

# Resolving and Possibly Preventing Special Education Disputes

Jamila C. Pollard, Esq.

Program Manager Senior/Legal Officer  
G-CASE Legal Conference 2021

# Learning Targets



- I can compare and contrast some family engagement resources, dispute prevention processes and dispute resolution processes.
- I can discuss some IDEA issues that are frequently raised in formal complaints and due process hearings (including during school closures and restart).
- I know where to locate some resources to assist in analyzing certain special education issues.

# Family Engagement and Dispute Resolution Unit

Providing a continuum of resources for Georgia families and school districts

## Family Engagement

- Georgia Parent Mentor Partnership
- State Advisory Panel (SAP)
- Collaboration with Parent2Parent of Georgia
- Collaboration with Title I Family-School Partnership Program

## Dispute Prevention

- Procedural Safeguards (Parents' Rights)
- Special Education Help Desk
- IEP Facilitation

## Dispute Resolution

- Mediation
- Formal Written Complaints
- Due Process Hearings/Resolution Session Meetings

# Due Process Hearing Decisions

FY20-FY21 YTD



## 20-03654

- 5<sup>th</sup> grade student with Down Syndrome, eligible under MID, OHI, and SI
- Parent signed consent for a reevaluation on October 22, 2018 and evaluation reports provided on April 12 and 16, 2019
  - ALJ rejected parent's argument that the delay in evaluations denied parent participation. Evaluation reports were received prior to the IEP Team meeting and parent "participated vigorously" with assistance of attorney and educational consultant
  - ALJ rejected parent's argument that the delay in evaluations was a failure to implement the IEP. Said "[a] failure to evaluate is a failure to evaluate," not a failure to implement the IEP absent some specific statement in the IEP.

## 20-03654 cont'd

- Annual review held on May 14, 2019, IEP implementation date of May 15, 2019, parent received copy of IEP on May 24, 2019
  - ALJ rejected the parent's argument that the student's IEP could not serve as PWN when the parent received the copy of the IEP after the IEP implementation date.
  - ALJ said the portion of the IEP that was implemented before the parent received a copy was not "an action proposed or refused" by the district and the parent had no disagreement with that portion of the IEP.

## 20-03654 cont'd

- IEP Team determined that the student would take the GAA over parent objection
  - ALJ rejected parent's argument that the student did not have a "significant cognitive disability" because his IQ scores were in the MID range.
  - ALJ used dictionary definition of "significant" and state and federal regulations' definition of intellectual disability which includes "significantly subaverage general intelligence functioning."
  - ALJ noted that the regulations do not limit the description of significantly subaverage to moderate or severe levels of intellectual disability.

## 20-03654 cont'd

- Student's teacher was out on FMLA leave for six weeks
  - ALJ rejected parent's argument that the district failed to implement the student's IEP because the substitute teacher was not trained in the Wilson reading program.
  - ALJ noted that the IEP did not mention the Wilson reading program
- IEP Team determined student would move from small group resource classroom to small group MID classroom
  - ALJ rejected parent's argument that this change violated the student's LRE.
  - ALJ said that the student's exposure to nondisabled peers remained the same and change to adaptive curriculum or change in type or extent of students' disabilities in the classroom is not an LRE issue.



## 20-03654 cont'd

- ALJ rejected parent's FAPE argument regarding adequacy of AT, behavioral supports, accommodations and modifications
  - Although parent alleged district's FBA was deficient, ALJ also concluded that IEE FBA was also deficient
  - Although nothing listed in IEP under the heading of "modifications," the IEP demonstrated that student not required to perform on same grade-level standards in ELA and Math as his nondisabled peers (e.g., specific IEP goals) and some accommodations became modifications.

## 20-03654 cont'd

- ALJ agreed with parent's FAPE argument regarding adequacy of OT services
  - District failed to conduct OT evaluation as part of reevaluation and refused to grant OT evaluation in parent's request for IEE until the ALJ ordered them to do so
  - Student was receiving OT once a week for 30 minutes but no evaluation since kindergarten and based on the OT IEE, student had deficits that required more OT services (i.e., 30 minutes, 3 times a week)
  - Student entitled to (40) 30-minute sessions of direct OT services and amended IEP to include direct OT for 30 minutes, 3 times a week and OT consultative services

## 20-03654 cont'd

- Annual review held on May 14, 2019, Parent filed due process hearing request on July 31, 2019 and invoked “stay-put.”
  - ALJ rejected district’s argument that the stay-put placement was the MID classroom since the May 14, 2019 IEP had been implemented over the summer.
  - ALJ issued an order stating the stay-put placement was the last agreed upon placement which was the small group resource classroom
  - Student was entitled to compensatory services for 6 days the student missed services due to the district’s “creative position on stay-put.”

# 20-10941

- 14-year-old student diagnosed with ADHD and ODD, being treated for ADHD and Disruptive Mood Dysregulation Disorder (DMDD)
- Parent argued that student should have been found eligible for special education services under categories of EBD and OHI
- Student exhibited behavior problems since kindergarten; verbally aggressive and disrespectful behavior in 5<sup>th</sup> grade; Parent consented to academic screening, hearing/vision screening, and FBA in February 2017; Eligibility meeting held in April 2017 and determined not eligible for special education but for 504 plan to address ADHD

## 20-10941 cont'd...

- In 6th grade, verbally aggressive and disrespectful behaviors increase and lead to OSS, tribunal, and placement at alternative school
- In August 2018 of 7th grade, parent request an FBA during a 504 meeting. Previous FBA was never conducted. In October 2018, student threatened suicide and diagnosed with major depressive disorder
- In April 2019, district psychologist evaluated and in the written report offered her opinion that “it appears that [the student] does not meet the eligibility requirements for emotional behavior disorder.” She reasoned that the student could not meet the criteria because the “emotion piece” which she considered to be depression and/or anxiety, was missing.

## 20-10941 cont'd...

- Regarding the eligibility category OHI, the district psychologist stated in the report, “While there were some indications of difficulties with attention, they do not appear to have an adverse impact on his acquiring of academic skills.”
- The district psychologist concluded that the student was “choosing not to do his work and that his behavior was not a result of any disability.” The psychologist said the conclusion was based on the interview with the student, reports from the teacher that the student made statements “I’m going to sleep” or “I’m getting ready to eat my breakfast” instead of doing his work and the teacher’s response on the BASC questionnaire.

## 20-10941 cont'd...

- Second eligibility meeting held in April 2019; psychologist participated and presented conclusions; Team discussed student's failure to complete work in 2 of his 4 classes and his 23 behavioral referrals; Team discussed whether his behavior was "choice-driven."
- Team determined not eligible under EBD based on diagnosis of ODD or OHI based on diagnoses of ADHD. DMDD diagnoses was not discussed or considered.

## 20-10941 cont'd...

- Student continues behaviors and is expelled in 8th grade for criminal charges off campus
- IEE conducted August 2019 with diagnoses of ADHD, DMDD, unspecified depressive disorder, and SLD in Math; Said psychological symptoms clearly impact academic functioning and behaviors are not volitional and 504 accommodations are not sufficient to address student's disabilities, particularly his dysregulation.
- Third eligibility meeting held in September 2019 and student not eligible for special education



## 20-10941 cont'd...

- ALJ reviewed evidence and found student is eligible under EBD and rejected district's position that the student is only "socially maladjusted" and not eligible under EBD.
- ALJ said the student's behavioral symptoms have been exhibited since age ten, intensified over the years, and have interfered with his educational performance. Said student can be socially maladjusted and satisfy criteria for EBD
- ALJ reviewed evidence and found student is eligible under OHI due to diagnosis of ADHD that adversely affects his educational performance.

## 20-10941 cont'd...

- ALJ ordered district to fund a “meaningful” FBA and assessment to determine if student is eligible under SLD in Math.
- After assessments are complete and parties submit additional evidence on appropriate educational setting, ALJ will rule on whether district will pay for 2 years of private school

## 20-10941(2)

- FBA included 9 recommendations that were largely adopted by the ALJ, included behavioral and academic components, such as:
  - Student to be taught in a room by himself with three staff members, at least one of whom is a BCBA (gradually reduce staff members over time and reintegrate in small group setting)
  - Social skills training; positive reinforcement
  - Use of academic testing or Curriculum Based Assessments
- ALJ modified recommendations regarding consequences for behavior (for Big Three, follow IDEA regulation; other violations use school disciplinary system, “only if the BCBA determines that it is necessary and appropriate.”)
- ALJ gave little weight to two district witnesses because testimony was “largely unsupported” and not based on “scientifically based instructional practices,” but rather “what is most expedient and least costly to the District.”

## 20-26482

- 6th grade student, EBD eligibility, multiple diagnoses, participated in group altercation of pushing and kicking a student lying on the floor
- Pro-se parent argued that student's misconduct was a manifestation of his disability and the result of the district's failure to implement his IEP
- Student had a BIP that addressed non-compliance/refusal to follow directions
- A safety plan was developed in September 2019 and parent asserts that the safety plan was added to the student's IEP in November 2019; district asserts that the plan was "discussed" but "not formally adopted for implementation purposes."
- ALJ determines that IEP was amended to incorporate the safety plan

# 20-26482 cont'd

- Safety plan says “[s]tudents will transition with adult supervision.”
- At time of behavior incident, no physical escort or visual monitoring conducted. Paraprofessional who usually escorts student to next class was not available.
- ALJ agrees that student’s conduct was not caused by or had a direct and substantial relationship to his disability. The student made a deliberate choice to engage in the misconduct and no “triggering” event.
- However, ALJ holds that student’s conduct was the direct result of the district’s failure to implement the IEP.
- District’s argument that student was traveling from ELA classroom to the second “pull-out” classroom was not a “transition” for the safety plan purposes was rejected.

## 21-04051

- 9th grade student, eligible under EBD, OHI, SI
- Parent argued that student was entitled to IEE
  - At August 21, 2020 IEP Team meeting, parent consented to district FBA. On September 8, 2020, parent filed due process hearing request.
  - No district FBA for parent to disagree with. IEE request was premature.

## 21-04051 cont'd

- Parent argued that student should be placed in 8th grade instead of 9th grade
  - Student attended private school at public expense for 8th grade year, passed 3 out of 4 classes, and private school provided written certification that he was prepared for 9th grade
  - ALJ quotes OSEP letter that “a retention or promotion decision is not synonymous with a placement decision for IDEA purposes.”
  - ALJ notes that despite lack of reference to grade promotion or retention in IDEA, if the student had not been receiving IEP services designed to assist him in meeting the promotion standards, parent could challenge the lack of services as a denial of FAPE. Parent did not do.

## 21-04051 cont'd

- Parent argued that no eligibility meeting held as mandated in IDEA and meeting that was held was a MDR meeting
  - Parent invited to meeting to discuss eligibility on January 4, 2019; district asked parent for consent to evaluate student before holding an eligibility meeting; parent refused consent; district reviewed existing data and determined the student continued to be eligible.
  - ALJ held January meeting was an eligibility meeting and parent was in attendance
  - ALJ rejected parent argument that EBD category was not correct, and noted that a category of disability is “not an end to itself.”



# Formal Complaint Findings

FY21 YTD



# FY19 Findings of Non-Compliance in Formal Complaints (122 Findings against 33 districts)

- **Development, review, and revision of IEP (30)**
- **Implementation of IEP (23)**
- **Free, Appropriate Public Education (19)**
- **Evaluations and Reevaluations (13)**
- **Least Restrictive Environment (8)**
- Discipline Procedures (7)
- Independent Educational Evaluation (4)
- Related Services (3)
- Prior Written Notice (3)
- Parent Participation (2)
- Personnel Qualifications (2)
- IEP Team (2)
- When IEPs must be in effect (1)
- Child Find (1)
- Extended School Year (1)
- Assistive Technology Services (1)
- Mediation agreement (1)
- Complaint Process (1)

# FY20 YTD Findings of Non-Compliance in Formal Complaints (100 Findings against 21 districts)

- **Implementation of IEP (21)**
- **Development, review, and revision of IEP (16)**
- **Free, Appropriate Public Education (14)**
- **Evaluations and Reevaluations (6)**
- **Parent Participation (6)**
- Personnel Qualifications (4)
- IEP Team (4)
- Access Rights (4)
- Least Restrictive Environment (3)
- Discipline Procedures (3)
- Child Find (3)
- Prior Written Notice (3)
- Mediation agreement (3)
- Special Education (2)
- When IEPs must be in effect (2)
- Extended School Year (2)
- Assistive Technology Services (1)
- Transition Services (1)
- State Monitoring (1)
- Class Size (1)

# FY21 YTD Findings of Non-Compliance in Formal Complaints (18 Findings against 10 districts)

- **Evaluations and Reevaluations (5)**
- **Implementation of IEP (4)**
- **Free, Appropriate Public Education (4)**
- **Development, Review and Revision of IEP (2)**
- Access Rights (1)
- Prior Notice by Public Agency (1)
- Placements (1)

# Implementation of IEP (34 C.F.R. § 300.320)

- This regulation defines an IEP and details the required components of an IEP.
- “Each public agency must ensure that, **as soon as possible** following development of the IEP, special education and related services are made available to the child **in accordance with the child’s IEP.**” 34 C.F.R. § 300.323(c)(2)
- **Overarching issue: Students not receiving the special education and related services required in the IEP**

# Implementation of IEP (34 C.F.R. § 300.320)

- (D/R) Student not consistently receiving IEP accommodations of providing notes and study guides in Science and Social Studies; IEP was not clear on how and when the accommodations would be provided
- (D/R) Student did not receive 3 speech therapy sessions in August/September 2020; Student not consistently receiving IEP accommodations, including study guides, chunking, and minimum number of problems to demonstrate mastery

# Implementation of IEP (34 C.F.R. § 300.320)

- (HHB) Due to vacancy, student did not receive 5 physical therapy sessions at home and staff working with the student did not receive training from a physical therapist

# What do you need to think about....

- Procedures for checking IEP service pages before start of school year (especially the transition years from elementary to middle and middle to high)
- Procedures when special education teachers and related service providers are absent and when there is a vacancy
- How to document services and accommodations
- Ensuring all teachers are aware of students' IEPs
- Collecting sufficient progress monitoring data
- Providing timely progress reports
- Procedures for transfer students with IEPs



# Development, Review, Revision of IEP (34 C.F.R. § 300.324)

- This regulation details, among other things, the factors that must be considered when developing an IEP, when an IEP can be amended without an IEP Team meeting, the annual review requirement, and when an IEP must be revised.
- 34 C.F.R. § 300.324(b)(1)(ii) says that “Each **public agency must ensure** that. . . the IEP Team revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals. . . .”

# Development, Review, Revision of IEP (34 C.F.R. § 300.324)

- (P-C) Parent provided medical evaluation form to district as documentation of student's depression and resulting absences in January 2020; no IEP Team meeting held to review and revise IEP, as appropriate.
- (P-C) Parent provided private psychological evaluation to district in August 2019, but the evaluation was not reviewed at the October 2019 IEP Team meeting because “a psychologist was not present at the meeting to interpret the results.” District did not review the private evaluation until November 11, 2020 re-eligibility meeting.

# What do you need to think about. .

- The procedures for amending an IEP outside of an IEP Team meeting (Distance Learning Plan)
- Making sure that IEP Teams consider parent information in a timely manner
- Not waiting for the parent to ask for an IEP Team meeting (the burden is on the public agency)
- Honoring parent's right to request an IEP Team meeting
- Ensuring timely annual review IEP Team meetings (start scheduling early!!!)

# Evaluations and Reevaluations (34 C.F.R. §§ 300.301-300.306)

- These regulations address initial evaluations (request, timelines, procedures), reevaluations, and eligibility.
- For additional information on timelines, refer to State Board of Education Rule 160-4-7-.04(1), which provides exceptions for holiday periods, summer vacations, and when consent is received with less than 30 days remaining in the school year.

# Evaluations and Reevaluations (34 C.F.R. §§ 300.301-300.306)

- Parent requested special education evaluation on September 11, 2020; district insisted on meeting with the parent to discuss the request and provide consent; meeting not held until October 6, 2020; at meeting, consent to evaluate not provided, but instead consent for screening; “real” consent to evaluate not provide until October 26, 2020
- Student’s triennial reevaluation was due on or before November 29, 2019, but parent not provided consent until October 2019 and reevaluation not completed until November 2020

# Evaluations and Reevaluations (34 C.F.R. §§ 300.301-300.306)

- (P-C) Student's reevaluation meeting held on September 18, 2019 and determined student continued to be eligible under OHI and SI; on December 2, 2019, parent emailed district and requested a full psychoeducational evaluation
- IEP Team meeting held on December 4, 2019, student's services and supports revised; Team determined that updated testing was required, and parent signed consent to evaluate at meeting
- Evaluation not scheduled until December 18, 2020 and reevaluation meeting held on January 8, 2021 and added SLD eligibility

## What are the timelines for completing the reevaluation process?

- The 60-day timeline only applies to the initial evaluation. Once a child is in special education, all further evaluations are considered reevaluations, regardless of whether there is any change in the disability(ies). The reevaluation must be completed within a reasonable timeframe, no later than the three-year reevaluation date. **However, many factors should be considered in determining a reasonable timeframe for the completion of a reevaluation, such as the needs of the child, the date of the last comprehensive evaluation, parent input, and changes in the child's behavior, attendance, and rate of progress.**

# Evaluations and Reevaluations (34 C.F.R. §§ 300.301-300.306)

- Parent requested a special education evaluation in October 2019 but consent for evaluation not provided until December 2019
- Student found ineligible in January 2020 because student “did not demonstrate a learning disability or an intellectual disability” but also stated “the team determined additional RTI data needed [to] be collected in the areas of Math and Writing before a determination could be made. Additionally, an OT evaluation will also be conducted.”
- OT evaluation conducted and additional RTI interventions; eligibility team reconvened in May 2020 and student found eligible under OHI based on significant deficits in math reasoning and written expression and a pre-existing medical condition.



# Evaluations and Reevaluations (34 C.F.R. §§ 300.301-300.306)

- District conducted initial evaluation of 504 student in February 2020; held eligibility meeting on March 9, 2020 (including Tier 2 RTI data) and determined student not eligible; Team agreed to meet again after reviewing the student's progress in May 2020 after providing more interventions
- On March 11, 2020, parent emailed school psychologist that student now had diagnoses of ADHD and ODD; No data collected during school closures
- In August 2020, 504 meeting held at parent request; in November 2020, district offered to “relook” at eligibility for special education based on existing data and medical information or outside testing from parent
- District insisted parent sign a new consent for evaluation even though district expressly stated that it was not conducting any additional evaluations or observations; no eligibility meeting held, and parent filed complaint

# Parental Consent (34 C.F.R. § 300.300)

- Parental consent is required for:
  - Initial evaluations (34 C.F.R. § 300.300(a))
  - Initial provision of special education and related services (34 C.F.R. § 300.300(b))
  - Reevaluations (34 C.F.R. § 300.300(c))
    - EXCEPT parental consent is NOT required before **reviewing existing data** as part of an evaluation or reevaluation (34 C.F.R. § 300.300(d)(1)(i))

## What do you need to think about . . .

- Procedures when a parent requests a special education evaluation
- Disseminating those procedures to all staff, including those participating in SST/RTI and Section 504 meetings
- Procedures for requests for reevaluations
- Conducting and documenting comprehensive evaluations and reevaluations

# Free, Appropriate Public Education

- At beginning of 2020-2021 school year, parent selected full distance remote model and Team developed a DLP
- DLP only included reading fluency goal, even though clear weakness in writing and 2 writing goals in IEP; No co-taught in ELA provided, only OT in the school building by appointment
- DLP included following statement:
  - “Prior Written Notice for change in the Provision of FAPE: I have elected for my child to participate in the distance learning option and declined the traditional learning option. I understand and acknowledge that my child’s IEP offers FAPE in the traditional learning option. I understand and acknowledge that the services and supports agreed upon in this [DLP] for the distance learning option do not constitute FAPE.”

# IDEA Part B Service Provision in Current COVID-19 Environment, OSEP QA 20-01, September 28, 2020

- “...OSEP reminds [State educational agencies (SEAs)] and [Local educational agencies (LEAs)] **no matter what primary instructional delivery approach is chosen, SEAs, LEAs, and [IEP] Teams remain responsible for ensuring that a [FAPE] is provided to all children with disabilities.** If State and local decisions require schools to limit or not provide in-person instruction due to health and safety concerns, SEAs, LEAs, and IEP Teams are not relieved of their obligation to provide FAPE to each child with a disability under IDEA.”

# Free, Appropriate Public Education

- (D/R) DLP meeting held on August 18, 2020 and September 2, 2020 before school started on September 8, 2020; Team used IEP to develop DLP; DLP included all IEP goals and objectives and explained what goals and objectives would “look like” in distance learning
- Student’s IEP said student “requires assistance of a one on one paraprofessional in order to complete work and give self-care.” However, DLP did not provide how or when the one-to-one paraprofessional would provide supportive instruction to the student, only states that student would have “access” to teachers and paraprofessionals.

# Free, Appropriate Public Education

- Since student did not require a person with specific credentials to assist during the instructional day, then no violation of FAPE when parent was required to provide a responsible adult to facilitate childcare like all other parents.

# GaDOE Restart Guidance (July 30, 2020)

- When a local educational agency (LEA) chooses an instructional delivery model to provide instruction to all students, such as traditional (face-to-face), hybrid, or full distance/remote, this decision is an **allowable exercise** of the LEA's authority, including its authority to protect the health and safety of its students and staff.



# Role of the IEP Team

- While an IEP Team may be unable to “override” an LEA decision regarding a specific instructional delivery model, the IEP Team **must** be able to **discuss and consider** a student’s educational placement, which includes discussion and consideration of the location of those services and any potential harmful effect on the student or on the quality of services that the student needs, in accordance with IDEA. See 34 C.F.R. § 300.116(b)-(d).

# Role of the IEP Team

- While health and safety restrictions may prevent an LEA from sending LEA staff into a student's home to provide in-person services, the IEP Team must be able to discuss and consider **whether in-person services are required for the student to receive a free appropriate public education (FAPE)** and if so, how those services will be provided **now** (e.g., use of private contractors or outside agencies) or how those services will be provided in the **future** (e.g., provision of compensatory services).

# GaDOE Restart Guidance (July 30, 2020)

- “[T]he special education services can be provided anywhere [and] [t]he physical location of the special education services does not automatically change the LRE. For example, students with disabilities who receive majority of their instruction in the school building with nondisabled peers can still receive majority of the virtual instruction with nondisabled peers.”

# Change of Placement vs. Change of Location

- When an LEA chooses an instructional delivery model to provide instruction to all students that is different from the instructional delivery model provided in a student's IEP, whether this change will result in a “change of placement” or a “change of location” is an **individualized determination**.
- Specifically, the change in instructional delivery model is only a “change of placement” if the **effect of the change in instructional delivery model “substantially or materially alter[s] the student’s education program”** See Letter to Fisher, 21 IDELR 992, OSEP (July 6, 1994).

# Change of Placement vs. Change of Location

- This determination would be based on:
  - **(1) whether the new instructional delivery model revised the educational program set out in the student's current IEP**, which could include the following considerations:
    - the student's ability to access instruction;
    - whether and to what extent progress on IEP goals and objectives will be monitored;
    - the provision of necessary supports for the student, caregiver, and teacher;
    - the type of instruction provided to the student inside and outside the general education classroom; and
    - the amount of instruction provided to the student inside and outside the general education classroom (i.e., as compared to the amount of instruction in the student's IEP and the amount of instruction provided to non-disabled peers)

# Change of Placement vs. Change of Location

- (2) whether the student will be able to be educated with nondisabled children to the same extent in the new instructional delivery model;
- (3) whether the student will have the same opportunities to participate in nonacademic and extracurricular services in the new instructional delivery model; and
- (4) whether the new instructional delivery model is the same option on the continuum of alternative placements.

-Adapted from *Letter to Fisher*

# Change of Placement vs. Change of Location

- If a determination is made that the effect of the new instructional delivery model would **substantially or materially alter** the child's educational program and thus result in a change of educational placement, then **prior written notice** meeting the content requirements of [34 C.F.R. § 300.503](#) is required.

# Change of Placement vs. Change of Location

- However, if no change in educational placement has occurred, then the LEA should utilize its normal procedures to notify parents of the proposed change of location of their child's program.
- In this communication, the LEA may wish to provide the parents with an explanation of why, in its view, the change of location would not substantially or materially alter the student's educational program.

-From *Letter to Fisher*



# What do you need to think about . .

- LEAs should ensure that their IEP Teams are knowledgeable about making educational placement decisions and understand how changes in instructional delivery models may impact those decisions.
- LEAs should ensure that IEP Teams are aware of when a change in instructional delivery model will result in a change of placement for an individual student.
- LEAs should ensure that prior written notice meeting the requirements of 34 C.F.R. § 300.503 is provided when required.

# What do you need to think about . .

- For LEAs that are using distance learning plans (DLPs) to document temporary provision of special education services provided during a time of selective or required school closures, make sure that IEP Teams, including parents, know what services the student will receive in the alternative instructional delivery model and how/when those services will be provided.
- **Reminder for all: No matter what instructional delivery model is chosen, the obligation to provide a FAPE to students with disabilities remains.**

# Can you hit the “bullseye”?



- Can you compare and contrast the family engagement resources, dispute prevention processes, and dispute resolution processes?
- Can you discuss some IDEA issues that are frequently raised in formal complaints and due process hearings (including during school closures and restart)?
- Can you locate some resources to assist in analyzing certain special education issues?

**Jamila C. Pollard, Esq.**  
**[jpollard@doe.k12.ga.us](mailto:jpollard@doe.k12.ga.us)**  
**(404) 670-2683**

**[www.gadoe.org](http://www.gadoe.org)**

   @georgiadeptofed

 [youtube.com/georgiadeptofed](https://youtube.com/georgiadeptofed)



**EDUCATING  
GEORGIA'S FUTURE**

