



NEW DIRECTORS' ACADEMY 2014

Special Education Compliance 201

July 24, 2014

Missouri Department of Elementary
and Secondary Education

Compliance Session Overview

2

BURNING QUESTIONS . . .

- Why do we do what we do?
- What are we supposed to do?
- When do we do it?
- How do we do it?
- And prove we've done it?



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As we start . . .



Why is Compliance Important?

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Compliance is the **FOUNDATION**
of your district's
Special Education Program

Process

Following all the
steps,
in the correct order,
within the timelines

Content

Implementing the IEP
as written and
documenting correctly
(Implementation and Evidence)

The “IEP” of SPED Compliance

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I Implementation

E Evidence

P Process



Learning Outcomes – SPED 201

6

After today's training, you will:

- ▣ Identify specific actions to develop efficient and effective compliance practices in your LEA
- ▣ Know the steps in the SPED process and the compliance requirements for each step
- ▣ Be able to apply your knowledge of compliance requirements and resources

Keep in Mind

- Speaking in acronyms
 - LEA = Local Education Agency
 - IEP = Individualized Education Program
- Common terminology (short-hand speak)
 - LEA = school district = responsible public agency
 - Parent = guardian = surrogate parent = age eligible student (18+ and own legal guardian)
- Wide-range of experience in the room



Don't Panic! We are here to help you.

The Legal Foundation of Special Education: Why We Do What We Do . . .



The IDEA

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Individuals with Disabilities
Education Act (IDEA)



Missouri State Plan
for Special Education



Local Compliance Plans
and
Assurance Statements



Federal Regulations



Standards and
Indicators Manual





Missouri State Plan for Special Education

*Regulations Implementing Part B of the
Individuals with Disabilities Education Act*



REVISED
December
2013

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION
Dr. Chris L. Nicastro
Commissioner of Education

Special Education Compliance Program Review Standards and Indicators



Missouri Department of Elementary and Secondary Education
Office of Special Education

Revised July 2014



Home Activity

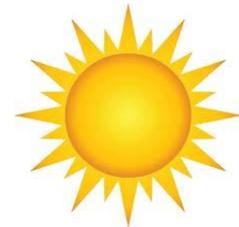
Assemble Standards & Indicators Manual

FERPA



12

- Protects the privacy of student educational records
- Applies to ALL students
- The rights generally transfer to the student at age 18
- Basis for the “Release of Information” process and “confidentiality” training for school staff
- NOT the same as *Missouri’s Sunshine Law*



Procedural Safeguards

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Explains the parent/guardian's rights under IDEA in regards to:

- Written Notice and Consent
- Independent Educational Evaluation
- Access to Records
- Confidentiality of Information
- Destruction of Records
- Parent Participation
- Mediation prior to filing due process
- Discipline
- Private School placement by Parents
- The Complaint System (Mediation, Child Compliant, Due Process, Civil Action)

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

Parent Bill of Rights

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- A Missouri state law requirement (162.850 RSMO).
- One page document that summarizes key parent/guardian rights contained in IDEA
- LEAs must provide to parents when:
 - a child is determined eligible for special education services or,
 - when an initial Individualized Education Program (IEP) is developed and,
 - whenever the Procedural Safeguards Notice is provided to parents

General Supervision

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Program Evaluation

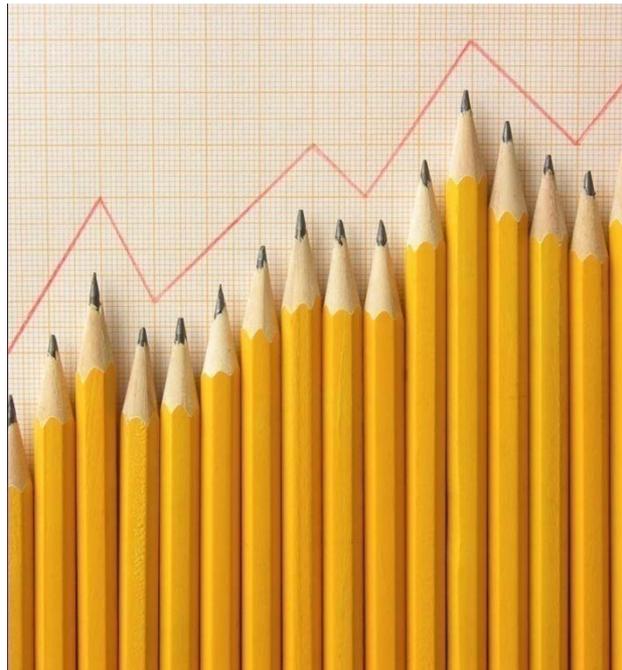
State Performance Plan (SPP)

- Graduation and Dropout rates
- State Assessments
- Discipline
- Least Restrictive Environment
- ECSE
- Disproportionate Representation
- Evaluation timelines
- Part C to B timelines
- Transition
- Post-high school Outcomes

Program Monitoring

Annual and Cyclical Reviews

- Disproportionality
- Discipline
- Annual Determinations
- SPED Profiles
- HQT
- Cohort Monitoring



Questions About...

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- IDEA
- FERPA
- Procedural Safeguards
- Parent's Bill of Rights
- General Supervision



SPED Through the School Year



What are we supposed to do?

When do we do it?

How do we do it?

And prove we've done it?

JULY 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Prior to and During the Beginning of the School Year

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- The 500's and 550's
 - Transfer Students
- The 100's
 - Personnel Standards
 - Beginning of Year Trainings/Procedures
- The 200's
 - Compliance Procedures



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Transfer Students: Ensuring a smooth transition to their new school . .



Initial Contact / Enrollment Paperwork

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- Train staff who process new enrollees to the district
 - “Trigger” words
- Check enrollment forms
 - Common language
- Staff must **LOOK, LISTEN**
and **ASK**



Gaining information

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Records

Receiving School: Request within two (2) days of enrollment

Sending School: Send within five (5) business days of receiving request for records



Interview

Receiving School: Talk with parents and staff from sending school

Sending School: Share information about student's evaluation and IEP

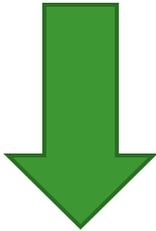


Beginning the Transfer Process

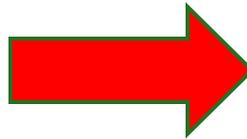
23

Is there reason to suspect that the new student is a student with a disability based on enrollment paperwork, interviews and/or student records?

Yes



No



Enroll the student in general education following district policies

Is the student transferring from In-State or Out-of-State? Be sure to use the correct form so that you follow the required compliance procedures for the type of transfer of your student

Plan to Provide FAPE

- IDEA requires that students with IEP's receive FAPE
- IDEA requires that, if an IEP is received at enrollment and there is a delay in accepting or rejecting that IEP OR if the IEP is rejected and there is a delay in developing a new annual IEP, the public agency in consultation with the parent must provide FAPE to the child including services comparable to those in the previous IEP

Decisions about the IEP

25

Accept = Implement
EXACTLY

NO IEP
Amendment
to Transfer
IEP's



Reject = provide
comparable services
until new annual IEP
is developed

NO Interim
IEP

<District Name>
IDEA IN-STATE Transfer Student

DOCUMENTATION FORM

REFER TO THE SPECIAL EDUCATION PROGRAM REVIEW: COMPLIANCE STANDARDS AND INDICATORS MANUAL, TRANSFER PROCEDURES SECTION, FOR A COMPLETE EXPLANATION OF REQUIRED DOCUMENTATION.

Student Name	Date of Birth	Grade
Date of Enrollment (m/d/y)	Date of student's first day of school attendance or first day of school if transfer occurs prior to the beginning of school year (m/d/y):	

Previous School

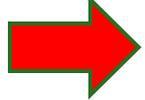
Name of School District	Building	
Address		
City	State	Zip
Phone	Fax	

Records Request: *State and federal regulations require that when a student with a disability transfers from one school in the state to another school district in Missouri the new school in which the child enrolls shall*

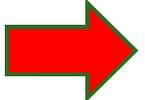
No Evaluation Report and No IEP

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Did a review of information on enrollment form indicate the student was receiving or had previously received special education services?

Yes  No  Enroll in general ed

Did interviews indicate there is any reason to suspect that the student has a disability?

Yes  No  Enroll in general ed

Handled *differently* for in-State and out-of-State

If Evaluation Report Received within 30 days of Enrollment

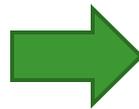
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Is the evaluation report compliant and does it contain all information to determine eligibility in Missouri?

Reject



Accept



In- State:

Initiate **reevaluation**

Must provide comparable services until eligibility is determined

Out-of-State:

Initiate **initial** evaluation

May provide comparable services until eligibility is determined

In-State:

Develop annual IEP ASAP

Must provide comparable services if any delay

Out-of-State:

Develop annual IEP ASAP



Where the student transfers from makes a difference!

Activity



Transfer Student Scenarios

Personnel Standards: Ensuring high quality staff for students. . .



Paraprofessionals: Credentials and Training Requirements

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□ Credentials (Indicators #: 100.240-100.270)

Type of Building	Type of Assignment	Required Credentials
Buildings NOT designated as Title I School-wide (building) projects	Any paraprofessional duties	<ul style="list-style-type: none"> • High School Diploma • GED
Buildings designated as Title I School-wide (building) Projects	Any instructional support activity	<ul style="list-style-type: none"> • 60 college hours • An Associate Degree • Passed the state's paraprofessional test
Buildings designated as Title I School-wide (building) Projects	Personal assistance activities	<ul style="list-style-type: none"> • High School Diploma • GED

□ Training (Indicator #: 100.280)

Length of Time Employed as a Paraprofessional	Training Required
Within the first calendar year of employment	Orientation + 15 clock hours of training related to assignment
All subsequent years of employment	10 clock hours of training related to assignment
NOTE: This training requirement does NOT apply to paraprofessionals who hold teaching certificates	

LEA Options for Providing Speech/Language Services

SLP

- Speech/Language Pathologist
- Must be licensed through the State Board of Healing Arts
- May also be certificated through DESE

SLP-A

- Speech/Language Pathology Assistant
- Licensed through the State Board of Healing Arts
- Supervised by SLP
- Permanent delivery model

SI

- Speech Implementer
- Certificated teacher approved by DESE
- Supervised by SLP
- Requires ANNUAL approval from DESE

Compliance Procedures: Creating your “To Do List” for the coming school year. . .



State Board Operated Programs (SBOP)

34

- **Missouri School for the Blind (MSB)** located in St. Louis
- **Missouri School for the Deaf (MSD)** located in Fulton
- **Missouri Schools for the Severely Disabled (MSSD)** located throughout the state

Child Find

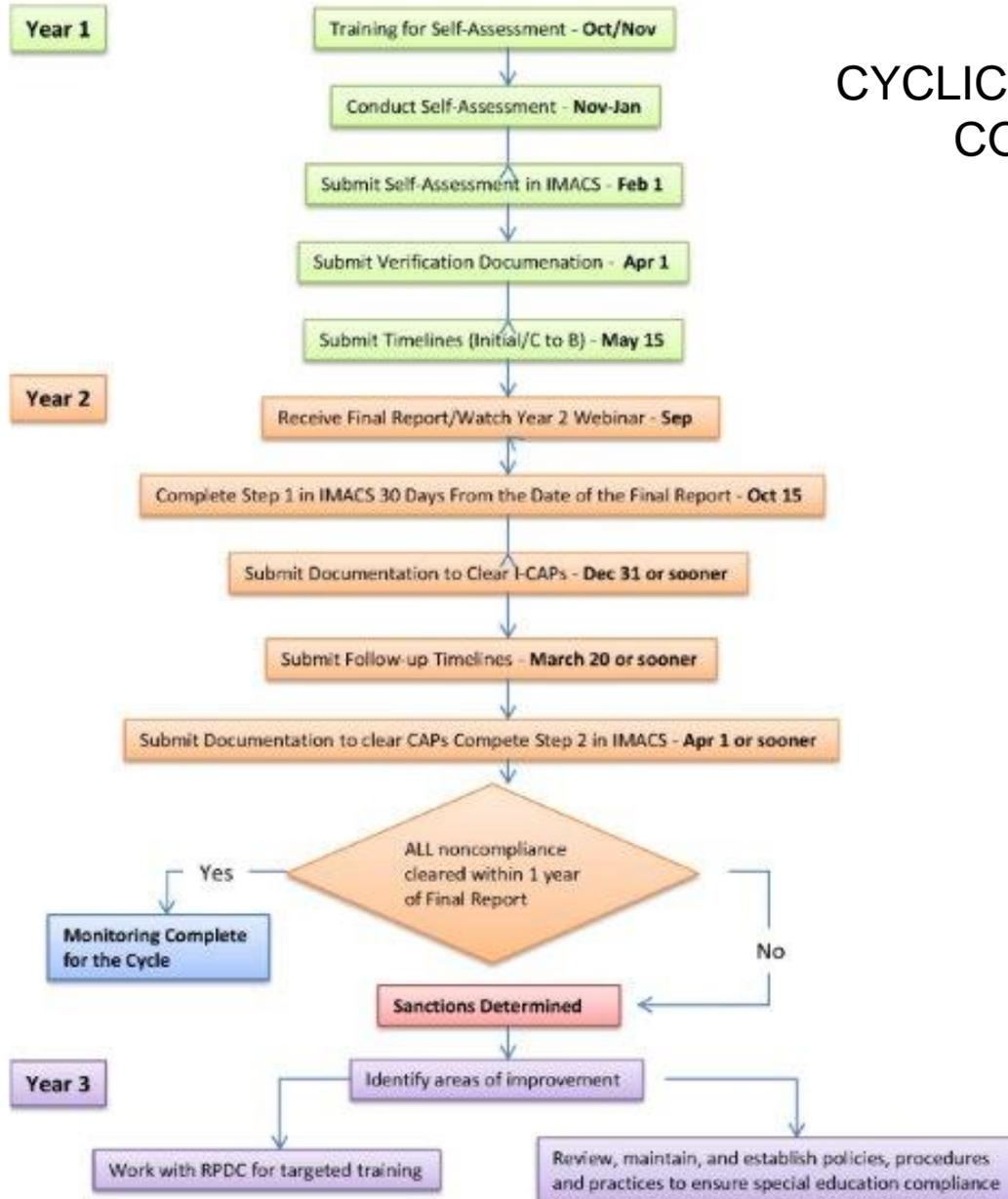
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- How publicized
 - Published in newspaper or on LEA website and on radio or TV
 - Included in LEA handbook, newsletter or flier
 - Posted in all administrative offices
- When publicized
 - By November 1 of each school year
- What is included
 - The agency's responsibility to identify, locate, and evaluate children with disabilities including private, parochial or home schooled children ages 3-21.
 - Can use State model public notice



TIERED MONITORING TIMELINE

LEA's Timeline



CYCLICAL
COMPLIANCE
MONITORING

Break

37

- Take a 10 minute break!



Plan for Known Timelines

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- Three Year Reevaluations
- Annual IEP Reviews



Reevaluation

At least once every three years – **CANNOT** be extended

10/23/10

10/23/13



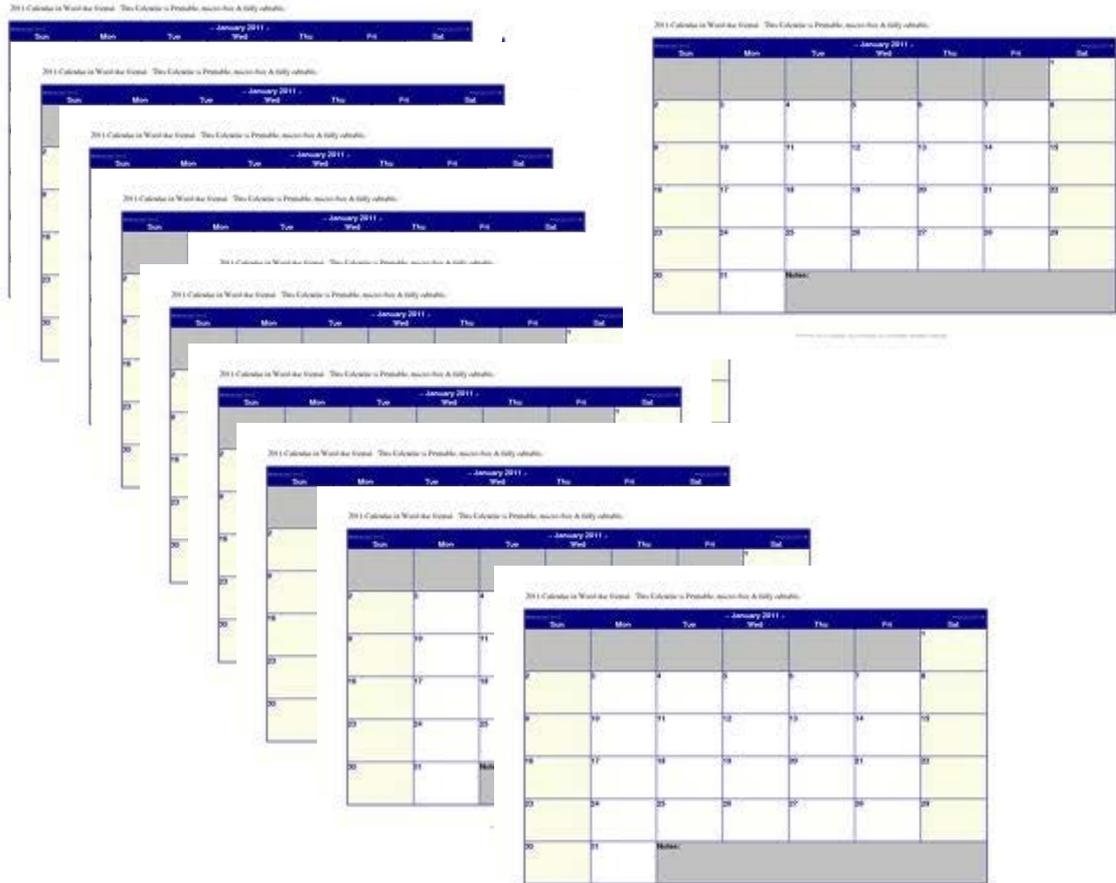
Three years = 36 months = 1095 days = 3 years + 0 days

At least once annually – **CANNOT** be extended

10/23/11 → 10/23/12

2011 Calendar is used for IEP. This calendar is provided, accessible & fully usable.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	HOLIDAY			



Notification of Meeting (NOM)

- Why is it important?
 - Provides notification of the purpose of the meeting
 - Provides details about the meeting (when/where/who)
 - Provides procedural safeguards information
 - Provides the parent enough time to make arrangements to participate in the IEP meeting if they so chose
 - Provides documentation of following the process for compliance with IDEA





Activity

Notification of Meetings – Planning Ahead

43

Start of School Trainings/Procedures: Ensuring Confidentiality for students



Questions About...

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- Transfer Students
- Personnel Standards
- Compliance Procedures
- Start of School Trainings/Procedures



By Beginning of Winter Break

September 2013						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labor Day	3	4	5 Rosh Hashanah	6	7
8 Grandparents Day	9	10	11	12	13	14 Yom Kippur
15	16	17	18	19	20	21
22 Autumnal equinox	23	24	25	26	27	28
29	30					
<small> August 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 October 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 Notes: </small>						

October 2013						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 Columbus Day	15	16	17	18	19
20	21	22	23	24 United Nations Day	25	26
27	28	29	30	31 Halloween		
<small> September 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 November 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 Notes: </small>						

November 2013						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3 Daylight Savings	4	5	6	7	8	9
10	11 Veterans Day	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28 Thanksgiving Chanukkah	29	30
<small> October 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 December 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 Notes: </small>						

December 2013						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21 Dec. Solstice
22	23	24 Christmas Eve	25 Christmas Day	26 Kwanzaa begins	27	28
29	30	31 New Year's Eve				
<small> November 2013: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 January 2014: S M T W Th F Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 Notes: </small>						

By the Beginning of Winter Break

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- The 100's
 - Private / Parochial / Home Schooled
 - Independent Educational Evaluations (IEE)
 - Educational Surrogates



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Private/Parochial/Homeschooled: Providing support to students with disabilities. . .



Service Plans - Not an IEP!

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- Each parentally placed private school child with a disability who has been designated to receive special education and/or related services must have a services plan.
- The services plan describes the specific special education and/or related services that the LEA will provide to the child.
- The LEA must ensure that a representative of the private school attends each meeting to develop the services plan.

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Independent Educational Evaluations: Getting a second opinion. . .



Activity



Responding to a Request for an IEE

Educational Surrogates Looking Out for the Student's Best Interests. . .



Questions About...

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- Private / Parochial / Home Schooled
- Independent Educational Evaluations (IEE)
- Educational Surrogates



JANUARY						
SUN	MON	TUE	WED	THU	FRI	SAT
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

2014

FEBRUARY						
SUN	MON	TUE	WED	THU	FRI	SAT
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	1
2	3	4	5	6	7	8

2014

MARCH						
SUN	MON	TUE	WED	THU	FRI	SAT
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	4	5	6	7	8

2014

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By Beginning of Spring Break

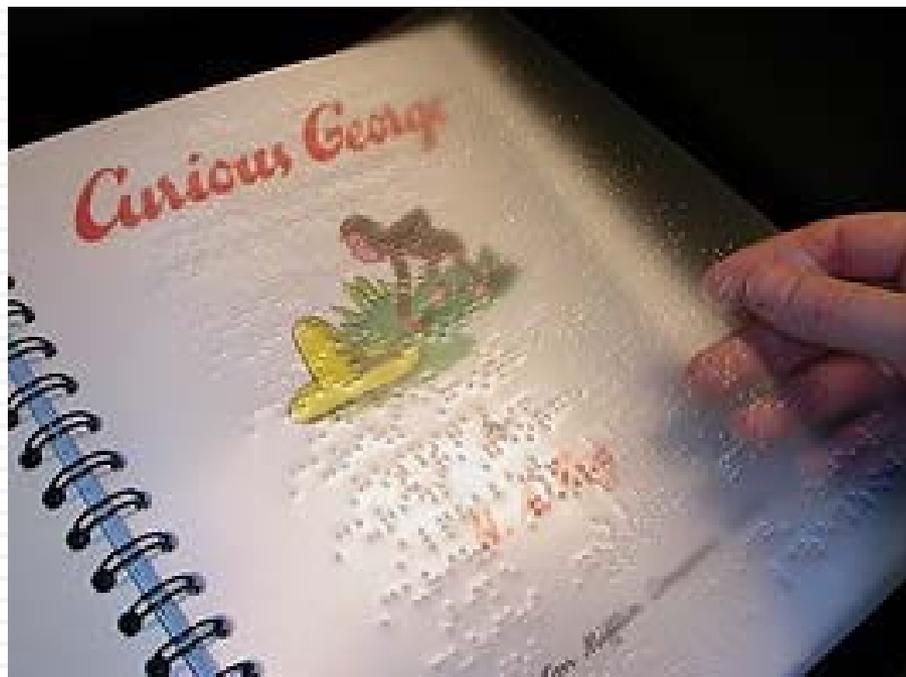
By the Beginning of Spring Break

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- The 100's
 - ▣ National Instructional Materials Accessibility Standards (NIMAS)
 - ▣ National Instructional Materials Center (NIMAC)
- The 200's
 - ▣ Extended School Year (ESY)
 - ▣ MAP / MAP-A



NIMAS / NIMAC: Ensuring Accessible Materials. . .



Extended School Year (ESY): Ensuring Students Maintain Skills Over Breaks. . .



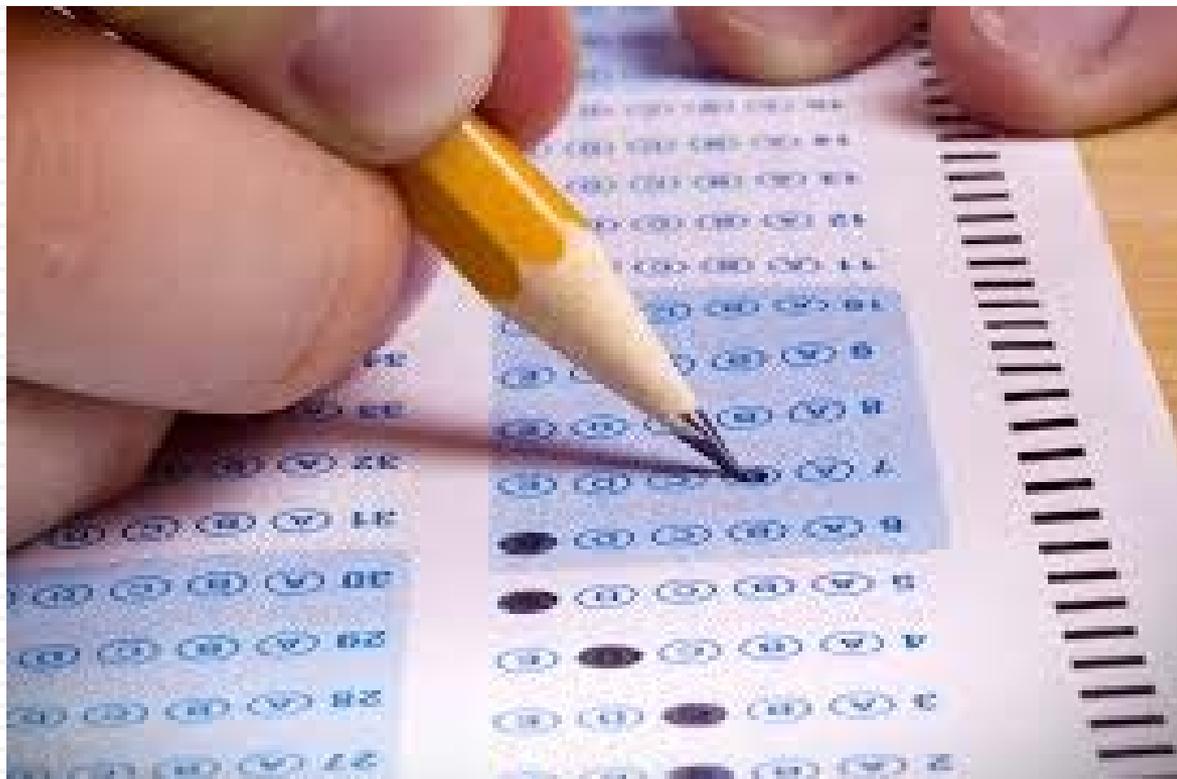
Extended School Year (ESY)

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- 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

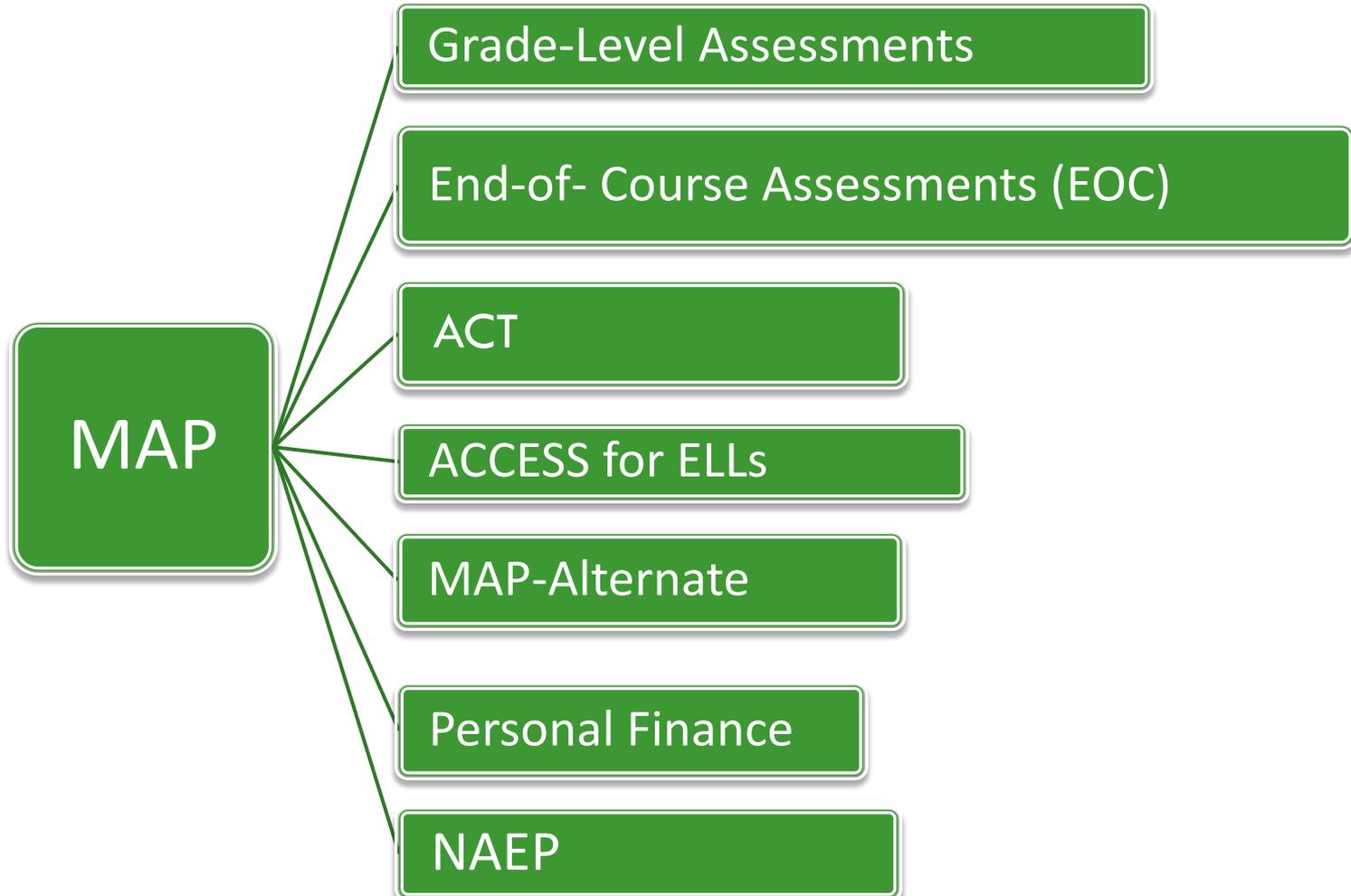
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MAP / MAP-A . . . Measuring Student Progress



Overview of the MAP

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MAP-A: Fiction vs. Fact

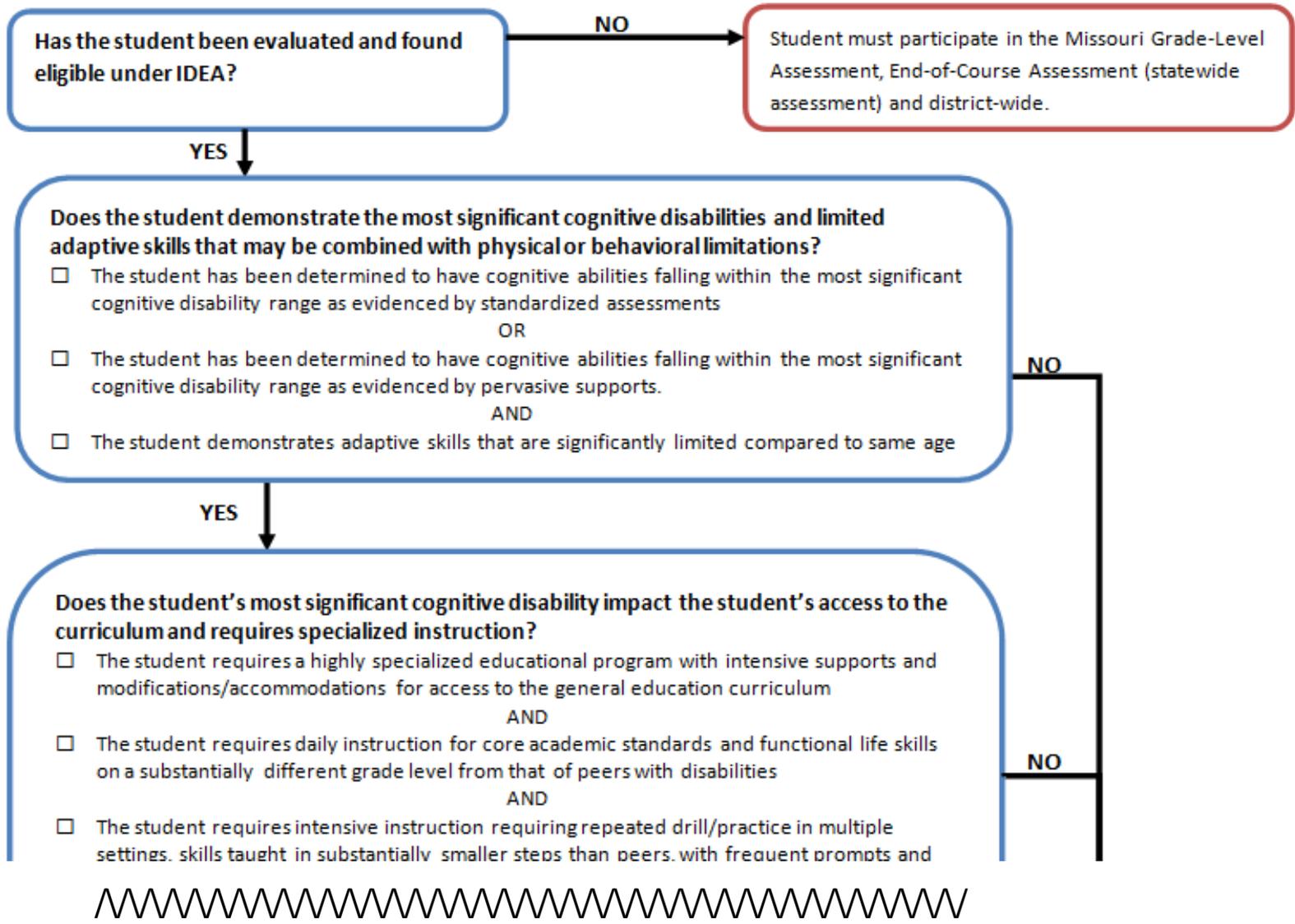
FICTION

- Any student who would score poorly on the MAP should take the MAP-A
- Only 1% of students in the district or state can participate in the MAP-A
- When an LEA exceeds the 1%, individual student scores and reports are changed

FACT

- Only student with the most significant cognitive disabilities who meet the eligibility criteria should take the MAP-A
- ALL eligible students can participate in the alternate assessment
- The 1% rule applies ONLY for accountability purposes NOT participation

Missouri Alternate Assessment Decision Making Flow Chart



FLOW CHART

Alternate assessment participation is determined by the student’s IEP team, using the criteria established by the Department of Elementary and Secondary Education. **The IEP team for a student with a disability MUST answer “YES” to ALL of the following eligibility criteria in order for the student to be eligible to participate in | the Missouri Alternate Assessment.** Please refer to the Missouri Alternate Assessment Decision Making Guidance Document for additional guidance in determining eligibility for the alternate assessment.

Missouri Alternate Assessment Decision Making Checklist		
ELIGIBILITY CRITERIA		
1. Student has been evaluated and found eligible under IDEA.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<ul style="list-style-type: none"> • The student has an identified disability under IDEA. • The student has an Individualized Education Plan. 		
2. The student demonstrates the most significant cognitive disabilities and limited adaptive skills that may be combined with physical or behavioral limitations.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<ul style="list-style-type: none"> • The student has been determined to have cognitive abilities falling within the most significant cognitive disability range as evidenced by standardized assessments <li style="text-align: center;">OR • The student has been determined to have cognitive abilities falling within the most significant cognitive disability range as evidenced by pervasive supports. <li style="text-align: center;">AND • The student demonstrates adaptive skills that are significantly limited compared to same age peers. 		
3. The most significant cognitive disability impacts the student’s access to the curriculum and requires specialized instruction.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<ul style="list-style-type: none"> • The student requires a highly specialized educational program with intensive supports and modifications/accommodations for access to the general education curriculum <li style="text-align: center;">AND • The student requires daily instruction for core academic standards and functional life skills on a substantially 		



CHECKLIST

Missouri Alternate Assessment Decision Making Guidance Document

An IEP team may use the following guidance for each participation criterion to assist in the decision making process for determining eligibility for participation in alternate assessments. It is important to remember appropriate decisions should not be based upon one isolated factor, but based upon a more longitudinal and overall analysis of the student’s educational performance as compared to each of the participation criterion.

1. The student has been evaluated and found eligible under IDEA.

Only students who have been identified under the Individuals with Disabilities Education Act (IDEA) are eligible to participate in the alternate assessment. Students who only have a medical diagnosis or a 504 plan are NOT eligible to participate in the alternate assessment.

The IEP team for eligible students must make an individualized decision regarding the student’s participation in either the regular assessment or alternate assessment using the Missouri Alternate Assessment Decision Making Checklist or Flowchart. This decision must be documented in the IEP.

2. The student demonstrates the most significant cognitive disabilities and limited adaptive skills that may be combined with physical or behavioral limitations.

While there is no one method of determining if a student demonstrates the most significant



GUIDANCE DOCUMENT

Determining Eligibility for MAP-A

Any “NO” Criterion = NOT eligible to participate in the alternate assessment

All “YES” Criterion = ELIGIBLE to participate in the alternate assessment

Documenting MAP on the IEP: Special Considerations

2. Special Considerations: Federal and State Requirements

Note: For the first six items below, if the IEP team determines that the child needs a particular device or service (including an intervention, accommodation, or other program modification) information documenting the team's decision regarding the device or service must be included in the appropriate section of the IEP. These must be considered annually.

Is the student blind or visually impaired?

No



State Assessments

IDEA requires students with disabilities to participate in the following state assessments.

- ACCESS for ELLs is the annual English Language Proficiency assessment for ELL students in grades K-12.
- Grade-Level Assessment is administered in grades 3-8.
- MAP-A is administered in grades 3-8 and 10-11. For eligibility criteria for MAP-A see: http://www.dese.mo.gov/divimprove/assess/MAP_A/eligibility_criteria_10_07.pdf
- End of Course Exams are administered to secondary students who have completed course level expectations or who are graduating or exiting secondary school due to age limits without completing course level expectations.



Does this student's grade placement or course of study during the time this IEP is in effect require consideration of participation in state assessments?

No

Yes. If yes, **Complete Form D.**

District-wide Assessments

Are there district-wide assessments administered for this student's age/grade level (refer to the District Assessment Plan)?

No

Yes. If yes, **Complete Form E.**

Form D-Part 1: State Assessments

<u>Grade-Level Assessment: Students in Grade 3-8</u>	<u>EOC: Students in Grades 9-12 or, if appropriate, Grade 8</u>
<p><input type="checkbox"/> The student will participate in the Grade-Level Assessment.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Without accommodations <input type="checkbox"/> With accommodations (complete Part 2)</p> <p><input type="checkbox"/> The student has been determined eligible for and will participate in the MAP-Alternate (MAP-A); therefore, is excluded from Grade-Level Assessment participation. (complete Part 4)</p>	<p><input type="checkbox"/> The student will participate in DESE End of Course (EOC) Assessments. (*See Note 1 below)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Without accommodations <input type="checkbox"/> With accommodations (complete Part 2)</p> <p><input type="checkbox"/> The IEP team has determined the student will participate in the following LEA EOC Assessment(s): (*See Note 2 below)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Without accommodations for <input type="checkbox"/> Geometry <input type="checkbox"/> Algebra II <input type="checkbox"/> English I <input type="checkbox"/> American History</p> <p style="margin-left: 40px;"><input type="checkbox"/> With accommodations for (complete Part 2) <input type="checkbox"/> Geometry <input type="checkbox"/> Algebra II <input type="checkbox"/> English I <input type="checkbox"/> American History</p> <p><input type="checkbox"/> The IEP team has determined the student is exempt from the following additional LEA EOC Assessment(s): <input type="checkbox"/> Geometry <input type="checkbox"/> Algebra II <input type="checkbox"/> English I <input type="checkbox"/> American History</p> <p><input type="checkbox"/> The student has been determined eligible for and will participate in the MAP-Alternate for grade 11 (MAP-A); therefore is excluded from EOC participation. (complete Part 4)</p>
<p><u>National Assessment of Educational Progress (NAEP)</u> <u>Grades 4, 8, and 12</u> (*See Note 3 below)</p> <p><input type="checkbox"/> The student will participate in the NAEP (if selected).</p> <p style="margin-left: 20px;"><input type="checkbox"/> Without accommodations <input type="checkbox"/> With accommodations</p> <p><input type="checkbox"/> The student has been determined eligible for and will participate in the MAP-Alternate (MAP-A); therefore, is excluded from NAEP participation.</p>	<p style="text-align: center;"><u>ACT®: Students in Grade 11</u></p> <p><input type="checkbox"/> The student will participate in the ACT®</p> <p style="margin-left: 20px;"><input type="checkbox"/> Without accommodations <input type="checkbox"/> With accommodations (complete Part 3)</p> <p><input type="checkbox"/> The student has been determined eligible for and will participate in the MAP-Alternate for grade 11 (MAP-A); therefore is excluded from ACT® participation. (complete Part 4)</p>
<p><u>ACCESS FOR ELLS; K-12 students that are identified for ELL services and enrolled in a Missouri public school or charter school</u> (*See note 4 below)</p> <p><input type="checkbox"/> Student will participate in the ACCESS FOR ELLS.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Without accommodations <input type="checkbox"/> With accommodations (complete Part 5)</p>	

***NOTES:**

1.) DESE Required EOC Assessments: Algebra I, Biology, English II, Government, and Algebra II (if Algebra I was taken prior to grade 9 beginning with students graduating in 2016). All students with disabilities except those eligible for MAP-A must take the required EOC Assessments. School personnel make the decision regarding when a student will take the required assessments. Students generally take the assessment when they have completed the course level expectations, but students with disabilities must take the assessments prior to graduation or exiting secondary school due to age limits, whether they have

Form D MUST Match Form F

All accommodations selected on Form D
MUST MATCH
those selected for the student on Form F



Activity



Form D and Form F – Making Them Match

Questions About...

69

- National Instructional Materials Accessibility Standards (NIMAS)
- National Instructional Materials Center (NIMAC)
- Extended School Year (ESY)
- MAP / MAP-A



April 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
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May 2014

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
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June 2014

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
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70

By End of School Year

By the End of the School Year

71

- The 100's
 - ▣ Contractual Services / Approved Private Agencies
 - ▣ Destruction of Records
- The 200's
 - ▣ Summary of Performance
 - ▣ Graduation / Notice of Action
 - ▣ Graduation / NOA



Contractual Services: Providing Services When the LEA is Unable. . .



73

Destruction of Records: Getting Rid of Out-of-Date Paperwork. . .



74

Transitioning out of High School



Summary of Performance (SOP)

- Indicator 200.1320
- Required when a student's eligibility for IDEA terminates by
 - Graduating from High School
 - Exceeding the age of 21
- Must include a summary of academic and functional performance AND recommendations for how to assist the student in meeting post-secondary goals
- Provided to the student
 - Not more than 60 prior to expected date of eligibility termination OR
 - Not more than 30 days after eligibility has terminated

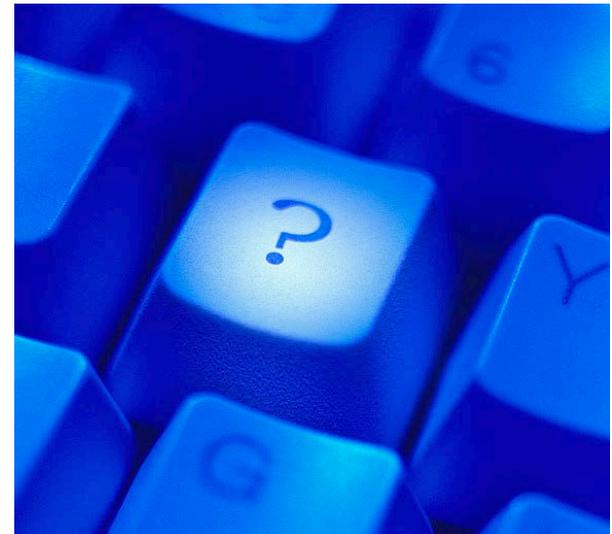
Prior Written Notice of Action: Graduation or Reaching Age 21

- Indicator 200.1180
- Required because eligibility for IDEA is changing
 - Student will NO LONGER be eligible for special education
- MUST be provided at least 10 days prior to expected date of graduation or 21st birthday of the student
 - Parent CANNOT waive the 10 day waiting period

Questions About...

77

- Contractual Services / Approved Private Agencies
- Destruction of Records
- Summary of Performance
- Graduation / NOA



END of First Compliance Session

78

ANY LAST MINUTE BURNING QUESTIONS . . .

- Why do we do what we do?
- What are we supposed to do?
- When do we do it?
- How do we do it?
- And prove we've done it?





NEW DIRECTORS' ACADEMY 2014

Special Education
Compliance 201

WELCOME BACK!

July 24, 2014

Missouri Department of Elementary
and Secondary Education



2013 YEAR CALENDAR

JANUARY							FEBRUARY							MARCH							APRIL								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
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20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23	21	22	23	24	25	26	27		
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														31															
MAY							JUNE							JULY							AUGUST								
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19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24		
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							30																						
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER								
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8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14		
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21		
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28		
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31						

80

24 / 7 / 365 (Everyday!)

24 / 7 / 365 (Everyday!)

81

- The 200's
 - Prior Written Notice
 - Evaluations
 - IEPs



Prior Written Notice (NOA):
Notification of proposed changes. . .



Triggers for Prior Written Notice

- Written notice must be given to parents a **reasonable** time before the responsible public agency:
 - Initiates or changes:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student
 - Refuses to initiate or change:
 - the identification, evaluation, educational placement of the student
 - the provision of a free appropriate public education of the student

NOA must be provided no less than **10 days** prior to the proposed action

Exception #1

Disciplinary change of placement need not follow the 10-day guideline due to the stay-put provision



Exception #2

If the parent has agreed to a change through the amendment process and a signature has not been obtained, the school district should document the date the agreement was obtained and implement the change immediately.

Parent Revocation of Consent

85

- Regulations allow parents to revoke consent for a special education evaluation as well as special education and related services.
- Request in writing
- Notice of Action terminating services
- No reevaluation required

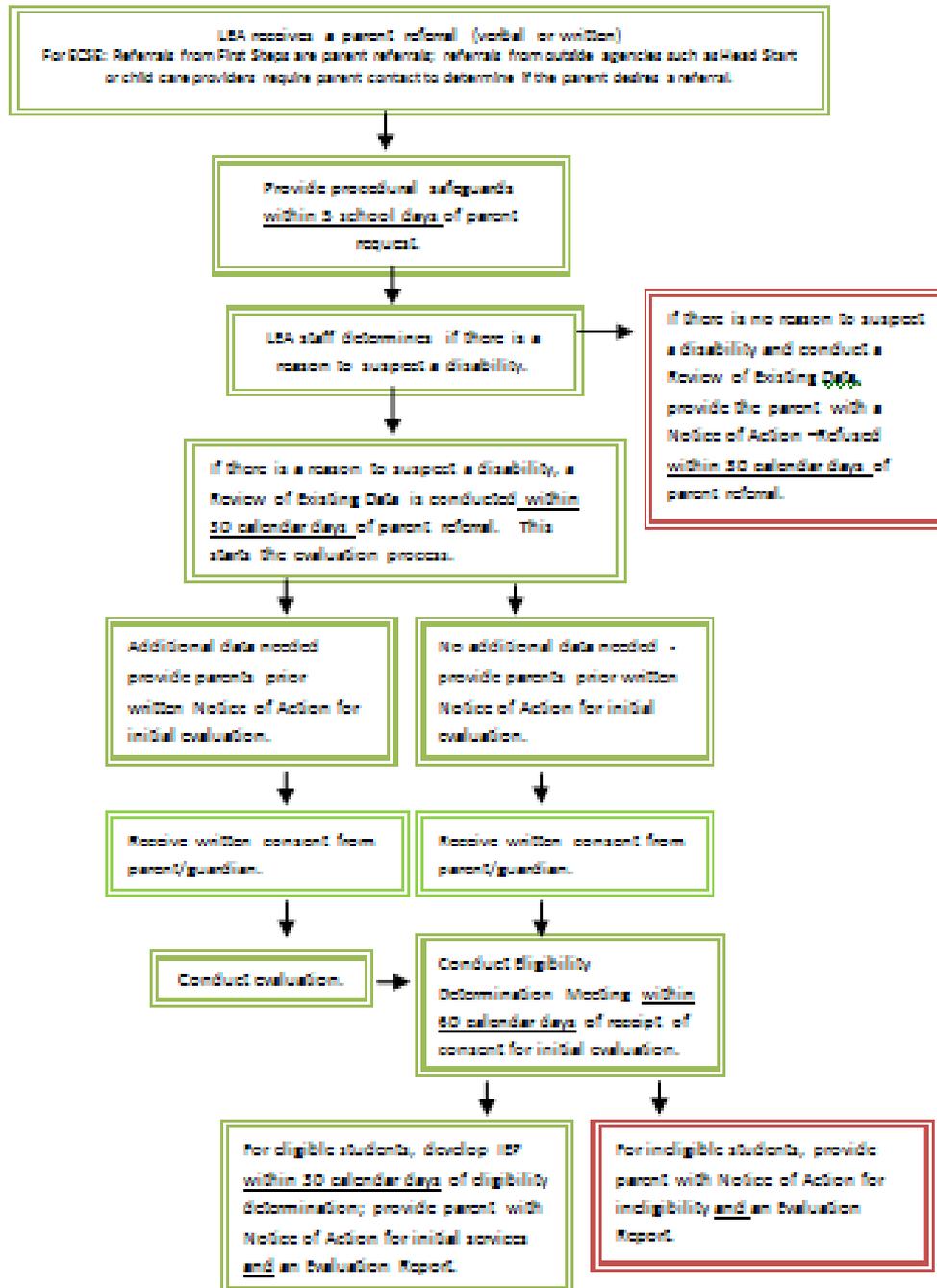


The Referral and Evaluation Process:

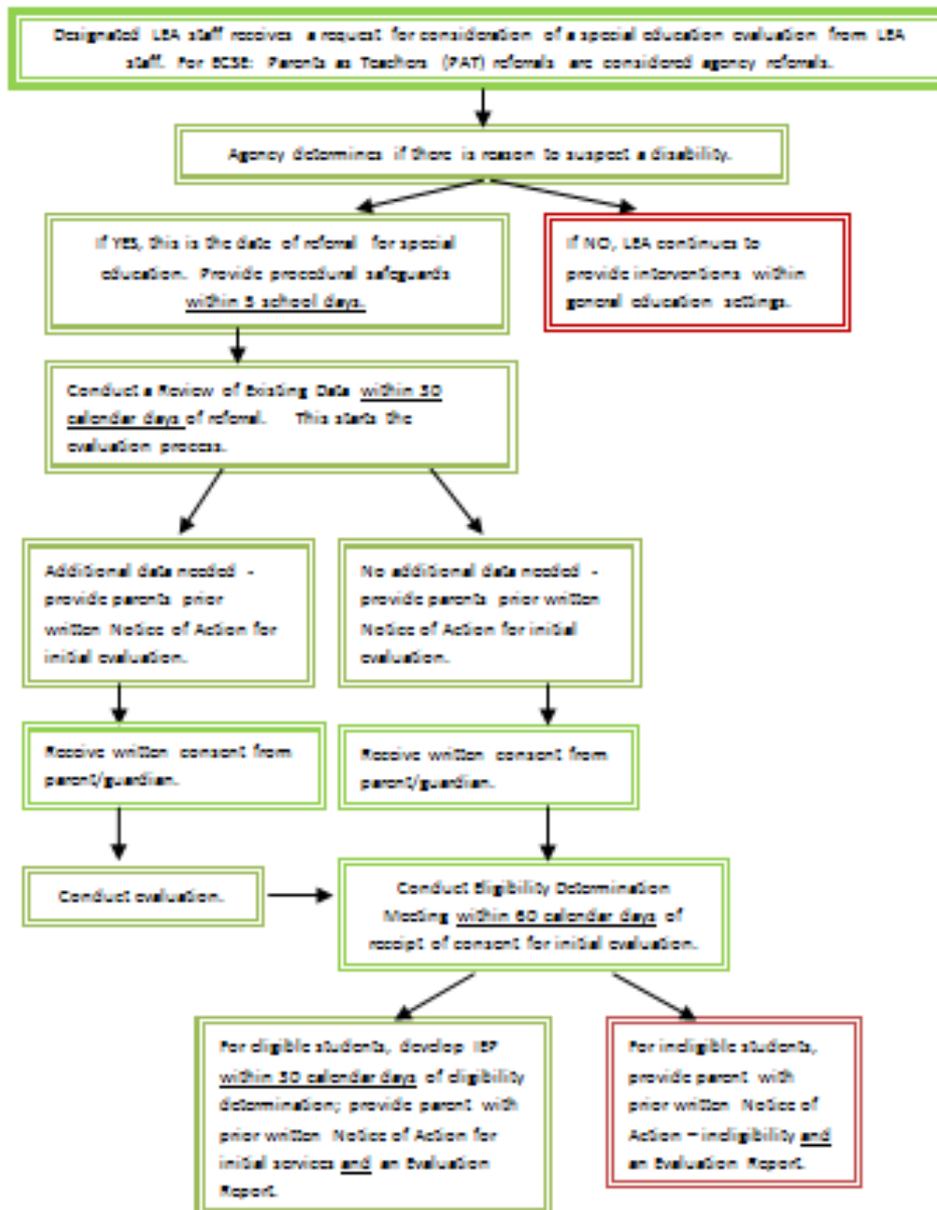
Taking a CLOSER Look . . .



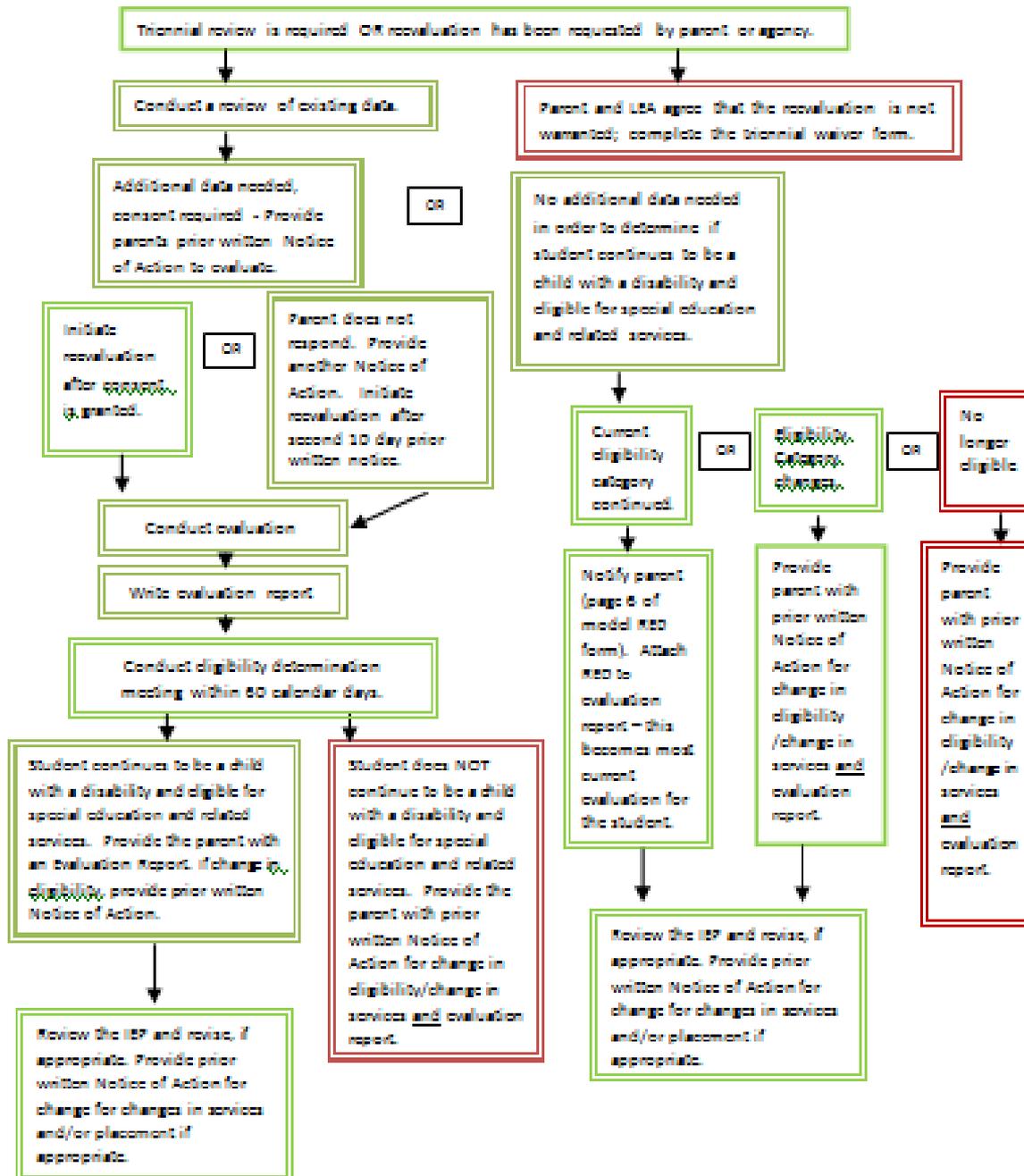
Initial Evaluation Process – PARENT REFERRAL Flow Chart



Initial Evaluation Process – AGENCY REFERRAL Flow Chart



REEVALUATION Process Flow Chart



Review of Existing Data (RED)

90

- Participants
- Meet in person or confer
- Contents
- Date conclusions and decisions are finalized
- Identify what additional data, if any, are needed
- Prior Written Notice



Review of Existing Data Documentation Form

Student's Name: _____ School District: _____

Date of Birth: _____ Age: _____ Grade: _____

Current Eligibility Category (for reevaluation ONLY): _____

Date of Referral (either for initial evaluation OR parent referral for reevaluation): _____

Date Review of Existing Data Decision is Finalized: _____

This data review is being conducted as part of:

- an initial evaluation
- a required three year reevaluation
- Other: _____

IEP team members and other qualified professional, as appropriate

- met
- conferred

to review all relevant existing evaluation information in order to determine what additional data, if any, was needed to determine:

1. Whether the child has a particular category of disability or, in the case of a reevaluation, whether the child continues to have a disability.
2. The present levels of performance and educational needs of the student.
3. Whether the child needs special education and related services, or in the case of a reevaluation, whether the child continues to need special education and related services.
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

<input type="checkbox"/> Intellectual/Cognitive: a student's general mental abilities including learning rate, specific strengths and weaknesses, and sensory perceptual learning processes.		
<input type="checkbox"/> Previous assessments		
<input type="checkbox"/> Medical reports		No Concerns
<input type="checkbox"/> School records		
<input type="checkbox"/> Teacher		
<input type="checkbox"/> Parent		
<input type="checkbox"/> Other		
Further Assessment Information Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Assessment instruments, if known	

Tips for Completing the RED

USE DESCRIPTIVE TERMS – NOT “NO CONCERNS”

COMPLETE EVERY SECTION – DON'T LEAVE ANYTHING BLANK

Team Conclusions and Decisions

Based upon the Review of Existing Data the Team made the following decisions:

<input type="checkbox"/> ADDITIONAL DATA IS NEEDED:	OR	<input type="checkbox"/> NO ADDITIONAL DATA IS NEEDED:
If checked, choose type of evaluation. ↓		If checked, choose type of evaluation. ↓
<input type="checkbox"/> For Initial Evaluation <i>MUST provide parent with prior written Notice of Action for intent to evaluate and provide a description of the areas to be assessed and the tests to be administered, if known. Parental consent is required to initiate the evaluation.</i>		<input type="checkbox"/> For Initial Evaluation <i>MUST provide parent with prior written Notice of Action <u>and</u> obtain Parental consent <u>and</u> provide an Evaluation Report that includes an eligibility determination based on the Review of Existing Data.</i>
OR		OR
<input type="checkbox"/> For Reevaluation: Additional data will be collected by administering assessment instrument(s) requiring written parental consent. <i>MUST provide parent with prior written Notice of Action for intent to evaluate and provide a description of the areas to be assessed and the tests to be administered, if known. Parental consent is required to initiate the evaluation.</i> <i>However, IF parent does not respond to two attempts by the public agency to provide prior written Notices of Action for intent to reevaluate, the public agency can proceed with reevaluation after the second 10 day waiting period if the parents do not file for due process.</i>		<input type="checkbox"/> For Reevaluation: (<u>MUST</u> select one reason below) <input type="checkbox"/> The current Identification of (disability and sub-areas within disability) _____ <u>continues</u> to be appropriate and sufficient information exists on which to base educational decisions. MUST complete "Parent Notification Regarding Results of Review of Existing Data Documentation Form" (page 6 of the RED form) to provide prior written notice. OR <input type="checkbox"/> Sufficient information exists on which to base the decision that (name of student) _____ does not continue to show evidence of the disability indicated in the initial or most recent evaluation and does

Eligibility Determination: Criteria for Special Education in Missouri

94

- Standards and Indicators Manual, 600 through 2100
- Teams must follow criteria for determining eligibility
- Some options in MO:
 - Professional judgment (SLD, Language Impairment, Sound System Disorder, TBI, and YCDD)
 - Use of Rtl or Discrepancy (SLD)
 - Use of YCDD category



Activity



Evaluation Timeline: How to Count to 60

Evaluation Reports

96

- Summary of all reviews of data, assessments, observations
- Must be provided to parents within a reasonable period of time (generally 20 days) after the eligibility determination
- Must include basis for determination and supporting data/information
- Must include names and roles of individuals making the eligibility determination
- **NEW** Model Evaluation Report



Exclusionary Statements Required for All Evaluation Reports

97

The disability is not the result of:

- A lack of appropriate instruction in math or limited English proficiency
- A lack of appropriate instruction in reading including the essential components of reading instruction which includes:
 - Phonemic awareness
 - Phonics
 - Vocabulary development
 - Reading fluency including oral reading skills
 - Reading comprehension strategies

Activity



Exclusionary Statements

99

The IEP Process: a TEAM approach to planning . . .



IEP Team

100

- The parents of the child
- LEA*
- Regular education teacher*
- Special education teacher*
- Individual who can interpret the instructional implications of evaluation results*
- Other individuals who have knowledge or expertise regarding the child
- The student (by age 16)

* Required team members who may be excused with parent consent

Reminders for IEP Meetings

- Notification **MUST** provide parent with the opportunity to participate
- However, parent does **NOT** have to participate in the IEP meeting – LEA can hold meeting without parent
- **MUST** invite student if age 16+ **AND** document
- **MUST** have a written Release of Information to invite any outside agency to each IEP meeting
- **MUST** have a written Release of Information to share confidential information with anyone the parent brings to the IEP meeting



Activity

IEP Team Participants: Need Consent or Not

Present Level of Academic Achievement and Functional Performance (PLAAFP)

103

- A “snapshot” of the student for both academic and functional performance



- The foundation for the rest of the IEP



2. Special Considerations: Federal and State Requirements

Note: For the first six items below, if the IEP team determines that the child needs a particular device or service (including an intervention, accommodation, or other program modification) information documenting the team's decision regarding the device or service must be included in the appropriate section of the IEP. These must be considered annually.

Is the student blind or visually impaired?

- No
 Yes. If yes, complete Form A: Blind and Visually Impaired.

Is the student deaf or hearing impaired?

- No
 Yes. The IEP Team has considered the child's language and communication needs, opportunities for direct communication with peers and professionals in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode in the development of the IEP.

Does the student exhibit behaviors that impede his/her learning or that of others?

- No
 Yes. If yes, strategies including positive behavior interventions and supports must be considered by the IEP team, and if determined necessary, addressed in this IEP. If a behavior intervention plan is developed it must be a part of the IEP.

Does the student have limited English proficiency?

- No
 Yes. The student's language needs are addressed in this IEP. Students who are English Language Learners (ELL) in grades K-12 take the state's annual English Language Proficiency assessment, ACCESS for ELLs.

Does the student have communication needs?

- No
 Yes. The student's communication needs are addressed in this IEP.

Does the student require Assistive Technology device(s) and/or services?

- No
 Yes. The student's assistive technology needs are addressed in this IEP.

Extended School Year:

- No. The student is not eligible for ESY services.
 Yes. The student is eligible for ESY services. **Complete Form B**
 The need for ESY services will be addressed at a later date. Will be addressed by / (month/year).

Attach IEP Amendment page and Form B

Measurable Annual Goals

105

- S**pecific to a particular skill or behavior to be achieved
- M**easurable
- A**ttainable
- R**esults oriented
- T**ime-bound



Present
Level

Annual
Goals



Activity

SMART Goals

Special Education Services

107

- Specific special education service
 - Clearly described (specialized instruction in reading)
 - NOT a class (Science)
- Amount of time
- Duration
- Location
- Frequency



Present
Level

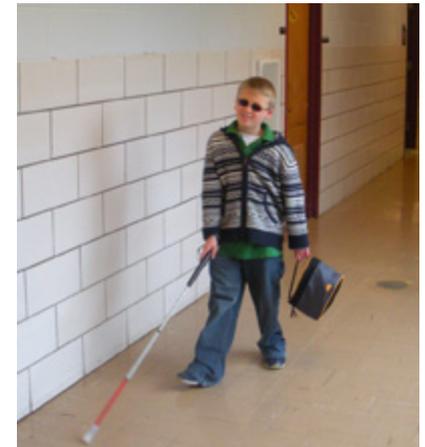
Annual
Goals

Services

Related Services

108

- ❑ 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



Supplementary Aids and Services

109

- ❑ Counseling services
- ❑ Paraprofessional support
- ❑ Transportation
- ❑ Health services
- ❑ Clubs sponsored by the public agency
- ❑ Referrals to agencies that provide assistance to individuals with disabilities
- ❑ Employment of students, including both employment by the public agency and assistance in making outside employment available.



Modifications and Accommodations / Supports for School Personnel (Form F)

110

- 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



7. Regular Education Participation



Extent of Participation in Regular Education

For Preschool: Will all of this child's special education and related services be provided with non-disabled peers in a regular education setting (designed primarily for children without disabilities)?

Yes.

No. If no:

- a. To what extent will the child not receive special education and related services in a regular education setting? (minutes or % of special education and related service minutes on the IEP) _____
- b. Describe the reasons why the IEP team determined that provision of services in the regular education setting was not appropriate.

For K-12: The regular education environment includes all academic instruction as well as meals, recess, assemblies, field trips, etc. Will this student participate 100% of the time with non-disabled peers in the regular education environment?

Yes.

No. If no, describe below to what extent the student will not participate and why full participation is not appropriate.

(child's name) _____ will participate in regular education _____ % of the time. Full participation in regular education is not appropriate because:

8. Placement Considerations and Decision

This section is a SUMMARY of all of the following: Present Level of Academic Achievement and Functional Performance, goals, objectives/benchmarks (if applicable), characteristics of services, adaptations, and special education and related services information.

Annual Consideration of Placement

For ECSE: At least annually the IEP team must consider whether all the special education and related services will be provided with non-disabled peers in a regular education setting (designed primarily for children without disabilities).

For K-12: At least annually, the IEP team must consider if the IEP goals can be met with services provided 100% of the time in the regular education environment.

Check **all** placement options that were **considered** for the provision of special education and related services (for K-12, Inside regular class at least 80% of time must be checked. For preschool an EC setting must be checked).

Check the **one** placement option that was selected.

Placement Continuum (K-12)

Considered	Selected	
<input type="checkbox"/>	<input type="checkbox"/>	Insideregular class at least 80% of time
<input type="checkbox"/>	<input type="checkbox"/>	Insideregular class 40% to 79% of time
<input type="checkbox"/>	<input type="checkbox"/>	Insideregular class less than 40% of time
<input type="checkbox"/>	<input type="checkbox"/>	Public separate school (day) facility
<input type="checkbox"/>	<input type="checkbox"/>	Private separate school (day) facility
<input type="checkbox"/>	<input type="checkbox"/>	Public residential facility
<input type="checkbox"/>	<input type="checkbox"/>	Private residential facility
<input type="checkbox"/>	<input type="checkbox"/>	Homebound/hospital

Placement Options (ECSE)

Considered	Selected	
<input type="checkbox"/>	<input type="checkbox"/>	Early childhood setting
<input type="checkbox"/>	<input type="checkbox"/>	Early childhood special education
<input type="checkbox"/>	<input type="checkbox"/>	Home
<input type="checkbox"/>	<input type="checkbox"/>	Part-time early childhood/Part-time early childhood special education
<input type="checkbox"/>	<input type="checkbox"/>	Residential facility
<input type="checkbox"/>	<input type="checkbox"/>	Separate school
<input type="checkbox"/>	<input type="checkbox"/>	Itinerant service outside the home

IEP Amendment

113

- Allows for changes made to the IEP with or without an IEP meeting
 - Without an IEP meeting
 - MUST be agreed upon by both the parent of the child with a disability and the LEA representative
 - With an IEP meeting
 - Follow the process for holding an IEP meeting and provide Notice of Actions (if required)
- Must provide parent copy of the IEP amendment OR revised copy of the IEP incorporating the amendment

Questions About...

114

- Prior Written Notice
- Evaluations: Process and Forms
- IEPs: Process and Forms



The Complaint System: When Things Aren't Working . . .

Mediation
Child Complaints
Due Process



Comparing the systems	Mediation	Child Complaint	Due Process
Format?	Informal Confidential	Formal Confidential	Formal Confidential
Who decides?	Supports mutual problem solving	Commissioner makes final determination	Solution ordered by hearing panel
How long does it take?	Mediation session less than a day	Process may take several weeks	Hearing may last several days and process may take several months
How is information gathered?	Supports open communication	Communication with investigator	Witnesses testify under oath
How are decision made?	Agreements made jointly	Determined by allegations	Law-based solution
Agreement?	If no agreement reached, can pursue other systems	Decision of Commissioner is final	Decision binding; however, can be appealed to state or federal court
Timeline to complete process?	Must be completed in 30 days	Must be completed in 60 days unless an extension is needed to determine the facts	Can be completed in 45 days but usually takes approximately 6 months
Legal representation?	Attorneys cannot participate	Attorneys neither required nor prohibited	Parties are represented by attorneys
Format of process?	Parties meet face to face for an informal discussion	Parties do not meet, investigator requests information from both sides and independently reviews it	Parties meet face to face in adversarial setting

Comparing the systems	Child Complaint	Due Process
Who can file?	Parent (educational decision maker) Individual Organization	Parent (educational decision maker) LEA
Time to file	Within 1 year of the issue	Within 2 years of the issue
Time limit to make decision?	60 days from filing of complaint	45 days after resolution meeting or failure of mediation
Extensions permitted?	Yes	Yes
Who Investigates?	Office of Special Education staff	The parties and then the evidence is presented at the hearing
Who makes the decision?	Commissioner of Education	Administrative Hearing Commissioner
Stay Put apply?	No	Yes
Can the decision be appealed?	No	Yes

Questions About...

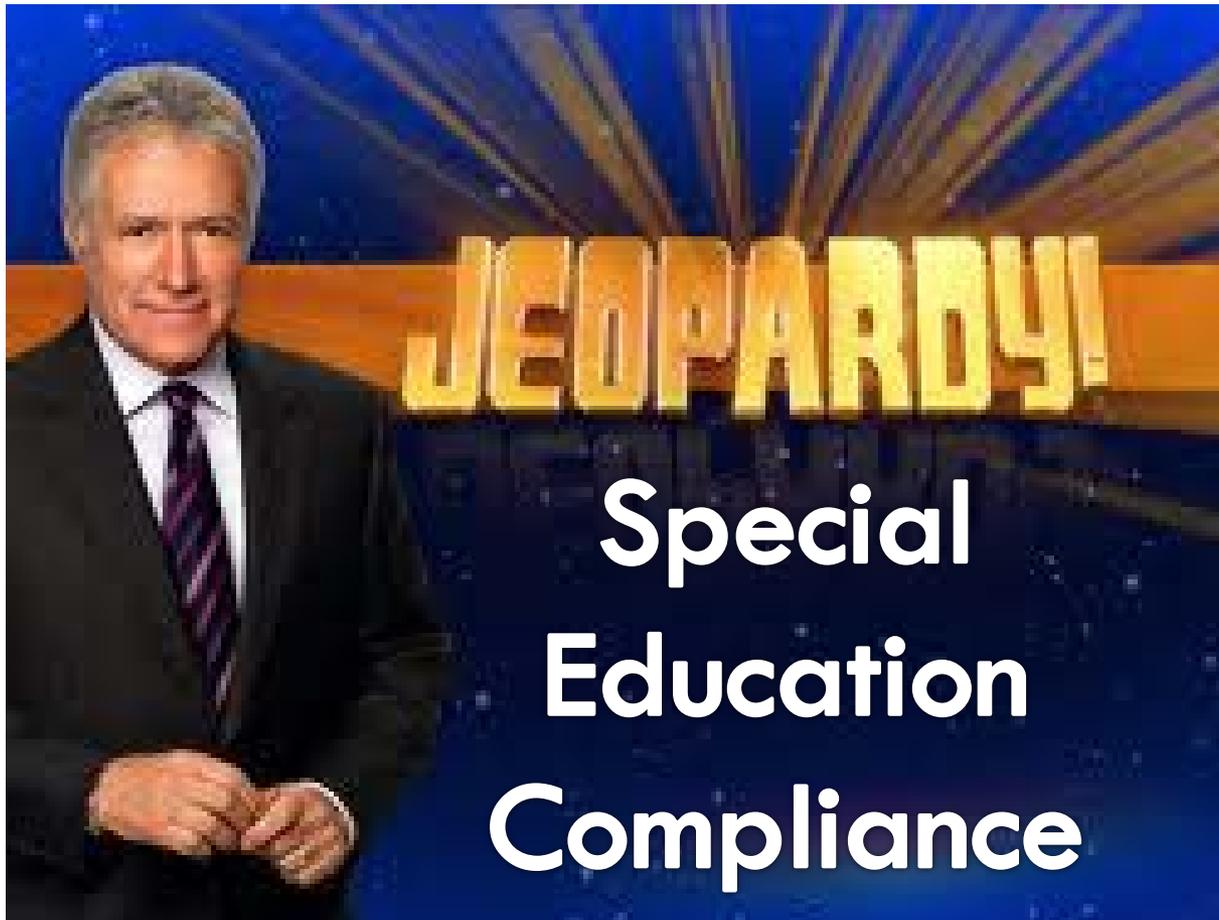
118

- The Complaint Process
- Any other burning questions?



Activity

119



jeopardylabs.com/play/compliance-jeopardy17