

Support Personnel Fireside Chat

Frequently Asked Questions

June 2021

Special Education and Related Services

- 1. How do we write Individual Education Program (IEP) goals and objectives if a student is determined eligible for a disability category but may require services typically associated with another disability category?**

IEP Teams should write IEP goals and objectives that are relevant to the student's areas of need. The student's needs may not be naturally associated with the traditional characteristics that are associated with the disability category. Each child may exhibit needs typical and atypical to an identified disability. This is what is meant by the term "meeting the unique needs of the student".

- 1. What is the purpose of having separate disability categories?**

The purpose of the disability categories and their criteria is to determine if the student is a student with a disability under the Individuals with Disabilities Education Act (IDEA). After the eligibility is established, then the IEP Team must provide a statement of the special education and related services and supplementary aids and services for the purposes outlined in Federal Law and State Board Rule ([34 C.F.R. § 300.320](#) and [160-4-7-.06](#)) list the considerations that must be made when determining the student's needs.

When adding services or a related services for a student who was found eligible under a category, the consideration for this need should be for the purposes outlined in Federal Law and State Board Rule ([34 C.F.R. § 300.320](#) and [160-4-7-.06](#))

The purposes outlined include:

1. to advance appropriately toward attaining the annual goals
2. to be involved in and make progress in the general education curriculum



3. to participate in extracurricular and other nonacademic activities
4. to be educated and participate with other children with disabilities and nondisabled children in the activities described in this subparagraph

3. Can a speech evaluation be “fast tracked” to provide services for a child without evaluating other areas?

No, when a student is evaluated for special education services and supports, they are to be evaluated in all areas of a suspected need, which is a comprehensive evaluation. The evaluation must be completed within 60 days; however, the LEA may opt to complete the comprehensive evaluation before this required timeline. If the evaluation is being conducted to circumvent the process and is not comprehensive, it does not meet the requirement under IDEA.

4. Can an Occupational Therapist (OT) or Physical Therapist (PT) collect additional data to determine if a child should be dismissed from services when a re-evaluation is not being conducted?

Occupational therapy and physical therapy are related services. Under the Individuals with Disabilities Education Act (IDEA), occupational and physical therapy are provided “as may be required to assist a child with a disability to benefit from special education ...”34 C.F.R. § 300.34. There is not an eligibility requirement for occupational therapy or physical therapy outside of the student's eligibility for special education services because services for occupational therapy and physical therapy, as well as other related services, are based on the need connected to the IEP goals after the student is eligible under a disability category. Therefore, there is no “dismissal” from services.

As the student's IEP goals change, the needs can change and the need for a related service will change based on these needs. If there is no need based on the IEP goals that require the related service, the service is not included in the IEP. However, there may be some assessments that the practitioner may need to conduct to be able to determine the strategies and interventions that they may need to use to address the need that the IEP Team has identified in the goals. If the OT or PT believes that the student no longer needs these services based on the criteria in [34 C.F.R. § 300.320](#) and [160-4-7-.06](#) prior to the annual IEP review, an IEP Team meeting should be called for the Team to discuss this change in services. Occupational therapy and physical therapy are related services and do not require a reevaluation prior to dismissal. However, if a formal assessment is requested, parental consent must be obtained.

Consent

- 1. If the IEP Team determines a reevaluation is required for the purpose of additions or modification to special education and related services to meet the measurable annual goals set in the IEP, would you need parent consent to reevaluate?**

Parental Consent (Georgia Rule 160-4-.09; 34 C.F.R. § 300.300)

Yes. The LEA is required to obtain informed written consent for each action requested, as outlined below. Parental consent is voluntary and may be revoked at any time. Consent is required for each of the following actions:

- to conduct an initial evaluation
- to conduct a reevaluation
- for the initial provision of special education and related services; and
- before disclosure of personally identifiable information that is subject to confidentiality.

If a parent has questions about any proposed actions or changes to the IEP, it is recommended that he or she discuss the questions with the special education teacher or administrator or request an IEP Team meeting for further discussion.

Reevaluation

- 1. Is the reevaluation date, the date you write the report or the date you begin testing?**

The reevaluation completion date is based on when you gather the IEP Team to discuss the reevaluation data.

- 2. If the IEP team suspects additional data or reevaluation are necessary for a student, should they conduct an IEP meeting to discuss and obtain consent or send a consent to reevaluate home to the parent?**

It is best practice for an IEP Team meeting to be conducted prior to obtaining or requesting parent consent. A parent consent form should not just be sent home without having a meeting to explain why the consent is being requested.

- 3. If the IEP Team determines that a reevaluation is required for the purpose of additions or modification to special education and related services to meet the measurable annual goals set in the IEP, how would the new information obtained from the reevaluation be documented?**

This information would be added to the IEP during the meeting.

- 4. Should a student's age be the basis for a new formal evaluation? If the last formal evaluation is "old", but the current IEP is meeting a student's needs, should the team pursue a new formal evaluation as a general practice?**

A student's age should not be the sole basis for determining when a student needs a reevaluation. Per IDEA, reevaluations are required to occur at least every three years. The IEP Team is required to make individualized decisions about evaluations based on student needs.

- 5. Can progress on annual goals and objectives be used to determine if the goals in a student's Individualized Education Program need to be modified?**

Yes, the IEP Team can use progress monitoring to decide whether a student's goals need to be modified.

Reevaluation Report

- 1. Is it necessary to hold a meeting to discuss the results of an evaluation, if the evaluation was used to amend a student's IEP?**

Any time a student is evaluated for any reason, it is required to schedule and hold a meeting to discuss evaluation results to parent/guardian of the student and his/her IEP Team. All information is pertinent to each team member so that decisions can be made that align with the reason for reevaluation.

Eligibility

- 1. Is the student required to have a prior extension of services either privately or school based provided before they can be made eligible for Emotional Behavior Disorder (EBD)?**

Yes, documentation of comprehensive prior extension of services available in the regular program is one of the eligibility and placement criteria for EBD. Eligibility Teams should ensure all criteria established in the State Rules be addressed.

Miscellaneous

- 1. A student's reevaluation due date is 5/20/21, and the Reevaluation meeting was held on 04/01/2021. At that time, the IEP Team decided that information was needed to make additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP (In GO-IEP this is Option C). The student was assessed on 04/07/2021, and the IEP was amended on 4/16/21 to add the results of the evaluation within the Present Levels. The 3-year reevaluation due date would be 4/16/24, correct?**

Yes. The LEA should treat the 04/16/2021 amendment date as an SR Event 08 (Reevaluation). This will restart the 3-year reevaluation due date. Below are the five reasons for reevaluating a student. A need to reevaluate for any of these purposes is a reevaluation.

- (1) the present levels of academic achievement and related developmental needs of the child;*
- (2) whether the child continues to have a disability or additional areas of need due to a disability;*
- (3) whether the child continues to need special education and related services;*
- (4) 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/or*
- (5) whether the child needs any additions or modifications to the special education and related services to enable participation, as appropriate, in the general education curriculum, then the Team will determine which assessments are needed to provide the additional information.*

The IEP Team decisions should be data-driven and address all the needs of the student at that time when determining the purpose of the reevaluation.

2. What dates should LEAs keep track of for compliance purposes for timelines reports in the Special Education Dashboard?

LEAs are required to submit Indicator 11 Child Find (percent of children evaluated within 60 days of receiving parental consent for initial evaluation only) data in the Special Education Applications Dashboard. This data will include all initial evaluation referrals for all students to include students transitioning from Babies Can't Wait (BCW).

LEAs are also required to submit Indicator 12 Transition from BCW (percent of children with eligibility completed and if eligible an IEP in place by age 3) data in the Special Education Application Dashboard. This data includes the number of evaluations completed, eligibilities completed and if eligible IEPs completed. GO-IEP automatically tracks this data for both Indicators. However, LEAs that do not utilize GO-IEP should have a process to track this information.