

## Part B Compliance: April / May 2017

# THE TO DO LIST



The Supreme Court recently issued a ruling in the Endrew case which will affect how LEAs make decisions regarding the **PROVISION OF FAPE**. Rather than just receiving “some” or “de minimus” benefit from their educational program, a student’s IEP must now be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Please note that the compliance requirement to provide FAPE has not changed at all; the only change is the interpretation of what constitute the provision of FAPE. It will be up to the courts to provide concrete guidance related to the interpretation of this ruling. In the meantime, LEAs might want to review/revise procedures and practices to ensure:

1. Students are evaluated sufficiently to determine eligibility for special education as well as their “circumstances”
2. Quality present levels of performance and appropriate SMART goals based on grade level standards are used to create IEPs “reasonably calculated to ensure progress based on the student’s circumstances,” and
3. Ongoing IEP goal progress monitoring data is used to be proactive in making programming changes when the student is not progressing as planned

The Endrew case appears to continue to highlight the focus on outcomes for students with disabilities rather than merely procedural compliance with IDEA.

Many IEP teams will be making decision regarding a student’s participation in the MAP or the **MAP-A** during the 2017-18 school year this spring. It is important the IEP teams are aware of the eligibility criteria for participation in the MAP-A and how to appropriately determine eligibility based on these criteria. Remember that any LEA exceeding the 1% MAP-A participation rate will be required to provide justification beginning in the 2017-18 school year. A Myth of the Month on Alternate Assessments as well as the following updated guidance has been posted on the Special Education Compliance webpage under “General Guidance.”

- Alternate Assessment (MAP-A)
  - [State & District-Wide Assessments of School Achievement](#) (March 2017)
  - [Presentation Handout](#)
  - [MAP-A: Eligibility for Participation Webinar NEW!!](#)
  - [Transcript of Webinar](#)
  - [Alternate Assessment Flow Chart](#)
  - [Alternate Assessment Checklist](#)
  - [Alternate Assessment Decision-Making Guidance](#)
  - [Q&A from Alternate Assessment Webinar](#)

**EXTENDED SCHOOL YEAR (ESY)** decisions must be made prior to the end of the regular school year and documented in the student’s IEP. Form B in the model IEP can be used by LEA staff to document decisions regarding ESY as well as goals to be addressed and services to be provided. Remember the IEP amendment process can be used to make ESY decisions after the annual IEP review. A Notice of Action (NOA) is only required to be provided to the parent when the parent has requested ESY and the IEP team has determined the student is not eligible to receive the requested ESY services. Be sure to refer to your LEA’s School Board Policy on ESY in the NOA to help explain the rationale for why the student is not eligible for ESY services. Remember ESY is NOT summer school. Summer school is beneficial to all students while ESY is required in order to provide FAPE to students with disabilities as determined by their IEP teams.

Mark your calendars for the following **SUMMER PROFESSIONAL DEVELOPMENT OPPORTUNITIES**:

- **Transition Institute / June 19 – 21 / Columbia / Holiday Inn Executive Center**
- **New Directors Academy / July 24 – 26 / Jefferson City / Capitol Plaza Hotel**

Register for these FREE trainings at <https://www.mylearningplan.com> Also visit with your RPDC Compliance Consultants for other summer training opportunities being offered that you might be able to take advantage of to enhance your and/or your personnel’s professional skills.

The **MISSOURI INTERAGENCY TRANSITION TEAM (MITT)** was created to increase interagency collaboration in order to improve employment, independent living, and post-secondary outcomes for students with disabilities. The MITT has developed a comprehensive Resource List at <http://disability.mo.gov/MITT.htm> which may be useful to IEP teams when developing Transition Plans for student's beginning no later than age 16.

Students with IEPs who graduate using an alternate route must be reported in core data under exit code G03. This alternate route could be earning some or all required credits **TO GRADUATE BY MEETING IEP GOALS**. This would generally be limited to those students whose IEP teams have determined that this method of graduation provides FAPE to the individual student. DESE has published guidance on this topic in the *Graduation Handbook for Missouri Public Schools* at <https://dese.mo.gov/sites/default/files/Graduation%20Handbook.pdf> starting on page 16 under the section titled *Policy Considerations for Students with Disabilities under IDEA*. LEAs must have the following documentation when students graduate by meeting IEP goals in order to be in compliance:

1. A School Board Policy addressing graduation by meeting IEP goals
2. An IEP that documents the student will graduate by meeting their IEP goals
3. An IEP that includes SMART goals that clearly document the evaluation or procedures used to determine if the student has met the goals and the criteria used to make that determination
4. Data to support the IEP goals were met
5. An IEP that includes special education and related services minutes that document the number of minutes per year provided to the student are consistent with the number of minutes required for awarding units of credit. The State Board of Education defines a "unit of credit" as a passing grade in a course that meets for at least 7,830 minutes a year (or proportionately fewer minutes for half- and quarter-units of credit) on page 5 in the *Graduation Handbook for Missouri Public Schools*.

The end of the school year triggers several tasks that must be completed for students who are transitioning either into or out of the K-12 school setting. Be sure to **MARK YOUR CALENDARS** to complete these in a timely manner:

Summary of Performance (**SOP**) must be provided to the student not more than 60 days prior or 30 days after a student with an IEP graduates with a regular diploma or turns age 21.

Early Childhood Outcomes (**ECO**) must be completed by the ECSE teacher for every ECSE student exiting the ECSE program and reported to DESE by the LEA not more than 30 days after a child exits the ECSE program

**WIOA** requires LEAs to provide Vocational Rehabilitation (VR) with documentation of transition services for any student who may be interested in working at a job paying a subminimum wage. VR and the Office of Special Education are collaborating on a model form that can be used to share this information. Be watching for a SELS message with timelines, specific requirements, and a link to the new model form.

**COHORT 1:** These LEAs will be participating in the self-assessment process during the 2017-18 school year. The Self-Assessment Training will take place during October 2017. Be watching for email messages once school gets back in session next fall.

**COHORT 2:** These LEAs must have corrected any identified noncompliance from their self-assessment no later than one year from the date of their Special Education Program Review Report from last September. Any noncompliance not corrected must be reported to the Office of Special Education Programs (OSEP) through the state's Annual Performance Report and the affected LEA may be subject to loss of federal funds.

**COHORT 3:** remember the initial evaluation timelines and the C to B Transition timelines are both due in IMACS no later than May 15, 2017. Desk reviews to verify each LEA's self-assessment calls will be taking place until the end of July so be sure to provide your assigned Compliance Supervisor with your summer contact information in case there are any questions. Be watching for the results of the Self-assessment and Desk Review in September 2017.

Be sure to contact your compliance team of DESE Compliance Supervisors and RPDC Compliance Consultants for support or if you have any questions. This will be the final TO DO List for the 2016-17 school year. Thank you for all your hard work this school year on behalf of students with disabilities!