

# New Directors' Summer Institute Special Education Compliance

July 29-31, 2008

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## Agenda

- Topics that Include the Special Education Process
- Resource Rush for Knowledge
- Break
- Review Topics Through Jeopardy Activity
- Question and Answer



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## Resources

- DESE Website
- <http://dese.mo.gov>
- Click on Special Education
- Click on Compliance



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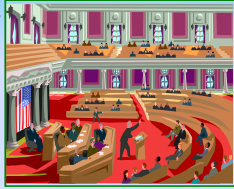
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## Regulations

- Federal Regulations
- Missouri State Plan
- Local Compliance Plans
- FERPA



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## Procedural Safeguards

A copy must be provided:

- Annually
- Upon initial referral or parental request for evaluation
- Upon a disciplinary change of placement; and
- Upon request by the parent



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## SELS and SELS 2

- SELS
- SELS 2
- Lina Browner 573-751-5739 or  
lina.browner@dese.mo.gov



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## Special Education Compliance Program Review Standards and Indicators Manual

- Contains compliance standards and indicators for administration, process, and performance
- Provides critical information related to required documentation
- Includes cross-references to the State and Federal Regulations



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## State Board Operated Programs

- Missouri School for the Blind (MSB) located in St. Louis
- Missouri School for the Deaf (MSD) located in Fulton
- State Schools for the Severely Handicapped (SSSH) located throughout the state

All located under button labeled [MSB/MSD/SSSH](#) on the Division website

## Sheltered Workshops

Located under button labeled [Sheltered Workshops](#)

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## RPDC Compliance Consultants

- Region 1: SEMO, Cape Girardeau
  - Dr. Kimberly Swedberg
  - 573-986-6193
  - [kswedberg@semo.edu](mailto:kswedberg@semo.edu)
  - Denis Moore
  - 573-651-2894
  - [dmmoore@semo.edu](mailto:dmmoore@semo.edu)
- Region 3: Kansas City
  - Brenda Vann
  - 816-235-6183
  - [vannb@umkc.edu](mailto:vannb@umkc.edu)
- Region 4: Northeast
  - Joetta Walter
  - 660-785-6080
  - [jwalter@truman.edu](mailto:jwalter@truman.edu)
- Region 7: Southwest
  - Bruce Renner
  - 417-829-5095
  - [BruceRenner@missouristate.edu](mailto:BruceRenner@missouristate.edu)
- Region 8: St. Louis
  - Rodney Cook
  - 314-692-9739
  - [rcook@csd.org](mailto:rcook@csd.org)

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### Things to Remember When You Begin the School Year

- Complete your public awareness activities
- Request for Educational Surrogates
- Confidentiality Training
- Access to Records
- Paraprofessionals
- Inventory Control
- Private School Planning

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### More Things to Remember

- Contractual Services
- State Board Operated Programs (SBOP)
- Destruction of Records
- Release of Information
- Transfer of Rights
- Independent Evaluation
- Homebound Instruction

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### New Indicators

- National Instructional Materials Accessibility Center (NIMAC)/National Instructional Materials Accessibility Standards (NIMAS)
- Highly Qualified Teachers

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## Model Forms

- Description of Areas to Be Assessed and Known Tests to be Used Documentation Form
- Excusal of Mandatory IEP Members Agreement Form
- Homebound Form
- Notice of Action
- Notification of Destruction of Records

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## More Model Forms

- Notification of Meeting
- Public Notice
- Request for Consideration of a Special Education Evaluation
- Review of Existing Data Form
- Affirmation of Nonpublic School Consultation and Participation
- Speech Implementer Model Approval Application
- Transfer of Parental Rights at Age of Majority
- Weekly Class Schedule
- Triennial Evaluation Document

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## Program Evaluation

- State Performance Plan (SPP)

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## Response to Intervention (RTI)



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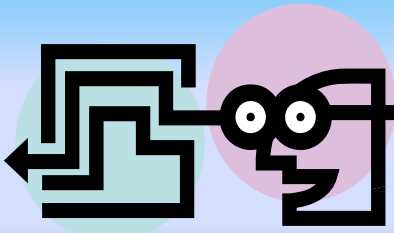
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## Response to Intervention (RtI)

- Broad view vs. Narrow View



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## Response to Intervention (RtI)

- Broad view looks at RtI as a general education process to provide appropriate instruction to all children with regular progress monitoring. Goal is to provide for the needs of most children in the general education classroom.

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## Response to Intervention (RtI)

- Narrow view looks at RtI as a process for identification of a Specific Learning Disability
- IDEA Federal Regulations refer to RtI in the narrow view

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## Specific Learning Disabilities (SLD)

- Does not require the use of a severe discrepancy
- State must adopt criteria that permits the use of a process based on the child's response to scientific, research-based interventions

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## Specific Learning Disabilities (SLD)

- May permit the use of other alternative research-based procedures
- LEAs must use the State criteria
- Both documents may be found at the following web address  
<http://dese.mo.gov/divspeced/RtIpg.html>

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## Identification of Specific Learning Disabilities (SLD)

Criteria for determining the existence of a SLD

- Performance (failure to achieve adequately)
- Rate of Progress

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## Specific Learning Disabilities (SLD)

Disclaimers

- Visual, hearing or motor disability
- Mental retardation/intellectual disability
- Emotional disturbance
- Cultural factors
- Environmental or economic disadvantage
- Limited English proficiency
- Lack of appropriate instruction in reading, including the essential components of reading instruction
- Lack of appropriate instruction in math

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## Identification of Specific Learning Disabilities (SLD)

Additional considerations by group making eligibility determination

- Data to demonstrate appropriate instruction in regular education setting by qualified personnel
- Data-based documentation of repeated assessments of achievement (must be provided to child's parents)

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### Identification of Specific Learning Disabilities (SLD)

- In determining eligibility for SLD, the parents and evaluation professionals extend the educational evaluation timeline by mutual written agreement
- If the evaluation process exceeds 60 days, an explanation for the extension is documented (e.g.: snow days, agency vacation days, child's absence, summer break)

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### Specific Learning Disabilities (SLD)

- Required Observation
- Documentation required for eligibility determination

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### OSEP Comments on RtI

- RtI does not replace a comprehensive evaluation
- Cannot use a single procedure as the sole basis for making an eligibility determination
- Must use a variety of data-gathering methods
- Must use a variety of assessment tools and strategies

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## DESE Web Resources for RtI

RtI button on DSE website

<http://www.dese.mo.gov/divspeced/>

- Missouri RtI (pilot sites, RtI guidance documents)
- National Organizations
- Online Learning Opportunities
- Resources

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## Transfer Students

In-state Transfer

Out of State Transfer



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## In-state Transfers

- Child who enrolls who has had an IEP in effect in Missouri must be provided with FAPE
- If the student comes with current evaluation report and IEP, new district must place the child in appropriate special education placement and provide services listed in IEP until next annual review or if the IEP team determines revisions are necessary

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### In-State cont'd

- If district does not agree with evaluation report, a reevaluation must be initiated. During the time of reevaluation, the IEP must be implemented as written.
- If no evaluation report available, agency shall refer child for a comprehensive evaluation and review/revise IEP if determined necessary at the completion of the evaluation.

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### Out of State Transfers

- Students transferring from another state with IEP in effect in that state, Missouri agency must provide FAPE (including services comparable to those described in the child's IEP from previous agency) until the Missouri agency:
  - Conducts an evaluation, if determined necessary by the new public agency, and
  - Develops, adopts, and implements a new IEP (if appropriate)

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### Out of State cont'd

- If student's records are not available to the Missouri agency:
  - Place the student in regular education, and
  - Initiate an initial evaluation, and
  - If the child is found eligible, develop and implement an IEP.

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## Request for Consideration of a Special Education Evaluation and Review of Existing Data



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## Initial Evaluation Process Parent Request



- Request Date
- Provide Notice of Action to Evaluate and obtain consent, where applicable OR Notice of Action Refused
- Conduct meeting to determine eligibility
- Develop IEP for eligible child
- NOTE: Referrals for children receiving services in the First Steps System

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## Initial Evaluation Process Agency Referral

- Regular Education Activities
- Referral Date
- Provide Notice of Action to Evaluate and obtain consent, where applicable
- Conduct meeting to determine eligibility
- Develop IEP for eligible child

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## Review of Existing Data

- Participants
- Contents
- Date conclusions and decisions are finalized
- Identify what additional data, if any, are needed
- Written Notice, no additional data needed, no consent required.
- Written Notice, additional data needed, no consent required
- Written Notice, consent required

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## Postsecondary Transition



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## Postsecondary Transition Planning in the IEP

- **QUESTION:** Why should we include a postsecondary transition plan in the IEP?
- **ANSWER:** To prepare students for life after high school.



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## Accountability is Important

- **SPP Indicator 1:** Graduation rate for students with disabilities will be  $\geq 78.5\%$  by the 2010/2011 school year.
- **SPP Indicator 2:** Dropout rate for students with disabilities will be  $\leq 3.8\%$  by the 2010/2011 school year.
- **SPP Indicator 13:** % of youth age 16+ with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the student's postsecondary goals will be 100% for the 2008/2009 school year.
- **SPP Indicator 14:** % of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. Target for this indicator is greater than or equal to 75.5% for 2010-2011 school year.

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## Idea Requirements - The Basics

Here is what IDEA says:  
§ 300.43 Transition services.

*Transition services* means a coordinated set of activities that—

- (1) Is in a results-oriented process  
Is focused on improving the child's academic and functional achievement  
Is designed to facilitate the child's movement from school to post-school activities,  
Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—  
Instruction;  
Related services;  
Community experiences;  
The development of employment and other post-school adult living objectives;  
If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

*Transition services* for children with disabilities may be:  
special education  
or related services

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## More Requirements

- A transition plan must be included in the IEP that is to be in effect when the child turns 16 and updated annually. IEP teams may decide to begin transition planning earlier to meet the needs of a particular child.
- The child must be invited to any IEP meetings at which postsecondary transition planning will be discussed. If the child cannot attend, the child's needs, preferences and interests should be documented.
- Representatives of agencies which may be able to provide transition services must be invited to the IEP meeting.

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## Monitoring for Postsecondary Transition

- **QUESTION:** How will school districts be monitored for compliance for postsecondary transition?
- **ANSWER:** DESE (and districts) will use the National Secondary Transition Technical Assistance Center (NSTTAC) indicator 13 checklist.

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## Summary of Performance

IDEA requires that a summary of the child's academic achievement and functional performance be provided when a child with an IEP graduates with a regular diploma or reaches the age of twenty-one.



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## Service Plans for Parentally Placed Private Students with Disabilities



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## Individualized Education Program (IEP)



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## IEP Team

- The parents of the child
- Regular education teacher\*
- Special education teacher\*
- LEA\*
- Individual who can interpret the instructional implications of evaluation results\*
- Other individuals who have knowledge or expertise regarding the child, including related services personnel as appropriate



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## Present Level of Academic Achievement and Functional Performance

- Consistent with evaluation/reevaluation results
- Changes in current functioning since the prior IEP
- Addresses how the disability affects involvement and progress in the general education curriculum
- For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities

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### Present Level of Academic Achievement and Functional Performance (cont.)

- Age appropriate transition assessments
- Addresses the strengths of the child and the concerns of the parents
- Added requirement: For children taking alternate assessments, a description of benchmarks or short-term objectives (the indicators allows for these to be in the PLAAFP or to be listed on the goals page of the IEP)

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### Measurable Goals

Measurable goals are designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability (Fed Regs 300.320 (2)(i)).

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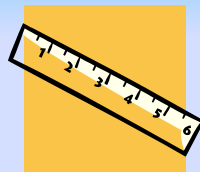
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### Writing Measurable Goals

- Address a skill or behavior
- Level of attainment



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## Special Education Services

- Specific special education service
- Amount of time
- Duration
- Location
- Frequency



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## Related Services

- Transportation
- Speech-Language Pathology services
- Audiology services
- Interpreting services
- Psychological services
- Physical and Occupational Services
- Recreation
- Counseling including rehabilitation counseling
- Orientation & Mobility services
- Medical services for diagnostic or evaluation purposes
- School Health services & school nurse services
- Social Work services
- Parent counseling and training



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## Supplementary Aids and Services

- Services and other supports that enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.

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## Modifications and Accommodations (Form F)

- Specific program modifications (examples):
  - » testing
  - » materials;
  - » discipline;
  - » classroom modifications;
  - » student tutors;
  - » nonacademic and extracurricular services
- Duration
- Location
- Frequency
- Description of the supports that will be provided

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## Extended School Year (ESY)

- Determined by the IEP team
- Determined on an individual basis to ensure that FAPE is provided.
- ESY services within the IEP must document:
  - the goals to be addressed,
  - the type and amount of special education and related services to be provided,
  - the frequency of the services,
  - the duration of the services,
  - the location of the services.



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## IEP Amendment

- Changes made to the IEP without an IEP meeting require an IEP amendment.



- The parent of the child with a disability and the public local agency must agree not to convene the IEP team meeting.

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## Break

- Take a 10 minute break!



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## The Rush for Knowledge

- The objective of this activity is to be able to access the appropriate resources for answering questions.



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## DISCIPLINE PROCEDURES

- Short Term Suspension
- Long Term Suspension
- Manifestation Determination
- Special Circumstances



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### Short Term Suspension (not a Change of Placement)

- 10 or fewer consecutive school days in the school year.
- 11<sup>th</sup> day of short-term suspensions
- Behavioral Intervention Plans (BIP's)
- In-School-Suspension

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### Long Term Suspension (Disciplinary Change of Placement)

- Child is removed in excess of 10 consecutive school days or
- Child is removed in excess of 10 days cumulatively and has been subjected to a series of removals that constitute a pattern of suspension.
- Case by Case Basis

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### Manifestation Determination

- School personnel must notify parents and hold a manifestation within 10 school days of a long term suspension
- Was the conduct in question caused by, or did it have a direct and substantial relationship to the child's disability?
- Was the conduct in question the direct result of the LEA's failure to implement the IEP?

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### Conduct Is Not Manifestation

- School personnel may apply relevant disciplinary procedures to students with disabilities in same manner and for same duration as for nondisabled students, EXCEPT
- IEP team determines services

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### Conduct is Found to be a Manifestation of the Disability

- Functional Behavior Assessment (FBA)
- Behavior Intervention Plan (BIP)
- Return the child to placement or
- The parent and LEA agree to change placement
- Conduct is result of the LEA's failure to implement the IEP

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### Special Circumstances

- 45 School Day Removal for Weapons/Drugs/Serious Bodily Injury
  - School personnel may remove student with a disability to an Interim Alternative Educational Placement (IAEP) without regard to whether behavior is determined to be manifestation of disability
  - On date decision is made to long-term suspend, LEA must notify parent of decision and provide procedural safeguards notice.
  - Conduct Manifestation Determination
  - Other Considerations
  - Stay Put

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## Complaint System

- Mediation
- Child Complaints
- Due Process

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## Discipline Scenarios

- Activity
- Collect Question Cards



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## Compliance Candy Challenge

- Activity



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## Question and Answers

- You may leave a card with your email contact and we will respond to your question if we do not answer at this point.

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## Thank You!

There are two ways to live a life. One is as though nothing is a miracle. The other is as though everything is a miracle!

By Albert Einstein



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