

Questions and Answers/December 3, 2009, Webinar

1. If you meet on the 16th of December and receive permission to evaluate...do you count the days off for break or not?

Answer: The winter break gets deducted from the calculation, including weekend dates that are part of that break.

2. Should a student who is home schooled but has a service plan to provide appropriate accommodations for MOVIP attendance be counted on our December 1 child count?

Answer: If the student had an IEP or Services Plan and was receiving special education services on December 1, he should be counted for child count

3. Does Tourettes fall under Autism or OHI?

Answer: Tourette's syndrome would not result in eligibility for special education under the category of Autism; however, it might under the category of Other Health Impaired. Review the criteria under that category in our state regulations. If you need help, please contact one of our supervisors in the Compliance Section.

4. What suggestion would you offer if the number of sped students whose IEP teams determine need accommodations for MAP testing causes the building/district to exceed the 5% LND limit.

Answer: My advice is to remember that the decision of needed accommodations is an individualized one.

5. Who is a good contact person for questions concerning LD eligibility for ELL students when there may be a question concerning how ELL affects their academic performance?

Answer: Some of the Regional Professional Development Centers (RPDCs) have Missouri English Language Learners consultants (MELLs) and they can be of assistance, in addition to the special education consultants that we contract for at the RPDCs. Contact your RPDC in your region (see DESE website for map and contact information if you are not familiar with your RPDC) and ask for assistance.

6. We had a student who moved on December 1 to our district but we didn't receive the IEP until December 2 should they be included on the December 1 count?

Answer: Yes. As long as you have established that they were a special education student prior to the transfer, you report them on the child count.

7. If the parent provides documentation from the physician stating the disciplinary offense is related to the disability, to what degree should that affect the team's decision? For example, the doctor says stealing is related to the disability.

Answer: It is still an IEP team decision, regardless of the opinion of the doctor. The team must consider the outside doctor information/opinion, but still needs to analyze using the criteria in the regulations. If the doctor is a psychiatrist, it would probably be more persuasive to the IEP team.

8. Would a child who just had a rod put in her spine and is on a respiratory and parents are not allowing service to be provided due to the fragile state of the child, qualify for a medical waiver on the MAP-A?

Answer: Check with the DESE Assessment Section on this. If the child is receiving no instruction due to her medical condition, it may be allowable.

9. Are homebound services required to be provided within the home if the parent insists?

Answer: No. It is an IEP team decision to determine where the services will be provided. Sometimes districts are providing what they refer to as “homebound” in a “neutral” site like a library or other public area, or a sheriff’s office. It is best to identify the location so that there is no confusion about what is meant by “homebound.”

10. What would qualify a student for a medical waiver for the MAP-A?

Answer: Our Assessment folks indicate that very few medical waivers are granted annually. If the student is receiving any instruction (homebound or otherwise), DESE expects the student to participate in the state assessment.

11. If a child is so profoundly disabled cognitively and physically that they could not complete even the lowest APIs for the MAP-A, could they be exempted from the MAP-A and use an alternative type of evaluation?

Answer: There is no “alternate” type of evaluation. The child either takes the MAP or the MAP-A. There is no exemption due to profound mental cognitive impairment. It is not expected that all kids who take MAP-A will be proficient or advanced.

12. Regarding timelines and counting days, would the days that "don't count" (breaks) be noted as the reason for going past 60 days or not considered at all when calculating 60 days?

Answer: Days that “don’t count” are simply not included in the calculation of the time-line. You would not describe this as going past the time-line. You are actually complying with the time-line; it is just that the days counted to determine that, do not include these other days.

13. 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. If the district feels that a kindergarten eligible student (By age) who has been served under ECSE would benefit from spending an additional year in ECSE before entering kindergarten due to their social emotional and/or academic readiness is the district allowed to offer an additional year of ECSE services or do you place them in kindergarten with services?

Answer: Yes, if the IEP team believes that ECSE services are appropriate even though the child is kindergarten eligible, the IEP could provide for ECSE. The district would not be able to claim the cost of that child in the ECSE budget, however.

14. Do we still need IEP member signatures for Extended School Year decision?

Answer: Signatures are not required. You need to document the ESY decision and our program review standards identify the IEP as a way to document that decision. The IEP identifies who participated in the IEP meeting. But signatures are not required.

15. Is it required that a homebound special education student be served by a special education teacher?

Answer: No. The Homebound teacher must have a teacher certification, or substitute certificate. It is expected that a homebound teacher who is not a special education teacher, will be working with the child's special education case manager who does have special education teacher certification.

16. When looking at placements for a child age 3-5 can services be provided in a child care setting that has some sort of religious affiliation? As itinerant services are available at the ECSE level this has far reaching complications.

Answer: ECSE kids can be provided to kids attending parochial schools as long as it is provided at a neutral site. Whether the site is neutral is left up to local district decision. DESE has guidance on its website to help you make that determination. See: <http://www.dese.mo.gov/divimprove/fedprog/financialmanagement/TitleIGuidanceUseofNeutralSpace.pdf> for guidance from our Title I folks are the factors that you should consider in Missouri. Also see item #10 in this document: http://www.dese.mo.gov/divspced/documents/Guide_PPP.pdf for discussion about "location" of services.

17. For December 1 count, is a child included that has just been found eligible in a staffing for Part B categorical disability or for ECSE but the IEP has not been developed or implemented yet?

Answer: No.

18. We have recently had some questions concerning work experience in exchange for high school credit. If a student is planning on working after graduation from high school and needs work experience per the IEP, can the school employ him or her for a couple of hours per school day and count that as high school credit? Does it matter if this is paid or unpaid employment? Is there a limit as to how much credit can be awarded? Does this have to be done through Vocational Rehabilitation or COE?

Answer: That is not a problem. School districts have a huge amount of latitude in this area. The state board establishes the minimum number of credits a student needs to graduate. The state does not issue credit. The school issues the credit. The guidelines provided to school districts on the flex program give you a lot more latitude. See: <http://www.dese.mo.gov/divimprove/sia/documents/Schoolflexmemo9-30.pdf> This is in addition to the information in the DESE guidelines for graduation at http://www.dese.mo.gov/divimprove/sia/Graduation_Handbook_2010.pdf that speak to work experience and provide in Appendix E of that document:

There are specific models for earning credits for *off-campus* work experience in Appendix E of the Graduation Requirements for Students in Missouri Public Schools. The last paragraph of Appendix E reads as follows:

Program Authorization: Written proposals for off-campus programs must be approved annually by the appropriate division in the Department of Elementary and Secondary Education, if the students are to be counted in membership and attendance for state-aid purposes, if funding is involved, or if high school credit is to be granted. Proposals for academic programs and career exploration programs should be submitted to the Coordinator, School Improvement and Accreditation. Proposals for cooperative career education programs should be submitted to the Coordinator, Career Education. Proposals for work-experience programs for special education students should be submitted to the Coordinator, Special Education Services.

19. What disability(ies) would DESE expect to see if scribing were being used as an accommodation for MAP testing? Is just the fact that a child is easily distracted justification enough?

Answer: A student with a physical disability that makes writing impossible, or a student with a disability whose disability affects the ability to write, such as a student with mental retardation that is above the severe range found ineligible for MAP-A.

20. A kindergarten student who is identified YCDD must be evaluated and found to meet criteria of another category in order to receive services in 1st grade; is this evaluation considered an initial evaluation or re-evaluation? Should there be a referral of some sort?

Answer: Re-evaluation. Keep in mind that Part B of IDEA is for kids age 3 to 21 years old. So changing the category of eligibility within those years, is a reevaluation.

21. If a student is attending a State Operated School (i.e., MSD, MSB, SSSD) and has attendance issues (for example, misses 10 consecutive school days), what would be the appropriate protocol? If the student were attending the public school, a Juvenile Office referral for truancy would be made. We have been informed that if a student misses 10 days in a row, he/she will be referred back to his local school district. Until an IEP meeting is held and the determination is made that the public school is the correct placement for this student, isn't this something the State Operated School should handle? Can you please clarify?

Answer: If a student attending one of the state operated schools is absent for 10 days consecutively, the local district is notified so that the district can take action consistent with its truancy policies. However, the student is NOT dropped from the rolls at that point and is not referred back to the local district. At some point, if the student does not return, the parent will be notified that if they continue not to attend they will be dropped from the rolls. At MSSD (formerly SSSH) that is a 60 day period. It is shorter at MSD and MSB.

22. Are there plans to submit the MAP-A on line eventually?

Answer: No, no plans at this time; however, our desire is to consider this in the future.