

GaDOE Restart Guidance on “Change of Placement” versus “Change of Location”

- Based on [previous GaDOE Restart guidance](#), when a local educational agency (LEA) chooses an instructional delivery model to provide instruction to all students, such as traditional (face-to-face), hybrid, or full distance/remote, this decision is an allowable exercise of the LEA’s authority, including its authority to protect the health and safety of its students and staff.
- Educational placement decisions must be made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and must be made in conformity with the Least Restrictive Environment (LRE) provisions. [34 C.F.R. § 300.116\(a\)](#).
- While an IEP Team may be unable to “override” an LEA decision regarding a specific instructional delivery model, the IEP Team must be able to discuss and consider a student’s educational placement, which includes discussion and consideration of the location of those services and any potential harmful effect on the student or on the quality of services that the student needs, in accordance with IDEA. See [34 C.F.R. § 300.116\(b\)-\(d\)](#).
- While health and safety restrictions may prevent an LEA from sending LEA staff into a student’s home to provide in-person services, the IEP Team must be able to discuss and consider whether in-person services are required for the student to receive a free appropriate public education (FAPE) and if so, how those services will be provided now (e.g., use of private contractors or outside agencies) or how those services will be provided in the future (e.g., provision of compensatory services).
- As stated in [previous GaDOE Restart guidance](#), “the special education services can be provided anywhere [and] [t]he physical location of the special education services does not automatically change the LRE. For example, students with disabilities who receive majority of their instruction in the school building with nondisabled peers can still receive majority of the virtual instruction with nondisabled peers.”
- When an LEA chooses an instructional delivery model to provide instruction to all students that is different from the instructional delivery model provided in a student’s IEP, whether this change will result in a “change of placement” or a “change of location” is an individualized determination.



- Specifically, the change in instructional delivery model is only a “change of placement” if the effect of the change in instructional delivery model “substantially or materially alter[s] the student’s education program” See *Letter to Fisher*, 21 IDELR 992, OSEP (July 6, 1994).
- This determination would be based on:
 - whether the new instructional delivery model revised the educational program set out in the student’s current IEP, which could include the following considerations:
 - the student’s ability to access instruction;
 - whether and to what extent progress on IEP goals and objectives will be monitored;
 - the provision of necessary supports for the student, caregiver, and teacher;
 - the type of instruction provided to the student inside and outside the general education classroom; and
 - the amount of instruction provided to the student inside and outside the general education classroom (i.e., as compared to the amount of instruction in the student’s IEP and the amount of instruction provided to non-disabled peers);
 - whether the student will be able to be educated with nondisabled children to the same extent in the new instructional delivery model;
 - whether the student will have the same opportunities to participate in nonacademic and extracurricular services in the new instructional delivery model; and
 - whether the new instructional delivery model is the same option on the continuum of alternative placements. Adapted from *Letter to Fisher*.
- If a determination is made that the effect of the new instructional delivery model would substantially or materially alter the child’s educational program and thus result in a change of educational placement, then prior written notice meeting the content requirements of [34 C.F.R. § 300.503](#) is required.
- However, if no change in educational placement has occurred, then the LEA should utilize its normal procedures to notify parents of the proposed change of location of their child’s program. In this communication, the LEA may wish to provide the parents with an explanation of why, in its view, the change in location would not substantially or materially alter the student’s educational program. See *Letter to Fisher*.