodation should not be used in statewide testing if it is not used for classroom instruction or testing.

Does a Behavior Intervention Plan (BIP) have to be based on a Functional Behavior Assessment (FBA)? Is a FBA required before a BIP can be done? If the IEP team has adequate information to develop a Behavior Intervention Plan, a Functional Behavior Assessment may not be required. Although not required, it would be considered to be best practice to conduct a FBA prior to the development of a BIP.

In the case of a required FBA and BIP due to discipline procedures and the determination that the behavior in question was a manifestation of the student's disability, both a FBA and a BIP must be developed. If already completed, the FBA and BIP must be reviewed and revised as necessary.

How do you document student progress in ESY on the IEP? Do you have to have a new document or can space be added on the current IEP? Progress in ESY can be documented in the Present Levels of Academic Achievement and Functional Performance on the IEP. They may also be updated on the annual goals and, if appropriate, on the short-term objectives.