

Questions and Answers/November 5, 2009, Webinar

1. If we have served a student in special education as a preschooler (ECSE) and now they are kindergarten eligible, but the parent has chosen to hold them out of kindergarten this year, shouldn't we continue to serve if needed? The last webinar seemed to indicate that we could not serve the student.

Answer: There would be no context to serve a child who is kindergarten eligible when the parent chooses not to enroll the child in school.

2. At an IEP meeting, the team decided to change the amount of a service which triggered written notice. Must the school wait 10 days to implement the IEP? If so, can the parent waive the 10 day period with a signature or can it be verbal?

Answer: The school must wait 10 days to implement the change in the IEP unless the parent waives the 10 days. You must document the waiver, but a signature is not required (although is an excellent way to document the waiver).

3. One of the questions asked during the March 4 Webinar (Q and A's #3) was: Can we use the option of preselecting items for the EOC exams? The answer was "yes". Is there a minimum number of questions that must be completed?

Answer: No.

4. I have read through the One-Stop-Shop guidance regarding ARRA funds, and have not found the answer to my question. If a district does not expend the entire allocation (Regular Part B and ARRA funds), does that affect the amount it can reduce its MOE or is the MOE reduction based solely on the allocation?

Answer: Allocated. The document specifically refers to use of the amount "allocated" when calculating the reduction in MOE.

5. On the notice of meeting, ESY consideration/services is not listed as one of the purposes of meeting. So when sending parents a notice of meeting when ESY is the only thing being considered, is marking IEP review/revision sufficient? Or, should we be marking other and describing (i.e., considering eligibility for ESY)? Also, at a law conference last spring, we were instructed that for each annual IEP meeting, we should be indicating consider ESY as one of the purposes of the meeting. Is this necessary?

Answer: It is recommended that if the purpose of the IEP meeting is to consider ESY eligibility, that you identify that purpose when providing parent notification of the IEP meeting. ESY must be considered at each annual IEP meeting.

6. Whose names and roles are to be listed in the section of the IEP under Participants in IEP Meeting and Role(s)? Should this include only the persons who attended the IEP meeting or was a required member who was excused or should this include everyone's name who

participated in developing the draft IEP. For example, if a related service provider does not attend the meeting, should their name be listed under participants in the meeting.

Answer: Please review the Model IEP form on our website. We recommend you use similar provisions addressing this; you will want to identify participants in the actual meeting, as well as indicate who participated but did not attend, and you have to document anyone who was a required member who was excused.

7. I have had questions about the provision of services when a student has been diagnosed as Language Impaired relative to who can address the goals. Does DESE have guidance that has addressed when it might be appropriate for the LD or other special education teachers to be listed as implementers for language goals as opposed to the Speech/Language Pathologist? Input I've received so far suggests that it depends on how it is listed in the IEP. If it is called Language Therapy, then the SLP would need to provide the service, but if it is called Specialized Instruction in Language, then a special education certified teacher could provide the service. One could surmise that if they qualified under the Language Impairment eligibility criteria, they would always require therapy, but then again, Vocabulary is an area that many folks could address. What are your thoughts on this?

Answer: If the IEP team decides upon language goals and decides that a speech-language pathologist is who should implement, then we would expect to see it identified on the IEP as language therapy. However, we agree that many such goals do not require language therapy and can actually be implemented by a teacher. We encourage IEP teams to identify such goals as language goals and not identify the service as language therapy.

8. Has there been a vendor/company selected to provide the statewide IEP system?

Answer: No. The bidding process has not occurred yet. We hope to have the Request for Proposal hit the street shortly; then bids from various vendors will be evaluated.

9. Days when school is not in session (P/T conferences, holiday breaks, etc.) are not counted for timelines (ex. initial evaluation) but what about the weekends before, after or within the break. Please clarify how the days should be counted.

Answer: When deducting school breaks/conferences from time-lines, in general we do not count weekends before or after the break if it is a one day break (like a PD day), but do count weekends attached to a break that involves consecutive days (like a winter/Christmas break).

10. How will districts be identified to pilot the State-wide Electronic IEP System?

Answer: we do not know yet, but I am keeping a computer folder of all districts that notify me that they want to volunteer. Superintendent of the district would have to approve of course.