

## Questions and Answers/February 4, 2009, Webinar

1. Are private schools required to implement Section 504 Plans and if so what is the Public School District's responsibility to assist?

Answer: Only if they receive federal funding (e.g. free and reduced lunch grant from the federal government). Public school has no responsibility.

2. What is your opinion of the use of range of minutes? What documentation would satisfy appropriate use during MSIP review?

Answer: We don't like range of minutes; the U.S. Department of Education, Office of Special Education Programs (OSEP) especially doesn't like range of minutes. However, if needed for an individual student, the IEP team can provide for this.

3. Parent Revocation of Consent for Services: Do 504 and ADA protections still apply?

Answer: I don't know. I would think not, but would refer you to the U.S. Department of Education, Office for Civil Rights (OCR). They have a regional office in KC.

4. Could the IEP Team decide to support a child's GED prep work with some goals designed for that?

Answer: No, not unless the student was in the GED Option program.

5. On rare occasions, can a special education teacher act as a general education teacher at an IEP meeting if they are certified to teach regular education at that grade level and are knowledgeable about the curriculum?

Answer: No. The regulations require that the child's teachers serve on the team, so unless that special education teacher is also serving as the child's regular education teacher, they can't serve in the regular education teacher role.

6. If an EC teacher is .5 Title I and .5 ECSE, can he/she sign as a regular education teacher and a special education teacher at an IEP meeting?

Answer: Only if that EC teacher is serving as the child's regular education teacher.

7. So if a student exits SE by parent request and parent wants 504 protections, do we start at the beginning of 504 process and what would go in a 504 plan?

Answer: See Answer to #3.

8. When there's no expectation that a K-12 student will participate in regular ed. does a regular ed. teacher need to participate in the IEP meeting?

Answer: No, but you will need to document that. In general, this is seen in IEP meetings where the child is already placed in a separate school and the IEP team members are not anticipating a change in placement.

9. Would a private school student be required to take the MAP tests at the public school if they are only receiving sped services for CA/Math?

Answer: No, because the student is considered a private school student and is receiving no regular education instruction in either of the subjects. However, if the student were also dually enrolled and taking either or both CA and Math at the public school (regular education) they would take the MAP/EOC.

10. 048-066 Fort Osage: What is DESE's definition of "curb to curb" and "door to door" drop off on transportation as a related service?

Answer: "Curb to curb" has been interpreted in various OCR/OSEP letters as meaning the curb in front of a house/apartment, whereas "Door to Door" means to the door of the home (outside door). It is important to ensure that the IEP team, when identifying one of these on the IEP is clear about the meaning. There is no expectation that a child be taken inside the door to the home/apartment in either case.

11. When there's no expectation that a K-12 student will participate in regular ed. does a regular ed. teacher need to participate in the IEP meeting?

Answer: Assuming this is not an initial IEP meeting, no, a regular education teacher does not have to participate if the student is placed outside regular education and there is no expectation of a change. Documentation is required for excusal of the regular educator.

12. One of my teachers is in a master's program and would like to use one of her IEP's for her class. If we remove the child's name and personal information is this okay for her to use his IEP?

Answer: Yes, as long as the remaining information doesn't allow someone to identify the child.

13. The Obama Stimulus Plan includes significant additional IDEA funding. If it passes, how would this effect maintenance requirements?

Answer: There are versions that would include a waiver of some or all of the MOE requirements connected to the increased funding. But we have no idea what the final bill will look like.

14. I think I remember in a previous webinar that a comment was made that a request had been made to OSEP to change the performance indicator regarding placement. The concern was that to require districts to keep increasing the percent of students in regular

education could be detrimental to actually meeting IEP service needs. Has there been any response to this by OSEP?

Answer: The discussion had to do with our proposal to change one of the indicator targets in our State Performance Plan (SPP). The indicator is #5(c) and has to do with percent of children served in segregated settings. We did bring that proposal to our stakeholder group and received support for our desire to change that target and decrease it. We felt that given that there is no systemic concern, because our data is in-line with national data, the lower target sent the wrong message (one in conflict with individualized student decisions).

15. EC must evaluate First Steps children and develop an IEP before they turn three. Will the state develop normative data for children ages 2-6 or 2-10 for identifying children as SSD?

Answer: No.

16. Can an IEP team determine a related service would benefit a child even if the service is not directly related to the disability?

Answer: A related service by definition is a service that enables the child to benefit from the special education services. Therefore, there has to be a connection between the related service and the special education service.....and the special education service would be related to the area of disability.

17. Would you please provide information and your perspective concerning HB501 and how this bill would be funded?

Answer: This bill is pending and does raise some concerns; funding an ombudsman program, in which all IEP meetings in the state are attended, would be cost prohibitive. Additionally, the bill appears to allow the ombudsman to usurp the decision-making authority of the IEP team.

18. Since serving districts now count ECSE students on their child counts, who is responsible for the paperwork?

Answer: District of resident

19. Is the district of residence still responsible for ensuring that all paperwork is in compliance?

Answer: Yes

20. Who needs to serve as the LEA?

Answer: The district of attendance is responsible for provision of services so they would be the LEA. However, we hope and expect that both districts would collaborate.

21. Apparently some attorneys are recommending that evaluation findings and/or specific baselines not be included in IEP's, but from a compliance standpoint, is that recommended or even permissible?

Answer: It is required to have a summary of the most recent evaluation/reevaluation results and changes in the current functioning in the child. We recommend they include it somewhere in the IEP. Most people put it in the present level but the requirement is that it is in the IEP.

22. When we have an IEP meeting with parent participating via phone conference and changes are made in services with parent agreement, can we note that on the Notice of Action and initiate those changes immediately or do we have to wait 10 days since we don't actually have a signature?

Answer: The best practice is to get the written signature waiving the ten days. However, we are not positive, but if you can document the agreement that should be sufficient in the example above.

23. In my district, we are compliant with IDEA and state regulations implementing IDEA. However, our student achievement, specifically MAP scores, graduation rates, etc. need to improve. Everyone tends to say we have to emphasize compliance and they say this comes from DESE. Can you discuss your thoughts on this?

Answer: See webinar for discussion of this excellent question and a reminder from Heidi that we need to focus on student achievement and outcomes.