

Part B Compliance:
March 2017

THE TO DO LIST



- The Department will be issuing guidance on the **1% PARTICIPATION RATE FOR THE MAP-A** in the next several weeks. Each superintendent and special education contact will be receiving a letter with information describing how the 1% is determined, your LEA's current participation rate in the alternate assessment, as well as, a link to a new webinar titled *MAP-A: Making Appropriate Eligibility Determinations*. The Office of Special Education is also providing additional guidance on this topic through the *March Myth of the Month: Alternate Assessments* and the updated technical assistance bulletin titled *State & District-wide Assessments of School Achievement*. These two guidance documents will be posted on the Compliance webpage before the end of March. This is very important information as many IEP teams are making decisions regarding MAP-A eligibility for the 2017-18 school year this spring.
- If your LEA is considering the use of the **SPEECH IMPLEMENTER MODEL** for providing speech and language therapy services to students with IEPs during the 2017-18 school year, please refer to the DESE guidance at <https://dese.mo.gov/special-education/compliance/speech-implementer> Documentation of advertising for a speech language pathologist and a speech language pathology assistant are required when submitting an application for approval for the use of this model. Please remember that use of the speech implementer model also requires LEAs to develop a plan for implementation which describes training, supervision, and the supervising speech/language pathologist's periodic direct contact with students.
- Mark your calendars for the summer session of the **NEW DIRECTORS ACADEMY** scheduled for Monday through Wednesday, July 24 through July 26, 2017 at the Capitol Plaza Hotel in Jefferson City. This training is provided for first and second year special education directors during the 2017-18 school year. More information and resources can be found at <https://dese.mo.gov/special-education/effective-practices/new-directors-academy>
- Children transitioning from FIRST STEPS who have **SUMMER THIRD BIRTHDAYS** falling between April 1 and August 15, 2017 have several choices for obtaining services starting on their third birthday. As with all FIRST STEPS children, remember that eligibility must be determined and an IEP in place prior to the child's 3rd birthday. However, the parents of these students may choose when these services begin. These particular students may stay in FIRST STEPS until school starts in August OR may transition to ECSE to receive ESY services OR may wait to start ECSE services in August. Additional information can be found at <https://dese.mo.gov/sites/default/files/se-fs-first-steps-summer-third-birthday-services-webinar-february-2016-three-handouts.pdf>
- A consultation meeting must be held at least annually with representatives and parents of private, parochial, and homeschool students within each LEA's boundaries to determine a plan for providing services through **PROPORTIONATE SHARE FUNDS**. At this consultation meeting, the following issues must be addressed: 1) how child find activities will be implemented, 2) which private/parochial/homeschool children will receive services, 3) what services will be provided, 4) how and where the services will be provided, including time and location of services, and 5) how the services will be evaluated. Helpful guidance and worksheets to assist your LEA to complete this process can be found at <https://dese.mo.gov/financial-admin-services/special-education-finance/part-b-proportionate-share>
- Begin planning for procedures to ensure that all **EXTENDED SCHOOL YEAR (ESY)** decisions are made prior to the end of the regular school year. ESY must be considered for all students at least annually and, if the decision is to determine at a later date, be sure that a data-based decision is actually made prior to the end of the regular school year. Remember that ESY is NOT summer school. Summer school is beneficial to all students while ESY is required to provide FAPE to students with disabilities as determined by their IEP teams.

The **FACILITATED IEP (FIEP)** process has been used 30 times this school year to help parents and LEAs to resolve issues and concerns. Feedback has been overwhelmingly positive from both LEA staff and parents. Information about the FIEP process and the supporting research can be found at <https://dese.mo.gov/special-education/compliance/facilitated-individualized-education-program-fiep>. Remember that FIEP is an alternative approach to developing IEPs that can be used to avoid child complaint investigations or due process hearings.

The Department collects, tracks, and analyzes child complaint data. So far in the 2016-17 school year, the number of allegations in **CHILD COMPLAINTS** has decreased by 27%! We believe this is a result of the combination of several factors. The first is offering the FIEP process as an alternative to the dispute resolution process. Second, LEAs are becoming more aware of compliance issues and developing strong procedures and practices that ensure compliance with the IDEA. And finally, LEAs are being proactive when concerns arise and using the mediation process to resolve disputes. LEAs should be aware of the following issues which were identified as noncompliant as the results of child complaint investigations during this school year:

- Failed to conduct proportional share consultation at least annually
- Failed to provide access to educational records including data collection
- Failed to provide prior written notice for change in services
- Failed to seek consent to release personally identifiable information when LEA reported a crime to a law enforcement agency
- Failed to provide an appropriate Notice of Action (content and timeframe)
- Failed to provide parent with a copy of the reevaluation report
- Failed to invite noncustodial parent to the IEP team meeting
- Failed to implement special education and related services on the IEP
- Failed to review/revise the IEP at least annually

If your LEA is purchasing new curriculum materials or books, please remember the IDEA requirement that these be accessible to students with print disabilities (such as through Braille or audio books) that meet the National Instructional Materials Accessibility Standards (NIMAS). The National Instructional Materials Accessibility Center (NIMAC) is a federally funded online repository of source files in the NIMAS format. Your Local Compliance Plan allows NIMAC to be a resource or the sole provider for you LEA.

COHORT 1: LEAs should be participating in mock file reviews to prepare for the self-assessment process during the 2017-18 school year. Visit with your RPDC Compliance Consultant for training opportunities available in your area.

COHORT 2: If your LEA had a follow-up timeline submission, these are due in IMACS no later than March 20, 2017. Cohort 2 LEAs should be working on providing documentation to show that systemic compliance has been achieved no later than April 1, 2017. Be sure to contact your Compliance Supervisor if you have any questions.

COHORT 3: All Self-assessment file reviews have been submitted into IMACS at this time. Requested documentation for student files chosen for the desk review is due in IMACS no later than 4/1/17. It is very important to upload all of the documentation that was reviewed in order to make your calls on each indicator in IMACS. This is because the Compliance Supervisors do a desk review of the selected student's file to verify your calls and they must "see" the same documents you saw to make the original calls. Also, remember the initial evaluation timelines and the C to B Transition timelines are both due in IMACS no later than May 15, 2017.

Be sure to contact your compliance team of DESE Compliance Supervisors and RPDC Compliance Consultants for support or if you have any questions.