

**Q & A**  
**October Directors' Webinar**  
**10.20.15.**

1. On the IEP, DEC 4 (2 of 10), do we define English Language Proficiency based on the answers to the Home Language Survey, or identification as an ESL student and/or participation in a Title III Program?

There are no specific assessment required to answer this question in policy; however, the IEP Team should use all information to answer the question and document the data source and information used.

2. What are the IDEA requirement for translating for parents at IEP meetings? Are we required to have all documents translated or just the DEC 5?

The IDEA requires LEAs to provide meaningful parental participation in the IEP meeting. When the parent speaks a language other than English, the LEA must still ensure that the parent fully understands the IEP process. This may require an interpreter. [NC 1503-4.3 (e)] Regarding the IEP itself, OSEP states, "...[W]hile providing written translations of IEP documents is not required under IDEA, we believe that in some circumstances it may help to show that a parent has been fully informed of the services his or her child will be receiving." [Letter to Boswell, OSEP, September 4, 2007] The IDEA requires that prior written notices and procedural safeguards notices must be provided to parents in their native language, unless clearly not feasible to do so. [NC 1504-1.4 (c)(1)(i)]

Please bear in mind that LEAs must also comply with Title VI of the Civil Rights Act of 1964 which provides a Limited English Proficient parent or guardian with, in part, "meaningful access" to school programs and activities and information about the availability of free translation services for IEP and 504 meetings and documents.

3. What is the LEA's obligation to re-evaluate EC students late in their high school career, specifically for accommodations on SAT type tests that require the information to be current within a year and for consideration for some level of disability services in college?

According to NC 11503-2.4, "A public agency must ensure that the timely reevaluation for each child with a disability is conducted (1) if the LEA Determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant additional evaluation data; or (2) If the child's parent or teacher requests additional evaluation data."

The LEA is not obligated to re-evaluate solely for the purpose of having current information for SAT type tests. The team can decide to re-evaluate if there is a need for additional evaluation data to determine the educational needs of the student.

4. Could you provide some information on preschool services? What kind of services are mandated? Is the initial referral date generated differently from school age services? What are other differences from preschool to school age services?

The following policy references outline the different elements of preschool services.

NC 1501-1.1(b) FAPE for children beginning at age 3. (page 22)

NC 1501-2.9(d) Child Find- Notification (page 26)

\*For preschool students, Child Find typically starts through the notification process. However, the initial referral date begins when a written referral is received. [NC 1503-2.1 Referral and NC 1503-2.2(c)]

NC 1501-3.3(c) Continuum of Alternative Placements (page 27)

\* Key element: If the LEA does not have a regular early childhood program, contracting with Head Start, etc. may be necessary.

NC 1503-4.4(b) IEP/IFSP for Children Aged Three-Five (pg. 82)

5. Will all Regional Director meetings this year follow the format of the September meetings?

The Regional Directors meetings will continue as a singular meeting. Each regional meeting will be customized to meet the needs of that region's LEAs. The September meeting was focused on getting everyone on the same page for self-assessment and practice profile based upon purpose and feedback.

6. Does the parent have any legal right if/when the LEA rejects the completing of the assessment?

The LEA can't refuse to do the assessment. Someone in the LEA will complete whatever the assessment turns out to be but the EC Department can't do any assessment that is not a reevaluation.

7. Do you need a DEC 5 to document a notification for PK if the team decides to test further or not?

Yes – this would be done through the DEC 5.