

## Frequently Asked Questions (FAQs) Out-of-State Transfers and Student Record (SR) EVENT '14' Topic: Consent for Provision of Special Education and Related Services

Please review the FAQ guidance below and review and revise your local general supervision procedures, as appropriate.

### 1. For students going through the initial eligibility process in Georgia (not a transfer student who received special education services in a prior state), when should Consent for Provision of Special Education and Related Services be obtained?

**Answer:** Consent for provision of special education services may be obtained any time between the determination of initial eligibility and before Individualized Education Program (IEP) services begin. In these cases, the date reported for SR EVENT '14' using the date the signed form was received by district personnel.

### 2. When is a district required to develop an IEP?

**Answer:** It is optional to develop the IEP before obtaining consent for provision of special education and related services. The regulations do not require the development of an IEP for families who inform in advance that they do not want those services.

Districts can opt to develop the IEP to demonstrate what a free appropriate public education (FAPE) might be or opt to describe what receiving special education would mean for the student at that time without developing an IEP. A parent might prefer to sign the consent for services prior to the development of the IEP, during the IEP meeting, or after the IEP meeting. Districts should always clarify with parents, as reflected in the form, that signing this consent form is giving consent for services in special education. Consent for services will not be requested in future IEP meetings.

### 3. Are parents required to sign an IEP each year?

**Answer:** A parent's signature on the IEP reflects his/her participation in the IEP meeting, not agreement with the services. Signatures on IEPs may be helpful for documentation purposes. However, this is a district choice and is not legally required.



4. **For students going through the initial eligibility process, after obtaining Consent for Provision of Special Education and Related Services from a parent, how soon should services begin?**

**Answer:** Services should begin as soon as reasonably possible. There should not be a delay for an extended period.

5. **How should Consent for Provision of Special Education and Related Services be obtained for students with disabilities (SWD) who transfer to Georgia and have never received special education in this state?**

**Answer:** New parent consent for special education services is not necessary because the regulation requires consent before the initial provision of services. The student's transfer records should include parental consent for services from the prior state. If not available, the local school district should work to receive subsequent consent for services. If the school district is unable to obtain consent, the district should document its due diligence to inform and advise the parent. Under no circumstances should the district cease special education services unless there is documentation of a parental revocation for services or a dismissal from special education.

6. **If a student transfers to a Georgia LEA, and the prior LEA verbally tells the new LEA that the student was served by special education, and tells the new LEA what services were provided, but the IEP is never received from the prior LEA, must the new LEA provide comparable services based on what they were verbally told?**

**Answer:** Yes, if the new LEA has verbal information regarding the services provided from the prior LEA, comparable services should be provided. The LEAs should work together to share appropriate records regarding the student's eligibility and services.

7. **How should we document SR Event 14 if we are unable to obtain subsequent consent from the parent?**

**Answer:** Do not report a date for SR EVENT '14'. Request relief for this missing event in SR by explaining that the district does not have a date for informed parent consent for services from the prior state and is unable to obtain subsequent consent for services in Georgia. However, the district should ensure that the parent is aware of the services the student is receiving.

8. **When must the consultation be held with parents regarding provision of comparable services for out-of-state transfer students?**

**Answer:** The district must (in consultation with the parent) provide the child with FAPE. The district must begin providing comparable services based on the previous IEP. The provision of comparable services might sometimes occur prior to the consultation with the parent, but the district should attempt to have that consultation as soon as possible. Districts should develop written procedures on how to document correspondence or lack thereof with parents.

**9. How does this guidance above impact the SR reporting of EVENTS '05', '06', and '14' for transfer students who have never been served as a SWD in GA?**

**Answer:**

- If an IEP is obtained from the prior district and implemented by providing comparable services in GA, report the date of that IEP meeting which occurred in another state as SR EVENT '05': INITIAL GA IEP. If the most recent IEP is overdue, comparable IEP services should still be provided, and the most recent IEP available should be still used as the EVENT '05'. This date will be rejected in SR and should be recovered using the recovery reason that the date occurred prior to enrollment in GA.
- Report the day that the student began receiving services for the first time in GA as EVENT '06'. If the most recent IEP is overdue, the SR EVENT '05': INITIAL GA IEP will be a date that is more than a year prior to the EVENT '06', and this will not cause an SR error.
- If the Consent for Provision of Special Education and Related Services is obtained from the prior state, report the date parent signed that form as SR EVENT '14'. This date will be rejected in SR and should be recovered using the recovery reason that the date occurred prior to enrollment in GA.
- If the Consent for Provision of Special Education and Related Services is not obtained from the prior state, report the date parent signed the subsequent parent consent for services form as SR EVENT '14'. We have worked with Data Collection to revise edits associated with SR EVENT '14' permitting this event to be after SR EVENT '06'. The error previously showing has been revised to be a warning.

**10. Will changes be made in Georgia Online-IEP (GO-IEP)?**

**Answer:** Yes. The GO-IEP team will address these changes in the override form and advise GO-IEP districts when this is completed.