

## **INDIVIDUALIZED EDUCATION PROGRAM (IEP) ([34 C.F.R. §§ 300.320-300.328](#); [GEORGIA RULE 160.4-7-.06](#))**

The Individualized Education Program (IEP) serves as the framework for determining the meaning of the term a free appropriate public education (FAPE) in the least restrictive environment (LRE), a term frequently referenced in the Individuals with Disabilities Education Act (IDEA). IEPs must be developed and reviewed annually and must be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the local educational agency (LEA)<sup>1</sup> requests a review.

### ***Notice of IEP Team Meeting***

The parent must be notified of the proposed date, time, and location of an IEP Team meeting to give him or her sufficient time to make arrangements to attend or to contact the school to schedule an alternative date for the meeting. This notice should include the purpose of the meeting; the proposed date, time, and location of the meeting; as well as who will be in attendance.

The IEP Team meeting should be scheduled for a time, date, and location that is mutually agreeable to the parent and the LEA. The parent may request to reschedule the IEP Team meeting or to participate by telephone or videoconference if attending in person is not possible.

### ***Changes to the IEP***

After the annual IEP Team meeting, the child's IEP may need to be changed. This can be done either by reconvening the IEP Team to amend the IEP or by mutual agreement between the parent and LEA to make changes to the IEP without a meeting. The parent always retains the right to request a meeting to discuss any and all changes or amendments to the IEP. Regardless of the method of amending the IEP, the LEA must ensure the child's IEP Team is informed of any changes, and upon request, provide the parent with the amended IEP in a timely manner.

### ***IEP Team Members***

At a **minimum**, the IEP Team must include:

- the parent (or the person acting as the parent under the IDEA);

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<sup>1</sup> Local educational agencies include public boards of education or other public authorities legally constituted within Georgia for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, including state charter schools and Georgia Department of Juvenile Justice (DJJ).

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- not less than one of the child's regular education teachers, if the child is or may be participating in the regular education environment (for preschool children, this representative is someone who is currently providing preschool services to nondisabled preschool children);
- not less than one of the child's special education teachers or special education providers; and
- a LEA representative who meets the following requirements:
  - is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child;
  - is knowledgeable of the general education curriculum; and
  - is knowledgeable about the availability of resources in the LEA; and
- someone who can interpret evaluation results related to classroom instruction and settings (this person may be one of the persons already listed above with the exception of the parent).

Other members required under certain circumstances:

- other individuals who have knowledge or special expertise regarding the child, including related services personnel (based on the discretion of the parent or LEA);
- the child with a disability, when the transition services plan is being discussed, or earlier as appropriate; or
- a representative of any agency that is likely to provide or pay for any transition services, if appropriate, and with consent of the parent or student (if he or she has reached the age of 18).

### ***The Role of Parents***

The parents of a child with a disability are necessary participants in the development of the IEP. It is important that parents provide information about their views of the child's progress or lack of progress, as well as express any concerns about the overall educational development of the child. Parents provide important knowledge about how the child behaves and performs outside the school setting.

Parents should be involved in every part of the development of the annual IEP that should include:

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- a description of the child’s academic, developmental, and functional performance;
- a description of how the child will be included in the general education curriculum;
- the annual goals for the child along with a description of how those goals will be measured;
- a statement of what special education and related services the child needs;
- a discussion of how the child will participate in district and statewide assessments or why an alternate assessment is appropriate;
- the accommodations and/or modifications that are appropriate for instruction and assessment; and
- a discussion of the transition services, when appropriate.

### *Special Parent Requirements*

The LEA must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. See [34 C.F.R. §300.322\(e\)](#). In the event that a parent requires a translator or interpreter, it is the responsibility of the LEA to ensure that an appropriate and qualified **adult** is available to serve in that capacity.

### *The Role of the Regular Education Teacher*

A regular education teacher of the child must be invited and should attend the meeting if the child is currently or may be participating in regular education environment unless the parent agrees, in writing, to excuse the teacher. At the IEP Team meeting, the regular education teacher is present to participate in the development, review, and revision of the IEP. The regular education teacher supports the determination of appropriate accommodations, supplemental aids and services, program modifications, and support for LEA personnel that will be provided to assist the student. The regular education teacher also supports the development of a Behavior Intervention Plan, if appropriate, and positive behavioral interventions, supports, and other strategies that the child needs. See [34 C.F.R §300.324\(a\)\(3\)](#). The regular education teacher is also critical in determining the least restrictive environment and access to the general education curriculum.

### *Excusal from the Meeting*

Two circumstances may allow a required member of the IEP Team to be excused:

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- When an IEP Team member's area of curriculum or related services is not being changed or discussed at that IEP Team meeting, the parent and the LEA may agree to excuse an IEP Team member from all or part of a meeting if the parent consents, in writing, to this excusal.
- When the IEP Team member's area of curriculum or related services is being discussed at the meeting, the parent and the LEA may excuse an IEP Team member from all or part of a meeting if the parent consents, in writing, to the excusal and the excused person submits relevant, written input into the development of the IEP prior to the meeting.

### *Present Levels of Academic Achievement and Functional Performance*

The present levels of academic achievement and functional performance section establishes the starting point or baseline that is used to develop the entire IEP. It includes a description of the child's current academic, developmental, and/or functional strengths **and** needs; results of the initial or most recent evaluation; the results of district or statewide assessments; an explanation of how the disability affects the child's participation in the regular education curriculum; any concerns of the parent; and, for preschool children, the impact of the disability on participation in age-appropriate activities. The remainder of the IEP, including goals and objectives, accommodations, transition services, and placement decisions, should be directly linked to the information contained in the present levels of academic achievement and functional performance, which include the following:

- The results of the initial or most recent evaluation of the child: This should include a summary of the relevant information from the child's evaluation (not just a listing of scores). This section does not have to include only the results and recommendations of formal evaluation measures performed on a child. It should also include additional formative and summative assessments used for instructional purposes that are often more recent than the formal evaluation measures.
- The results of district or statewide assessments: This information must include the results of statewide assessments including test scores and must indicate the achievement level, whether the child achieved as a beginning learner, developing learner, proficient learner, or distinguished learner. This should also include an individual analysis that provides a frame of reference for how the child is performing in comparison to same age peers. In addition, IEPs should include the strengths and weaknesses as indicated by the domains of the subtests.
- A description of academic, developmental, and/or functional strengths and needs:

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- Areas of strength may refer to
  - academic subjects such as: reading, language arts, math, etc.;
  - developmental areas such as: communication, motor, cognitive, social/emotional, etc.;
  - functional areas such as: self-care, social skills, daily living, communication, social/emotional, executive functioning, etc.
- This area should describe **specific** needs that impact performance and achievement in academic, developmental, and functional areas and must be addressed through the IEP goals and/or objectives or through accommodations.
- Parental concerns regarding the child’s education: What is written in this section should be the result of ongoing communication with the parent regarding the child’s academics, behavior, performance on goals, and/or future plans. The parent should be provided an opportunity for specific input. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, the information entered should be drawn from communication that has occurred over the previous school year with the parent.
- Impact of the disability on involvement and progress in the general education curriculum: This section should describe individual characteristics of the child’s disability that affect his or her classroom performance. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems, etc. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the child’s eligibility category does not adequately describe the impact on involvement and progress in the general education curriculum. Statements should reflect individual needs and not be applicable to a large group of children.

### ***Consideration of Special Factors***

Consideration of special factors must be documented in the IEP. The factors to consider are: behavior, limited English proficiency, visual impairments, communication needs, assistive technology, and alternative format instructional materials. Needs should be clearly described in an individualized manner. If needs are determined in any of these areas, the IEP must include a description of the supports and/or services that will be provided to the child.

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### **Transition Service Plan**

The successful transition of children with disabilities from school to post-school environments should be a priority of every IEP Team. The purpose of a Transition Service Plan is to assist children in building the skills and supports they need to reach their post-school goals.

Transition requires support from multiple sources so the child and his or her family can make choices, develop connections, and access services. Beginning not later than the IEP to be in effect when the child begins ninth grade or turns 16 (or younger if determined appropriate by the IEP Team), and updated annually thereafter, the IEP must include:

- appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
- the transition services (*including courses of study*) needed to assist the child in reaching those goals. A course of study should focus on instructional and educational classes and experiences that will assist the child in preparing for transition from secondary education to postsecondary life. This should relate directly to the child's postsecondary outcome goals and should show how a planned course of study is linked to these goals. The course of study should be meaningful to the child's future and should motivate the child to reach successful post-school outcomes.

**Desired Measurable Postsecondary Outcome/Completion Goals** Goals should be measurable and related to what the child wants to achieve *after* graduation. Postsecondary outcomes should reflect "major life accomplishments" or "completion goals." Goals should be written in the areas of education/training, employment, and independent living (if appropriate). They should be clear and understandable, positively stated, and based on academic achievement and functional performance. They must be based on age-appropriate assessments and be practical and relevant to transition needs. Postsecondary outcome/completion goals can change and become more refined as the child has more experience and gets closer to graduation.

**Preferences, Strengths, Interests, and Course of Study Based on Present Levels of Performance and Age-appropriate Transition Assessments** Age-appropriate transition assessments should be conducted to provide an assessment of the skills and interests related to education, employment, training, and independent living skills (as appropriate) and should be conducted in conjunction with the development of the transition components. The initial transition assessment may be prior to the eighth grade and may occur when a reevaluation consideration is conducted. As a best practice, transition assessments should also be ongoing and fluid. Assessment tools that clearly describe a child's strengths and weaknesses and document a child's interests and

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perceptions about their skills should be utilized. Surveys and interviews work well for this type of assessment.

**Measurable Transition IEP Goals** Transition goals are based on age-appropriate transition assessment(s) and include transition activities and services appropriate to attain the desired postsecondary outcome/completion goals. This section should include measurable transition IEP goals that directly relate to the how, when, where, and what answers that are needed to complete **each** postsecondary outcome/completion goal. These goals should be relevant to achieve the desired postsecondary outcomes. Goals must be meaningful. This section is divided into the following areas: education/training, development of employment, community participation, adult living skills, post-school options, related services, and daily living skills (as appropriate). At least one measurable transition IEP goal must be determined for education/training and development of employment. Measurable transition goals for independent living should be addressed when appropriate.

**Transition Activities and Services** This section should address the transition activities and services that are needed to attain these measurable goals. Transition activities and services should be planned as the “what is needed to achieve these goals.” Many activities and services should be planned and implemented for each goal.

**Persons and Agency Involved** The individuals, agencies, and groups identified should include those who will help the child achieve the goals stated. They may be individuals who will likely provide or pay for transition services. Documentation that these persons were invited to the Transition IEP Team meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. When a participating agency does not attend, the IEP Team should document actions to assist the child and his/her family to support contact and communication with the agency. If the child does not attend the IEP Team meeting, the LEA must take other steps, including verbal and written input, to ensure that the child’s preferences and interests are considered before developing the transition goals of the IEP.

### ***Transfer of Rights at 18 Years of Age***

At least one year **before** the student turns 18, a statement that the student has been informed of his or her rights under IDEA and that the IDEA rights will transfer to the student upon reaching the age of 18 must be included in the IEP. The IEP must document at age 18 that the rights have been transferred. Once the rights have transferred to the student at age 18, the LEA must provide any IDEA required notices to both the student and the parent. All rights given to the parent transfer to the student.

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### *The Summary of Performance (SOP)*

For a student whose eligibility terminates due to graduation with a regular diploma or to exceeding the age requirements under IDEA, the LEA must provide the student with a summary of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals. Although not required, it is good practice to provide the SOP for students who graduate with a certificate of attendance or a special education diploma as well. The purpose of the SOP is to provide strategies for successful transition with needed supports. The [SOP](#) and [directions for completing the SOP](#) are available on the GaDOE Special Education web page.

### *Annual Goals*

IEP annual goals are written to address an individual child's needs/deficits in order to enable that child to be involved in and make progress in grade level standards. **All** children are expected to be working toward grade level standards, so it is not necessary to list those standards in the IEP.

The annual goals should address the needs described in the present levels of academic achievement and functional performance that will enable the child to progress in the grade level standards-based curriculum and meet the child's other educational needs that result from the identified disability. The goals should be written in measurable form and should describe what the child can be reasonably expected to accomplish within twelve months.

**Example:** The child is not making progress in the general education curriculum because of his/her inability to follow directions from the teacher, and often completes assignments incorrectly.

**Goal:** When given oral directions by the teacher, the child will comply after the first time by listening, clarifying, and verbally agreeing to do as asked four out of five times for three consecutive weeks by December 20, 2019.

Short-term objectives are not required for all children. Only those children who participate in the Georgia Alternate Assessment (GAA) are required to have either benchmarks or short-term objectives. However, nothing prohibits a LEA from recommending short-term objectives for all children.

At times, a parent or Team member may request short-term objectives for a particular area of the IEP even though they may not be required, this is an IEP Team decision.

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### *Supports, Services, and Placement*

The IDEA requires each IEP to include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:

- to advance appropriately toward attaining the annual goals;
- to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
- to be educated and participate with other children with disabilities and nondisabled children in the academic, nonacademic, and extracurricular activities.

### *Student Supports*

Student supports must be documented in the IEP and consist of accommodations for instruction and testing, supplemental aids and services, and/or supports for LEA personnel. These may be provided to assist children in advancing toward attaining annual goals, in being involved and making progress in the general curriculum, and/or in being educated and participating with other nondisabled children in academic, nonacademic, or extracurricular activities. The special education and related services and supplementary aids and services must be based on peer-reviewed research to the extent practicable. Peer-reviewed research is “research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published.” [71 Fed. Reg 46,664 \(2006\)](#).

The Every Student Succeeds Act (ESSA) uses the term evidence-based rather than peer-reviewed research and defines “evidence-based” as an activity, strategy, or intervention that: (1) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on: (a) strong evidence from at least one well-designed and well-implemented experimental study; (b) moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or (c) promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; (2)(a) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (b) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

- **Instructional accommodations** may include how instruction is provided, how the child is expected to respond instructionally, how the child participates in classroom activities, and

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the kinds of instructional materials used. Accommodations provide children with disabilities a variety of ways to access the Georgia Standards of Excellence so their disabilities are not barriers to achievement. Children receiving accommodations are still expected to meet the same grade level standards as their peers without disabilities. For example, a child might listen to portions of a text on tape rather than reading it, answer questions orally or use a computer keyboard instead of writing with a pencil, use large print text books, watch video with captions, or participate in a discussion in a biology class with a sign language interpreter. Accommodations should provide access to or promote skill growth and some accommodations may be used instructionally that **will not necessarily** be used for assessment. Appropriateness and efficacy of accommodations should be evaluated on an ongoing basis. Accommodations should not be confused with differentiated instruction.

- **Classroom testing accommodations** should be individualized, determined by subject area, and be as specific as possible. For example, if a child requires additional time to complete tests, it is recommended that the amount of time is specified such as, “50% more time.” Other examples of testing accommodations are the use of a text reader or calculator, special seating, etc. Testing accommodations should only be recommended if they are also the child’s instructional accommodations and some instructional accommodations may not be appropriate for testing. Research shows that providing a child with an accommodation for testing that he/she is not familiar with during instruction will impair his or her performance and not allow the child to demonstrate what he or she actually knows.
- **Supplemental aids and services** should include supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate as well as participate in nonacademic and extracurricular activities as determined by the IEP Team. Examples include: tutoring, adult assistance, note-taking, peer helper, pre-teaching/re-teaching or reinforcing concepts, behavior intervention plan, point sheet, assigned seating, etc. Some accommodations used for instruction may also be considered a supplemental aid and service.
- **Supports for school personnel** should be included when training or other supports are being provided **to school staff** regarding a specific child’s need. Examples may include: training on an assistive technology device, a workshop on a content area or disability area, crisis prevention training, etc.

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### *Assessment*

Georgia requires all children to participate in grade level district and statewide assessment programs. For any grade where all children are assessed, children with disabilities must participate in the regular assessment or the Georgia Alternate Assessment (GAA).

The Georgia Department of Education, Assessment and Accountability Division, has an extensive assessment manual that addresses all aspects of testing including accommodations for each standardized assessment. Only a small number of children with disabilities will take the GAA.

Georgia Rule [160-3-1-.07](#) requires that consistency exist between accommodations utilized in the classroom and those used for state administered tests. Children with disabilities must have access to and practice with accommodations utilized on state administered tests before the time of test administration. However, certain accommodations may be appropriate for use in classroom instruction that are not appropriate or allowable on state administered tests. IEP Team members must understand the difference between allowable accommodations for state administered tests and those for classroom instruction and assessments.

Even if an accommodation needed by a specific child is available to all children in a particular setting, the accommodation should still be documented in the IEP. This includes accommodations for both instruction and assessment. The IEP Team should remember that although many classrooms have technology or software that is routinely available to all children (such as computers), if a child **must** have that technology or other accommodation to access either instruction or assessment, it should be documented in the child's IEP.

For more information, please see Accommodations Manual and Accommodations FAQ on the [GaDOE Assessment and Accountability webpage for Educators](#).

The district and statewide assessments section of the IEP should be as specific as possible and only identify testing accommodations the child must have in order to participate in the assessment. The IEP Team may not identify any accommodations that are not on the allowable accommodations list. If a child must have an accommodation that is not on the list, the IEP Team should work with the district testing coordinator who will contact the GaDOE Assessment and Accountability Division to discuss the ramifications of the potential accommodations. Each assessment should be listed by content area so that accommodations can be individualized.

### *Placement Options*

Special education is a service and not a place. After the IEP Team has reviewed all required information and developed an IEP, it must make the decision as to where services need to be

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delivered in order to enable the child to receive a FAPE in the LRE. Placement decisions should start with the expectation that services will be provided in the regular education setting and should be made on a subject by subject basis. The placement decision should be fully supported by the present levels of academic achievement and functional performance and by the level of supports and accommodations/modifications the child requires to access the general education curriculum.

### ***Extended School Year (ESY)***

The IEP Team shall consider each child's need for ESY services annually. The individual needs of the child shall be considered and may include such factors as:

- the severity of the disability;
- the age of the child;
- any transitional needs;
- the rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives;
- the relative importance of IEP goals at issue;
- whether the child is at a critical point of instruction, such as emerging skills; and
- whether any delays or interruptions in services occurred during the school year.

If the need for ESY is determined, the IEP Team must identify which goals in the current IEP are being extended or modified. ESY is not the same thing as summer school; however, ESY services may be provided during the school year as well as during the summer. See also description of ESY in the FAPE Chapter.

### ***Related Services***

Related services are required to assist a child with a disability in benefiting from and accessing educational services. The term "related services" means developmental, corrective, and other supportive services including, but not limited to the following:

- speech-language pathology;
- audiological services;
- psychological services;

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- physical and occupational therapy;
- social work services;
- counseling services, including rehabilitation services;
- orientation and mobility services;
- interpreting services;
- school health or school nurse services;
- medical services;
- parent training;
- recreation, including therapeutic recreation; and
- transportation.

To determine what special education services and related services will be provided to the child, the IEP Team will look at the child's present levels of academic and functional performance, assessment results, the measurable annual goals, and, if appropriate, the short-term objectives that are included in the IEP.

Any services should:

- be based on the unique needs and abilities of the child **and**,
- help the child advance appropriately toward attaining the annual goals.

IDEA refers to related services and supplementary aids and services that are "based on peer-reviewed research to the extent practicable." This means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs, which refers to those services and supports that are proven through research data to improve student learning.

Related services may be documented in the IEP in several areas, including:

- the recommended special education and related services section,
- the supplementary aids and services section, and
- the instructional accommodations or modifications section.

### *Frequently Asked Questions*

**1. What are the timelines for developing an IEP after a determination of eligibility is made?**

After a student is determined eligible for special education services, the district has 30 calendar days to develop and implement the IEP.

**2. Who has access to the child’s special education file?**

Parents of the child and LEA personnel who are employed by the LEA directly or through contract and who have legitimate educational interests can have access to a child’s special education file. Under Family Educational Rights and Privacy Act (FERPA), each LEA “must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.” [34 C.F.R. § 99.31\(a\)\(1\)\(ii\)](#). Under IDEA, each regular and special education teacher of the child, related service provider and other service providers responsible for implementation of the IEP should have access to the child’s IEP. [34 C.F.R. § 300.323\(d\)](#).

**3. Do we have to include the name and position of the invited participants of an IEP Team meeting?**

Under IDEA, the LEA must inform the parent who will be in attendance at the IEP Team meeting. [34 C.F.R. § 300.322\(b\)\(1\)\(i\)](#). The LEA’s notice to parents is not required to identify individuals who will be attending the IEP Team meeting by name, as long as the notice identifies the individuals by position. See Letter to Livingston, 21 IDELR 1060, OSEP (August 29, 1994).

**4. What happens when the parent doesn’t show up for an agreed upon IEP Team meeting?**

If a parent has indicated that he or she will attend the IEP Team meeting at the date and time on the notice and does not arrive, efforts to contact the parent should be made and documented. If no contact can be made, the IEP Team should then determine what action is in the best interest of the child and either postpone or proceed with the meeting accordingly.

**5. Can an LEA give parents a final date for conducting a meeting if the deadline for developing an IEP is approaching and the LEA has tried to get the parent to commit to a meeting but has been unsuccessful?**

Under the IDEA, an LEA may conduct an IEP Team meeting without a parent in attendance when the LEA is “unable to convince the parent to attend.” [34 C.F.R. § 300.322\(d\)](#). The school should make and document all attempts to schedule the meeting using multiple formats (e.g., written notice, phone calls, home visits, etc.). If the parent does not respond, the school may have the meeting without the parent present and then send the parent a copy of the IEP. If

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a parent responds and indicates that he or she wishes to participate in the development of the IEP, but cannot meet, the LEA must document the multiple good faith attempts to involve the parent, considering various participation options such as virtual meetings or alternative locations before conducting the IEP Team meeting without the parent.

### **6. What happens if a parent fails to respond to a meeting invitation?**

If, after multiple attempts to contact the parent using multiple formats, the LEA is unable to convince the parent to attend, the LEA should keep detailed records of any letters, telephone calls, and/or visits to the parent. If attempts to ensure parental participation do not result in parent attendance, the LEA may conduct the IEP Team meeting without the parent. A copy of the IEP will be sent to the parent in a timely manner.

### **7. What can be done prior to the IEP Team meeting?**

IEP Team members sometimes prepare a draft of the present levels of academic achievement and functional performance and proposed annual goals prior to the meeting and share this draft with the parent to provide focus for the IEP Team meeting. It should be understood that no decisions will be made until the actual IEP Team meeting is held and that all draft documents can be changed based on the decisions of the Team.

### **8. What other persons may attend an IEP Team meeting?**

The parent or the child may invite other persons with knowledge or expertise of the child to the IEP Team meeting if either wishes. This can include relatives, advocates, attorneys, tutors, etc. in the spirit of cooperation and working together as partners in the child's education, parents should let the district know who is coming before the meeting. However, there is no requirement under IDEA to do so. See [Letter to Andel, U.S. Dep't of Educ., Office of Special Education Programs \(OSEP\), February 17, 2016](#). If the parent invites other persons who charge a fee for attending the meeting, the LEA is not responsible for paying those costs.

### **9. How do we document attendance in the IEP?**

Some LEAs have attendees initial by their names if the documents have a signature/name section. Others have them sign their names under the section for members in attendance. Members should not be listed if they are not in attendance (physical or virtually) in the meeting.

### **10. If a child has never been in a regular education setting, do we need to have a regular education teacher present at the IEP Team meeting?**

Yes. A regular education teacher of the child is required to participate in the meeting, if the child is or may be participating in the regular education environment. Federal regulations and

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State Special Education Rules require that the IEP Team consider the full continuum of services, which includes instruction in the regular education environment.

**11. For State schools and GNETS programs, who should be responsible for ensuring the participation of the regular education teacher?**

In most circumstances, it is the LEA's responsibility to provide a regular education teacher for the IEP Team meeting. Participation can be in person or via conference call or other means of participation.

**12. Who should be the regular education teacher when the child is a 3 or 4 year old receiving services in the home?**

The LEA should secure a regular education teacher professionally qualified to teach preschool students to serve as a member of the IEP Team.

**13. If a teacher is dually certified both in special education and regular education, can he or she serve dual roles in the IEP Team meeting?**

No. Under the IDEA, the IEP Team must include not less than one regular education teacher of the child and not less than one special education teacher of the child. The determination of who can serve as the regular education teacher and the special education teacher in the IEP Team meeting is not based on that individual's certification alone, but their relation to the child.

**14. Can the regular education teacher also fill the role of the LEA representative?**

Yes, as long as one of the child's regular education teachers meets the requirements of the LEA representative (someone who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of LEA resources), he or she can serve these dual roles.

**15. Does the LEA representative have to be able to COMMIT to services or just be knowledgeable of the resources of the district?**

Both. For IEP Team meetings, the LEA representative must be knowledgeable about availability of resources, "have the authority to commit agency resources and be able to ensure that whatever services are described in the IEP will actually be provided." See [71 Fed. Reg 46,670 \(2006\)](#).

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**16. During the course of an IEP Team meeting, if an emergency comes up and a person has to leave unexpectedly, what is required?**

If a required team member needs to leave, stop and ask the parent whether he or she wants to continue the meeting without that person present. If the parent wants to excuse the team member, the parent must do so in writing and the meeting can proceed. If the parent does not want to proceed without the required team member, the meeting can be rescheduled.

**17. Do additional IEP Team members need an excusal?**

No, only the required members of the Team need proper excusals.

**18. Can the regular education teacher be excused from an IEP Team meeting if the parent agrees?**

Yes, but the LEA must be sure the parent understands that they can refuse to permit the excusal and reschedule the meeting if they prefer. If there are multiple regular education teachers at the IEP Team meeting, a written excusal is not required to excuse the regular education teachers as long as there is at least one regular education teacher remaining.

**19. Are related service providers such as occupational and physical therapists required to have an excusal?**

Only the required members must have an excusal. If the therapist is a required member for an individual child, an excusal would be required.

**20. Do we need to do an excusal if the teacher does not stay the whole time?**

Yes, an excusal would be needed if any of the required members leave before the meeting is over. LEAs should discourage the practice of having any required IEP Team member leave in the middle of the meeting. His or her role is important for the entire meeting, including the portion where placement and supports are discussed, which is often near the end of the meeting.

**21. If new services and/or goals are added to the IEP within a short time of departure from a previous LEA, and they have not even been implemented before leaving the school, what is the receiving LEA's responsibility?**

The receiving school has an obligation to provide comparable services described in the IEP of the child in consultation with the parent until such time as the LEA either adopts the previous IEP or develops its own.

**22. What are the requirements if a child transfers within Georgia?**

When a child transfers from another LEA within Georgia with a current or expired IEP, the receiving LEA (in consultation with the parent) must provide services comparable to those

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services described in the sending LEA's IEP until the receiving LEA either adopts the previous IEP or develops and implements a new IEP.

### **23. What are the requirements for children who transfer from other states?**

When a child transfers from another State with a current or expired IEP, the new LEA (in consultation with the parent) must provide services comparable to those in the out-of-state IEP until the new LEA can collect any necessary additional information necessary to complete the evaluation/eligibility determination and can develop, adopt, and implement a new IEP, if appropriate. **If an evaluation is required, it is treated as an initial evaluation in Georgia.**

### **24. How would an IEP Team work through what seems to be unrealistic transition expectations of children and or/parents during the development of the transition plan?**

The Team should explore the basis for the expectations and determine whether intermediate steps can be taken to ensure that the child is provided a highly challenging and appropriate program based upon his or her strengths and needs and that the outcomes of the program provide the child with as successful a post-school experience as possible.

Transition assessments can be utilized to assist in identifying what the child truly wants to do. More refined expectations can be identified; and the child's strengths, needs, and goals toward meeting those expectations can be explored using these assessments. Through interagency collaboration, opportunities may be available for children to participate and learn about possibilities related to their expectations.

Identify exactly what intermediate steps would be necessary to attain the goal. For instance, if a student wants to be a professional football player, he would need to attend college. In order to attend college, he must obtain a high school diploma. The transition plan could then address coursework, End of Course Tests, admission requirements at selected colleges, and college entrance exams, as well as participation on the high school football team.

### **25. Considering the required measurable goals for transition services, can the LEA be responsible for measuring how other agencies follow through on what they say they will do?**

LEAs must convene an IEP Team meeting if another agency does not provide the identified services or carry out the responsibilities it has on the transition services plan. The Team will develop alternate strategies for accomplishing the goals that were not carried out. As IEPs are developed, transition goals should focus on what the child is/will be doing rather than what the other agencies will do for the child.

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**26. When a goal on the transition plan contains a final goal of “will attend college” or “will attend a technical school,” what is the LEA’s role in actually having the child attend college? Is the LEA responsible for paying for college or a technical school since this was a goal on the transition plan?**

No, the LEA would not be responsible for paying for college or technical school. The purpose of the transition plan is to show the steps the child and LEA will take to work toward that final goal.

**27. What is the difference between annual goals and short-term objectives?**

Annual goals describe what the child can be reasonably expected to accomplish within twelve months. Short-term objectives are measurable, intermediate steps or targeted sub-skills to assist in accomplishing the annual goal.

**28. If a child is taking the Georgia Alternate Assessment (GAA), are goals and short-term objectives required?**

Yes. Children assessed on the GAA are expected to be working toward grade level content standards, the same as for all children. If the child is assessed using the GAA, IEP goals should address the individual child’s needs described in the present levels of academic achievement and functional performance as for any child. The goals should be written in measurable form and must have a direct relationship between the area of instruction and the needs/deficits to support the student to progress in the standards-based curriculum as well as address developmental and functional needs. **These children must have short-term objectives as well as annual goals.**

**29. Can children not assessed on the GAA have short-term objectives?**

Yes. The IEP Team may decide to write short-term objectives to support annual goals for any children, as appropriate. Some children who are not assessed on the GAA may have a combination of measurable annual goals and goals with short-term objectives.

**30. Do IEP Team members vote on IEP decisions?**

No. There is no “majority vote” rule for IEP Team meetings. Decisions should be reached by consensus. If the Team cannot reach consensus, the LEA must provide the parent with prior written notice of the LEA’s proposals or refusals, or both, regarding the child’s educational program. Parents are equal participants in the IEP process, but they do not have veto power over the IEP. If the parent disagrees with the Team’s decision, he or she can utilize the dispute resolution options.

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### **31. What if the parent refuses to sign the IEP?**

A parent is not required to sign the IEP in order for it to be implemented. The IDEA provides the parent the opportunity to participate in and be a part of the Team that makes the decision about the child's educational program. If the parent disagrees with the IEP, he or she should inform the LEA. The LEA may set up another IEP Team meeting to determine whether an agreement can be reached. However, the LEA may implement the IEP unless the parent files a due process hearing. If a parent files a due process hearing, then "stay put" goes into place, and the child will receive the services from the previous IEP that is not being contested.

### **32. How should annual goals be written?**

Annual goals should be directly related to the present levels of performance and to needs/deficits described in the present levels of academic achievement and functional performance due to the child's disability. These goals should also be based upon assuring the child's access to the grade level content standards.

### **33. How should special education transportation be documented in an IEP?**

Special education transportation should be considered under related services.

### **34. What should the IEP Team consider when deciding on the appropriate accommodations for a child?**

The IEP Team should consider data for a variety of sources in determining accommodations. Data on the efficacy of a proposed accommodation should be considered, along with input from the parent and student. For an extensive discussion on determining appropriate accommodations, see Accommodations Manual and Accommodations FAQ on the [GaDOE Assessment and Accountability webpage for Educators](#).

### **35. If all children in our LEA have routine access to technology and software, does that have to be written into the IEP?**

It is important to remember, that although many classrooms have technology or software that is routinely available to all children (such as computers), if a child **must** have that technology or other accommodation to access either instruction or assessment, it should be documented in the IEP. Not all schools have the same resources widely available and the IEP is intended to assure that children with disabilities have access to instruction regardless of location.

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**36. Is it necessary to provide testing accommodations for classroom or school tests, such as benchmarking?**

Yes. Accommodations that are required for classroom testing, including benchmarking, should be identified on the IEP in the section identified as Classroom Testing Accommodations.

**37. Can a teacher choose to use an instructional accommodation in the classroom and not use it on the state mandated test? In the past, it seemed like there had to be a one-to-one correspondence between the accommodation in the classroom and the accommodation on the assessment. Is that still the case?**

Children may require accommodations for classroom instruction that are not used in statewide testing. However, an accommodation used in statewide testing should be consistent with the accommodations used in classroom instruction. In other words, an accommodation should not be used in statewide testing if it is not used for classroom instruction or testing. Additionally, all accommodations used for state testing must be documented on the IEP and provided as documented.

**38. If an IEP Team wants to use a special accommodation not specified/approved for a state assessment, what is the process?**

Work with your LEA Assessment Coordinator who will contact the Assessment and Accountability Division of the Georgia Department of Education to ask permission for an individual accommodation that is directly related to the child's disability and the specific assessment for which it is requested. Children must use approved accommodations or the child will count as a non-participant in the assessment. IDEA, ESSA, and State Rules require that all children participate in district or statewide assessments.

**39. If we put a specific concern that the parent has under Parental Concerns, does that mean it has to be implemented since it is in the IEP?**

No. Putting the parent's concerns under the Parental Concern section does not mean that it is an IEP Team decision. Parental concerns must be documented and considered by the IEP Team.

**40. Is it okay if accommodations related to assistive technology are provided in the accommodation section but not in the assistive technology section of the Consideration of Special Factors section?**

Yes. As long as the required assistive technology devices and services are contained in the IEP, it would be acceptable; however, it would be best practice to put the technology in the Special Factors section as well.

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### **41. Does the GaDOE require that the standards being assessed on the Georgia Alternate Assessment (GAA) be listed on the IEP?**

No. Although the IEP is standards-based, specific standards do not need to be listed within the IEP. In the case of children assessed on the GAA, the IEP should focus on those skills that the child needs to develop to access the grade level content standards and to address other developmental and functional needs. Although only a certain number of standards are assessed for the GAA, this should not limit the exposure of the child to other standards at that grade level.

### **42. Are minutes of the IEP Team meeting required?**

Formal minutes are not required for IEPs. However, all required information must be documented in the IEP form. In some cases, LEAs may want to record some minutes to document prior written notice as necessary. LEAs should develop their own guidelines on the development and use of minutes.

### **43. What is prior written notice?**

Prior written notice is a response to parents from the LEA that includes a description of an action either proposed or refused by the LEA and an explanation of why the LEA proposes or refuses to take action. The explanation must include a description of each evaluation, assessment, record, or report that the LEA used as a basis for the proposed or refused action. Any other relevant facts should be included as well as other actions considered. The notice must include a statement that the parent has the protections of IDEA and must provide sources of assistance for parents to help them understand the procedural safeguards. For more information, see [34 C.F.R. § 300.503](#); Georgia Rule [160-4-7-.09](#).

### **44. How can minutes be used for prior notice?**

When a LEA chooses not to provide an evaluation or other service requested by the parent, the minutes can document prior written notice. If used for this purpose, the minutes should include all required components of prior written notice.

### **45. IEPs must include a statement describing the anticipated frequency, location, and duration of all special education and related services and modifications contained in the IEP. Can the duration be documented by using segments or time?**

Segments are preferred, especially when a child moves from one school to another school in the same LEA that may be following a different schedule or to a school in another LEA.

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### **46. Is it appropriate for a teacher to recommend an actual IEP Team meeting when a parent is calling frequently to request changes without having a meeting?**

Yes, if frequent changes are needed, it is probably important to have a meeting. Any member of the IEP Team may request a meeting rather than amending the IEP outside of a meeting.

### **47. How can an IEP be amended without having a face-to-face meeting?**

Following communication with the parents, if both the school and parents agree that a meeting is not necessary to amend the IEP, an amendment can be made. The parents and staff working with the child must be informed of the changes. Upon request, a parent must be provided a copy of the amended IEP.

### **48. Are interim IEPs required?**

Georgia Rules do not define interim IEPs, and they are not required. When a child transfers into an LEA from another state, the receiving LEA may accept the previous IEP as is until it expires or until a new IEP is developed. The LEA may also choose to conduct an evaluation and implement a new IEP. If a new evaluation is conducted, this is treated as an initial evaluation and required timelines apply. If the child is transferring from another LEA in the state of Georgia, the LEA may accept the IEP as written or the IEP Team may amend it if necessary.

### **49. How do we document student progress in extended school year (ESY) on the IEP? Do we have to have a new document or can space be added on the current IEP?**

Progress in ESY can be documented in the Present Levels of Academic Achievement and Functional Performance on the IEP. It may also be updated on the annual goals and, if appropriate, on the short-term objectives.

### **50. What are the requirements for reporting progress on the IEP goals?**

The parent must be informed of when they will receive progress or lack thereof on goals and objectives, but this does not have to be as frequently as all children receive academic progress reports. LEAs have flexibility in determining how often progress on IEP goals will be provided to parents. Progress on post-secondary goals must also be included in IEP progress reports. See [Letter to Pugh, OSEP, January 18, 2017](#).

### **51. Should an LEA establish a medical services team?**

LEAs would be wise to establish interdisciplinary teams to address the needs of children with disabilities. These teams should establish policies and procedures associated with serving children with medical problems, including development and implementation of individual health care plans and IEPs, training of school personnel, and development of emergency procedures.

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### **52. Are feeding and swallowing disorders related to a child's access to and participation in the curriculum?**

A child's swallowing and feeding needs is a health issue that, if not attended to, can result in a child's absence from school, denying the child a FAPE. The aspiration of food or liquids into the airway (trachea) that leads to the lungs is a major concern and could lead to other major medical issues that could increase time out of school for illness. Feeding and swallowing disorders can be complex and involve multidisciplinary expertise. For a more extensive discussion of feeding and swallowing disorders, see [Guidelines for Speech-Language Pathologists Providing Swallowing and Feeding Services in Schools, American Speech-Language-Hearing Association \(ASHA\), 2007](#).

### **53. What rule or guidance is in place for school food preparation and dietary modifications?**

LEAs are required to make accommodations specified by IDEA and Section 504. Dietary accommodations for children whose disabilities restrict their diet can only be made when documented in a statement signed by a licensed physician. The U.S. Department of Agriculture (USDA) defines a licensed physician as a Doctor of Medicine or Osteopathy. For additional information, see [Accommodating Children with Special Dietary Needs in the School Nutrition Programs, USDA, Fall 2001](#).

### **54. Can the child be charged additional fees to recoup the extra cost related to modifying the menu?**

No. Schools may not charge IDEA or Section 504 eligible children with feeding and swallowing disorders who require food substitutions/modifications more than they charge other children for program meals or snacks.