



NEW DIRECTORS' ACADEMY 2013

Special Education Compliance 101

July 24-26, 2013

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?





3

As we start . . .



Why is Compliance Important?

4



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

5

I Implementation

E Evidence

P Process





Learning Outcomes – SPED 101

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.



8

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



The IDEA

9

Individuals with Disabilities
Education Act (IDEA)



Missouri State Plan
for Special Education



Local Compliance Plans
and
Assurance Statements



Federal Regulations



Standards and
Indicators Manual

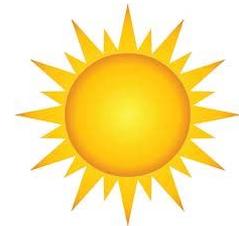


FERPA



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- 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

12

- 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

13

Program Evaluation

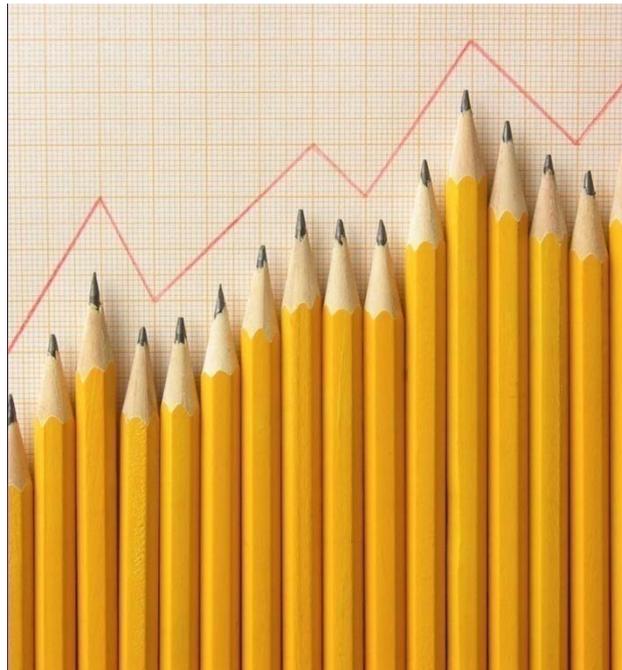
State Performance Plan (SPP)

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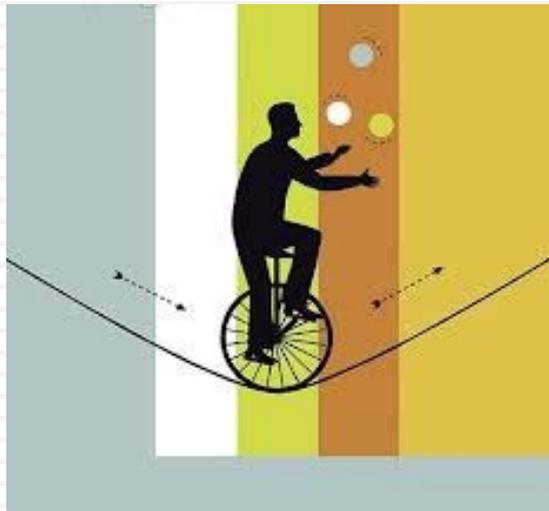
- IDEA
- FERPA
- Procedural Safeguards
- Parent's Bill of Rights
- General Supervision





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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						
<small>www.july2013calendar.org</small>						
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						
<small>www.August2013Calendar.org</small>						
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

17

- Transfer students
- Personnel Standards
- Compliance Procedures
- Start of School trainings





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





Initial Contact / Enrollment Paperwork

19

- Train staff who process new enrollees to the district
 - “Trigger” words
- Check enrollment forms
 - Common language



Gaining information

20

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

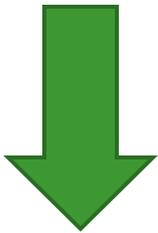


Beginning the Transfer Process

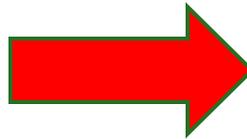
21

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

22

- 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

23

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 (m/d/y):

Previous School

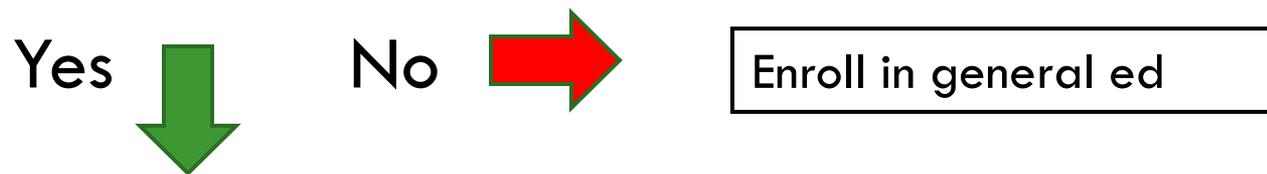
Name of School District		Building
Address		
City	State	Zip
Phone		Fax

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 take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school. The previous school in which the child was enrolled is required to take reasonable steps to promptly respond to such request from the new school.*

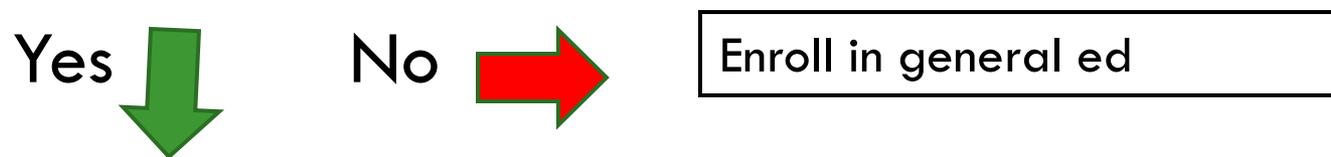
No Evaluation Report and No IEP

25

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



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



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

If Evaluation Report Received within 30 days of Enrollment

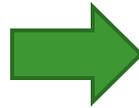
26

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!



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





Paraprofessionals: Credentials and Training Requirements

□ 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	



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





State Board Operated Programs (SBOP)

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- **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

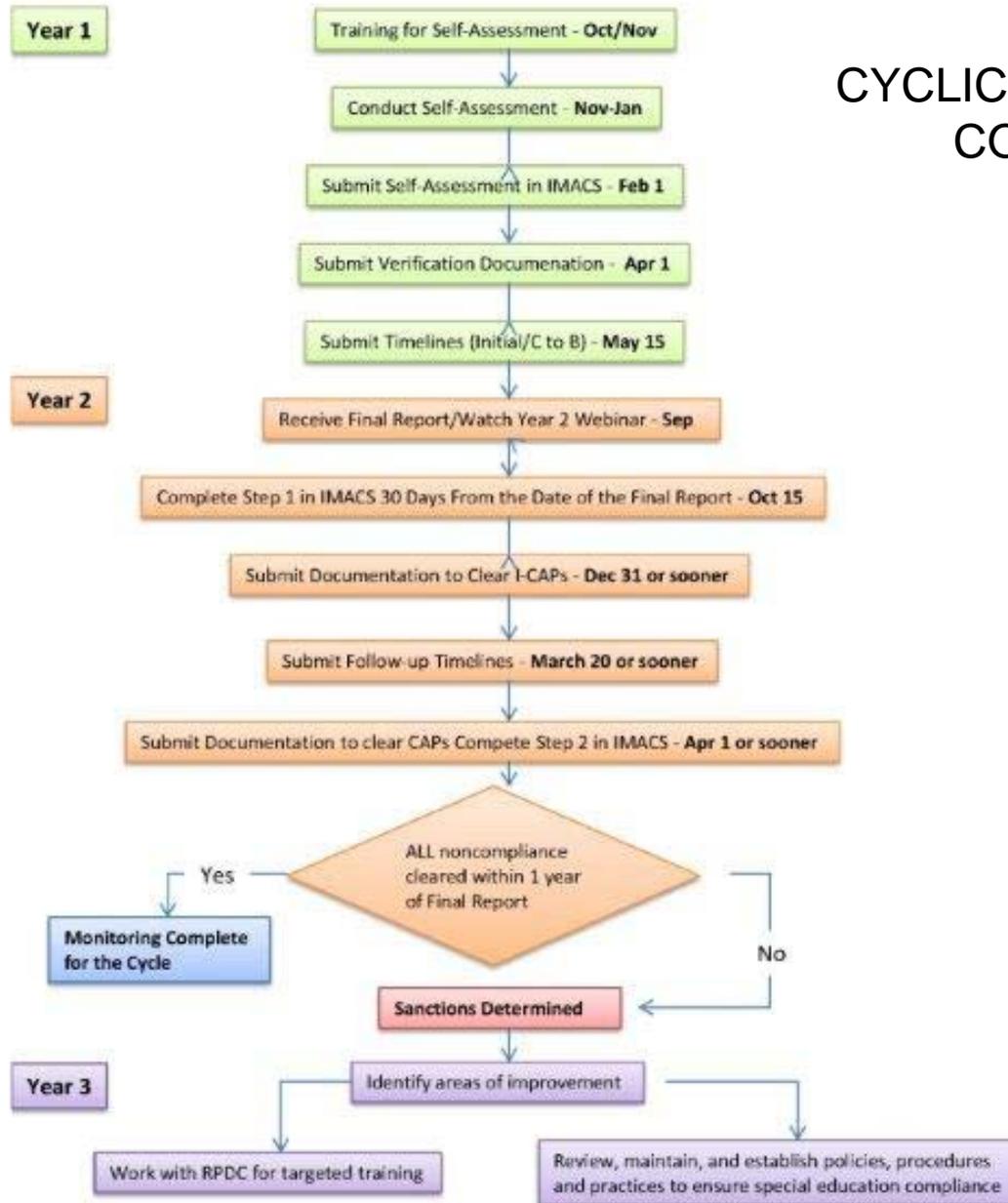
31

- How publicized
 - Published in newspaper 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

Plan for Known Timelines

33

- Three Year Reevaluations
- Annual IEP Reviews



Reevaluation

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

10/23/10 → 10/23/13



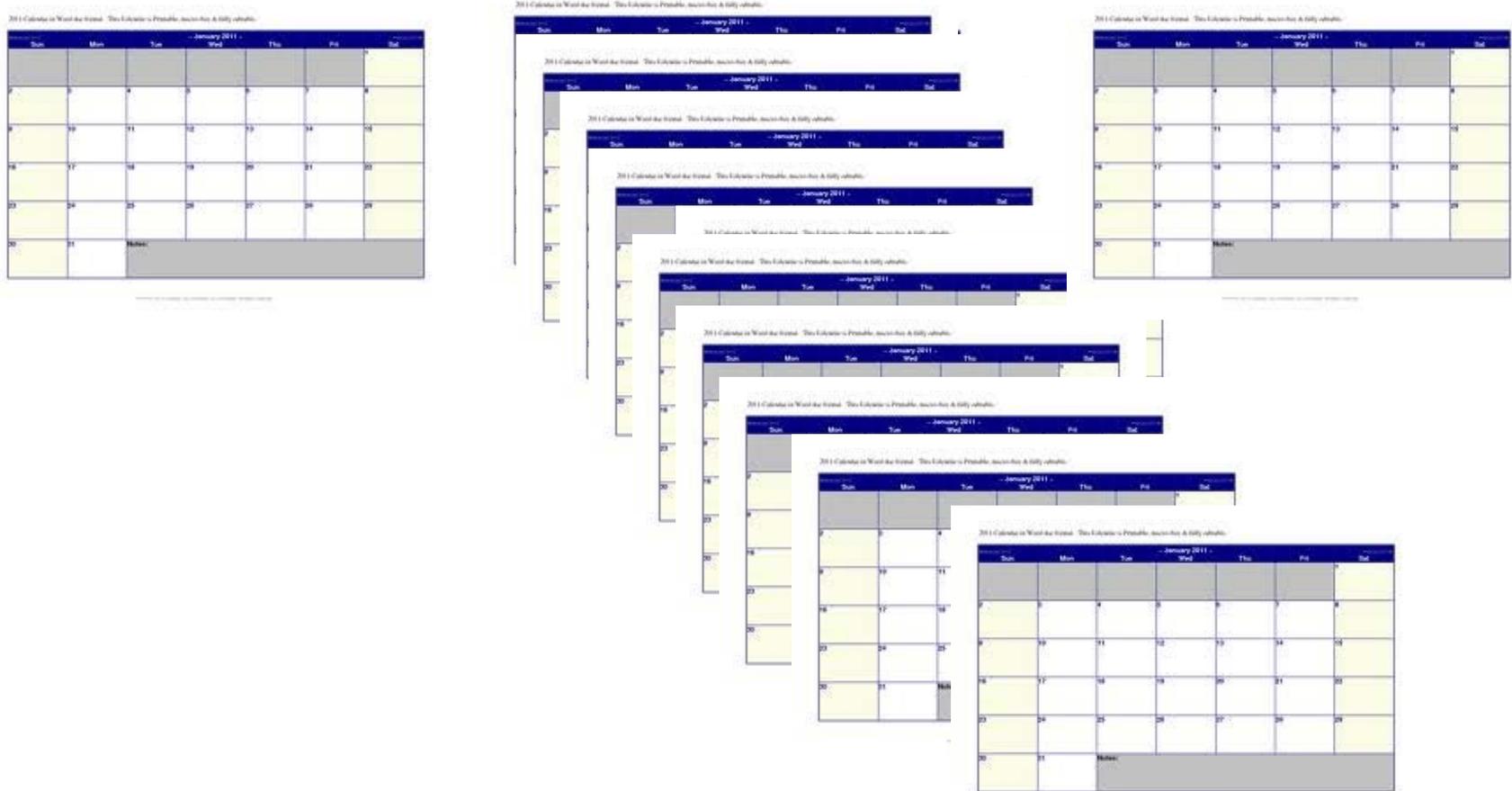
Three years = 36 months = 1095 days = 3 years + 0 days



IEP

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

10/23/11 → 10/23/12





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Start of School Trainings: Ensuring Confidentiality for students



Questions About...

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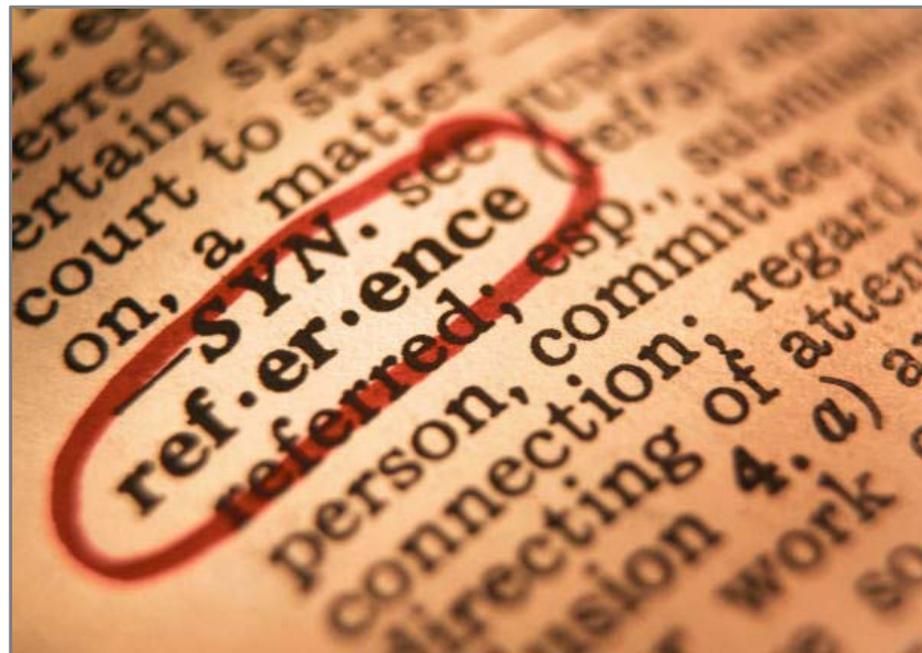
- Transfer students
- Personnel Standards
- Compliance Procedures
- Start of School trainings



Compliance Scavenger Hunt

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





Scavenger Hunt for 100s

1. The Release of information form must contain key components. In which indicator and state plan regulation will you find information about content of the release of information and what are those required components?

Indicator# 100.400 / State Plan Regulation# II page# 15

- A dated signature of parent or eligible student
- Specific records to be disclosed
- A statement describing the reason(s) for disclosure
- Individual(s) or agency(ies) to which disclosure is to be made

2. Hearing aid(s) need to be monitored for proper functioning. In which indicator and state plan regulation will you find information about hearing aid(s) and external components of surgically implanted medical devices? Do auditory training units fall need to be monitored (circle your answer below)?

Indicator # 100.310 / State Plan Regulation # IV page # 50 - 51

YES or NO

3. Transfer of rights is required for each student with a disability, unless the student is declared incompetent by a court of competent jurisdiction. In which indicator and state plan regulation will you find information about notification of the transfer of parental rights at age of majority? What is the age of majority? Who must receive this notification?

Indicator # _____ / State Plan Regulation # _____ page # _____

-
-

2. Hearing aid(s) need to be monitored for proper functioning. In which indicator and state plan regulation will you find information about hearing aid(s) and external components of surgically implanted medical devices? Do auditory training units fall need to be monitored (circle your answer below)?

Indicator# 100.310 / State Plan Regulation # IV page # 50 - 51

YES or NO

3. Transfer of rights is required for each student with a disability, unless the student is declared incompetent by a court of competent jurisdiction. In which indicator and state plan regulation will you find information about notification of the transfer of parental rights at age of majority? What is the age of majority? Who must receive this notification?

Indicator# 100.410 / State Plan Regulation # V page # 75

- 18 years of age
- Student and parent

4. Paraprofessionals need required training. Paraprofessionals who do not hold teaching certificates are required to have received initial orientation plus fifteen clock hours of training during their first school year of employment. A minimum of ten clock hours each year thereafter is also required. In which indicator and state plan regulation will you find information about paraprofessional training? List the required components for verification of orientation and training.

Indicator # 100.280 / State Plan Regulation # VI page # 97

- Orientation (dates, content agenda, and participants)
- Training (dates, content agenda, number of clock hours, and participants)
- Clock hours of training provided

5. Public notices in local newspaper need to be published to describe the school district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21). The notice must also describe the LEA's responsibility to refer infants and toddlers suspected of having a disability. In which indicator and state plan regulation will you find information about newspaper notices and what documentation is needed for this indicator? This notice should be published annually prior to what date?

Indicator # _____ / State Plan Regulation # _____ page # _____

-
-

-
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5. Public notices in local newspaper need to be published to describe the school district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21). The notice must also describe the LEA's responsibility to refer infants and toddlers suspected of having a disability. In which indicator and state plan regulation will you find information about newspaper notices and what documentation is needed for this indicator? This notice should be published annually prior to what date?

Indicator # 100.10 / State Plan Regulation # III page # 18

- Public notice; billing; or paid receipt
- Notice is published on an annual basis prior to November 1

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</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		<small>October 2013</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		Notes:		

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</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		<small>November 2013</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		Notes:		

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 Chanukah	29	30
<small>October 2013</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		<small>December 2013</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		Notes:		

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</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		<small>January 2014</small> <small>S M Tu We Th Fr Sa</small> <small>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</small>		Notes:		

44

By Beginning of Winter Break



By the Beginning of Winter Break

45

- Private / Parochial / Home Schooled
- Early Childhood Special Education (ECSE)
- 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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Early Childhood Special Education: Getting ready for school success . . .





Differences in the Programs

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ECSE:

- For ages 3-5 (not kindergarten age eligible)
- Funded by state and federal \$
- Some referrals from First Steps may require expedited evaluations
- Using YCDD eligibility category is an option
- ECSE is NOT mandatory for parent participation
- LRE = educational environments
- Performance Assessment = ECO

School Aged:

- For ages 5 (kindergarten age eligible) to age 21
- Funded by local, state and federal \$
- Referrals from parents and agencies follow the 30-60-30 timeline
- YCDD eligibility category may be used until student is first grade eligible
- Parent cannot refuse LEA referral but CAN refuse consent for evaluation and/or services
- LRE = placement
- Performance Assessment = MAP and MAP-A



50

Independent Educational Evaluations: Getting a second opinion. . .





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



Questions About...

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- Private / Parochial / Home Schooled
- Early Childhood Special Education (ECSE)
- 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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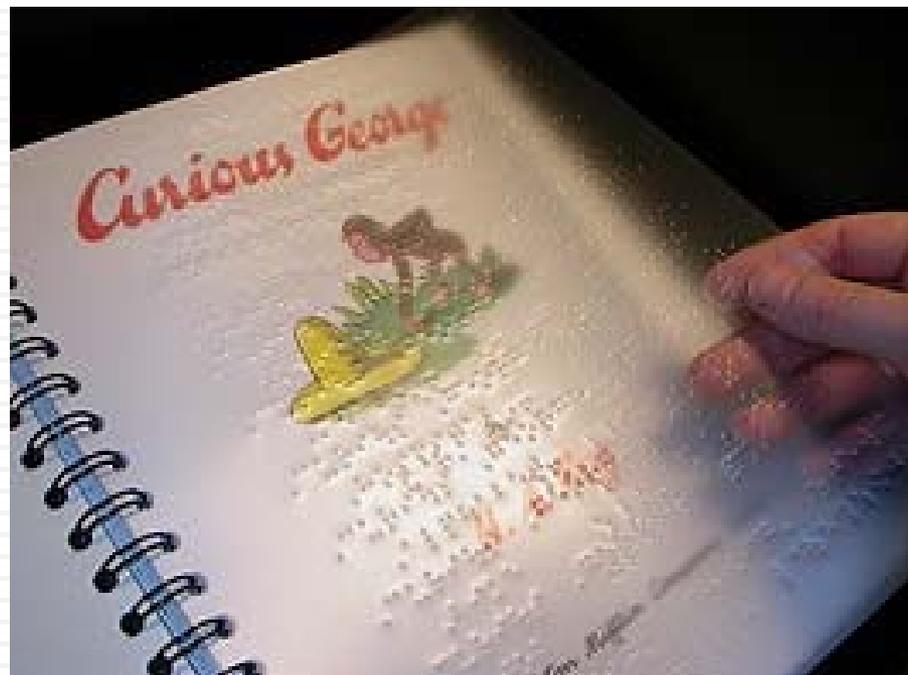
- National Instructional Materials Accessibility Standards (NIMAS)
- National Instructional Materials Center (NIMAC)
- Extended School Year (ESY)
- MAP / MAP-A





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NIMAS / NIMAC: Ensuring Accessible Materials. . .





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





Extended School Year (ESY)

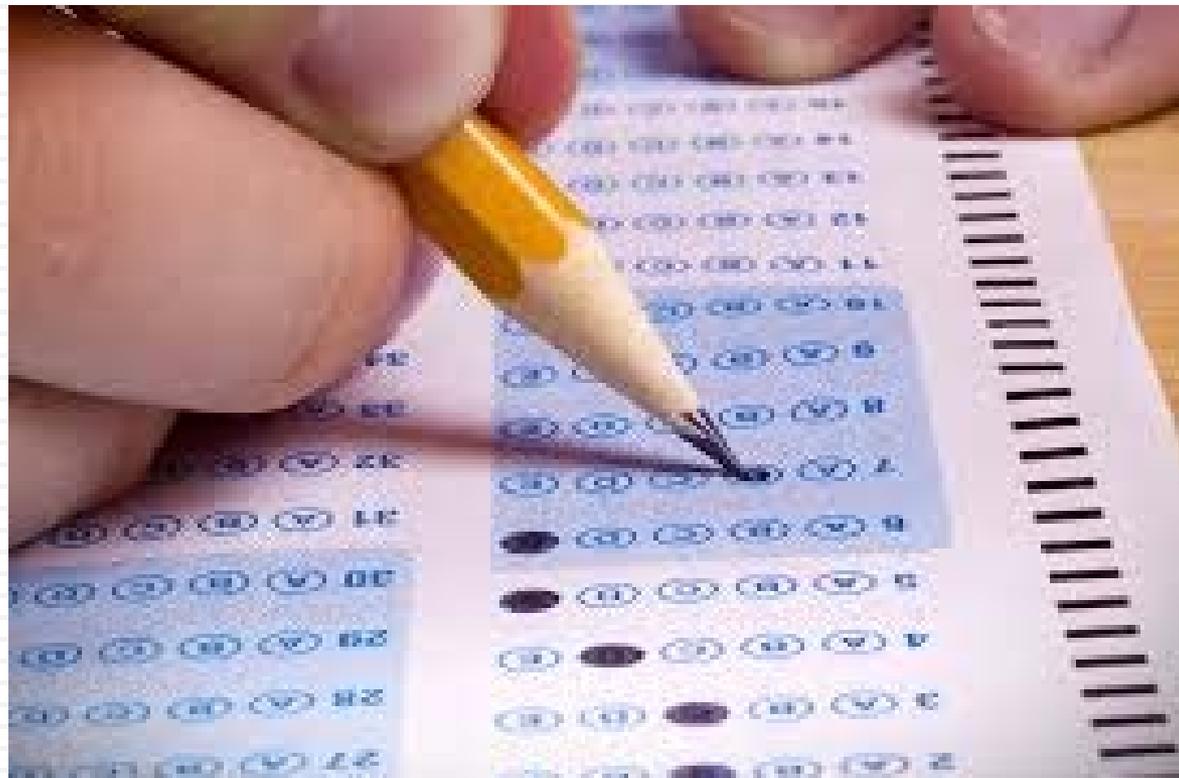
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- Determined by the IEP Team
- Determined on an individual basis to ensure that FAPE is provided
- ESY services within the IEP must document:
 - the goals to be addressed
 - the type and amount of special education and related services to be provided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



Questions About...

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- 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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By End of School Year



By the End of the School Year

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- Contractual Services / Approved Private Agencies
- Destruction of Records





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





63

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





Questions About...

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- Contractual Services / Approved Private Agencies
- Destruction of Records



Break

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- Take a 10 minute break!





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
		1	2	3	4	5						1	2						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16	14	15	16	17	18	19	20
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
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30	28	29	30				
														31													
MAY							JUNE							JULY							AUGUST						
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
			1	2	3	4						1		1	2	3	4	5	6					1	2	3	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
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
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31
							30																				
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
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
1	2	3	4	5	6	7			1	2	3	4	5						1	2	1	2	3	4	5	6	7
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				

24 / 7 / 365 (Everyday!)

67

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





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



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

70

- 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





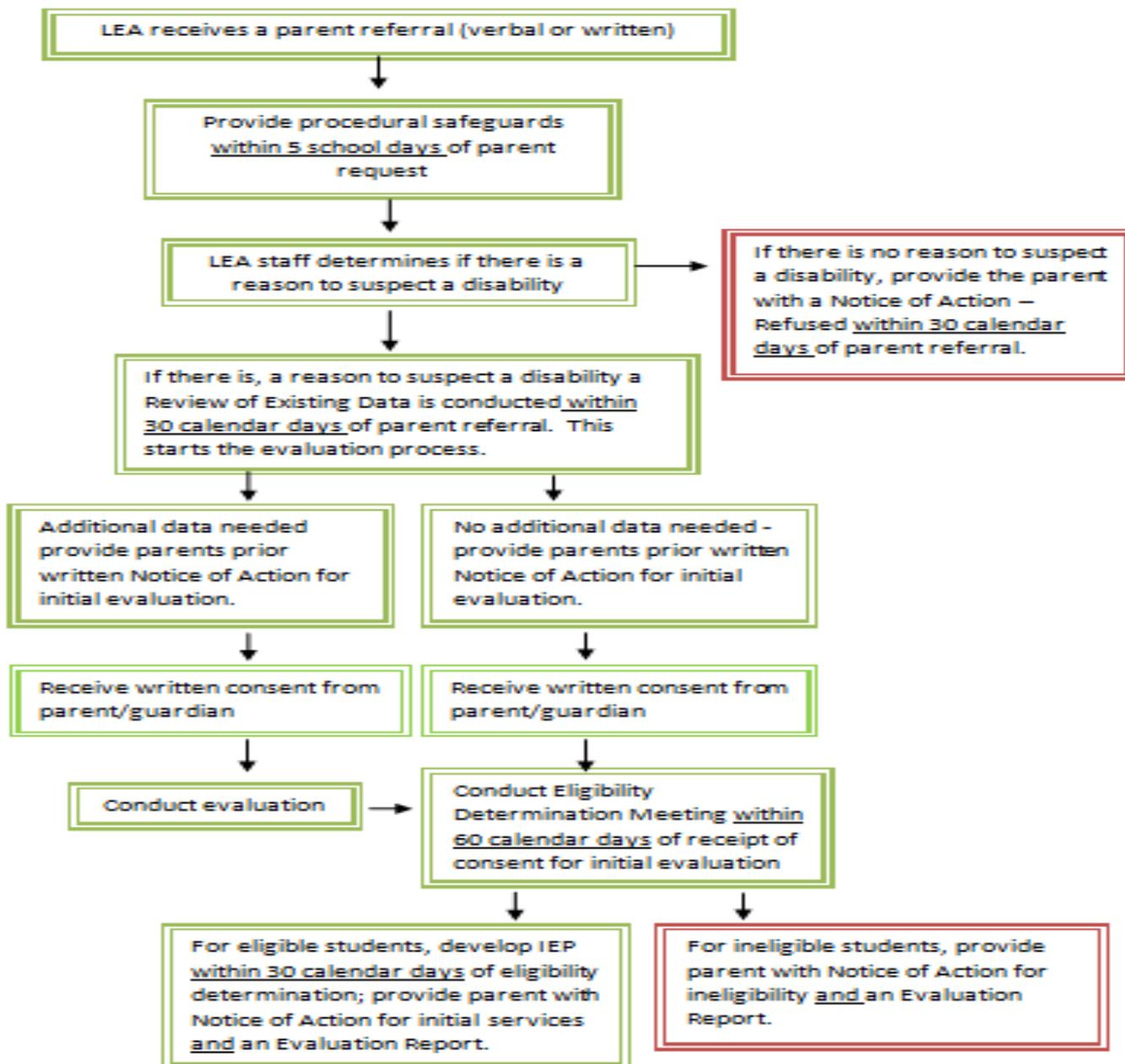
71

The Referral and Evaluation Process:

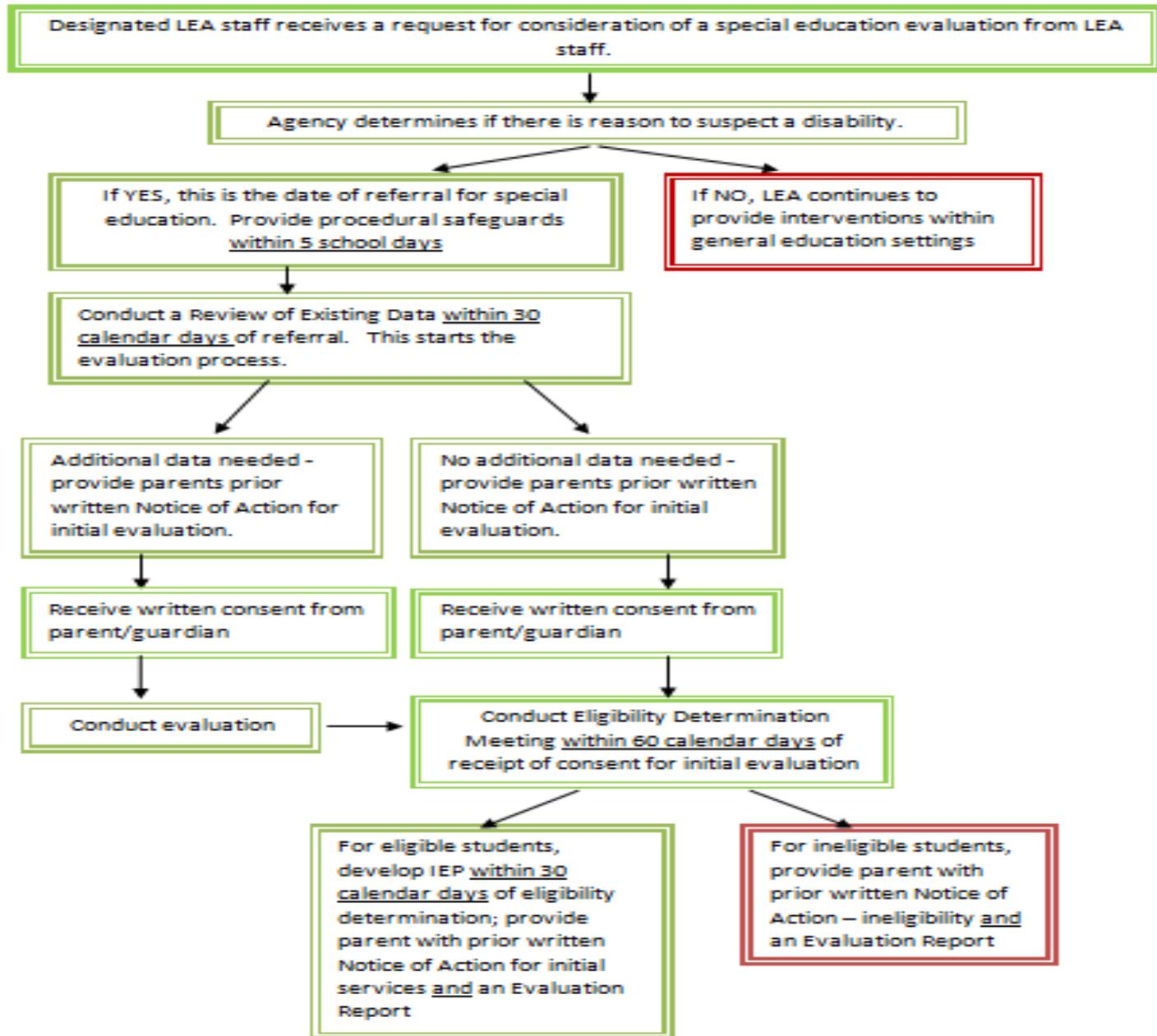
Taking a CLOSER Look . . .



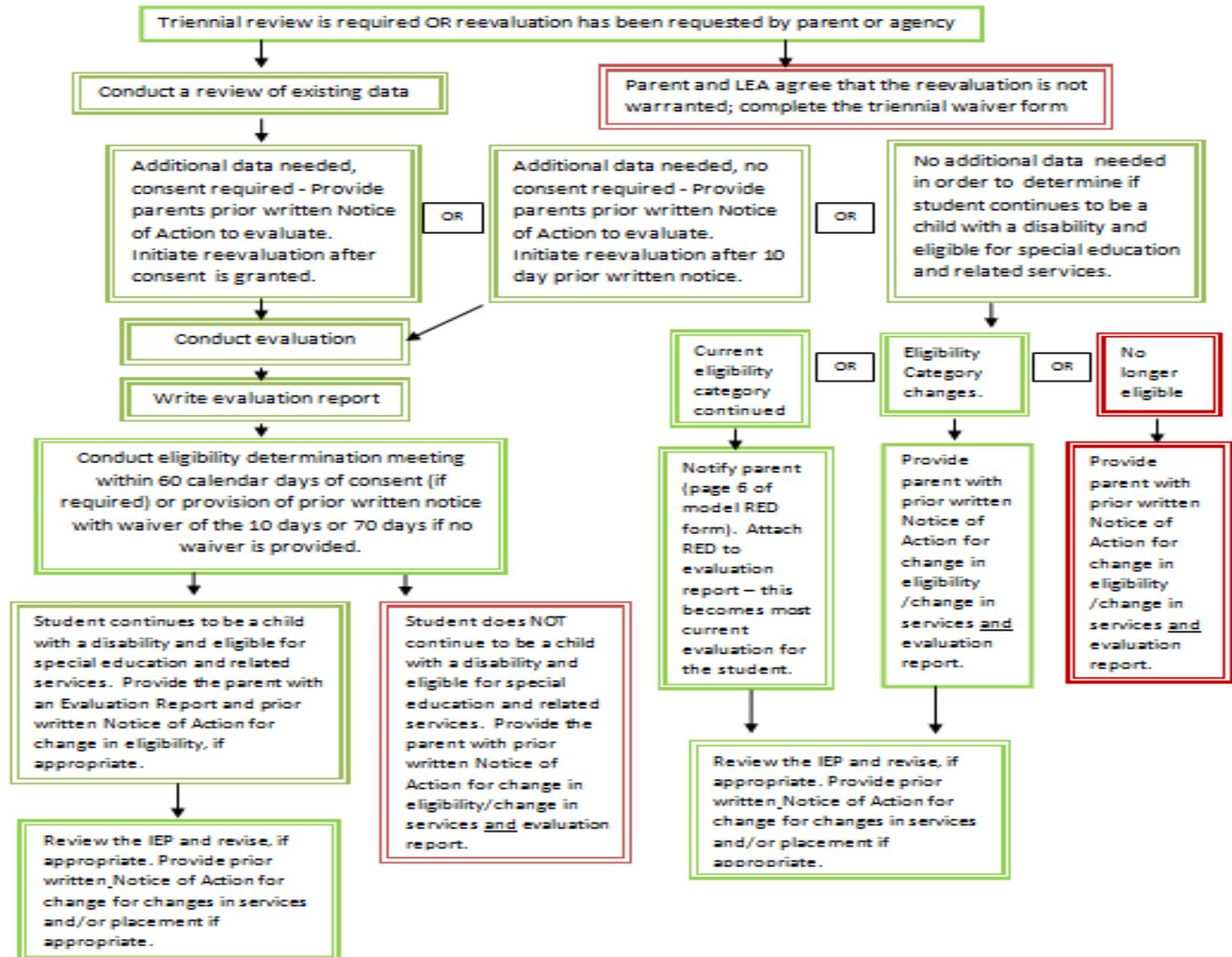
Initial Evaluation Process – PARENT REFERRAL Flow Chart



Initial Evaluation Process – AGENCY REFERRAL Flow Chart



REEVALUATION Process Flow Chart



Review of Existing Data (RED)

75

- 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

MO STATE SAMPLE

Student's Name: _____ School District: _____

Date of Birth: _____ Age: _____ Grade: _____

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

Current Eligibility Category (for reevaluation): _____

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.

In making this determination, the following information was reviewed by the team: *(Note: Not all areas will have all data sources addressed)*

AREA/ DATA SOURCE	TYPE AND DESCRIPTION OF DATA REVIEWED (Include name and date of the previous assessment if applicable)	SUMMARY OF INFORMATION GAINED (Describe strengths and concerns)
<input type="checkbox"/> Vision: a student's near/far point visual acuity, eye muscle control, depth perception, color blindness, orientation/mobility skills.		
<input type="checkbox"/> General screening		
<input type="checkbox"/> School health records		
<input type="checkbox"/> Previous assessments		



<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 and an Evaluation Report that includes an eligibility determination based on the Review of Existing Data.</i>
OR		OR
<input type="checkbox"/> For Reevaluation: (MUST select one option below) <input type="checkbox"/> Additional data will be collected by administering assessment instrument(s) requiring written parental consent. ¹ OR <input type="checkbox"/> Additional, data/information will not be collected through means requiring parental consent. ² <u>Describe additional data to be obtained:</u>		<input type="checkbox"/> For Reevaluation: (<i>MUST</i> select one reason below) <input type="checkbox"/> The current Identification of (disability and sub-areas within disability) _____ _____ continues 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 not continue to need special education and related service. ¹
<small>¹MUST provide parent with prior written Notice of Action for intent to evaluate and provide a description of the areas</small>		OR

Eligibility Determination: Criteria for Special Education in Missouri

79

- 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



Evaluation Reports

80

- 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





Exclusionary Statements Required for All Evaluation Reports

81

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



82

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





IEP Team

83

- 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

Present Level of Academic Achievement and Functional Performance (PLAAFP)

84

- 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

86

- 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

Special Education Services

87

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



Present
Level

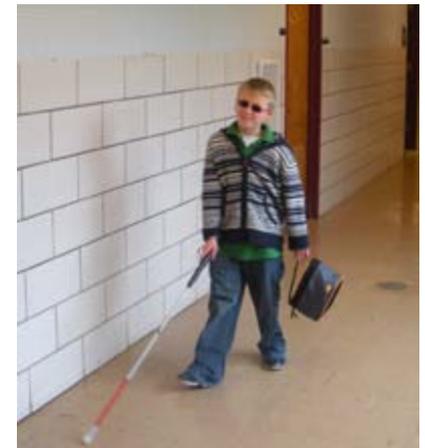
Annual
Goals

Services

Related Services

88

- ❑ 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

89

- ❑ 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)

90

- 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"/>	Inside regular class at least 80% of time
<input type="checkbox"/>	<input type="checkbox"/>	Inside regular class 40% to 79% of time
<input type="checkbox"/>	<input type="checkbox"/>	Inside regular 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

93

- 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



94

Discipline Process and Procedures: What to Do When Students Misbehave . . .



Discipline Process and Procedures

95

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

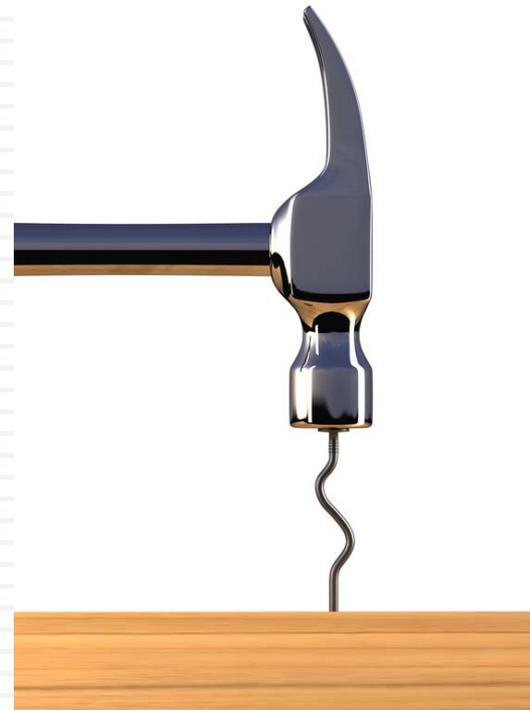




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The Complaint System: When Things Aren't Working . . .

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...

99

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





Activity

100



<https://jeopardylabs.com/play/compliance-jeopardy17>



101

Know Your Resources: Being able to find answers to questions. . .





- Adult Learning & Rehab. Services
- College & Career Readiness
- Communications & Media
- Data System Management
- Early & Extended Learning
- Educator Quality
- Financial & Adm. Services
- Governmental Affairs
- Quality Schools
- Special Education

Features

Check Out The Department's
Upcoming Webinars

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- 10

News & Updates

- ▶ Registration Is Open for the 2011 School Administrators Conference
- ▶ 47 Missouri Schools Receive National Health Awards
- ▶ Fall Enrollment Opens for MoVip Online Courses
- ▶ Missouri GED Transcripts Are Now Online
- ▶ Top 10 by 20 Video Released

[more news...](#)

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- Memos**
- Administrators
- Teachers
- Families
- FAQs
- Helpful Links

- ▶ 06-30-11 - 2010-2011 Performance Data Release Schedule
- ▶ 06-30-11 - Dollar Value Modifier Calculation
- ▶ 06-20-11 - HQT Data for 2010-11
- ▶ 06-15-11 - Information on Funding Cuts for Education
- ▶ 06-07-11 - Office Updates: Student Information System RFP and FAFSA Filing Rates
- ▶ 06-03-11 - FY12 Fiscal Changes for Federal Programs
- ▶ 05-27-11 - Verification of Data Used in FY12 Part B Allocation
- ▶ 05-27-11 - Unexpended FY2009 Funds under NCLB

[more...](#)

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Special Education Homepage

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Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION

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Office of Special Education

News and Updates

Blind Task Force Vacancies
The Office of Special Education is seeking nominations for individuals to serve on the Blind Task Force.
▶ More information

FY11 Part B and ECSE ARRA FER Submission Errors - RESOLVED
LEAs may once again submit FY11 Part B and ECSE ARRA FERs.
▶ More information

FREE AIM Instructional Design Resource for Students with Disabilities - NIMAC "AIM across the Curriculum"
Many materials students use in the classroom are print-based, such as textbooks and handouts. Some students with physical, sensory, or intellectual challenges may have difficulty reading these materials.
▶ More information

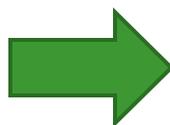
REMINDER FY12 Part B Budget Application Due July 1
The FY12 Part B Budget Application is due July 1, 2011. Budget applications will be substantially approved as of the submission date; therefore, IDEA Part B funds shall not be obligated until the application has been submitted.
▶ More information

How Do I Find?

- ▶ Accessible Instructional Materials (AIM)
- ▶ ARRA Information
- ▶ Coordinated Early Intervening Services (CEIS)
- ▶ Directory of Resources for Missouri with Disabilities /Missouri Governor's Council on Disability
- ▶ Disabilityinfo.gov
- ▶ Due Process/Child Complaints
- ▶ Early Childhood Outcomes (ECO)
- ▶ IDEA 2004
- ▶ Missouri Special Education Improvement Planning and Grant
- ▶ NASDSE 2010-2011 Professional Development Series
- ▶ On-Site Monitoring Manual
- ▶ Professional Development Series Available from the

Navigation Menu:

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- Advisory Panels
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- Effective Practices
- First Steps (Birth to 3)
- Laws & Regulations
- Missouri School for the Blind
- Missouri School for the Deaf
- Missouri Schools for the Severely Disabled
- Monthly Webstream
- Program Monitoring & Improvement
- Sheltered Workshops
- Special Education Finance
- Spec. Ed. Listservs (SELS)
- State Performance Plan
- Three-Tiered Models



Webinars

State Performance Plan

State Personnel Dev. Grant (SPDG)

Three-Tiered Models

Webinars

Parents

Teachers

Web Applications



Regular Education Teacher and Role of the Paraprofessional"

▶ [SELS message se-Is06.18.13](#)

Free Workshop: Special Education Law for Students that are Deaf/Hard of Hearing - REMINDER

The Special Education Law for Students that are Deaf or Hard of Hearing - How Do IDEA, Section 504, and ADA Apply to Deaf Education in Missouri?

▶ [SELS message se-Is06.13.13](#)

FY14 Special Education Finance Due Dates

The Special Education Finance due dates for FY14 are posted on the Special Education Finance website

▶ [SELS message se-Is06.11.13](#)

▶ [Program Monitoring Manual](#)

▶ [Regional Professional Development Center \(RPDC\) Map](#)

▶ [Special Education Webinars](#)

Related Links

▶ [Directory of Resources for Missouri with Disabilities /Missouri Governor's Council on Disability](#)

▶ [Measured Progress ProFile™-MAP-A \(Assessment\)](#)

▶ [Rehabilitation Services](#)

□ Archived Compliance Webinars

- Special Education Transfer Procedures (Oct 2011)
- Special Education Eligibility Determinations (Nov 2011)
- Special Education Discipline (Aug 2012)
- Transition C to B (Oct 2012)
- Alternative Assessment: Guidance for IEP Teams (Feb 2013)
- Prior Written Notice: The Why, When, and How of Notices of Action (May 2013)

Compliance Web Page

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Special Education Compliance

News and Updates

IMACS
Frequently Asked Questions

Transition from First Steps to Early Childhood Special Education

As a joint effort First Steps (Part C) and Special Education Compliance (Part B) personnel, the Office of Special Education is offering a webinar on Transition from First Steps to Early Childhood Special Education. The webinar will be presented January 25 from 10:30 a.m. to 12:00 p.m. and will focus on the transition procedures and timelines for children moving from First Steps to ECSE. This webinar will include a live Q&A about issues discussed in the presentation.

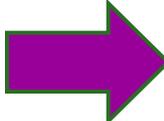
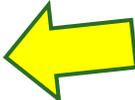
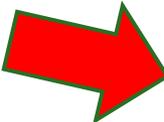
[More information](#)

Update to the Revisions of the Standards and Indicators

We regret that there was an error made in the recent revisions of the Standards and Indicators.

How Do I Find?

- Coordinated Early Intervening Services (CEIS)
- Discipline Monitoring
- Disproportionality Monitoring
- Educational Surrogate
- Frequently Asked Questions**
- Juvenile Justice System
- MAP-A Eligibility Criteria 
- Monthly Webstreams
- MoVIP and Special Education FAQ
- Notice of Action
- OT/PT Guidelines
- On-site Monitoring Manual 
- Parents' Bill of Rights**



Department Communication Methods

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- SELS and SELS 2
 - Subscribe by contacting:
Lina Browner
at 573-751-5739
or lina.browner@dese.mo.gov

- Administrative Memos



Paper Resources . . .

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Special Education Compliance Program Review Standards and Indicators



Missouri Department of Elementary and Secondary Education
Office of Special Education

Revised July 2013

REVISED
2013

MISSOURI STATE PLAN FOR SPECIAL EDUCATION

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

Dr. Chris L. Nease
Commissioner of Education



Also available on the Web . . .

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Special Education Compliance

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IMACS
Frequently Asked Questions

- Compliance Monitoring and Fall Training Handouts

Assurance Statement Procedures for FY 2013

- SELS message se-Is04.18.12.htm

IDEA/State Imposed Requirements Under the Individuals

How Do I Find?

- Coordinated Early Intervening Services (CEIS)
- Discipline Monitoring
- Disproportionality Monitoring
- Educational Surrogate
- Frequently Asked Questions**
- Juvenile Justice System
- MAP-A Eligibility Criteria
- Monthly Webstreams
- MoVIP and Special Education FAQ

UPDATE to Technical Assistance Bulletin - Focus on Issues in Special Education: State & District-wide Assessments of School Achievement

- SELS Message se-Is03.27.12-2.htm

Private Schools/Parent Placements/Requirement for Consultation with Representatives of Private Schools

- SELS Message se-Is03.07.12.htm

Clarification of Part C to B Transition Referral Dates

- SELS message se-Is02.29.12.htm

Clarification of RTI and Evaluations Pursuant to IDEA

- SELS message se-Is01.05.12

UPDATES to Model Forms: IEP and Review of Existing (RED)

- SELS message se-Is11.30.11

Calculating Percentage for Regular Education Participation

- SELS message se-Is11.30.11

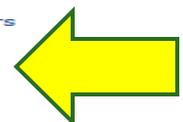
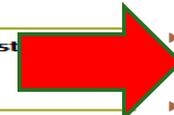
State Regulations/IDEA

- SELS message 10.28.11-3

Educational Surrogates

Manual

- Parents' Bill of Rights**
- Parent's Guide to Special Education
- Procedural Safeguards
- Professional Development Series
- Program Monitoring Manual
- Referral Process
- Section 504: Rehabilitation Act of 1973
- Speech Implementer Standards & Indicators Manual
- State Plan for Special Education
- Status of Statewide Electronic IEP System
- Technical Assistance Bulletins





Compliance Staff

Vacant, Director, Special Education Compliance Parts B & C

Phone: 573-751-0699, **Fax:** 573-526-5946 **Web Inquiries:** secompliance@dese.mo.gov

Part B - Ages 3-21

- ❑ Nancy Thomas, Assistant Director
- ❑ Julie Bower, Supervisor
- ❑ Samantha Boucher, Supervisor
- ❑ Rick Lewis, Supervisor
- ❑ Corina Henderson, Supervisor
- ❑ Donna Catt, Supervisor
- ❑ Jennifer Moreland, Supervisor
- ❑ Margaret Wimer, Program Analyst

Educational Surrogate Program IMACS, Web, and Data Technical Assistance

- ❑ Sandy Kliethermes, Program Supervisor
- ❑ Margaret Wimer, Program Analyst

Part C - Ages Birth to 3

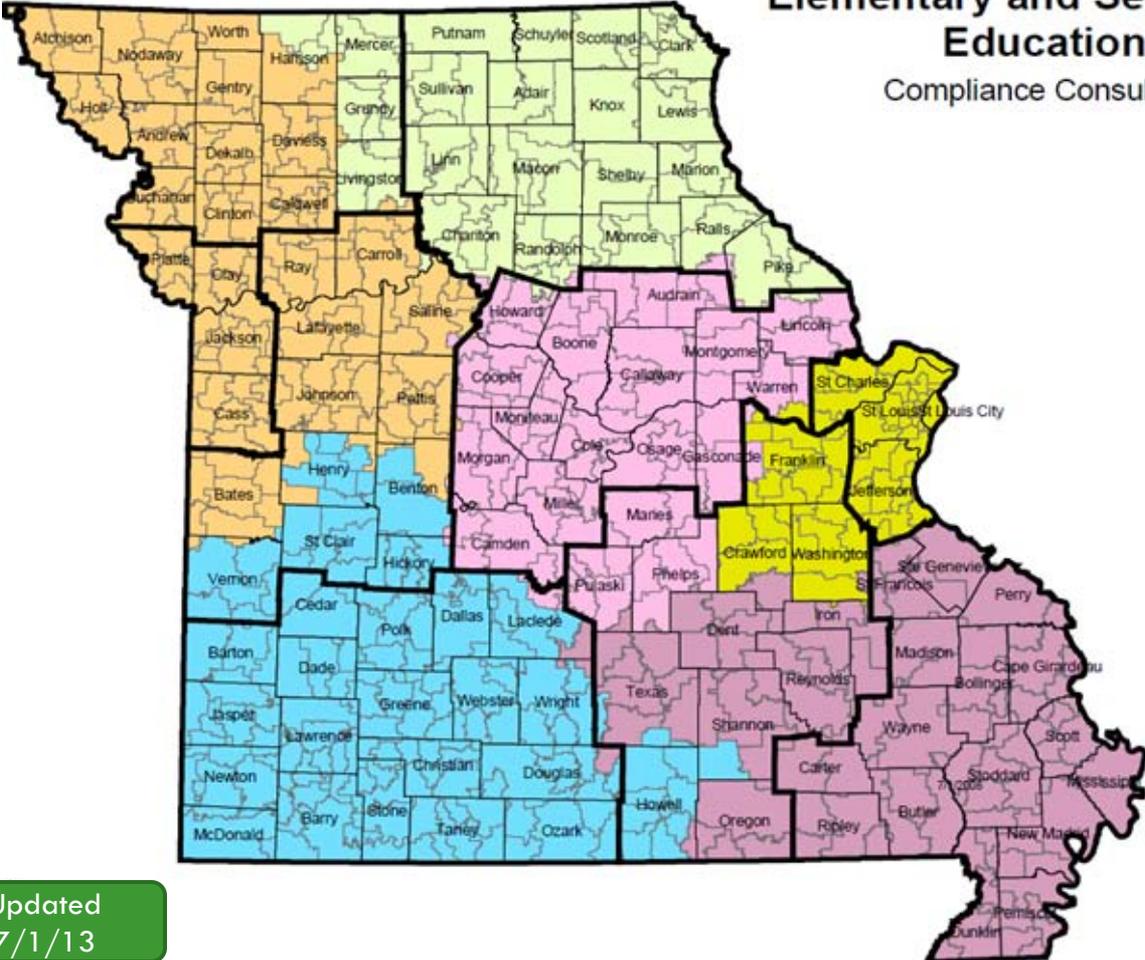
- ❑ Pam Schroeder, Assistant Director
- ❑ Sara Massman, Supervisor
- ❑ Margaret Wimer, Program Analyst

Complaint System

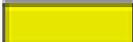
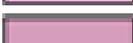
- **Child Complaints**
 - ❑ Pam Schroeder, Assistant Director
 - ❑ Nancy Thomas, Assistant Director
 - ❑ Jennifer Moreland, Supervisor
 - ❑ Wanda Allen, Legal Assistant
- **Due Process**
 - ❑ Vacant, Director
 - ❑ Wanda Allen, Legal Assistant

RPDC- Compliance Consultants

Missouri Department of
Elementary and Secondary
Education
Compliance Consultants



CONSULTANTS

-  Lois Jones
-  Rodney Cook
-  Joetta Walter
-  Susan Borgmeyer
-  Jennifer McKenzie
-  Tiffney Smith

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7/1/13



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Questions About...

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- Resources
- Any other burning questions?



Thanks for participating in Part 1!

We look forward to working with you
in Part 2: In Basket Activities for
Compliance Issues

