

State Plan Changes, 2013

Reg/Page	Change	Reason
III / 18	Removed “in local newspapers” and replace with “on the school district website”	Readership of newspapers is down, more likely to notify public if publication is through electronic means
IV / 54-57	Added in new section setting forth the procedure for transition of children from Part C - First Steps to Part B Early Childhood Special Education with a description of the notification requirements, transition conference with the LEA, evaluations, timelines, IEP development, and summer third birthdays	IDEA requires states to have a transition procedure 34 CFR 300.124
V / 57 & 58	Added word “agency” before evaluation	Clarification
V / 60	Replaced dependency with “the pendency”	Correct typo
V / 61	Added new section on parent notification and consent to access public insurance; need annual notification to parent and a one-time consent, content of each described	Federal requirement 34 CFR 300.154
V / 63	Added in adult student to group that can request mediation	Clarification
V / 63	Added in sentence “Department funded mediation is not available to resolve disputes between parents or between districts and persons other than the parent (or adult student).”	Clarification
V / 65	Added to section on ways the Administrative Hearing Commission will accept document “or as otherwise provided by the Administrative Hearing Commission Rules.”	Clarification
V / 65	Reworded the sentence explaining who can amend a due process complaint filed with the AHC	Clarification
V / 65	Added “of withdrawal or making a verbal request” to the procedure to withdraw a complaint	Requested by AHC to facilitate withdrawals
V / 66	Replaced “Other Party Response” with “Answer” in the heading	Clarification
V / 66	Replaced “a response” with “an answer”	Clarification
V / 67	Added “or amended complaint” to the list of when a resolution meeting must be held	Added so parties are aware of the federal requirement
V / 68	Added “The parties’ agreement does not need to be filed with, or adopted or approved by, the Administrative Hearing Commission to be legally binding.” To the section on written settlement agreements resulting from a resolution meeting	Requested by AHC to clarify that the resolution agreement is outside the jurisdiction of the AHC
V / 68	Revised the wording on AHC Commissioner training from “has had at least 10 hours of” to “meets the training requirements of state law in regard to special education matters”	Requested by AHC
V / 69	Added “or the student if they are the educational decision maker” to the list of who can make the due process hearing public	Clarification
V / 69	Added “Any student over age 18 has the right to attend the hearing, unless their legal guardian, if any, objects.”	Clarification
V / 69	Added “Nor can the responding party raise defenses that were not raised in its response to the complaint unless the other party agrees.” to the section on the	Balances the rights of the

State Plan Changes, 2013

	subject matter of the hearing	parties
V / 69	Replaced “can” with “shall” in two paragraphs concerning the hearing decisions	Wording clarification requested by AHC
V / 70	Reworded the section on finality of decision: 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 hearing the case makes the determination if a change is necessary.	To reflect guidance from OSEP that technical or typographical errors in a decision can be corrected after the decision is issued
V / 70	Replaced “A” with “The Administrative Hearing Commission shall mail a”	Clarified who mails out final decision
V / 70	Replaced “the party/parties” with “a party”	Language change
V / 71	Added to the section on Administrative Hearing Commission Orders: If the Commissioner orders a party do an act or not do an act, the party must comply with the order. Objections to orders must be made as part of the record as promptly as possible. The Commissioner has the authority to dismiss an action with, or without, prejudice if the party filing the request fails to comply with an order. The Commissioner has the authority to preclude the other party from presenting defenses and may impose sanctions as allowed by the regulations of the Administrative Hearing Commission.	Requested by AHC to clarify authority
V / 72 - 73	Reformatted the information on exclusions during a due process hearing. Added: Admissibility of evidence shall be determined by the Administrative Hearing Commission in accordance with Missouri law, including but not limited to § 536.070, RSMo. The Administrative Hearing Commission may exclude evidence or limit testimony even when no party objects.	Requested by AHC to put parties on notice of procedures
V / 73	Deleted the section titled Responding to Orders	The content has been included in the addition on page 70
V / 73	Added “or as otherwise provided by” in place of “as set forth in the”	Clarification
V / 74	Replaced “the persons who serve as hearing officers” with “Commissioners who may hear due process complaints”	Clarification
V / 74	Replaced “those persons” with “the Commissioners”	Clarification
V / 74	Added “Only a court of law can award attorney’s fees.”	Clarification
V / 75	Added “by order of a state court” in place of “pursuant to court order.”	Language change
V / 75	Added “The Administrative Hearing Commission cannot order a change of placement during a dispute; but the parent or guardian and the district can agree to a change.”	Applied federal regulation to AHC authority
V / 80	Added: <u>Bus/transportation Suspension</u> Any transportation suspension of a student with a disability who has transportation as a related service in their IEP is considered an out of school suspension, even if the parent provides for transportation of the student. These suspensions are considered a removal which must be counted when determining if the student has had a disciplinary change of placement. All IDEA disciplinary procedures apply. If the district provides alternative transportation services to the student during the bus suspension, then the bus suspension is not considered a removal.	Corresponds to guidance from the U.S. Department of Education on discipline
V / 80	Reworded the paragraph on what constitutes a pattern of removal but made no substantive change	Easier to read

State Plan Changes, 2013

V / 81	Added “shall” in two places in the discussion of services during discipline	To clarify that the action is mandatory
V / 83	Removed “a hearing must be held, except as follows”	Unnecessary language
V / 83	Replaced “Department” with “Administrative Hearing Commission”	To comply with 162.961 RSMo
V / 83	Removed “Cases re-filed will be assigned the same hearing Commissioner.”	Requested by AHC to comply with their procedure on assigning Commissioners
V / 83	Added “Administrative Hearing”	Clarifies intent
VI / 92	Added “Failure to provide a copy to the LEA or public agency will delay the starting of the timeline for the investigation of the complaint to the date the SEA sends a copy of the complaint to the LEA.”	OSEP directive in recent Q&A on dispute resolution
VI / 92 - 93	Added “copy of the complaint” to list of items sent to public agencies upon receipt of a child complaint	To match practice
VI / 93, 94	Added “or designee” in several spots where responsibility is placed on the Commissioner	For efficiency
VI / 93	Added “in writing” to the agreement of parties to enter into mediation and extend the time limits for investigation of a child complaint	OSEP directive in recent Q&A on dispute resolution
VI / 94	Added “Permission from a child’s parent or the adult student is required to share the final decision with a non-parent complainant. If permission is not given, the non-parent complainant will receive a copy of the final decision with all personally identifiable information redacted. In cases where it is impossible to remove personally identifiable information, the decision will not be provided to a non-parent complainant.”	Clarification of the confidentiality of personally identifiable information in child complaints
VII / 113 - 116	Added in new section on early childhood special education (ECSE) expenditure requirements Describes when and what expenditure must be reported and describes the limitations Sets forth the mandatory caseload requirements for an ECSE program (no change from prior plan just relocated)	To place the practice into the regulations
VII / 116	Added “significant” to the title on disproportionality	Clarification
VII / 117	Added “including disciplinary action resulting in suspension or expulsion” when discussing the consequences of a finding of significant disproportionality	To provide notice of practice
VII / 118	Moved caseload requirements to new section on ECSE expenditures	Reorganization of the section
X / 145	Added “for Separate School” to description of the justification	Clarification
X / 147	Added “of students enrolled in” to replace “within”	Clarification
X / 147	Added “local”	Clarification
X / 147	Added “(including those moves to another district within the catchment area of the MSSD school the student currently attends)”	Clarification
X / 147	Added “new” in two places	To clarify which district is impacted
X / 147	Added “will not be served by MSSD and”	To clarify who must provide services

State Plan Changes, 2013

X / 147	Added “through a placement other than MSSD”	To clarify who must provide services
X / 148	Replaced “Upon receipt of the referral, MSSD” with “If found eligible, the LEA”	To clarify the responsibilities of the LEA and MSSD
X / 148	Added “guardian or surrogate parent and MSSD” to the list of individuals getting notice	To clarify the responsibilities of the LEA and MSSD
X / 148	Added “will not be served by MSSD and” and “through a placement other than MSSD.”	To clarify the responsibilities of the LEA and MSSD