

MO-CASE Special Education Administrators
Conference



Top 10 Indicators Found "Out" of Compliance

tips to stay "in" compliance

September
2018



COMPLIANCE

TOP 10

Plus a few more. . .

#1

200.850.d Program modifications and accommodations:

Frequency (states how often the services will occur - e.g., daily, weekly, monthly)

TIP:

- “Other” as a frequency must be described
- Non-specific statements such as “to be determined by special and general education teacher” or “as needed” must describe the conditions under which the modification or accommodation will be used.

#2 (tie)

200.180 Eligibility staffing held within required timelines

TIP:

- Timeline is 60 calendar days from the date of parent consent.
- The only acceptable extensions are snow days, agency vacation days, child’s absence due to illness, holidays and summer break.
- Weekends count except during winter holiday and summer break.

#2 (tie)

200.210.b Synthesis of information from the evaluation is present in the report. The evaluation report draws upon data and results from variety of sources and is sufficiently comprehensive to identify all of the child's special education and related services needs.

TIP:

- Provide a description of evaluation results from a variety of sources combined that is sufficiently comprehensive to make an eligibility determination. Information from all evaluation components should be summarized with no single evaluator's interpretation or assessment score used in isolation for decision-making. The description includes consideration of aptitude and achievement tests, parent input, teacher recommendations, the child's physical condition, social or cultural background, and adaptive behavior, as appropriate to the disability.

#3

200.880.a For any child not participating 100% in the regular education environment (K-12), the IEP must include a description of the extent that the student will not participate and why full participation is not appropriate.

TIP:

- Time in co-teaching settings is considered participation in regular education.
- The description should be specific for the child and related to the child's disability.
- Consider the factors for Least Restrictive Environment

#4

200.820.b The amount of time (e.g., minutes, hours, periods, percentage) to be committed to each service must be appropriate to the specific service and stated in a manner clear to all involved in the development and implementation of the IEP.

TIP:

- Must show the amount of time for each service per a specific timeframe (e.g. minutes per week, etc.)

#5

200.1050 Notice for Initial Eligibility and Notice with Consent for Initial Services is provided/obtained. Signed parental consent for initial services is obtained prior to provision of services.

TIP:

- Prior Written Notice must state the eligibility category of disability including any subcategories and indicate the student is eligible for initial special education and related services as determined by the IEP team.

#6

200.810 A statement of measurable annual goals, including academic and functional goals written in terms that are: specific to a skill or behavior; measureable; attainable; results oriented; time bound

TIP:

- The student will increase/decrease/or maintain a specific skill at a certain skill level as measured by specified criteria by an identified point in time (i.e. - May, end of school year, end of first semester).

#7 (tie)

200.790.a No later than the child's 17th birthday, the IEP includes a statement that the child has been informed of their rights under IDEA that will transfer to the child upon her/his 18th birthday.

TIP:

- List the month/day/year of the notification
- Maintain documentation of the notification in the student file
- Date provided must be prior to child's 17th birthday
- Note that this is not the same as the notification of the transfer of rights to the child and parents upon the child's 18th birthday as specified in 100.410

#7 (tie)

200.810.e Goals are present for each special education and related services (N/A for transportation as a related service).

TIP:

- Must have at least one goal addressed for every service
- NOT required to be 1:1 correspondence-one goal can be addressed by multiple services or one service can have multiple goals
- Goal and services should “match” and be appropriate to the child’s needs

#8

200.820.a Specific special education service(s)

TIP:

- Describes the “specialized instruction in_____”
- Must be related to the child’s disability
- Must not be listed as a course subject or class type

#9

200.800.a Appropriate, measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills.

TIP:

- Postsecondary goals must be written in measureable terms using “I will” or student name “will” statements that are:
 - ❑ Based on age-appropriate transition assessments described in the IEP
 - ❑ Linked to identified annual goals in the IEP
 - ❑ Supported by identified transition services

#10 (tie)

1400.50 Documentation in the evaluation report for the purpose of determining if a child is a child with a specific learning disability must address the following:

TIP:

- Relevant medical findings
- If no relevant medical findings, this fact must be noted
- Each team member must certify in writing whether the report reflects her/his conclusion, if it does not, the group member must submit a separate statement presenting the member’s conclusions. This requirement is not applicable to the parent.
- Demonstrates the child was provided appropriate instruction in the regular education setting by qualified personnel

#10 (tie)

200.200 a Documentation is present that a copy of the evaluation report was provided to the parent.

TIP:

- Date of provision of a copy of the evaluation report, (m/d/y)
- Must be provided within a reasonable period, generally (20) days after the meeting

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Questions?

**Please contact Office of Special Education, Compliance
(573) 751-0699**

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