

Q & A
EC Directors' Webinar
August 5, 2014

1. What does the state require legally when a student turns 22 during the school year?

Does the school system:

- 1) Exit the student the day after their birthday
- 2) Continue serving them until the end of the semester
- 3) Continue serving them until the end of the school year?

Any child with a disability who requires special education and related services and who has not graduated from high school is eligible to continue to receive a free appropriate public education until the end of the school year in which that child reaches the age of 22. [NC 1501-1.1]

Policies pg. 22 (Free appropriate public education)

2. When a child is speech only, can any EC teacher sign as the EC teacher or must the Speech Therapist sign as EC teacher?

The SLP should sign as the special education teacher for a speech only child. The SLP must sign that IEP for it to be legitimate in addition they are considered an EC teacher. The Director may or may not actually be an EC teacher and would have little or no knowledge of the individual student or their speech or language needs.

3. Can any Special Education Teacher write a Speech IEP and/or interpret the speech results?

A Special Education teacher may not have the knowledge to either write or interpret a speech IEP. In consultation with an SLP they may be able to assist in writing goals and answering parent questions if the SLP is unable to attend a meeting and then unanswered questions can be forwarded to the SLP at a later time if need be.

4. Does the IEP team meet by the meeting date or IEP end date (annual review)?

The IEP team must review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved. [NC 1503-5.1]

Policies pg. 83 (Development, review, revision of IEP)

A new IEP must be developed for the child before the end date of the current IEP. Teams must plan ahead of this date in order to provide adequate notice/invitation to conference for parent participation and adequate prior written notice prior to the implementation of the new IEP.

5. DEC 5 (Part III)... "Describe each evaluation, procedure, test, record or report used as a basis for the action stated above": Is it okay to list items or does there need to be a detailed description?

The content of notice includes a “description of each evaluation procedure, assessment, record, or report the LEA used as a basis for a proposed or refused action”. [NC 1504-1.4] Policies pg. 88

There needs to be a description, not just a listing of items.

6. Special Education Student Record Review Protocol indicates that there must be at least one annual goal in the IEP that is related to the student's transition services.

Would a reading or math goal be acceptable if the PLAAFP states how the student's reading or math skills will affect their ability to obtain their post-secondary goals?

The IDEA Secondary Transition Regulations require IEP goals related to the child's transition services needs. These IEP goals are developed by going through the entire transition process, which includes transition assessment, developing the postsecondary goals, identifying the transition services, identifying the courses of study, and coordinating services with adult agencies as appropriate. The IEP goals are developed to address the needed skills required to assist the child in reaching their identified postsecondary goals. A generic math and/or reading goal will most likely not appropriately address the specific skills needed to assist the child in reaching their individual postsecondary goals.

7. Related Service: If a student receives transportation because he/she attends a school outside of their home school district (Autism self-contained class)...Is transportation considered a related service?

There are two potential scenarios with which to answer this question based on the definition of “home school district”.

Scenario #1: Home-School District = Outside the LEA

If the LEA has to contract with another LEA to provide the student’s specially designed instruction, then the district is required to provide transportation for the student to access his or her education. Transportation would be a related service.

Scenario #2: Home-School District = Inside the LEA + Student’s Home School (attendance zone)

If the student’s home school (attendance zone) cannot provide the specially designed instruction (Autism self-contained class), but another school within the LEA can; the LEA must provide transportation. Transportation then becomes a related service on the student’s IEP because the student requires it in order to access his or her specially designed instruction.

8. How do the Course Codes affect HQ teacher status?

The course codes to be used in the place of Self-Contained and Individual Curriculum codes are Locally Developed and Special Interest Topic course codes. These courses are standard courses and are designated by the 5th digit character “2”, and yield an elective credit at the high school level. When

these course codes are used to address the specially designed instruction needs of students with disabilities, teachers will be required to have EC Certification.

9. What is the procedure if the parent does not want their child to receive EC services?

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—

- (i) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;**
- (ii) May not use the procedures (Procedural Safeguards) in order to obtain agreement or a ruling that the services may be provided to the child;**
- (iii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and**
- (iv) Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services. [NC 1503-1(b)(4)]**

Policies, pg. 60-61 (Parent Consent: Parent Consent for Services)

The key points within this procedure are: revocation of consent for services in writing from the parent and completion of the prior written notice. While this is one of the rare occasions in which the parent decision is the deciding factor when disagreement occurs about the provision of services- the district should document carefully (with data) on the prior notice the reasons why the decision to terminate services will not be the best decision for the student (if true). The district should also document on the prior written notice that the student's services and procedural safeguards are now terminated as a result of the parent's revocation of consent for the provision of special education and related services. If, at some point after the parent revokes consent for services, a request for an evaluation/special education is made, the initial process begins again.

10. If a student could ride a regular school bus to their neighborhood (home) school but the class needed is offered in the LEA at another school, and transportation is provided, based on the administrative decision of where the class is located, so would this still be a situation of transportation being a related service?

Yes. If the student requires transportation to access his or her program, then it becomes a related service on the IEP.

11. When do we anticipate the new IEP forms being in EC teacher hands so we can plan for trainings?

We do not anticipate new IEP forms being in place until the 2015-16 School Year.