

**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
OFFICE OF SPECIAL EDUCATION - COMPLIANCE  
PART B STATE PLAN CHANGES  
JULY 30, 2015**

Reg/Page	Changes made
Cover Page	<p>Changed the date to <i>January 2015</i></p> <p>Changed name of Commissioner of Education to <i>Dr. Margie Vandeven</i></p>
III / 24	Deleted <del>300.304-300.305</del> and replaced with <b>300.307-300.311</b>
III / 36	<p>Deleted <del>by</del> and replaced with <i>before</i> as follows:</p> <p>B. For a child with a disability who becomes Kindergarten age eligible (age five (5) <b>before</b> August 1), districts shall, through approved district policy, choose one of the following methods to determine continuing eligibility for special education:</p>
III / 37	<p>Deleted <del>by</del> and replaced with <i>before</i> in two places as follows:</p> <p>C. Children who are kindergarten age eligible (age five (5) <b>before</b> August 1) and have not been identified as eligible for special education in prior years, must meet criteria of any disability category other than Young Child with a Developmental Delay (YCDD).</p> <p>D. Children who are first grade age eligible (age six (6) <b>before</b> August 1) must meet criteria of any disability category other than Young Child with a Developmental Delay (YCDD).</p>
IV / 39	<p>Added language as follows:</p> <p>This State Plan and the Part C State Plan outlines procedures that <b>both</b> the Part <b>B and Part C</b> systems must complete to assure a smooth transition for children eligible for <b>the Part C program and eligible for Part B services to receive services</b> at age three (3).</p>
IV / 40	<p>Updated language and corrected capitalization as follows:</p> <p>B. students who have graduated from high school with a regular high school diploma. The term, regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate <b>of attendance</b> or a <b>General Educational development credential Diploma (GED) or a High School Equivalency (HSE) certificate</b>. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written notice in accordance with 34 CFR 300.503.</p>
IV / 40	<p>Added language as follows:</p> <p>Students who have participated in a graduation ceremony or who have obtained a General Education Diploma (GED) <b>or a High School Equivalency (HSE) certificate</b>, but have not been awarded a regular high school diploma, continue to be eligible to receive FAPE if they are under twenty-one (21) years of age.</p>
IV / 42	<p>Added language as follows:</p> <p>B. a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities, and meeting each of the child's other educational needs that result from the child's disability. <b>Measurable goals are specific to a particular skill or behavior to be achieved, measurable/quantifiable, attainable, results oriented, time-bound and can reasonably be accomplished within the duration of the IEP.</b> For children with disabilities who take alternative assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;</p>

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IV / 54	<p>Changed language as follows:</p> <p>In Missouri, all children <del>in</del> <b>eligible for</b> the Part C program are considered to be potentially eligible for Part B services. The Part C program notifies the LEA in which the child <del>lives</del> <b>resides</b> in accordance with the Part C State Plan.</p>
IV / 54	<p>Changed language as follows:</p> <p>The Part C program requires that a transition conference with the LEA be held in accordance with the Part C State Plan. If invited, LEA personnel must participate in the meeting regardless of the time of year in which the meeting occurs. <b>LEA personnel may participate in the</b> <del>meeting participation may be achieved</del> through a variety of methods, including in person, phone conference, web conference etc.</p>
IV / 55	<p>Changed before to by:</p> <p>All children found eligible for Part C and who are also found eligible for Part B, including Part C Extension children described below must have an IEP developed <b>by</b> the child's third birthday.</p>
IV / 55	<p>Updated language as follows:</p> <p>An invitation to the initial IEP team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition <del>of services</del> <b>for a child who previously received part C services.</b></p>
IV / 55	<p>Added in word the as follows:</p> <p>Parents of a child determined eligible for both Part C and Part B, and who has a summer third birthday in accordance with <b>the</b> Part C State Plan, may choose to: (1) continue Part C services until the initiation of the local district's school year following the child's third birthday, or (2) transition to Part B to receive FAPE on the child's third birthday.</p>
V / 70	<p>Changed the language as follows:</p> <p>Once the Administrative Hearing Commission has issued a final decision, no motion for reconsideration is permitted. However, if a final decision contains technical or typographical errors, a party may request correction of the errors if the correction does not change the outcome of the hearing or substance of the final hearing decision. Requests for a change of a technical or typographical error do not toll the time for an appeal. The Commissioner <b>shall</b> <del>hearing the case</del> makes the determination <del>if</del> <b>whether such</b> a change is necessary.</p>
V/73	<p>Changed the language as follows:</p> <p>All pleadings must be filed by fax or mail or as otherwise provided by <b>the</b> Administrative Hearing Commission <del>rules</del>.</p>
V/73	<p>Changed the language as follows:</p> <p>The Commissioner may, at <del>his or her</del> <b>its</b> discretion, limit the number of witnesses, the length of direct and cross examination, and the number and type of documents used as evidence in the hearing</p>
V / 82	<p>Changed the language as follows:</p> <p><del>A qualified hearing Commissioner</del> <b>The Administrative Hearing Commission</b> will hold the due process hearing and make a decision. The <del>hearing Commissioner</del> may:</p> <p>A. return the child with a disability to the placement from which the child was removed if the <del>hearing Commissioner</del> determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child's behavior was a manifestation of the child's disability, or</p>

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VI/ 96	<p>In section 7 changed to 300.167- 300.169 to accurately reflect the federal regulations</p> <p><b>7. Public Participation (34 CFR 300.167-300.169)</b>  The State of Missouri ensures that, prior to the adoption of any policies and procedures needed to comply with the Individuals with Disabilities Education Act, or prior to submitting a State Plan to the Secretary, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.</p>
VI/ 102	<p>Updated the educational qualifications for Audiology Aide and Interpreter of the Deaf by adding in additional equivalency degree</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate)</b></p>
VI/ 103	<p>Updated the education qualifications for Orientation and Mobility Paraprofessional as follows:</p> <p><del>Bachelor's Degree in fields of study other than those listed above</del> <b>High school diploma or GED or HSE (High School Equivalency Certificate)</b></p>
VI/ 103	<p>Updated the certificates or license requirements for Orientation and Mobility Paraprofessional as follows:</p> <p><del>Demonstrated proficiency in O&amp;M as required by a current contract with Rehabilitation Services for the Blind and 2 years supervised experience with blind/or visually impaired persons</del>  <b>determined by the supervisory O&amp;M Specialist</b></p>
VI/ 103	<p>Updated education qualifications for Paraprofessional as follows:</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate) OR</b>  If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.</p>
VI/ 104	<p>Updated educational qualifications for Paraprofessional for Braille Instruction as follows:</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate) OR</b>  If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.</p>
VI/ 104	<p>Updated the certificates or license Paraprofessional for Braille Instruction as follows:</p> <p><del>Demonstrated proficiency in Braille as required by a current contract with Rehabilitation Services for the Blind.</del> <b>determined by the supervisory teacher for the visually impaired</b></p>
VI/ 105	<p>Added language to the position of Special Education Supervisor as follows:</p> <p>Special Education Supervisor/<b>PK-12</b></p> <ul style="list-style-type: none"> <li>• high school</li> <li>• middle school</li> <li>• elementary</li> <li>• <b>early childhood special education ECSE</b></li> <li>• <b>early childhood education/ early childhood special education (ECE/ECSE)</b></li> </ul>
VI/ 105	<p>Changed the Educational Qualifications of the Special Education Supervisor as follows:</p> <p><del>Master's</del> <b>Bachelor's</b> Degree</p>

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VI / 106	<p>Added language as follows to the responsibilities of Speech Language Pathology Aide:</p> <p>Works under the direct supervision of a licensed speech/language pathologist. <b>Additional responsibilities may include preparation of materials and providing other supports that may be necessary based on the student's needs and disability.</b></p>
VI / 106	<p>Updated the educational qualifications for Speech/Language Pathology Aide</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate)</b></p>
VII / 107	<p>In Section 5 added 300.155 to accurately reflect the federal regulations</p> <p><b>5. HEARINGS RELATED TO LEA ELIGIBILITY (34 CFR 300.221 AND 300.155)</b></p>
VII / 112	<p>Added language as follows to the ECSE expenditure requirements:</p> <p>Public agencies may not collect or charge tuition costs for allowable ECSE services; <b>however, the public agency may charge for tuition related to general early childhood education that is not part of the Individualized Education Program (IEP).</b></p>
VII / 113	<p>Changed the language on lease expenditures as follows:</p> <p><del>For any lease amount over \$400,000 per year, the public agency must submit documentation on the options considered for ECSE facilities and how the option chosen is the most cost effective.</del></p> <p>o <b>Lease payments are made in accord with 5 CSR 30-640.200.</b></p>
VII / 115	<p>Updated the ECSE Caseload Chart as follows:</p> <p>Teacher of <del>Center Based Self Contained</del> <b>Early Childhood Special Education</b> Classroom – <b>This classroom strictly has ECSE students for those districts that do not have the capacity or student base for integration.</b> Caseload/Class Size <b>10- 20</b></p>
VII / 115	<p>Updated the ECSE Caseload Chart as follows:</p> <p>Teacher of Integrated Classroom. Caseload/Class Size <b>10- 20</b></p>
VII / 115	<p>Updated the ECSE Caseload Chart as follows:</p> <p>Teacher of Severe/Low Incidence. Caseload/Class Size <b>4 – 10</b></p>
VII / 115	<p>Updated the ECSE Caseload Chart as follows:</p> <p>Paraprofessional in ECSE Centerbased Self Contained Classroom or Integrated Classroom Caseload/ Class Size <b>10-20</b></p>
VII / 115	<p>Updated the ECSE Caseload Chart as follows:</p> <p>Paraprofessional in ECSE Severe/Low Incidence Classrooms Caseload/ Class Size <b>4 - 10</b></p>

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VII / 117	<p>Added as follows:</p> <p style="text-align: center;"><b>5. CLASS SIZE AND CASELOADS</b></p> <p>Caseloads and Class Size Requirements differ between Early Childhood Special Education (ECSE) and grades K-12. Caseloads for ECSE are mandatory and tied to funding requirements. The standards for grades K-12 are desirable and should not exceed the maximum case load outlined in the Caseload guidance on the Office of Special Education website. Factors to consider when determining caseload for grades K-12 are listed below.</p> <p>a) Caseloads and Class Size Requirements for Early Childhood Special Education (ECSE) <b>“See Regulation VII Section 7 for ECSE requirements.”</b></p> <p>b) Class Size/Caseload Standards for Grades K-Twelve (12)</p> <p style="padding-left: 40px;">It is the responsibility of the public agency to assign students to classes and monitor student/teacher ratios for class size and caseload to ensure that there are adequate staff and that staff have adequate time to provide for the implementation of the IEP of each identified student with a disability. ....</p>
VIII/ 125	<p>Changed language as follows:</p> <p>Missouri case law and the Missouri Constitution prohibit the provision of <b>personnel, services, materials, and equipment on the premises</b> <del>services, equipment, and personnel on site at</del> <b>of</b> a child’s private school <b>unless they are provided in a neutral site</b>. LEAs must determine how and where services will be provided to children with disabilities attending private or parochial schools <del>and could consider the provision at a neutral site.</del></p>
X / 142	<p>Changed the names of the American Association for Mental Retardation (AAMR) to American Association on Intellectual and Developmental Disabilities (AAIDD)</p> <p>The student is not able to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, but evaluation information indicates significant deficits in intellectual and adaptive behavior skills, and the student requires a pervasive level of support across all life areas, as defined by the <b>American Association on Intellectual and Developmental Disabilities (AAIDD)</b> classification system.</p>
X / 142	<p>Clarified acronyms as follows:</p> <p>2) The <del>local school district</del> <b>LEA</b> shall provide justification of why it is not the least restrictive environment for the student. The district must demonstrate why it cannot educate the student in the local school and justify why the services they have provided are not adequate to meet the needs of the student.</p> <p>Students who educationally benefit from special education and related services that can be provide by <del>local educational agencies</del> <b>the LEAs</b> are not considered eligible for services through MSSD. In general, students with disabilities such as cognitive deficits falling two (2) to three (3) standard deviations below the mean, Speech or Language Impairments, Hearing Impaired/Deaf, Visually Impaired/Blind, Learning Disabilities, Emotional Disturbance, Other Health Impaired, Traumatic Brain Injury, or Orthopedically Impaired can receive an appropriate education when served by <del>local educational agencies</del> <b>LEAs</b>.</p>

Reg/Page	Changes made
X / 144	<p>Changed language as follows:</p> <p>Students who are eligible for the <del>Missouri Schools for the Severely Disabled</del> <b>MSSD</b> based on the severity of the disability will not be accepted if they require permanent homebound placement as such a placement requirement would therefore preclude attendance at a separate day program such as MSSD. Students who otherwise qualify and require only intermittent homebound placement will be accepted for placement.</p> <p>6) Should the district be notified that the student is eligible for MSSD, the district may refer the student. The district shall notify parents of the eligibility decision and submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice. If the IEP at time of request does not reflect a total of 1,800 minutes of service per week, the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide <b>free appropriate public education (FAPE)</b>.</p> <p>8) Within thirty (30) days following initial enrollment of the student, an IEP/placement review conference shall be held. The purpose of this review is to confirm the appropriateness of continued placement in MSSD as the least restrictive environment to provide <del>a free appropriate public education</del> <b>FAPE</b> for the student. The student's teacher, other appropriate professional personnel from the school, a representative of the referring district, and the student's parent shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the procedures provided in the Procedural Safeguards notice, any change in placement decision made as a result of this review.</p>
X / 144 -145	<p>Added new procedure for transfer students who had previously attended MSSD, moved out of state and the transfer IEP is not for a separate day program:</p> <p><b>3. Transfer of students who previously attended MSSD, moved out of state, and have returned to Missouri</b></p> <p><b>To qualify for this interim placement, the following criteria must be met:</b></p> <ul style="list-style-type: none"> <li>• <b>The student attended MSSD in the 12 months prior to seeking readmission, and</b></li> <li>• <b>The student moved out of state and had an IEP placement other than a separate day school, and</b></li> <li>• <b>The student has moved back to Missouri, and</b></li> <li>• <b>The parent agrees to the interim placement at MSSD.</b></li> </ul> <p><b>Procedure to implement the interim placement:</b></p> <ul style="list-style-type: none"> <li>• <b>The current IEP and evaluation report are reviewed by the new LEA pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment and a decision made accepting or rejecting the IEP and evaluation report is documented.</b></li> <li>• <b>The new LEA submits a copy of the student's current IEP and evaluation report to MSSD with documentation of the acceptance or rejection of the documents. In a letter, the new LEA will verify the previous placement at MSSD within the prior twelve (12) months. In addition, the LEA requests that the student be served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.</b></li> <li>• <b>MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.</b></li> <li>• <b>Enrollment paperwork must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the LEA of the date of the student's enrollment.</b></li> <li>• <b>During the sixty (60) day interim placement, the LEA shall follow the procedures to seek eligibility determination in accordance with B 1-6 above. If found eligible, the LEA will issue a notice of action to the parents, guardian, or surrogate parent and MSSD confirming continued placement in the state school. If, during the sixty (60) day interim period, the LEA fails to submit all the documentation needed to determine eligibility for placement at MSSD, the student will not be served by MSSD and shall be served by the LEA through a placement other than MSSD.</b></li> </ul> <p><b>If MSSD is not confirmed as the student's least restrictive educational environment, the LEA is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.</b></p>

Reg/Page	Changes made
X / 145	<p>Changed language as follows:</p> <p>1) Transfer of students enrolled in MSSD  A student who is enrolled in a MSSD school and moves from one local school district to another (including those moves to another district within the catchment area of the MSSD school the student currently attends), may transfer enrollment immediately on the basis of the Justification for Separate School Placement, current IEP, and evaluation report. This is considered an interim placement, not to exceed <del>thirty (30)</del> <b>sixty (60)</b> days, during which the new <del>local district</del> <b>LEA</b> follows the transfer procedures provided within Regulation III, Procedures for Evaluation and Determination of Eligibility, to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student. If this review results in determination that MSSD is the least restrictive environment, the new <del>district</del> <b>LEA</b> will complete the Justification <del>for</del> <b>of</b> Continued Separate School Placement. If, during the <del>thirty (30)</del> <b>sixty (60)</b> day interim period, the LEA fails to provide Justification of Separate School Placement, the student will not be served by MSSD and shall be served by the LEA through a placement other than MSSD.</p>
X / 145 - 146	<p>Changed wording as follows:</p> <p>2) Transfer of Students with Severe Disabilities from a Separate School (Day) Facility (in Missouri School District, a Special School District, or an Out-of-State Program):  A <del>thirty (30)</del> <b>sixty (60)</b> day interim placement <b>at</b> MSSD may be available for students with severe disabilities who are changing school districts due to a change in residence. These students must have been receiving services in their local district; through cooperative arrangement by their home district with another school district; in a special school district; or, in an out-of-state program for students with severe disabilities.</p> <p>To qualify for this interim placement, the following criteria must be met:</p> <ul style="list-style-type: none"> <li>• The current IEP and evaluation report are adopted by the new school district pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment.</li> <li>• The new <del>district</del> <b>LEA</b> submits a copy of the student’s current IEP and evaluation report to MSSD with a letter acknowledging adoption of the documents. In the same letter, the new <del>district</del> <b>LEA</b> will verify the previous placement provided educational services in a self-contained classroom with students with severe disabilities in a separate school building. In addition, the district requests that the student be served in a <del>thirty (30)</del> <b>sixty (60)</b> day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.</li> <li>• MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.</li> <li>• Enrollment paperwork must be completed at the onset of the <del>thirty (30)</del> <b>sixty (60)</b> day interim placement period. MSSD will notify the LEA of the date of the student’s enrollment.</li> <li>• During the <del>thirty (30)</del> <b>sixty (60)</b> day interim placement, the local district shall follow the referral procedures to seek eligibility determination in accordance with B 1-6 above. If found eligible, the LEA will issue a notice of action to the parents, guardian or surrogate parent and MSSD confirming continued placement in the State School. If, during the <del>thirty (30)</del> <b>sixty (60)</b> day interim period, the <del>local school district</del> <b>LEA</b> fails to submit the Justification <del>of</del> <b>for</b> Separate School Placement, the student will not be served by MSSD and shall be served by the LEA through a placement other than MSSD.</li> </ul> <p>If MSSD is not confirmed as the student's least restrictive educational environment, the <del>local district</del> <b>LEA</b> is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.</p> <p><b>3</b></p>