

**Questions and Answers
Webinar
August 2, 2016**

- 1. Many districts utilize Medicaid billing for cost recovery of related services, and as a result, those districts receive Fee for Service funds (and Cost Reporting funds effective 7/1/2015). If a district's EC Dept. has unspent Medicaid FFS and/or Cost Reporting funds on June 30 annually, do they 'lose' these unspent funds at the end of the fiscal year? Or are the unspent funds to be carried over from 1 year to the next? Please address both the Medicaid FFS as well as Cost Reporting funds in your response.**

Medicaid does not track the life/use/expenditure of paid-claim funds (Fee for Services/Cost Report reimbursements). Once the LEA cashes the check, it is typically placed in Fund 8 or another other local fund. Even though these Medicaid funds are placed in a local fund, they do not lose their federal identity and good school business/accounting practices that should be applied to them, (i.e. FIFO (first in first out spending) and not counting the funds as local funds to support the EC program when reporting state and local funds for MOE. These Medicaid funds have the same "shelf life" as any federal funds (because they don't lose their federal identity) so once the "check is cashed" the LEA has 24 months from the time the LEA received the funds to encumber/obligate them and 3 additional months to ensure those funds are spent.

- 2. As we are working through determinations of required compensatory services as a result of going over the 90 day timeline, we are seeking guidance as to "future" processing of initial referrals. Are we allowed to provide a prior written notice to parents to "close out" an initial referral when we either have not been able to connect with parents after repeated attempts to obtain consent to evaluate, AND, when a student does not pass the hearing and/or vision screenings?**

When managing the 90-day timeline for initial evaluations, LEAs must remember the following:

NC 1503-2.2 Initial Evaluations

- (c) Timeline for initial referral.
 - Evaluations must be conducted, eligibility determined, and for an eligible child, the IEP developed, and placement completed within 90 days of receipt of a written referral

The timeline must allow for obtaining the parent's consent for an initial evaluation. LEA's should consider very carefully the potential impact of leaving a referral open waiting for the parent to provide consent. If, on the day of the meeting to obtain parental consent, the parent is not willing to provide the written consent for an evaluation, the team may reconvene after a short period of time to try to obtain consent again, or indicate that on the date of the meeting the parent did not provide written consent for an evaluation. If a parent does not provide written consent for an evaluation, the 90-day timeline ends. The LEA must provide prior written notice to the parent explaining that the referral to special education has ended as a result of not obtaining the parent's consent for an initial evaluation.

The second part of the question is specific to a child not passing a vision or hearing screening. This is an

entirely different scenario that has many opportunities for problem-solving. It is NOT advisable to automatically cease the evaluation process. The IEP Team members must consider if the child needs corrective lenses/glasses. If so, coordination with the LEA's social worker may become necessary in order to secure the glasses. If the student is not passing the hearing screening, the team should consider whether or not ear infections or other unresolved issues are impacting screening results. In all cases, regarding hearing/vision screening results, it is best practice to consult with the school psychologist and/or diagnosticians to determine if the current screening results are sufficient to continue with the evaluation process while continuing to problem-solve the screening results and work within the 90-day timeline.

3. Does the requirement to obtain parent permission before inviting an outside agency to an IEP meeting only apply for transition? Or does it also apply to other situations where an outside agency representative who is familiar with the student will be invited (i.e., local Mental Health Agency counselor).

NC 1503-4.2 IEP Team

General.

(6) At the discretion of the parent(s) or the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate

(b) Transition services participants.

(3) To the extent appropriate, with the consent of the parent(s) or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parent(s) or LEA) who invited the individual to be a member of the IEP Team.

The *Policies* state specifically that representatives of any participating agency that is likely to be responsible for providing or paying for transition services must be invited to the IEP Team meeting WITH the consent of the parent or child that has reached majority.

The *Policies* also state that the LEA or parent has the discretion to invite other participants who have knowledge or special expertise.

In summary, consent has to be obtained for transition purposes (responsible parties for transition services) but not for participants invited by the LEA or parent who have special knowledge/expertise to offer the IEP Team. Therefore, a mental health caseworker would not necessarily require consent from the parent to be invited to participate in the IEP Team meeting.

4. *Is it required to complete a Functional Behavioral Assessment (FBA) in order to include a behavior goal on the IEP ? Or is an FBA only required to develop a Behavior Intervention Plan (BIP)?*

The *Policies* and *Federal Regulations* specifically require the use of a Functional Behavior Assessment when during the course of a manifestation determination, the conduct in question is a manifestation of the child's disability and a Behavior Intervention Plan is required.

In order to determine a response to the question raised, LEAs should consider the following:

- IEP goals must be based on good data;
- FBAs could be a good source of data for goal writing; and
- FBAs provide specific behavioral data most often associated with determining appropriate strategies within BIPs.

**See attachment for OSEP Q&A for Discipline.

5. *When a student is from exiting EC services, does that IEP require signatures of the team members?*

There is no specific requirement for IEP signatures at the time a student is exited from services. The most important piece to exiting students from EC services is the prior written notice. The notice documents the data reviewed by the IEP team and supports the decision to terminate services.

6. *Many of our out-of-state transfer students do not enroll with a copy of their IEP or the school is not made aware they are a SWD. When does our 90 day timeline begin -- enrollment?*

The *Policies* indicate that students transferring from out-of-state must be provided comparable services until the IEP Team adopts the current IEP or develops a new one. Typically, when the LEA consults with the parent to determine comparable services, the child is referred to special education in order to determine if additional evaluations are needed to determine initial eligibility in NC. If it is determined during the referral meeting that additional information is required, then consent is obtained and the 90-day timeline begins.

Many LEAs consider asking explicitly on enrollment forms whether or not a child has a current IEP. This enables the LEA to begin immediately providing comparable services, requesting records and scheduling the referral meeting in a timely fashion.

7. *NCVPS OCS students - what is their testing window (early calendar vs. traditional calendar)?*

OCS Pathway students taking courses through NCVPS follow the testing calendar of their LEA. If there is a special circumstance that requires testing outside of the testing window, a request to do so must be submitted to the NCDPI Accountability Division for approval.

8. What tests are required for NCVPS OCS students?

OCS Pathway students taking courses through NCVPS are required to take the same assessments as OCS Pathway students not taking their courses through NCVPS. If there is an assessment associated with a course, then students on the OCS Pathway are required to participate in that assessment.

Additional Questions Asked During the Webinar:

9. What options or suggestions do you have in regards to not being able to find a VI teacher? I have worked with 2 contract agencies and they are not having luck either.

The SSAT Section listserv for VI is a great place for LEAs, traditional and charter and residential, to post job vacancies for Teachers of the Visually Impaired. Contact Sherri Vernelson, Section Chief for the SSAT Section to do this, sherri.vernelson@dpi.nc.gov. The national AER association has place to post job vacancies as well but for a fee. Information can be found here, <https://aerbvi.org/resources/career-center/job-exchange/>. Finally, depending on your need, you may want to consider working with a neighboring LEA to share a TVI. The SSAT section will continue to research options and will post that information on our listserv.

10. I missed the part that Joe shared. Do we know when we might hear about PRC 029 funding?

We have not heard from the finance department as of yet. As soon we know something, we will let you know.

11. Does this apply to Charter Schools as well?

All information shared in the webinar applies to all public schools including charter schools.

12. When will we get this document? By end of August? Will it come through the list-serv and regional consultants?

- Low Vision Clinic documents will be shared at the September regional meetings and via the listserv afterward.
- Special Projects Application Deadline Table (see attachment)
- Discipline Q&A attached

13. Will ec directors get a memo regarding HB 1030

Dr. Rebecca Garland, Deputy State Superintendent, shared the memo and companion documents with Superintendents on August 3, 2016. The EC Division will share the same information with EC Directors and Charter School Coordinators via the listserv.

14. What if parent checks "no" on enrollment and it takes months to know they are EC?

At the point the disability is suspected, the initial process begins. Please be certain that in addition to checking enrollment forms, a substantial records request is made and a review of incoming documents is completed in the event special education documents are received.