

## GaDOE Guidance on Restart and Implementation for the Individuals with Disabilities Education Act (IDEA)

Responses below are based on the latest available guidance from the United States Department of Education (USED) and the Georgia Department of Education's (GaDOE) best interpretation, working along with national technical assistance centers. Below are some of the questions GaDOE has received related to restart and IDEA from both districts and families.

### Overarching Information

GaDOE remains committed to the implementation of the IDEA, as well as the elevated priorities of partnerships between home and school and effective family engagement strategies. IDEA requirements have not been waived, and flexibility is needed as we seek ways to implement regulatory requirements that were not created for a global pandemic. The importance of meaningful parent engagement becomes even more elevated as school teams and families must charter a path together that will be in the best interest of students. **See state resource link** to support communication with families ([Link](#)) and a **national resource to support restart for students with disabilities** ([Link](#)).

- [Alternative Instructional Delivery Models](#)
- [Individualized Education Programs \(IEPs\) and Distance Learning Plans](#)
- [IEP Amendment Process](#)
- [Free Appropriate Public Education \(FAPE\)](#)
- [Least Restrictive Environment \(LRE\)](#)
- [Extended School Year Services](#)
- [Compensatory Services](#)
- [Other Topics and State/National Resources](#)

Additional questions can be sent to the State Director or the Special Education Helpdesk.  
Zelphine Smith-Dixon, EdD, State Director (Division for Special Education)  
Email: [zsmith@doe.k12.ga.us](mailto:zsmith@doe.k12.ga.us)

Helpdesk: Phone: (404) 657-9968 or Email: [SPEDHELPDESK@doe.k12.ga.us](mailto:SPEDHELPDESK@doe.k12.ga.us)



## Alternative Instructional Delivery Models

### **What are the Alternative Instructional Delivery Models?**

[Georgia's K-12 Restart and Recovery](#) provided optional guidance regarding three instructional delivery models: (a) traditional (face-to-face), (b) hybrid, and (c) full distance/remote.

- Traditional (face-to-face) – Students access educational services, as much as possible, inside of the brick and mortar building.
- Hybrid – Students access educational services using a combination of distance/remote learning with educational services in the traditional school building.
- Full distance/remote – Students access educational services using distance learning strategies such as virtual instruction, digital platforms, instructional phone calls, and instructional packets.

### **Are the Alternative Instructional Delivery Models just for students with disabilities?**

No, the alternative instructional delivery models are for all students. The GaDOE, in partnership with the Georgia Department of Public Health, developed guidance to support districts and communities in determining their plans and strategies for reopening schools.

### **If a district is providing full distance/remote instruction for all students, can families of students with disabilities require educational services in the school building?**

No, the state constitution provides local school boards with the management and control of public schools; the district has flexibility to develop a restart plan based on safety guidance.

### **If my district offers Alternative Instructional Delivery Models, what should families of students with disabilities consider?**

Families should consider the child's learning needs and necessary supports to access educational services.

Examples of individualized learning needs could include the following:

- Do we have access to stable internet connection?
- Do we have the technology to access digital learning and/or virtual instruction?
- Are there specific accommodations, assistive technology and/or modifications provided while receiving instruction in the traditional building that would be necessary at home?
- Are there additional special education services and supports that should be considered?
- Are instructional packets accessible for the learners?

### **Can a district prioritize groups of students to return to the traditional school model?**

Yes, the district can prioritize groups of students or individual students based on unique circumstances to reintegrate back into the traditional school building prior to the return of other students.

Here are sample plans for districts using full distance/remote learning and reintegrating students back into the traditional school building. Districts must consider health and safety guidance while implementing reintegration strategies.

| Sample Reintegration Plan                                                                                                                                                       | Examples/Benefits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>Sample 1:</b> The district may prioritize reintegrating groups and/or individual students based on unique circumstances.</p>                                              | <p><u>Example:</u> Young children in grades K-2 may be a prioritized group.<br/> <u>Benefit:</u> Young children learn best by actively engaging with the new learning environment and would benefit from receiving meaningful opportunities to connect with others and learn social distancing guidance.<br/> Benefit: Young children with disabilities may benefit from additional supports during early reintegration of students.</p> <p><u>Example:</u> Students with IEPs, 504 Plans, or Student Support Team (SST) Plans may be prioritized individuals based on unique circumstances.<br/> <u>Benefit:</u> A student with a disability may benefit from structured learning services in the building.<br/> <u>Benefit:</u> A student with a 504 Plan may require extra supports for executive functioning skills.<br/> <u>Benefit:</u> A student in the Student Support Team process may have a behavior intervention plan to assist with new routines.<br/> <b>See State Resource:</b> (<a href="#">Checklist for Tiered System of Supports</a>)</p> |
| <p><b>Sample 2:</b> The district may reintegrate all students back into the school building by offering families the choice of an alternative instructional delivery model.</p> | <p>An example would be offering families the option to use one of the following models: Traditional School Model; Hybrid Model; <b>or</b> Full Distance/Remote Model.</p> <p><u>Benefit:</u> Families can opt to access educational services in various ways. Districts can adhere to social distancing guidelines.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Sample 3 -</b> The district may reintegrate students back into the school building by offering families limited choice options for instructional models.</p>              | <p>An example would be offering families the following options:</p> <ul style="list-style-type: none"> <li>• Hybrid Model; or</li> <li>• Full Distance/Remote Model.</li> </ul> <p><u>Benefit:</u> Students may be assigned scheduled days to receive instruction in the traditional school building. Families can opt into the traditional school model while allowing districts to limit large crowds on buses and in buildings.<br/> <u>Benefit:</u> IEP Teams can consider scheduling related services (e.g., occupational therapy or physical therapy) on instructional days that students receive educational services in the traditional school building.<br/> <b>See State Resource:</b> <a href="#">Guidance for Support Personnel</a></p>                                                                                                                                                                                                                                                                                                          |

### **Can a district implement procedural changes that impact the normal school year for all students?**

Yes, districts must determine the most appropriate restart plan. Restart plans may include procedural changes that will inform how and when all students access educational services.

### **Examples of procedural changes that may impact the normal school year for students could include the following:**

- *Instructional Calendar* – A district may change the instructional calendar to adjust the first and last day of school.
- *Instructional Days* – A district may opt to change the number of instructional days per week that all students receive educational services such as four days instead of five days.
- *Instructional Minutes* – A district may opt to change the number of instructional minutes students access instruction to stagger times entering and exiting the building.
  - The district may also change the amount of time students access virtual instruction using screen time.
- *Instructional Time in the Traditional School Building* – The district may recommend that students use a hybrid model to limit large gatherings and crowds.

### **Can these procedural changes impact special education services and supports?**

Yes, students with disabilities are general education students who require specially designed instruction to access the general curriculum. The IEP Team may need to review the IEP to determine whether changes or amendments are necessary. You can obtain additional information regarding the amendment process and examples using the following Table:

[Examples of reviewing and amending IEPs could include the following.](#)

### **If my district is using only the traditional school model, can there be a consideration for individual students with unique circumstances?**

Yes, an individual student may demonstrate medical necessity and meet the criteria for [SBOE Georgia Rule 160-4-2-.31](#) (Hospital/homebound Instruction Program (HHB)). Students with disabilities and students without disabilities may **meet the required criteria**.

In addition to HHB, a student with a disability may be considered for home-based instruction based on the IEP Team's decision. You can learn additional information regarding placement decisions using the following link: [Least Restrictive Environment](#).

It is important to note that neither HHB instruction nor home-based instruction will require a student to receive face-to-face educational services in the home. Districts must determine the appropriateness of all face-to-face educational services based on health and safety guidance.

## Individualized Education Programs and Distance Learning Plans

### **Considering restart plans and IEPs, are districts required to have an IEP in place at the beginning of the school year?**

Yes, [Georgia Rule](#) 160-4-7.06 (Individualized Education Program), requires that IEPs are in place at the beginning of the school year. The beginning of the school year would be the initial start of the instructional calendar for all students. Special education case managers can be critical in helping school and district leadership accomplish this task.

### **A case manager's roles may include the following:**

- Participates as an IEP Team member,
- Serves as the primary contact for the parent, school, and other IEP Team members,
- Oversees implementation of IEP services,
- Monitors individualized student progress towards IEP goals,
- Monitors milestones and deadlines pertaining to the IEP process, and
- Schedules IEP Meetings, as needed.

Students with disabilities may already have current IEPs in place for the FY21 school year. In light of alternative instructional delivery models, it is necessary to consider whether IEPs can be implemented as written or if amendments and changes are necessary. Districts and families must work together collaboratively to determine appropriate times and make these individualized decisions.

### **What are distance learning plans?**

Distance learning plans are contingency plans used to document temporary provision of special education services provided during a time of selective or required school closures. The distance learning plan may include special education services and related services using options such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities. Distance learning plans are included with the IEP and used to describe any necessary changes or amendments to the IEP based on the use of an alternative instructional delivery model. **See USED Memo:** ([OSEP's Question and Answers Memo](#))

### **Are families included during the development of distance learning plans?**

Yes, distance learning plans are not separate from the IEP and should be developed using the IEP process. Family engagement is critical to ensure that distance learning plans meet the needs of diverse learners.

### **Are all students with disabilities required to have distance learning plans?**

No, IEP Teams will need to review special education services and related services and ensure that IEPs can be implemented as written. If amendments or changes are needed, then the IEP Team may opt to document the changes in the IEP as an amendment or document the changes using a distance learning plan. You may learn additional information regarding the IEP amendment process using the following link: [IEP Amendment Process](#).

## IEP Amendment Process

### **Is there flexibility regarding which required meeting participants must participate in the IEP meeting to amend or change IEPs or develop distance learning plans?**

Yes, IEP changes or amendments may be made either by the entire IEP Team at an IEP Team meeting or by agreement between the parents and district. ([SBOE Rule 160-4-7-.06](#))

### **Can the IEP Team use the amendment process to review and change the IEP during the beginning of the school year?**

Yes, the IEP amendment process may only be used after the annual IEP Team meeting for a school year. If the annual IEP has not expired, then the IEP Team may use this process.

### **Can you provide an example of the district reaching agreement with the parent to change or amend the IEP without an IEP meeting?**

Yes, the special education case manager may work with the parent to reach agreement regarding any amendments or changes. The district may coordinate with case managers to review IEPs and collaborate with families to reach this agreement. Families and districts may convene virtual meetings or conference calls. **See State Resources:** ([Virtual IEP Meetings](#) and [Virtual IEP Team Meeting Checklist](#))

### **Does the IEP team need to change or amend the IEP if there are no changes?**

No, if the special education services and related services can be provided using alternative instructional delivery models, then the IEP does not need to be changed. It is always beneficial to document updates, i.e. whether services will be provided using distance/remote instruction. These notes can be included on a distance learning plan as well.

### **What happens if the IEP Team determines that amendments or changes are necessary?**

The IEP Team will need to document the changes using an IEP amendment or a distance learning plan. If the amended IEP includes only special education services and related services provided using distance/remote instruction, then the IEP Team will need to again amend the IEP upon resuming services in the traditional school building model. It is beneficial to add contingency plans and maintain the IEP services that would be provided in the building.

### **How will other members of the IEP Team gain awareness of these changes if the amendment is made without convening a full IEP Team Meeting?**

If changes are made to the child's IEP, the district must ensure that the child's IEP Team is informed of those changes. The parent must receive a copy of the amended IEP.

### **What happens if there isn't agreement regarding the changes or amendment?**

The district will need to convene the entire IEP Team to make decisions regarding special education services. If the IEP Team does not reach agreement during the IEP Team meeting, then the district will need to determine how it is best to move forward. The district must provide prior written notice of the action to the parent and inform the parent of his/her rights.



**Examples of reviewing and amending IEPs could include the following:**

| <b>Scenario</b>                                                                                                                                                                                                                          | <b>IEP Team Meeting</b>                                                                                                                                                                | <b>IEP Amendment without an IEP Team Meeting</b>                                                                                                                                                                 | <b>Distance Learning Plan</b>                                                                                                                                                            |
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| The student <b>will receive special education services and related services currently outlined in the IEP</b> using distance/remote learning. (School Building vs. Distance/Remote Learning)                                             | It is helpful to assign personnel such as the special education case manager to review IEPs, which will not require an IEP Team meeting. <b>Can the IEP be implemented as written?</b> | If the <b>IEP can be implemented as written</b> ; then the <b>IEP Team is not required to hold an IEP Meeting or amend the IEP</b> . You may want to document the virtual services using the IEP.                | The IEP Team may document the provision of special education services using virtual instruction in a distance learning plan.<br><br>The distance learning plan is included with the IEP. |
| The special education services and related services <b>will be changed to address programming details</b> such as frequency of services and length of time as a result of changes to a school schedule for all students. (Hybrid Models) | The student's IEP Team may meet to discuss the changes.<br><br>An IEP amendment is required.                                                                                           | The district and parent can agree on changes or amendments for the IEP without convening the entire IEP Team for a meeting.<br><br>Provide the parent and other IEP Team members with a copy of the amended IEP. | The IEP Team may opt to document the changes using a distance learning plan and leave the IEP as-is.<br><br>The distance learning plan is included with the IEP.                         |
| The special education services and related services <b>will be substantively changed</b> (e.g., IEP goals, accommodations, services, supports) and may impact student progress and outcomes.                                             | The IEP Team may choose to meet and discuss services to ensure that FAPE is being delivered according to the child's needs.<br><br>An IEP amendment is required.                       | The district and parent can agree on changes or amendments for the IEP without convening the entire IEP Team for a meeting.<br><br>Provide the parent and other IEP Team members with a copy of the amended IEP. | The IEP Team may opt to document the changes or amendments using a distance learning plan and leave the IEP as-is.<br><br>The distance learning plan is included with the IEP.           |

**Note** - Distance learning plans provide clarity for educational services using an alternative instructional delivery model; however, the IEP is in effect upon resuming normal activities in the traditional school building.

## Free Appropriate Public Education (FAPE)

### **Will students with disabilities receive a free appropriate public education (FAPE) during the pandemic?**

Yes, students with disabilities will continue to receive FAPE. USED's memo stated that those services may look different during a time of emergency closings and adherence to health and safety guidance. During this national emergency, schools may not be able to provide all services in the same manner they are typically provided, and that FAPE may include services provided through distance instruction. **See USED Memo:** ([OSEP Supplemental Fact Sheet](#)).

### **If the special education services are different in the virtual setting, should the IEP Team automatically assume that FAPE is not being provided?**

No, special education services and related services may look different using different instructional models; however, the IEP can still be developed to support appropriate educational services.

### **As new families and district leaders learn more about FAPE, what are some general considerations?**

The IEP Team must consider the programming needs for an individual child to include: (a) type of service, (b) frequency of service, (c) intensity of service, (d) location of service, (e) access to service and (f) least restrictive environment.

### **Can the IEP Team determine that an individual student with a disability will require additional services to offer FAPE during a pandemic?**

Yes, the IEP Team may determine that different services are necessary.

### **If needed, can districts consider appropriate training for families to support the provision of special education services in the home setting?**

Yes, the IEP Team will need to consider the training and supports necessary for families to facilitate the learning process at home.

### **Can IEP Teams discuss contingency plans during annual review meetings?**

Yes, it is helpful to consider services and supports that are necessary and appropriate in the event distance learning is needed. Contingency planning will ensure that proactive planning has been completed prior to a selective or required school closing.



## Least Restrictive Environment

### **If families opt to use distance/remote learning, will the IEP Team be required to change the placement in the IEP?**

No, families of students with disabilities may opt to use an alternative instructional model; however, parent choice options do not replace the role of the IEP Team to make placement decisions for individual students with disabilities.

### **Can students with disabilities receive remote instruction without changing the least restrictive environment?**

Yes, the special education services can be provided anywhere. The physical location of the special education service 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. **See National Resource:** ([Link](#))

### **Is it possible for the IEP Team to change the placement for an individual student during this time?**

Yes, for example, a **student may demonstrate medical necessity** and meet the criteria (Georgia Rule 1604-2-.31) for hospital/homebound instruction program (HHB). If appropriate, the district must provide the prior written notice proposing the change in placement.

### **Can the IEP Team determine that a student should receive home-based instruction?**

Yes, [Georgia Rule 160-4-7-.07](#) states that Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting. Special considerations are as follow:

- FAPE is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
- services must be **reviewed at least quarterly by the IEP team**; and
- all IEPs that require home-based placements will include a reintegration plan for returning to the school setting.

### **Should families expect home-based instruction or hospital/homebound services to be provided using face-to-face instruction in home?**

No, the IEP Team will need to consider health and safety guidance and the appropriateness of face-to-face special education services in the home.

## Extended School Year Services

### **What if an individual student requires services that are beyond the normal school year per the district's restart guidance?**

The IEP Team may consider extended school year services when necessary for the provision of FAPE to the child as described in [Georgia Rule 160-4-.02](#).

### **Will families incur expenses to benefit from extended school year services?**

No, if extended school year services are necessary to provide FAPE, then the services must be provided at no cost to the family. For example, an IEP Team may determine that FAPE will require an individual student with a disability to receive educational services for five days a week as compared to a reduced schedule by which all students receive educational services four days each week.

## Compensatory Services

### **Is it possible for the IEP Team to determine that FAPE cannot be provided for the student?**

Yes, a district may determine that it is unable to serve an eligible student with a disability; however, [Georgia Rule 160-4-7.20](#) (Mandatory Pre-Determination of Districts Inability to Provide Services to a SWD) states that the district superintendent must contact the state school superintendent to explore possible alternatives for services prior to this determination.

### **Are districts required to issue prior written notice if the IEP Team determines that FAPE cannot be provided for a student with disability?**

Yes, the district must provide the parent with prior written notice and of the right to seek resolution of any disagreements.

### **If FAPE is not provided, will this require a consideration for compensatory services?**

Yes, USED memo identified the following instances by which the IEP Team must consider compensatory services: *students whose services were delayed for an extended period of time, students whose services were not provided, or students whose services were not accessible.*

### **Is the delay or denial of services based on the part of the district or family?**

The delay or denial of services must be on the part of the district. If the district has made services available, then the district should document this attempt for planning purposes.

### **Is there guidance to clarify an extended period of time without special education services?**

USED described an extended period of time within the regulatory context of a student who has not received services for more than 10 days, which would constitute a change in placement.

**Who will make the determination for compensatory services?**

The district will need to offer the family the opportunity to participate in an IEP Team Meeting and assess the individual needs, progress, and/or loss of skills and ultimately determine whether the child is eligible for compensatory services. If the family declines the offer, then the IEP Team will need to document the offer to discuss compensatory services for each student with a disability whose services were delayed or not provided.

**Why is the IEP Team required to consider compensatory services? In the past compensatory services were awarded through the dispute resolution processes such as due process hearing or a state complaint.**

The USED memo required the IEP Team to meet and assess the individual needs, progress, and/or loss of skills and ultimately determine if the child is eligible for compensatory services.

**Will students automatically receive compensatory services?**

No, the IEP Team must offer the family the opportunity to review and determine eligibility. If the IEP Team determines that compensatory services are necessary, then the compensatory services will be documented in the IEP.

**When can families expect the review for compensatory services to take place?**

Districts should convene IEP Team meetings within a reasonable time, as possible after the beginning of the school year. It may be necessary to allow appropriate time for both students and teachers to acclimate into the new school year with relevant opportunities to assess current progress, attempt to recoup and recover loss of learning and determine the most appropriate services to make the child whole. **See State Resource:** ([Virtual Data Collection and Progress Monitoring](#))

**Can compensatory services prevent students with disabilities from accessing other special education services and related services?**

No, compensatory services cannot prevent students from accessing services already required in the IEP.

**Will the IEP Team award compensatory services based on an hour-per-hour formula?**

No, IEP Teams are not required to award compensatory services based on an hour-per-hour formula but should consider the appropriate type, amount, frequency, and duration of services necessary to recoup the loss of skills and return the child to the place that he/she would have been in without the disruption of FAPE.

**See State Resource:** ([Extended School Year and Compensatory Services](#))

## Other Topics and State/National Resources

**How should districts ensure that the general supervision system can support appropriate implementation of IDEA during the pandemic? See State Resource: ([Link](#))**

The district should review and revise, if needed, local procedures to support IEP Teams in implementing general supervision procedures.

Examples of general supervision processes could include the following:

- What written procedures will support implementation?
- Who will provide training and monitoring supports?
- How will IEP teams continue to meaningfully engage members regarding parent rights, IEP process, distance learning plans, service providers, compensatory services, etc.?
  - **See State Resource:** ([Dispute Resolution](#))

**How will adjusted calendars impact services provided for students with disabilities who are parentally placed in private school settings?**

The district should work to determine the provision of special education services provided for students with disabilities who are parentally placed in private schools. Parentally placed private school students do not have an individual right to FAPE.

**How can district and school leadership learn more information and strategies to improve implementation of these processes with fidelity?**

- [Georgia Department of Education COVID-19 \(Coronavirus\)](#)
- [Georgia Learning Resources System](#)
- [Special Education Technical Assistance \(March 2020-Present\)](#)
- [High Leverage Practices](#)
- [Online Support for Special Needs](#)
- [Assistive Technology Partnership](#)
- [Instructional Supports for All Students](#)

**How can families learn more information to improve engagement that will facilitate learning and improve outcomes for students with disabilities during the pandemic?**

- [Georgia Parent Mentor Partnership](#)
- [Georgia Parent to Parent](#)
- [Georgia State Advisory Panel](#)
- [Georgia Home Classroom](#)
- [Be a Learning Hero](#)
- [CEEDAR Family Guide to At-Home Learning](#)
- [Surviving School Closures \(Resources for Families\)](#)