

Slide 1



Please remember, the notes to this power point will be posted on the compliance page of the Department's website after our training. We want you to be able to just sit back and listen and learn and enjoy it as much as you can.

Let's start with a quick overview of Special Education Compliance overall . . .

Why is Compliance Important?



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

| | |
|--|---|
| <p><u>Process</u></p> <p>Following all the steps, in the correct order, within the timelines</p> | <p><u>Content</u></p> <p>Implementing the IEP as written and documenting correctly <small>(Implementation and Evidence)</small></p> |
|--|---|

Compliance with IDEA and the Missouri State Plan for Special Education is the basis or foundation of your district's special education program. Compliance includes both **PROCESS** and **CONTENT**. Process includes following all of the required steps, in the correct order and within the timelines. Content includes documenting correctly (your evidence of following the process) and implementing the IEP as written (your implementation of the results of the process).

The **BURNING** Questions of Compliance

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



There are five burning questions of compliance . . .

First, why do we do what we do?

Second, what are we supposed to do?

Third, when do we do it?

Fourth, how do we do it?

And finally, prove that we've done it?

The compliance sessions during the New Directors Academy (NDA) will get you started in being able to answer these questions.

The “IEP” of SPED Compliance

I **Implementation**

E **Evidence**

P **Process**



An easy way to remember the components of special education compliance is the I – E – P: Implementation. Evidence. Process. If these three elements are in place you should be compliant with the IDEA.

Remember that Compliance is the basis of any effective special education program! So let's get started!!

Now let's get a sense of our participants – Show of hands for :

Current position (DSE / PC / SUPT / SLP / Other

Background (sped teacher / admin / counselor / SLP / gen ed teacher / coach / other

Experience with SPED (1 year, 5 year, etc.)



Don't Panic!

We are here to help you!

Special Education Compliance:
573-751-0699
secompliance@dese.mo.gov

MY RPDC Compliance Consultant:

But don't PANIC. . . We are here to help you! Feel free to call or email with any questions or concerns. Remember we want to help you stay in compliance. The Department believes it is better to work together to solve small situations rather than wait until a situation has escalated into a full blown crisis!

Take a minute to write in the contact information for your Regional Professional Development Consultant found on the RPDC Map and Contacts List at the following link:
http://dese.mo.gov/sites/default/files/RPDCChart_06_10_16.pdf

Compliance Breakout Overview

- Session 1: **Why?**
Program Review Standards & Indicators Manual, State Plan for SPED, Federal Regulations & IDEA, Administrator's Checklist
- Session 2: **How Well?**
SPP and APR, SPED Profile, Annual Determinations, Cohorts for Monitoring, Data-based decisions
- Session 3: **Who, What and When?**
The SPED Process (200's indicators)
- Session 4: **When Things Don't Work!**
Dispute Resolution and Discipline (300's)

While you're doing that let's take a few minutes to get a quick overview of how the Compliance breakout sessions will be organized. . .

There will be four sessions, each with a different focus. Each session will be one hour and 30 minutes and consist of a PowerPoint presentation, a Guided Practice Activity and a time for questions and answers.

In the interest of time, we ask that you write any questions you have during the presentation on the index cards that are placed on your tables. Please include your email addresses and phone numbers on these cards. We will be monitoring the room for questions and will have "parking lot" for a question and answer time at the end of each session. However, if we do not have enough time to answer everyone's questions we will email or call you with an answer.

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



As we go through the training, please keep in mind that we will be speaking in “SPED”. This means we will be speaking using letters (acronyms) and short-hand (using one term or acronym to that mean the same thing as another term or acronym).

As far as acronyms, the first time the word is used it will be spelled out but from there on it will be the acronym. Some examples of common acronyms includes LEA for Local Education Agency or IEP for Individualized Special Education Program.

We will also use “common” terminology or short-hand speak. Examples of this would include LEA = School District = responsible public agency OR parent = guardian = surrogate parent = age eligible student (18+ and own legal guardian)

Also remember that there is a wide-range of experience in the room - some of the information will be new to you and some a repeat. Please be patient and flexible as we try to cover all ranges of experience.



Note that if we use an acronym you don't know – be sure to raise your hand and we will explain it. Remember we do “stop” for acronyms – questions go to the “parking lot”!

We have a lot of information to cover in a short amount of time . . . So let's get started!

Slide 9



SPED COMPLIANCE:
WHY?

Standards & Indicators Manual
State Plan for SPED
Federal Regulations & IDEA
Administrator's Checklist

NEW DIRECTORS' ACADEMY PRESENTATION

July, 2016

Missouri Department of Elementary
and Secondary Education

Let's start with the WHY . . .

Session 1: Learning Outcomes

After today's training, you will:

- Know the legal foundations of Special Education
- Know how to access and use the Standards & Indicators Manual
- Be able to review your LEA procedures and practices so they align with the Administrator's Checklist
- Know the options for providing speech/language services
- Be able to meet compliance requirements when a student with a disability transfers into your LEA

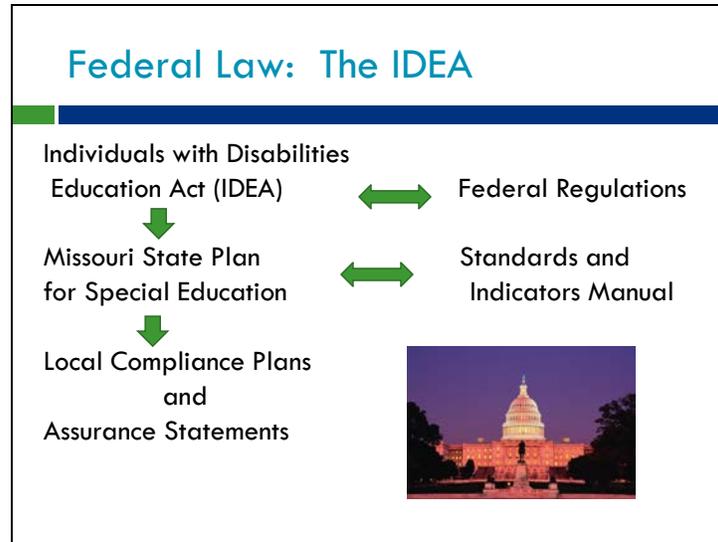
These are the learning outcomes of this session.

Again, we have included activities into our presentation to emphasize key points and keep everyone awake! Our intent is to ensure that you have a firm grasp on the special education process in terms of compliance and to acquaint you with resources available to guide you as you make decisions as a special education director.

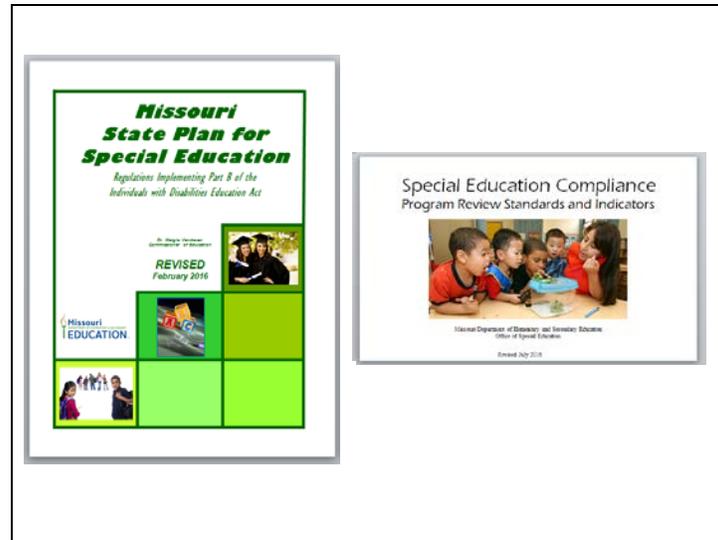
Slide 11

| | |
|--|--|
| |  |
| | The Legal Foundation of Special Education |
| | Why We Do What We Do . . . |

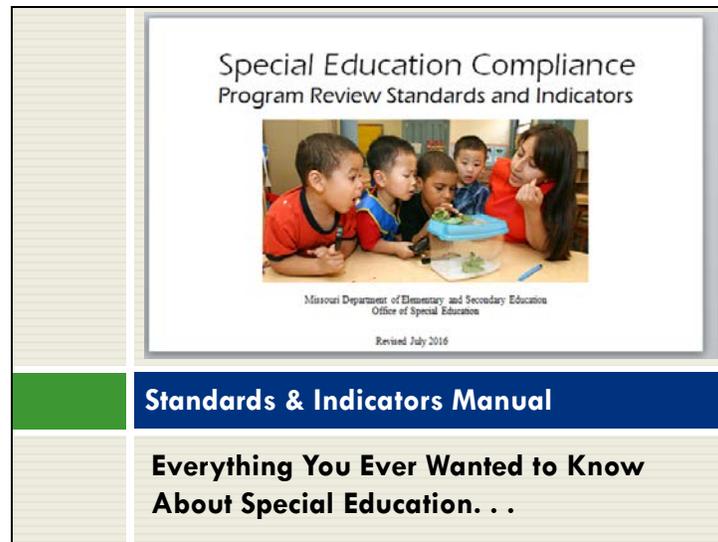
Thinking about our Burning Questions, let's take some time to look at the laws that directly affect students with disabilities and govern "why we do what we do" . . .



Anyone involved with students with disabilities MUST be familiar with the provisions of the Individuals with Disabilities Education Act or IDEA. This is the federal law that governs special education. The Federal Regulations provide guidance on implementing the IDEA. The Missouri State Plan for Special Education is based on the IDEA and documents how Missouri will be in compliance with the requirements of the IDEA. This document is revised as changes are made in the IDEA, Federal Regulations or OSEP guidance documents/letters. All public agencies responsible for providing services to students with disabilities are required to develop a Local Compliance Plan for Special Education that aligns with the IDEA and the Missouri State Plan for Special Education. In addition, each school year, the school board of every public agency responsible for providing services to students with disabilities must have an assurance statement indicating that they will comply with the state and federal laws in regards to students with disabilities. Please note that currently this assurance statement is included with your ePeGs budget and when you “open” your budget, your district automatically makes these assurances.



This slide shows the current Missouri State Plan for Special Education which was revised in February 2016 and went into effect on June 30, 2016 and the current SPED Compliance: Program Review Standards and Indicators Manual. Remember the burning questions from the beginning of the presentation? These two resources are the basis to the answers for ALL of those questions!!



In your packet you will find a copy of the Standards and Indicators manual. The manual is organized into sections.

The 100s is the Administrator Checklist

The 200s is the Special Education Process

The 300s is the Discipline Process

The 400s is the Speech Implementer model

The 500s is Transfer process for in-state and out-of-state transfers

Finally, the 600s through 2100s is the eligibility criteria for Autism through YCDD.

Use the tabs to divide up the sections to help you find each section quickly. Let's start by putting your Standards and Indicators into your new SPED Notebook. Notice that this Notebook has sections to help keep you organized during your first year as a director. Go ahead and place the tabs in the correct place for the 100's and other sections in your Standards and Indicator's Manual. Before too long your Standards and Indicators will look really worn because this document is an integral part of your job.

Reading the Standards & Indicators

- **Legal Requirement**
 - What do all those numbers reference?
 - Federal & State Laws
 - The State Plan for Special Education

- **Indicator**
 - What is required
 - Notes provide additional clarification

- **Documentation**
 - The evidence of meeting the requirement



Take a moment to look through your Standards & indicators Manual. Notice how each requirement is divided into three columns. The first column shows the legal basis for the requirement. The second column lists the specific requirement and describes exactly what is required – this is called the “indicator”. Third column shows how districts would be expected to document or show evidence of compliance with the indicator.

Administrator's Checklist

- The 100's indicators
in the Standards & Indicators Manual
- A "Laundry List" of SPED Administrative
Requirements



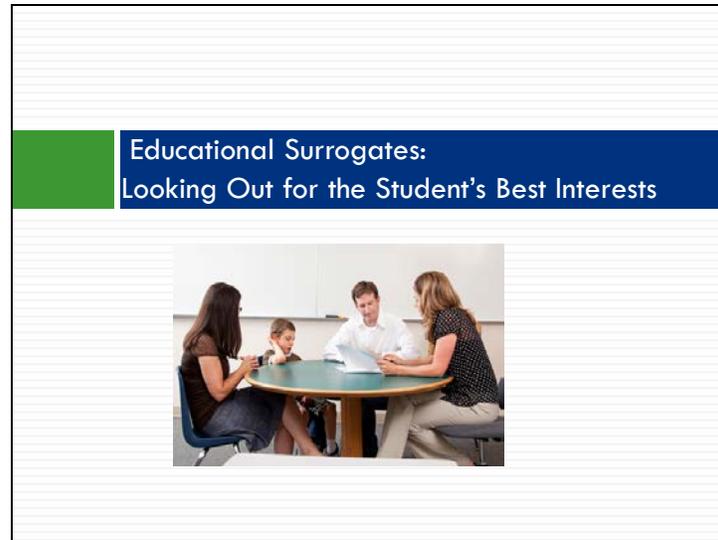
The SPED Administrator's Checklist is found in the 100's of the Standards & Indicator's Manual. Think of it as the "laundry list" of SPED administrative requirements for your LEA. Turn to the 100's section in your Standards & Indicator's Manual and follow along as we briefly cover the major sections within the 100's but remember this is just a quick overview and we do not expect you to fully understand all of the components in detail.



LEAs have an obligation to find potentially eligible students through public awareness activities. Each LEA is required to publish a notice in either the newspaper or post a notice on the district website AND air a radio and/or television announcement by November 1. In addition, patrons of the school district must be notified by flier, handbook, or newsletters. Poster and/or notices should also be posted in all administrative offices.

The Child Find notice must include the agency's responsibility to identify, locate, and evaluate children with disabilities who are under the jurisdiction of the agency regardless of the severity of the disability including those children that may be attending private or parochial school or who are home schooled. An important difference for charter schools is that they are only responsible for child find for the students who are enrolled in their schools.

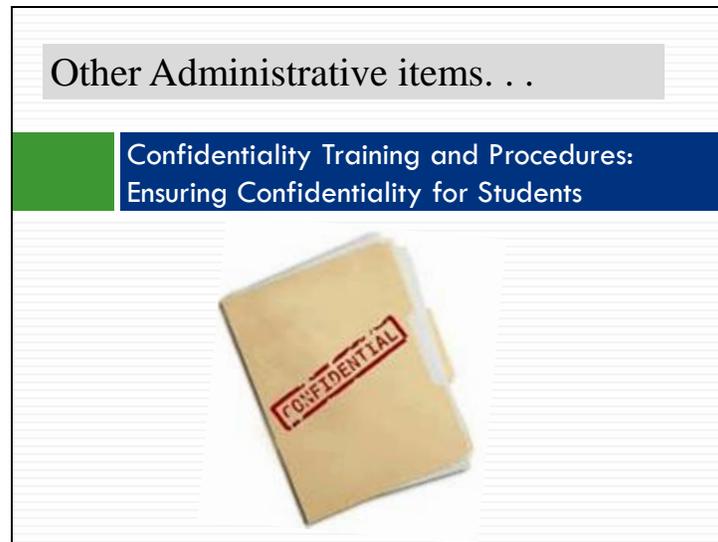
The notice must state the agency's intent to service all children with disabilities from 3 to 21. The Office of Special Education provides a model public notice on our web site. Remember child find includes nonresidents if attending private schools in your boundaries; highly mobile children such as migrant and homeless; and children suspected of having a disability in need of special education, even though they are advancing from grade to grade.

The slide features a white background with a blue horizontal bar across the middle. The bar contains the text "Educational Surrogates: Looking Out for the Student's Best Interests" in white. To the left of the bar is a green square. Below the bar is a photograph of four people (three adults and one child) sitting around a round table, looking at documents.

Educational surrogates must be requested when the student has no identified parent, guardian, or person acting as a parent; or, the student has parents who, after a reasonable effort, cannot be located by a public agency. Applications for students needing an educational surrogates are made through the DESE web applications in IMACS.

It is important that your district have procedures for identifying students who need educational surrogates and are aware of the requirements and procedures related to making those applications to the Department.

It is also an LEA responsibility to assist in recruiting individuals to serve as educational surrogates in their areas of the state. Please note that the educational surrogate training is now web-based and can be found on the DESE website. Also note that educational surrogates are not paid but do receive reimbursement for mileage.



The next section in the Administrator’s Checklist is titled “other administrative items” and is truly just a laundry list of reminders. The first item on this list describes the requirements for procedures and training related to confidentiality. There are two parts to this process:

Confidentiality Training: The Family Educational Rights and Privacy Act (FERPA) requires confidentiality training be provided to all staff. The IDEA requires confidentiality training for ALL persons collecting or using personally identifiable data and that you have written documentation for when and who attended your confidentiality training. The requirement is that all staff receive the training at least once and that all new hires are trained in confidentiality as well. Many districts chose to include an annual confidentiality training in the beginning of school trainings/workshops for all school staff prior to school starting to meet this requirement.

Access to records: The district is required to have a listing of current employees having access to student records posted at student file location or other central location.

Paraprofessional Credentials and Training:
Providing Qualified Staff to Support Students

A photograph showing a paraprofessional, a woman with dark hair, leaning over a table to assist two young students. One student is a girl with dark hair, and the other is a girl with light hair. They are all looking at a piece of paper on the table. The background shows a classroom setting with colorful balloons and educational posters.

Paraprofessionals working to support students with IEPs have specific credentials that are required depending upon the type of school building the paraprofessional is assigned to work in during a particular school year. In addition there are ongoing training requirements that must be met for paraprofessionals.

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)

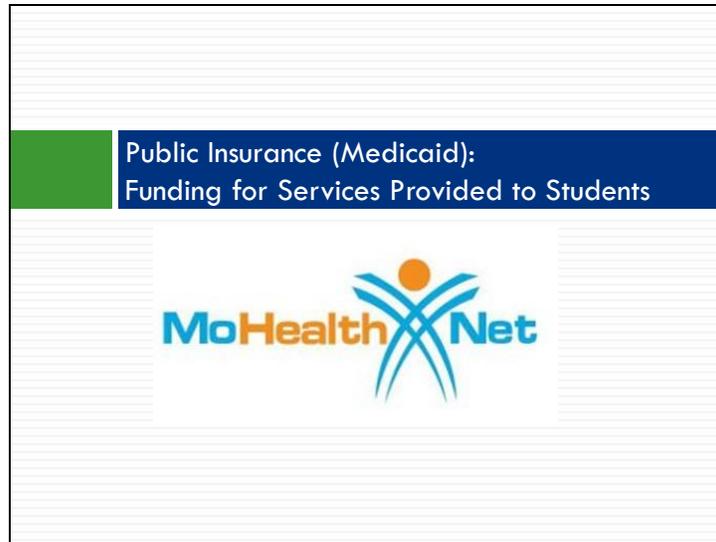
| Length of Time Employed as a Paraprofessional | Training Required |
|---|--|
| Within the first calendar year of employment | Orientation + 15 clock hours of training related to assignment |
| All subsequent years of employment | 10 clock hours of training related to assignment |

NOTE: This training requirement does NOT apply to paraprofessionals who hold teaching certificates

When looking at paraprofessional credentials, it is very important to know the Title I status of the assigned building and the type of work the paraprofessional will be doing with students. This is because the Every Student Succeeds Act (ESSA) requires that any paraprofessionals providing instructional support, including special education paraprofessionals, working in school-wide, not target assist Title I buildings, have 60 credit hours. This does not include personal assistants unless they perform instructional support activities. Paraprofessionals who work in non-Title I school-wide buildings are only required to have a high school diploma or GED. Please note that your local school board policy may have a higher standard than this minimum requirement.

Training requirements vary by the number of years of employment as a paraprofessional. Paraprofessionals must have 15 professional development hours during the first year of employment plus orientation and a minimum of 10 hours thereafter. It is very important that this training be related to the paraprofessional's assignment. Note that assisting the teacher in the classroom, attending IEP meetings, or orientation training CANNOT be counted towards the required training. Please note that if a paraprofessional holds a teaching certificate, they are exempt from the training requirements.

The 100s in the Standards & Indicators Manual lists these specific requirements for paraprofessional training and is a wonderful resource when questions arise. It is important to keep the credential and training requirements in mind when making paraprofessional assignments. Also remember to keep records of the required trainings of paraprofessionals in your LEA.



LEAs can chose to seek reimbursement from Medicaid for therapies provided to students who are eligible for an IEP. However, the LEA must follow the required process to notify parents as described in the Administrator’s Checklist. . .

Private / Parochial Students with Disabilities:
Determining Proportionate Share Services

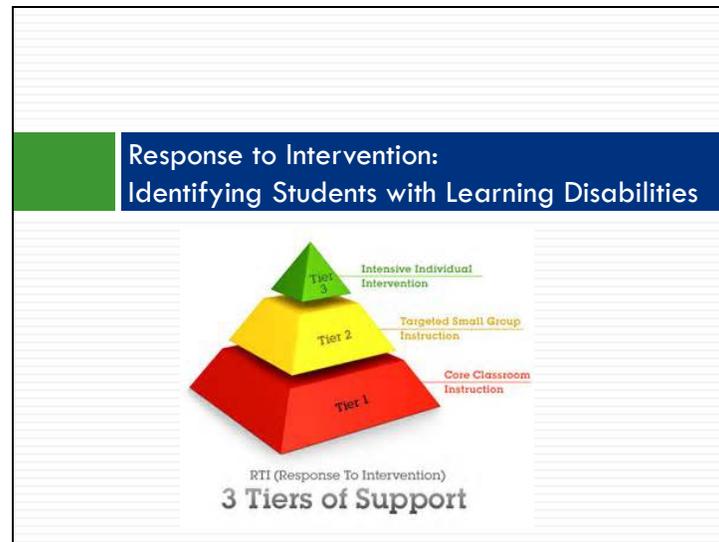
A photograph of two young boys in school uniforms sitting at a desk and reading a book together. The boy on the left is holding the book, and the boy on the right is looking at it. They are both looking down at the book with interest. The background shows a classroom setting with a map on the wall.

Students with disabilities who attend private or parochial schools do NOT have an individual right to receive FAPE and have an IEP. Instead, these students have the right to access proportionate share funded services through an individual service plan (ISP). The Administrator's Checklist describes the required procedures for conducting a consultation meeting with representatives of private/parochial school and parent representatives of parentally-placed private/parochial school students in order to determine what services will be offered by an LEA.

Remember that in Missouri, homeschooled children are considered to be attending a private school. Please note that charter schools are EXEMPT from this requirement because the LEA in which the charter school is located is responsible for child find and providing the proportionate share services to these students.



One of the most overlooked administrative responsibility is the monitoring of hearing aids and hearing devices. The requirement is that these devices be monitored on a **daily** basis **by staff** to ensure proper functioning. It is important to keep documentation of this daily monitoring for hearing aids, external components of cochlear implants, auditory trainers, etc. Remember that if these devices are not working properly, the student will not be able to effectively hear instruction during the school day and receive FAPE.

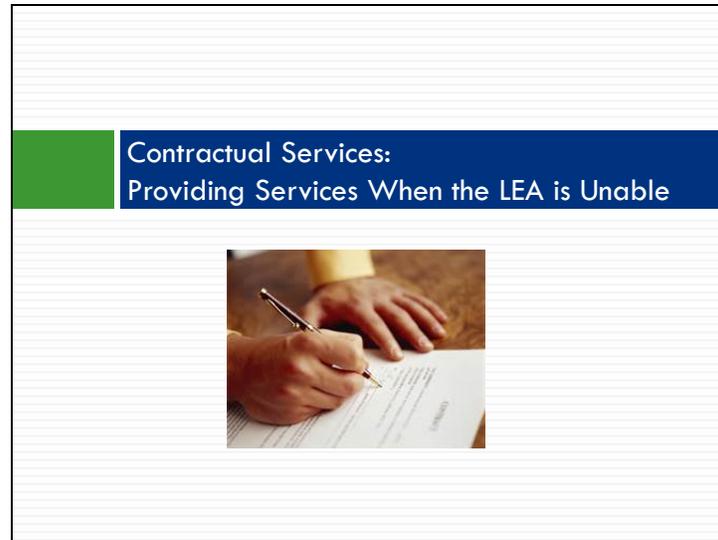


The final “other administrative requirement” relates to the method for identifying students with learning disabilities in the LEA.

Many of you are familiar with the RTI “triangle” shown on this slide. It is important to remember that this concept has different uses in the general and special education programs.

The general education use of Response to Intervention (RTI) or, as it is sometimes referred to as, the Multi Tiered Systems of Supports (MTSS) is very common in school districts these days. Use of these models of intervention is to provide targeted services to students who are “at risk” academically.

However, in the special education world, RTI is one specific method of determining eligibility for Learning Disabilities. If your LEA chooses to use this method to determine eligibility for learning disabilities, there must be written procedures that follow the DESE guidelines. It is VERY important to know if your LEA uses the RTI model for identifying Learning Disabilities because this method CANNOT be used unless the written procedure is in place and followed when making these eligibility determinations.



The slide features a title bar with a green square on the left and a dark blue background on the right containing the text "Contractual Services: Providing Services When the LEA is Unable". Below the title bar is a photograph showing two hands signing a document with pens.

If your LEA is unable to provide the required special education or related services for one of your students with a disability, you may decide to contract for services. It is important to remember that the contract **MUST** be with an approved private agency for special education services. The department maintains a current list of approved private agencies if you are interested.

It is important to remember the LEA continues to have the responsibility of providing FAPE in contract situation. This means the LEA is still responsible for developing the IEP, providing needed reevaluations and providing FAPE to the student. Consider the approved private agency as a “satellite” classroom. It is very important the LEA ensures the services are being provided by the contractor in accordance with the child’s IEP in these situations. If there is an allegation in a child complaint or due process, the LEA is ultimately responsible – **NOT** the approved private agency.

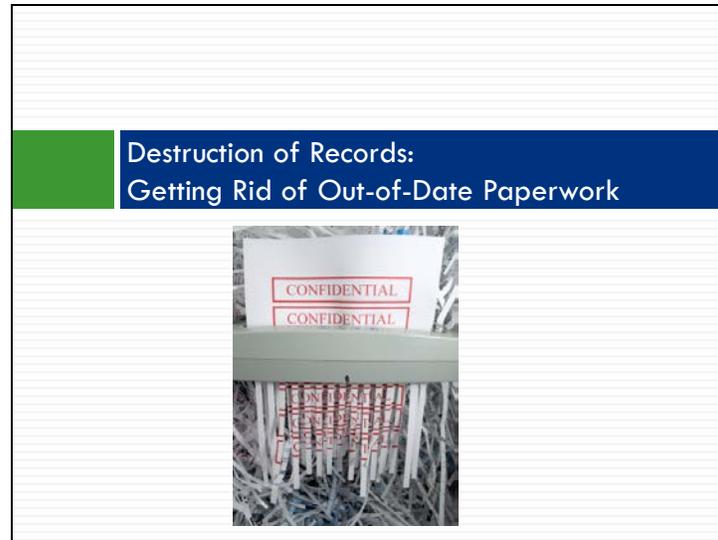
State Board Operated Programs (SBOP)

- **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

In some specific situations, your LEA may not be able to provide the necessary services to provide FAPE and would need to make a referral to one of the State Board Operated Program Schools as the most appropriate least restrictive environment for the student. Each of the SBOPs has a website that describes their programs and referral process.

The LEA is required to maintain a current evaluation report and a current IEP for each student placed in one of these state board operated programs. The LEA is responsible for the reevaluations of these students as well as participating in the IEP process.

Also note that each of the SBOPs has an outreach office and can serve as a valuable resource to districts in the identification and provision of services to children with multiple/severe disabilities or hearing or visual impairments.

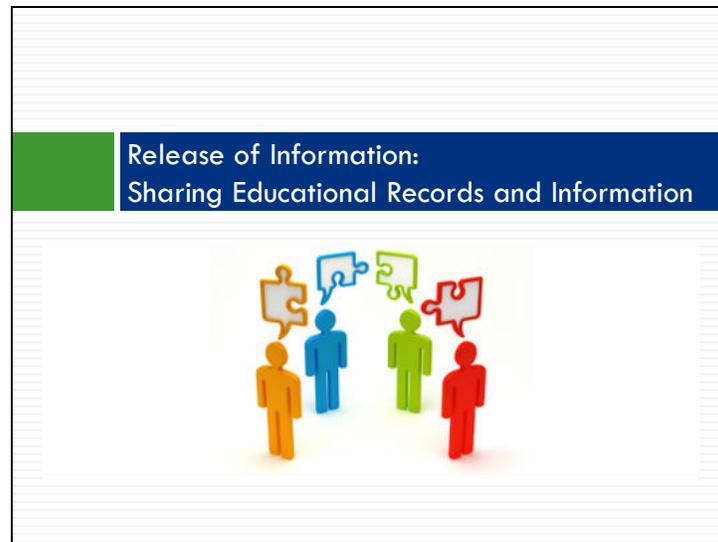


IDEA has a process that **MUST** be followed for the destruction of records that are out-of-date and no longer necessary to provide education for the student. This process can be found in the 100s in the Standards and Indicators manual.

It is important to note that records must be maintained for a period of 3 years from the time they are no longer educationally relevant. However, we find many LEAs maintain records for three years past the anticipated graduation date.

Parents/student must be informed when personally identifiable information is no longer needed to provide educational services and documentation of that contact must be maintained in the student's file. A permanent record containing the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, year completed, and most recent IEP and Evaluation Report can be maintained without time limitation.

Special Education records include IEPs, Evaluation Reports, test protocols, Notice of Meetings, Notice of Actions, REDs, Discipline Documentation Forms, etc.



Release of information procedures must be in place before you can share confidential information. The district's Release of Information form should document the specific records to be disclosed, why the records are being disclosed, to whom the records are being disclosed, as well as a dated signature of the parent or eligible student. Know the exceptions for release of information without written consent outlined in FERPA such as to school officials where the student plans to enroll, audits, college loans, etc.

It is important to remember that a Release of Information is required for any persons other than the parent/guardian to attend an IEP meeting – that means grandparents, boyfriends, outside agencies, advocates, etc.

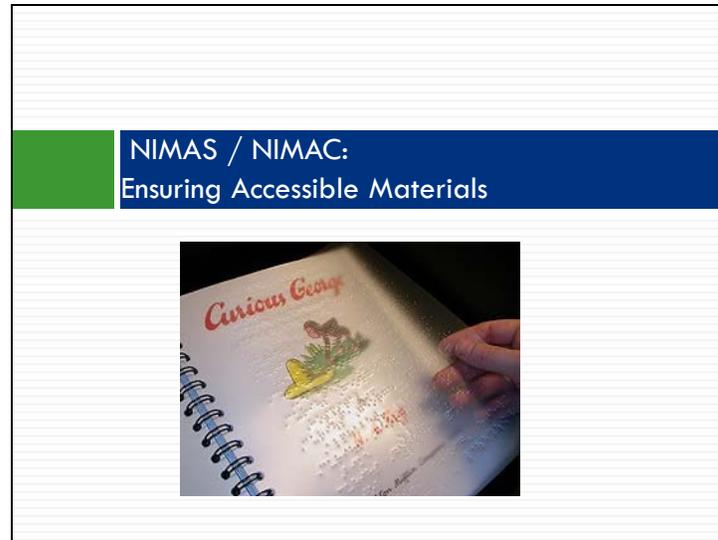
Transfer of Rights:
Notifying the Student and Parent



Another requirement is to notify the student AND the parents of the transfer of rights at age 18. This means the student becomes his/her own educational decision maker upon reaching the age of majority.



Independent Educational Evaluations (IEE) can be requested by the parent/guardian when they disagree with the evaluation that was conducted by the LEA. It can be compared to a “second opinion”. Each LEA should have a school board policy to address IEEs. The agency’s board policy can limit geographic area, cost and the qualifications of the examiners. This criteria must be spelled out in that board policy. When a parent requests an IEE, the district must provide the parent with information about their policies for IEEs and the district has the option to file for due process to explain why the agency’s evaluation is correct. The IEE must be provided at public expense and the LEA must consider the results of the IEE. Documentation of this consideration should be maintained in the student’s file.



The slide has a white background with a blue header bar on the right side containing the text "NIMAS / NIMAC: Ensuring Accessible Materials". Below the header is a photograph of a spiral-bound book. The book cover is white with the title "Curious George" in red cursive at the top. Below the title is a colorful illustration of a monkey (Curious George) sitting on a yellow banana. The book is held by a hand, and the Braille text on the cover is visible.

IDEA requires that public agencies adopt the National Instructional Materials Accessibility Standards (NIMAS) for the purposes of providing instructional materials to blind children and youth or other children and youth with print disabilities. The LEA then has the option of coordinating its efforts with the National Instructional Materials Center (NIMAC) to achieve these standards OR the LEA can indicate that it will not coordinate with NIMAC but assures that it will provide instructional materials to these identified students in a timely manner. This requirement is accomplished through the local compliance plan which is approved by each LEA's board of education. More information on NIMAS/NIMAC can be found on the Department's website.



There are two requirements for a teacher to be APPROPRIATELY CERTIFICATED

First, the teacher must hold at least a bachelor's degree.

Second, the teacher must hold the appropriate teacher certification for his or her teaching assignment. This means that special education teachers must hold a special education teaching certificate for the grade level they are teaching - generally ECSE or K-12.

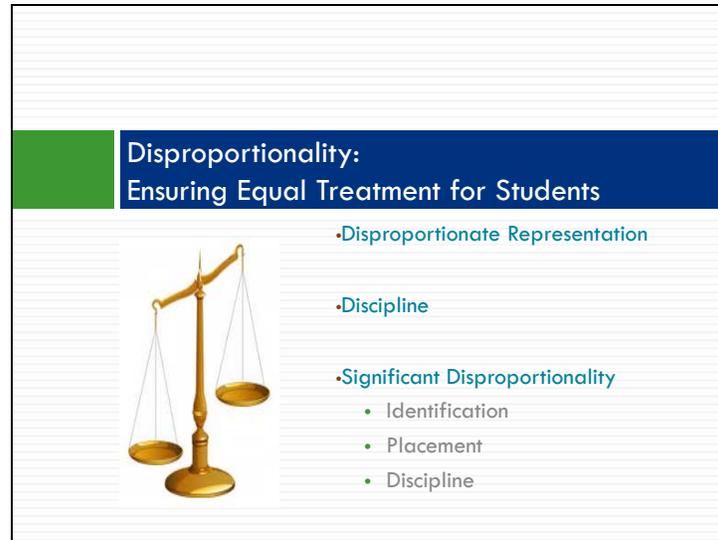
It is VERY important to be aware of these requirements when hiring staff and when making staff assignments.

Special School District:
Additional Requirements for Compliance

partners for student success
SSD

Pemiscot County Special
School District

There are additional requirements for certain special school districts established under state law in Missouri. At this time, the St. Louis Special School District and Pemiscot County Special School District are the only two LEAS that must meet these additional requirements.



**Disproportionality:
Ensuring Equal Treatment for Students**

- Disproportionate Representation
- Discipline
- Significant Disproportionality
 - Identification
 - Placement
 - Discipline

The final area in the Administrator’s Checklist relates to disproportionality in regards to identification, placement and discipline. Students’ with disabilities would not be expected to be identified and placed in special education in higher percentages that their peers depending upon their race or ethnicity. Finally, it would be expected that students with disabilities are disciplined in the same manner and with the same frequency as their peers -not at higher level.

All of these areas are evaluated annually based on core data reporting and the District’s Special Education Profile. There are fewer than 10 LEAs in the state identified for any of these areas and DESE staff work closely with these LEAs to address concerns with disproportionality.



THE SPED PROCESS:
WHO, WHAT AND WHEN?

The 200's Indicators. . .

NEW DIRECTORS' ACADEMY PRESENTATION

July, 2016

Missouri Department of Elementary
and Secondary Education

Note that the 200's indicators will be addressed in Compliance Session 3 . . .

THE SPED PROCESS:
Discipline for
Students With Disabilities

The 300's Indicators. . .

NEW DIRECTORS' ACADEMY PRESENTATION

July 2016

Missouri Department
of Elementary and Secondary Education

While the 300's indicators will be discussed in Compliance Session 4.

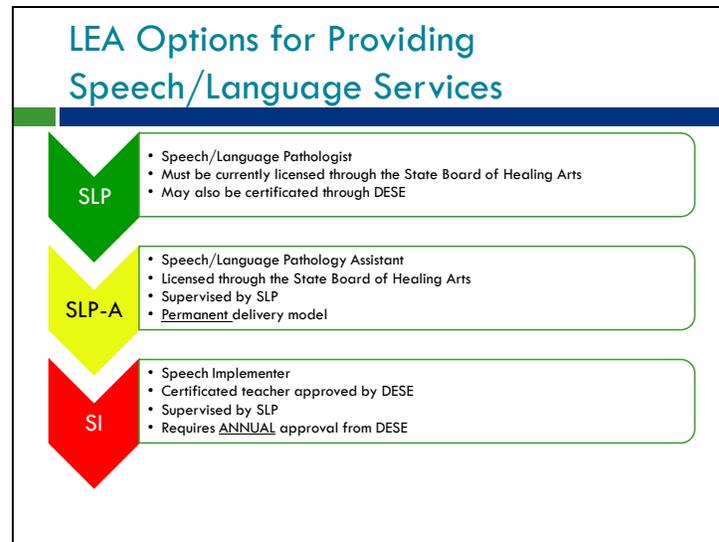
The 400's Indicators. . .

Speech / Language Services:
Options for Providing Therapy



[http://dese.mo.gov/communications/webinar/speech-implementer](http://dese.mo.gov/communications/webinar/speech-<u>implementer</u>)

The 400's in the Standards & Indicator's Manual describes one method of providing speech and language services to students in the district. Turn to that section. . . Note there is a webinar with information about this topic at the website shown on the slide.



Because of the shortage of Speech language pathologists (SLPs), LEAs have several options for providing speech/language services to their students.

This slide shows a flow chart to help explain the three options. Note that the levels are differentiated by the level of expertise in the area of communication disorders. . .

Note that one option is to provide speech/language therapy using a licensed and certificated speech language pathologist or SLP. This option provides the student with highly trained personnel TYPICALLY holding a Master's level degree in the area of Communication Disorders for providing the speech and/or language services.

ANOTHER option is to provide these services using a licensed speech/language pathology assistant (SLP-A) who is supervised by a licensed and certificated SLP. This option provides the student with a Bachelor's level trained staff in the area of Communication Disorders . The combined use of SLPs and SLP-As can provide schools with opportunities to provide high quality services to all students.

The final option is to provide these services using a certificated teacher who is supervised by a licensed and certificated SLP. This option provides the student with a certificated educator trained and supervised by an SLP to provide speech/language services to the student when all other options have been exhausted. It is important to note that the Speech Implementer Model

requires ANNUAL approval by DESE while the other two options are considered permanent model and need no such approval.

The credentials required for the SLP, the SLP-A, and the SI are described in the State Plan under Personnel Standards and align with the Appropriately Certificated teacher requirements described in the 100's in the Standards and Indicator's manual. The 400's contain all of the compliance requirements for use of the speech implementer model. If your LEA used this model, these are the indicators you will need to adhere to.

The 500's Indicators. . .

Transfer Students:
Ensuring a Smooth Transition to Their New School



<http://dese.mo.gov/communications/webinar/transfer-process-students-disabilities>

Now let's turn to the 500's section in the Standards & Indicators Manual to talk about in-state and out-of-state transfers. In-state transfer requirements are found in the 500's while compliance requirements for out of state transfers is found in the 550's. Also note there are model Transfer Documentation forms to assist LEA staff in documenting and following all of the steps in the process. These can be found in the State Model Form notebook in the center of your table if you would like to look at them. You can also find a FAQ on transfer students and a recorded webinar on the topic of transfer students on the Compliance webpage.

In this section we are going to describe the process and compliance requirements to ensure a timely and seamless transfer from one school district to another for students with disabilities. In some cases, students arrive at their new school with complete copies of evaluation reports and IEPs; in other instances, students enroll with no paperwork and incorrect information from parents regarding past special education services. Our goal today is to provide information that will help district staff handle transfers of students with disabilities in such a way that students are provided a FAPE in their new "receiving" school just as they were provided in their previous "sending" school.

Initial Contact / Enrollment Paperwork

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



When receiving a new student in your district, school staff will need to look and listen for any indications the enrolling student may have been identified as a student with a disability.

The first place to begin determining if a new student is a student with a disability is with the initial contact with the school district and through the enrollment paperwork. It is important to know who in your district is responsible for this initial contact. In some districts, this can be the school building secretary or the school counselor. In other districts, it could be the principal or the registrar. No matter who it is, these staff should be trained to “look” and “listen” for indications that the new enrollee is a student with a disability since not all new students arrive at their new school with their IEP and Evaluation in hand. It is very important that these staff ensure that enrollment forms are thoroughly completed. Don’t be afraid to ask questions to clarify information the parent provides on the enrollment form!

Look for: copies of special education records; enrollment forms that indicate special education or special services of some type; records of past educational testing, student assistance team referrals, response to intervention data reports, . . .

Listen for: descriptions of extra academic help and instruction, special arrangements, descriptions of meetings that indicate the special education process, . . .

Ask for: specific information directly and for clarification. . .

And then notify special education staff so the transfer process can be followed!

It is really important to check your enrollment forms to be sure it uses common language. For instance, a school district referred to its special education program as “Exceptional Services” and on the enrollment form asked the question, “Did the student receive Exceptional Services at the previous school?” The answers were always “No” and the special education director was forever finding out that students were transferring into the district with IEPs but this was not indicated on students’ enrollment forms. She finally asked a parent during one of the interviews, “Why didn’t you mark on the enrollment form that little Johnny had exceptional services at his previous school?” The mom answered – “He didn’t have exceptional services – he got poor services and that’s why we moved here!”

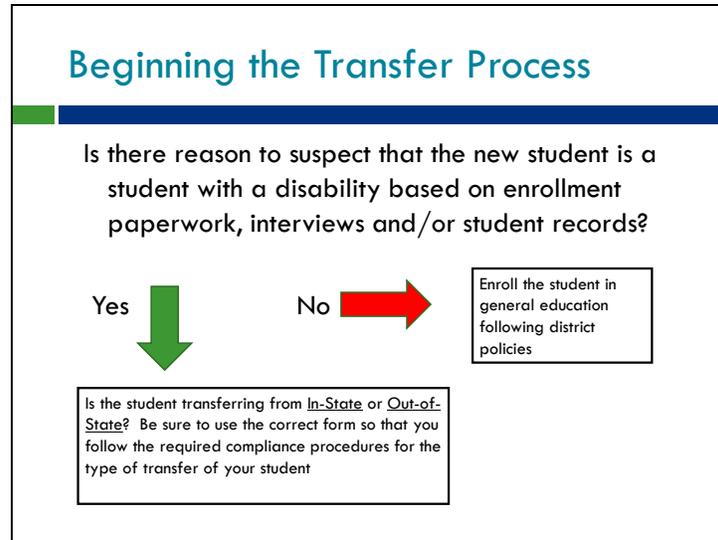
Gaining information

| Records | Interview |
|---|---|
| <p>Receiving School: Request within two (2) days of enrollment</p> <p>Sending School: Send within five (5) business days of receiving request for records</p>  | <p>Receiving School: Talk with parents and staff from sending school</p> <p>Sending School: Share information about student's evaluation and IEP</p>  |

In Missouri, the Safe Schools Act requires that **receiving** school districts request student records within **two (2) days** of enrollment. **Sending** Missouri school districts are required to send records within **five (5) business** days of receiving a request for records. Remember that FERPA allows for student records to be exchanged between LEAs when students transfer.

*Very important ---the receiving school cannot keep a student out of school pending the receipt of school records. In other words, districts cannot refuse to allow a student to begin attending school on the basis of waiting for the receipt of the special education records for a student.

Another way to gain information is the interview process. Interviews will provide valuable information. Interviews can be in person or over the phone. Interviews can be conducted with the student's parents, with previous school staff such as the special education teacher, the school counselor, the building principal, the special education process coordinator, etc. Interviewing will provide a better picture of the types and amounts of services that a student received at their previous school than enrollment documents alone.



So, let's begin by looking at the key question. Is there reason to suspect that the new student is a student with a disability and has an IEP based on enrollment paperwork, interviews and/or student records? If the answer is NO then the district should enroll the student in general education following district policy, procedure and practice.

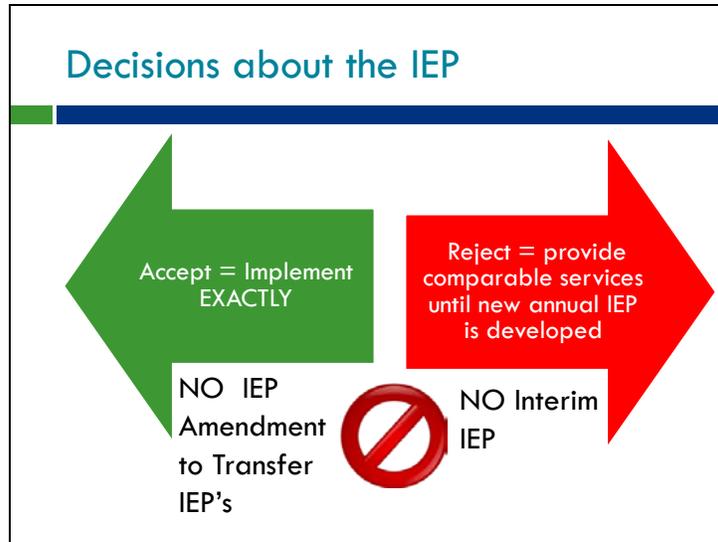
If the answer is YES, the next question to ask is "Is the student transferring from IN-STATE or OUT-OF-STATE?" There are some differences between what is required based upon where the student is transferring from. The model forms are designed specifically to address the required considerations for each of these situations. In addition, the Standards and Indicators Manual describes the steps in the process clearly for both options.

Plan to Provide FAPE

- IDEA requires that students with IEP's receive FAPE
- IDEA requires:
 - 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
- Model Comparable Services Form now available

But remember, there is NO difference in providing FAPE to children with disabilities between in-state or out-of state transfers. If there is an IEP, the IDEA makes it clear that FAPE must be provided. There should be NO DELAY in providing special education and related services to students with disabilities that transfer between schools. Those services can be guided by accepting the previous school's IEP, the receiving school developing a new annual IEP, OR the receiving school providing comparable services to the previous IEP until a new annual IEP can be developed.

LEAs may choose to use the model comparable services form now available on the DESE website for documenting these discussions and decisions.



If your district decides to ACCEPT the IEP from the previous school, that means that the IEP from the previous school can be implemented EXACTLY as written. That means you cannot make an amendment to a transfer IEP since it has to be implemented as written. If (or when) the team determines that the previous IEP is no longer appropriate, the previous IEP is REJECTED and a new annual IEP must be developed. Remember that there is no longer the need to develop an Interim IEP – the IEP Team will be developing the annual IEP at this point and the annual IEP can be amended or re-written as the IEP Team determines is necessary for the individual student.

| | | |
|---|---|-----------------|
| <District Name> | | MO STATE SAMPLE |
| IDEA IN-STATE Transfer Student | | |
| DOCUMENTATION FORM | | |
| REFER TO THE SPECIAL EDUCATION PROGRAM REVIEW: COMPLIANCE STANDARDS AND INDICATORS MANUAL, TRANSFER PROCEDURES SECTION, FOR A COMPLETE EXPLANATION OF REQUIRED DOCUMENTATION. | | |
| Student Name | Date of Birth | Grade |
| Date of Enrollment (m/d/y) | Date of student's first day of school attendance or first day of school if transfer occurs prior to the beginning of school year (m/d/y): | |
| Previous School | | |
| Name of School District | Building | |
| Address | | |
| City | State | Zip |
| Phone | Fax | |
| Records Request: <i>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</i> | | |

This screen shows the model form provided by the Department for In-state Transfers. Remember while it is not mandatory to use the model form, there needs to be some mechanism for a district to collect and document the information and dates associated with the student's transfer into your district. The model form provides a place to document the new student's demographic information, as well as, the date of the student's first day of school attendance or first day of school if the transfer occurs prior to the beginning of school year. It also provides a place to document the contact information for the previous school. There is also an Out-of-state version of this form. Again, copies of these forms can be found in the Forms Notebook on your tables.

The 600's – 2100's Indicators. . .

Eligibility Criteria:
Identifying Students for Special Education

A photograph of a person wearing a light-colored hat and red sunglasses, peering through tall green grass. The person's face is partially obscured by the blades of grass.

The last sections in the Standards & Indicators Manual are the eligibility criteria for each of the categories of disability found in the IDEA. These are a valuable resource when making eligibility determinations.



Slide 49

1. Under an LEA's child find responsibilities, which children are you responsible to identify, locate and evaluate?
 - i. 100.50.a.(1) Children attending private schools, including non-residents if attending private schools within the agency's jurisdiction.
 - ii. 100.50.a.(2) Highly mobile children, such as migrant and homeless children, and
 - iii. 100.50.a.(3) Children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade
2. How many hours of training are paraprofessionals expected to receive and have documented each year?
 - i. 100.280 Paraprofessionals who do not hold teaching certificates are required to have received initial orientation plus fifteen (15) clock hours of training during their initial year of employment. A minimum of ten (10) clock hours each year thereafter is also required.
3. Who needs to receive confidentiality training and how does this need to be documented?
 - i. 100.220.a Written verification of confidentiality training for ALL persons collecting or using personally identifiable data is present. Training is provided for all staff and subsequently for new hires. (Documentation should include dates of training, content agenda, and a list of participants.)
4. How must a district respond when a parent requests an independent educational evaluation (IEE)?
 - i. 100.420.a Upon request for an IEE, documentation is present that the LEA provided the parent information (or a listing) about where an IEE may be obtained and the agency criteria applicable for IEEs.

5. What credentials are required for a speech implementer?
 - i. 400.30 A bachelor's degree in Communication Disorders or Communication science with a teaching certificate OR a bachelor's degree in Elementary Education or Special Education with a teaching certificate OR bachelor's degree in secondary education
6. Who needs to be interviewed when a transfer students enrolls with no IEP and no evaluation report?
 - i. 500.40a. and 500.40.b Interview the parent or student (ages 18+) and the official of the child from the sending school
7. How long can a district wait to receive an evaluation report when a student transfers into the district?
 - i. 500.70 and 500.80 30 days
8. When using the criteria to find a student eligible for special education under the category of Other Health Impairment, is the student required to have had a comprehensive health evaluation by a licensed physician in order to be eligible for special education services in this category?
 - i. 1300.10.b. For those conditions not requiring a medical diagnosis, the evaluation report documents a comprehensive evaluation by a licensed psychologist, licensed professional counselor, licensed clinical social worker or school psychologist. (NO, a comprehensive health evaluation is NOT required)

9. When identifying a student as eligible for special education services under the category of Language Impaired, how many tests are required and what should they measure?

- i. 1500.30.a. The evaluation report documents the results of two (2) norm-referenced and standardized language assessments which measure the same areas of language

10. When considering the eligibility category of Specific Learning Disabilities, what is required of each team member that is not required for any other eligibility category?

- i. 1400.50.b. Each team member must certify in writing whether the report reflects his/her conclusion(s). If it does not, the group member must submit a separate statement presenting the member's conclusions.

11. BONUS: Which two federal laws give parents the right to access their student's educational records?

- i. 300.613 in IDEA
- ii. 99.6(2) in FERPA

(found in indicator 100.90)

What are your questions?

