

General Supervision and IDEA Implementation Follow-Up GCASE

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Question 1:

Based on updated interpretation, a Local Educational Agency (LEA) receives 10 additional days that can be used since the new 60-day timeline is calculated from receipt of consent to evaluation report. If an LEA continues to implement a 60-day timeline from consent to eligibility determination, will they be in compliance?

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Answer 1:

Yes, the LEA would be in compliance. The 60-day timeline is from receipt of consent to the completion of the initial evaluation, which is shown by the completion of the evaluation report(s). After the 60-day timeline has passed, the LEA must make a determination of eligibility within a reasonable time, which we have indicated as 10 days. If the LEA wishes to continue making the determination of eligibility by the 60th day, they may do so.

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Question 2:

As part of the Child Find and referral process, LEAs should not delay evaluation due to the lack of Response to Intervention (RTI) or research-based interventions. LEAs should implement interventions while completing the evaluation process. How long should an intervention be followed for a student suspected of having a Specific Learning Disability?

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Answer 2:

The required weeks of interventions for a Specific Learning Disability (SLD) eligibility is the period of time indicated on the instructional strategy and if no period of time is indicated, then a minimum of 12 weeks.

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Question 3:

Describe the reevaluation process if an IEP Team believes no additional data is needed to determine continued eligibility.

Answer 3:

If the IEP Team reviews current data and determines that no additional data is needed to determine the following:

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or additional areas of need due to a disability;
- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

Then, the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this is a reevaluation and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.



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Question 4:

How do you document that the parent and IEP Team agree to waive a review of existing data?

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Answer 4:

Waiving a reevaluation means that the parent and LEA agree that a review of existing data is not necessary. If both parties agree that a review of existing data is not needed, the LEA must ensure that this decision is clearly documented. LEAs may wish to create a specific document with the date of the decision and signatures.

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Question 5:

Please clarify the following terms: implementation manual, state implementation manual, procedures manual, state rules, federal law.

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Answer 5:

State Implementation Manual is a guidance document provided by the Georgia Department of Education, Division for Special Education Services and Supports to support General Supervision.

Georgia Department of Education Special Education Rules and Regulations are the State rules to support the implementation of the Federal IDEA law.

The Federal law is the Individuals with Disabilities Education Act (IDEA) as revised in 2004. The IDEA regulations (34 C.F.R. § 300.1 *et seq.*) support the law.

Question 6:

If an IEP Team for a student who is already in special education wants an evaluation for a related service such as Occupational Therapy (OT)/Physical Therapy (PT) or Assistive Technology (AT) how would they proceed?



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Answer 6:

Once a child has been fully evaluated for the first time in a State, a decision has been rendered that a child is eligible under the IDEA, and the required services have been determined, any subsequent evaluation of a child would constitute a reevaluation. Some of the purposes of reviewing existing data during the reevaluation process is to identify what additional data are needed to determine whether the child continues to need special education and related services. Likewise, consideration should be given pertaining to any additions or modifications to the special education and related services that are needed to enable the child to meet the annual goals and participate in the general education curriculum. 34 C.F.R. 300.305(a)(2). Therefore, if the IEP Team reviews data and determines that more information is needed to determine if the student needs a related service, then they would get parental consent and conduct the specific evaluations/assessments. This is part of the reevaluation process.



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Question 7:

For an Other Health Impairment (OHI) reevaluation, is an updated medical report required?

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Answer 7:

No. Please refer to the new guidance from the Updated Implementation Manual regarding the reevaluation process.

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Question 8:

Please provide guidance on how to address a large number of preschool students referred for evaluation when English does not appear to be their primary language?

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Answer 8:

It is essential that each district establish procedures to address and appropriately evaluate students in their native language when the primary language in the home is not English. It is also critical to consider that children coming from a home where English is not the primary language spoken would be considered Dual Language Learners (DLL) rather than formally identified as an English Learner since the child would still be in the language acquisition phase. The correct term for 3 and 4-year-old children who are learning both English and another language is Dual Language Learners (DLL). Rich language support and a culturally responsive environment are elements at this phase. Caution should be exercised when determining eligibility to ensure there is a disability rather than just a language barrier. Title III (ESOL) services do not begin until kindergarten regarding formal eligibility and available services for English Learners (EL).



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Question 9:

If a Parent requests and signs a Parental Consent for Evaluation, does it mean the LEA completes the eligibility process?

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Question 10:

What is the obligation
of providing the evaluation report to the Parent?

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Answer 10:

[34 C.F.R. § 300.306 (a)(2)] Determination of eligibility - The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.



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Question 11:

How should an LEA proceed if a parent signed a consent to evaluate before the State provided new guidance on the 60-day timeline for an evaluation to be completed?

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Answer 11:

The LEA should complete the eligibility report within the 60-day timeframe since that is the information that was originally given to the parents

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Question 12:

What will be the completion date of the evaluation if other reports are involved, i.e. OT, PT, SLP, etc.?

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Answer 12:

The completion date of the initial evaluation is defined as completion of the evaluation report(s). The latest date of any evaluation report will serve as the end of the initial evaluation.

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Question 13:

If during the three-year evaluation the LEA is only reviewing new data, is a new eligibility report required?

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Answer 13:

Yes, a new eligibility report would be required.

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Question 14:

What type of documentation is needed or considered for existing data when updating an eligibility?

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Answer 14:

The LEA should develop a process to clearly document the review of existing data when updating eligibility. The review of existing data includes evaluations and information provided by the parents of the child; current classroom-based, local, or state assessments; classroom-based observations; and observations by teachers and related services providers.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the LEA must

- notify the child's parent of that determination,
- the reasons for the determination, and
- the parent's right to request assessments for the determination of eligibility and the child's educational needs.

If no additional information is needed, the date of this decision completes the reevaluation process and the last eligibility date does not change. In no more than three years from that date, the need for a reevaluation must be considered again.

Question 15:

When a student receives special education services under the Speech Language Impairment (SLI) program and requires a comprehensive evaluation to determine continued eligibility, is a psychological evaluation required?

Answer 15:

If the collected data does not indicate academic or other concerns, a referral for a psychological evaluation may not be warranted.

Source (s): Implementation Manual Training, Special Education Directors' Webinar conducted on September 11, 2018 (slides 50 and 52)



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Question 16:

For a student that is eligible for SLI in the area of articulation only, can informal data be used to dismiss the student from SLI services?

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Answer 16:

No – an evaluation is needed for dismissal. The use of informal data only would not meet the requirements of a comprehensive evaluation.

Question 17:

When completing a comprehensive evaluation and the district does not require the Speech-Language Pathologist (SLP) to complete a separate evaluation report, is the speech evaluation required to be completed within the 60-day timeline?

Answer 17:

Yes, **all** initial evaluations should be completed within the 60-day timeline.

Source (s): Special Education Rules Implementation Manual (Evaluation & Reevaluation, pg. 10)

34 C.F.R. § § 300.301-300.311; GEORGIA RULE 160-4-7-.04)



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Question 18:

Can LEAs have the flexibility to use an abbreviated eligibility report?

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Answer 18:

The district can determine the format of the eligibility report but the required elements must be included. *See* 34 C.F.R. § 300.306(c).

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Question 19:

When completing an initial evaluation, should an evaluation be completed for speech or language concerns?

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Answer 19:

In a comprehensive evaluation, the LEA will: informally and formally assess all areas related to any suspected disability, including, if appropriate, vision and hearing, health, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Source (s): Special Education Rules Implementation Manual (Evaluation & Reevaluation, pg. 3)

34 C.F.R. § § 300.301-300.311; GEORGIA RULE 160-4-7-.04)



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Question 20:

Does a student on GAA in 8th grade have to remain on GAA in high school?

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Answer 20:

The IEP Team would make that determination. *See* 34 C.F.R. § 300.320(a)(6)(ii) (stating that the determination of a child taking the alternate assessment is part of the review and revision of the student's IEP).

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Question 21:

Can an LEA delay obtaining a signed and dated consent to evaluate if hearing and vision screening has not been passed? Can an LEA proceed with eligibility without receiving a passed hearing and vision report?



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Answer 21:

An LEA should not delay getting a signed and dated consent to evaluate if hearing and vision screening has not been passed. Hearing and vision are one of the areas that are assessed, as appropriate, during a comprehensive evaluation. If the hearing and vision screening was not conducted prior to receiving parental consent for evaluation, then the child should be screened at the beginning of the 60-day comprehensive evaluation. If problems with the child's hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the LEA must make sure that these devices and services are made available to the child. Under IDEA Evaluation Procedures, if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results should accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).



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Question 22:

If a child is on a waiting list to enroll in an LEA Charter School, who has the responsibility for Child Find?

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Answer 22:

The local district where the child is attending school (or currently resides) would be responsible for Child Find.

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Question 23:

How do you build a relationship with a Local Correctional Facility to allow you to provide Free Appropriate Public Education (FAPE) for your students?

- Is an LEA responsible if the facility has an online program?
- What should the LEA do if denied access to a Local Correctional Facility while trying to provide FAPE to an incarcerated student?

When a child from a different county is incarcerated in the Department of Correction (DOC) within my county, who is held responsible for Child Find?

Answer 23:

- Yes. You are responsible for providing FAPE when students with disabilities are incarcerated. Work with your local law enforcement agencies as well as judicial court officers to reach a reasonable solution to provide FAPE.
- Continue to collaborate with the authorities to find a solution. Possibly a virtual option would be acceptable. Keep documentation of efforts to provide services.
- If a student is now served in a (DOC) facility, that facility would be responsible for Child Find because DOC is an LEA. See State Implementation Manual page 4.



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Question 24:

If an LEA withdraws a student that is incarcerated and the student is served through special education, what is the obligation?

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Answer 24:

If the student is incarcerated in a correctional facility - Department of Corrections (DOC) or Department of Juvenile Justice (DJJ), the LEA (DOC or DJJ) would serve the student. If the student is in a local jail, the district where the jail is located should collaborate with the facility to provide services to the student appropriate to deliver FAPE as determined through the student's IEP.

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Question 25:

What is the guidance on
Prior Written Notice (PWN)?

Can an LEA choose not to evaluate if they suspect
there is not a disability? What are the requirements
of PWN?

Answer 25: Part A

- Yes, the district should consider all requests for evaluation but can determine there is not sufficient evidence to move forward with a referral and comprehensive evaluation of the student. The decision should be made by the Student Support Team (SST) in regard to requests for initial evaluation. If the SST team does not recommend moving forward with the referral and subsequent evaluation, PWN should be provided. [§ 300.503]
- (A) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability within a reasonable time before the public agency –
 1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provisions of FAPE to the child; or
 2. Refuse to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Answer 25: Part B

- (B)Content of notice. The notice required under paragraph (a) of this section must include –
 1. A description of the action proposed or refuse by the agency
 2. An explanation of why the agency proposes or refuses to take the action;
 3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
 4. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained;
 5. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 6. A description of other options that the IEP team considered and the reasons why those options were rejected; and
 7. A description of other factors that are relevant to the agency's proposal or refusal.

Answer 25: Part C

- (C) Notice in understandable language.
 - i. Written in language understandable to the general public; and
 - ii. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

- 3. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure-
 - i. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - ii. That the parent understands the content of the notice; and
 - iii. That there is written evidence that the requirements in paragraphs (c)(2) (i) and (ii) of this section have been met.

Question 26:

What are the requirements for home school and private school students to have research-based interventions?

Can the evaluation be denied if interventions are not available?



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Answer 26:

The referral cannot be denied because interventions have not been implemented.

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Question 27:

What is the time frame for an LEA to hold an initial eligibility meeting?

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Answer 27:

Once the parental consent to evaluate is received by the school district, there are 60 days to complete the evaluation. As best practice, the eligibility report should be completed within 10 days of the completion of the evaluation. If the evaluation and eligibility report are combined, the eligibility report must be completed within the 60 days.

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Question 28:

How comprehensive does the eligibility report have to be in order to take the place of the evaluation report?

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Answer 28:

Sufficient to cover the required elements of evaluation as well as eligibility.

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Question 29:

If anyone evaluates a student, does a psychological report have to be written?

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Answer 29:

If the school psychologist is not involved with an evaluation, the evaluator would write a report such as a Speech Language Pathologist or Occupational Therapist. Results could be combined in one educational evaluation report or separate reports. If the psychologist is not involved, there is not an expectation of a psychological report.



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Question 30:

Can there be tables in the psychological report and the psychologist explain the tables at a later time?

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Answer 30:

The psychologist report is much more than just including tables. There is background information, reporting of scores as well as interpretation. Psychologists generally summarize and make suggestions to support the student. Presenting only tables would not support the reader in understanding the results. It is important to keep in mind the audience of your reader which includes: school administrators, teachers, support personnel, other supporting professionals, students and their parents - as well as any outside agencies or medical professionals that might be given access to the report. Although a report with only tables might meet a technical standard, it would not be considered best practice.



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Question 31:

Should informal assessments by diagnosticians or teachers be included in the eligibility and/or evaluation report?

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Answer 31:

The evaluation report would need to be comprehensive to include all relevant information being utilized to support the student as well as the eligibility determination.

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Question 32:

If a parent requests an assessment for college, does it have to be a comprehensive evaluation?

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Answer 32:

The determination of what should be included in the assessment would be a committee decision.

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Question 33:

Is an eligibility meeting required to determine if a student continues to have a disability under the Speech-Language Impairment (SLI) eligibility category?



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Answer 33:

Yes. An LEA must conduct a comprehensive evaluation of a child before determining that the child is no longer a child with a disability. This does not apply to children whose eligibility is terminating due to graduation with a regular diploma or due to exceeding the age eligibility for FAPE.

Source (s): Special Education Rules Implementation Manual (Eligibility Requirements pg. 4)

34 C.F.R. § 300.305(e)(1)



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Question 34:

For a student eligible for SLI services and additional concerns are noted (suspected Specific Learning Disability- SLD), what level of interventions are required to determine another eligibility category?

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Answer 34:

Please refer to the Special Education Rules: Eligibility Categories for specific guidance. If the Team is considering SLD refer to the required data collection section under the Special Education Rules.

Source (s): Special Education Eligibility Categories: Specific Learning Disabilities – SLD Rules and Regulations

SLD Rules and Regulations



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Question 35:

If a student is receiving speech-language services only and academic or other areas of concern have been noted, where should this information be documented and how are the academic and other areas of concerns addressed?

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Question 36:

Will there be technical assistance provided for the vendors LEAs contract with to provide electronic IEP platforms?

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Answer 36:

The expectation is to implement necessary changes as soon as possible.

A technical assistance webinar was provided for vendors in October 2018.

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Question 37:

Are IEP amendments necessary to reflect GAA 2.0 for students that participated in GAA during the 2017-2018 school year?

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Answer 37:

Effective 2018-2019 school year, IEP Teams must use the Eligibility Criteria for Participation in GAA 2.0 for each subsequent determination made concerning this area.

Districts are not required to reconvene IEP Team meetings to use this participation criteria; however, teams must use the criteria to make alternate assessment designations moving forward.



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Question 38:

Provide clarification regarding the use of informal testing for the purpose of determining eligibilities. How should this information be documented and where should it be reported?

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Answer 38:

Informal assessment data may be included in the evaluation/eligibility as qualitative data from a documented source. It can be included in the appropriate section of the evaluation or eligibility form as well as in summaries as appropriate.

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Question 39:

What does the acronym GELDS stand for?

Where can I find information about GELDS on the GaDOE website?

How do we monitor Special Education teachers with GELDS?

What should teachers do if they feel the GELDS are not appropriate for the students they teach primarily due to their ability levels?

Answer 39:

- GELDS stands for Georgia Early Learning and Development Standards.
- GELDS are available online for all teachers to use. <http://www.gelds.dec.state.ga.us/>
- GELDS are high quality, research-based early learning standards for children age birth to five. Teachers can differentiate instruction by using the age appropriate indicators identified within each standard.



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Question 40:

How do we get teachers trained on GELDS?

Are there any suggestions on how to reinforce that teachers should use GELDS?

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Answer 40:

- Training opportunities will be provided for Preschool Special Education Teachers during the 2018-2019 school year. Registration information will be sent directly to Special Education Directors.
- IDEA requires that students with disabilities are provided the opportunity to receive a free and appropriate education (FAPE). The provision states that students must be provided instruction that meets individual needs of students with disabilities in a manner that provides them access to the general curriculum through grade level standards established by the state in a manner for the student to receive educational benefit. Therefore, to meet the requirements of FAPE preschool special education students must be provided instruction that gives them access to the GELDS.



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Question 41:

What type of procedural guidance is available for directors pertaining to preschool students with special needs? What should directors monitor and provide Professional Learning (PL) on?

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Answer 41:

Directors should monitor and provide professional development to preschool special education teachers in the same manner as all other certified special education staff related to compliance, best practices and standards-based instruction. Specific consideration can be given to providing professional development based on the Georgia Early Learning and Development Standards (GELDS) and the use of Developmentally Appropriate Practices identified by National Association for the Education of Young Children (NAEYC) and Division for Early Childhood of the Council for Exceptional Children (DEC).



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Question 42:

What are the state targets
for preschool students with special needs?

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Answer 42:

The FY18 State Performance Plan/Annual Performance reports (SPP/APR) are on the Georgia Department of Education Website.

Indicators 6, 7, 11 and 12 pertain to Preschool Special Education Students. The State Targets can be found in two places on the GaDOE website.

<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Documents/SPP-APR/2018-19/APR-2016B-GA.pdf> or

School Finder Section on the main page of the Georgia Department of Education:

- a.Select District Index
- b.Select a school district
- c.Select Special Education



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Question 43:

As part of Child Find, if a child needs to be evaluated, regardless if the child has had interventions or not, must the child be evaluated?

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Answer 43:

Yes – If the student is referred for evaluation regardless of interventions, the student should be evaluated and eligibility considered.

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Question 44:

Currently, there are no changes to the SST rule as it relates to interventions. Therefore, we cannot deny a child an evaluation when there is a lack of intervention data collected over a set number of weeks. Is that correct?

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Answer 44:

That is correct. Interventions are a part of the SST rule as well as a comprehensive approach through Multi-Tiered System of Supports but a child cannot be denied a referral for special education or subsequent evaluation based on the lack of interventions.

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Question 45:

Can a student be dismissed if they have met their IEP goals and no longer require student supports/ accommodations?



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Answer 45:

In order to make that determination, a comprehensive evaluation is required for dismissal.

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Question 46

The IEP Team suspects that a student may no longer meet eligibility criteria in one or more categories based on data collected from assessments and systemic progress made on IEP goals and objectives.

What form of documentation(s) should be collected to determine if the student remains eligible for special education services in one or more eligibility categories?

Would this be a reevaluation? If so, does the three-year timeline start over?



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Answer 46:

Yes -that is correct. It would be a re-evaluation. The three year timeline would start over if all eligibilities were addressed and updated regarding an eligibility decision.

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Question 47:

Will colleges and the military accept eligibility reports?

Georgia Department of Education



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Answer 47:

The criteria varies by each college or university. Please check with the Office of Disabilities for specific requirements based on the institution. Same would apply to the military.

Georgia Department of Education



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Question 48:

Are we moving toward non-categorical eligibilities?

Georgia Department of Education



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Answer 48:

There are no plans to move to non-categorical eligibilities.

Georgia Department of Education



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Question 49:

How are complaints analyzed to determine which are accepted for due process and which are not?

Georgia Department of Education



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Answer 49:

When a parent files a formal complaint, we process it as a formal complaint and when a parent files a due process hearing request, we process it as a due process hearing request. The criteria for a sufficient formal complaint and due process are set by the federal regulations. 34 C.F.R. 300.153 lists the requirements for a formal complaint and 34 C.F.R. 300.507 and 300.508 lists the requirements for a due process hearing request.

Georgia Department of Education