

Changes to the Missouri State Regulations Implementing Part B of the Individuals with Disabilities Education Act (IDEA)

NOTE: This chart only shows substantive changes being proposed to the Part B State Regulations implementing the Individuals with Disabilities Education Act (IDEA). Other changes of a non-substantive nature, such as terminology or wording changes, spelling/punctuation/grammar corrections, etc. are not shown here. For a complete picture of all changes being proposed, the reader is directed to the regulatory document itself.

Regulation	Page	2019 State Plan	2020 State Plan	Rationale for the change
III	29	<p>DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY</p> <p><u>Speech or Language Impairment:</u> Speech or Language Impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment that adversely affects a student’s educational performance.</p> <p>A language impairment is present when a comprehensive communication assessment documents all of the following:</p> <p>(1) The language impairment adversely affects the student’s educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum.</p> <p>(2) The student’s overall language functioning is significantly below age expectations as measured by two or more composite standard scores on standardized language assessments. The composite language score reflects both receptive and expressive language function in a single standard score. Significantly below is defined as 1.75 standard deviations below the mean for students who are kindergarten age eligible and older. A public agency may accept a second composite score allowing for the standard error of measurement when the criterion is met on the other composite score. The agency may adopt written procedures for utilization of reasonable variances that enable a student to meet the standard score criterion in highly unique situations such as English Learners.</p> <p>(3)(3)</p>	<p>DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY</p> <p><u>Speech or Language Impairment:</u> Speech or Language Impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment that adversely affects a student’s educational performance.</p> <p>A language impairment is present when a comprehensive communication assessment documents all of the following:</p> <p>(1) The language impairment adversely affects the student’s educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum.</p> <p>(2) The student’s overall language functioning is significantly below age expectations as measured by two or more composite standard scores on standardized language assessments. The composite language score reflects both receptive and expressive language function in a single standard score. Significantly below is defined as 1.75 standard deviations or more below the mean for students who are kindergarten age eligible and older. A public agency may accept a second composite score allowing for the standard error of measurement when the criterion is met on the other composite score. The agency may adopt written procedures for utilization of reasonable variances that enable a student to meet the standard score criterion in highly unique situations such as English Learners.</p>	<p>“Or more” added to clarify that the discrepancy does not have to equal 1.75 deviations.</p> <p>34 C.F.R.300.8 34 C.F.R.300.306</p>

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III	40	<p><u>DETERMINATION OF ELIGIBILITY FOR YOUNG CHILDREN AGES 3 THROUGH 5</u></p> <p>Public agencies shall, through approved public agency policy, determine eligibility for children ages three (3) through five (5) (not kindergarten age eligible) using one of the following methods:</p> <ol style="list-style-type: none"> (1) Identify all children using any of the disability categories except that of Young Child with a Developmental Delay (YCDD); or, (2) Identify all children as eligible using only the category of Young Child with a Developmental Delay (YCDD); or, (3) Identify all children as eligible using any of the disability categories including that of Young Child with a Developmental Delay (YCDD). 	<p><u>DETERMINATION OF ELIGIBILITY FOR YOUNG CHILDREN AGES 3 THROUGH 5</u></p> <p>Public agencies shall, through approved public agency policy, determine eligibility for children ages three (3) through five (5) (not kindergarten age eligible) using one of the following methods:</p> <ol style="list-style-type: none"> (1) Identify all children using any of the disability categories except that of Young Child with a Developmental Delay (YCDD) and Speech or Language Impairment; or, (2) Identify all children as eligible using only the category of Young Child with a Developmental Delay (YCDD); or, (3) Identify all children as eligible using any of the disability categories, other than Speech or Language Impairment, including that of Young Child with a Developmental Delay (YCDD). 	<p>NOTE: One of these proposed changes was NOT adopted. “Speech or,” was removed from the proposed changes.</p> <p>Rationale for not adopting the change: The Speech Impairment – Sound System Disorder eligibility criteria incorporate Missouri Designated Normative Data and include normative data for children ages 3 through 9 making Speech available for use with children ages 3-5 who are not yet kindergarten age eligible.</p> <p>Rationale for the adopting the change: The proposed change to add “<i>and Language Impairment</i>” are to clarify changes in the Language Impairment criteria adopted in 2019; the criteria adopted in 2019 apply only to students who are kindergarten age eligible or older.</p> <p>34 C.F.R.300.8 (b)(1-2) 34 C.F.R.300.111 (b)(1-</p>

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IV	48	<p>C. INDIVIDUALIZED EDUCATION PROGRAM</p> <p><u>DEFINITION OF IEP (34 CFR 300.320)</u></p> <p>This statement must specify whether the student needs transportation as a related service. If the IEP Team determines transportation is not necessary as a related service, the IEP document must reflect this.</p> <p>(1) Statement of the student’s participation in physical education;</p> <p>(2) Explanation of the extent, if any, to which the student will not participate with nondisabled student in the regular class and in activities described in letter C above;</p> <p>(3) Statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. If the IEP Team determines that the student shall take an</p>	<p>C. INDIVIDUALIZED EDUCATION PROGRAM</p> <p><u>DEFINITION OF IEP (34 CFR 300.320)</u></p> <p><u> </u> This statement must specify whether the student needs <u> </u> transportation as a related service. If the IEP Team <u> </u> determines transportation is not necessary as a related service, <u> </u> the IEP document must reflect this.</p> <p>(1) (4) Statement of the student’s participation in physical education;</p> <p>(2) (5) Explanation of the extent, if any, to which the student will not participate with nondisabled student in the regular class and in activities described in letter C above;</p> <p>(3) (6) Statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. If the IEP Team determines that the student shall</p>	<p>Indented transitional sentence and continued numbering to correct formatting error made with 2019 changes.</p>

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		<p>alternative assessment on a particular state or district-wide assessment of student achievement, a statement of why the student cannot participate in the regular assessment, and why the particular alternate assessment is appropriate for the student;</p> <p>(4) Projected date for the beginning of the services and modifications described in letter C above, and the anticipated frequency, location, and duration of those services and modifications;</p> <p>(5) Description of how the student progress toward the annual goals described in letter B above will be measured, and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(6) Listing of the individuals who attended the IEP meeting and their role (indicates attendance only not necessarily agreement with the IEP);</p> <p>(7) Statement indicating the student eligibility or ineligibility for extended school year services; and,</p> <p>(8) Statement of the placement considerations and decision.</p>	<p>take an alternative assessment on a particular state or district-wide assessment of student achievement, a statement of why the student cannot participate in the regular assessment, and why the particular alternate assessment is appropriate for the student;</p> <p>(4) (7) Projected date for the beginning of the services and modifications described in letter C above, and the anticipated frequency, location, and duration of those services and modifications;</p> <p>(5) (8) Description of how the student progress toward the annual goals described in letter B above will be measured, and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(6) (9) Listing of the individuals who attended the IEP meeting and their role (indicates attendance only not necessarily agreement with the IEP);</p> <p>(7) (10) Statement indicating the student eligibility or ineligibility for extended school year services; and,</p> <p>(8) (11) Statement of the placement considerations and decision.</p>	
V	65	<p>A. PROCEDURAL SAFEGUARDS NOTICE (34 CFR 300.504)</p> <p>A copy of the state approved procedural safeguards available to the parents of a student with a disability shall be given to parents only one (1) time a school year, except that a copy also shall be given to the parents:</p> <p>(1) Within five (5) school days of initial referral or parental request for evaluation;</p>	<p>A. PROCEDURAL SAFEGUARDS NOTICE (34 CFR 300.504)</p> <p>A copy of the state approved procedural safeguards available to the parents of a student with a disability shall be given to parents only one (1) time a school year, except that a copy also shall be given to the parents:</p> <p>(1) Within five (5) school days of initial referral or parental request for evaluation;</p>	<p>NOTE: Proposed change NOT adopted.</p> <p><i>“Within five (5) school days of initial referral or parental request for evaluation;” will continue to be the language used in the Missouri State Plan.</i></p> <p>Rationale for not adopting the change:</p>

				<p>Office of Special Education personnel are researching possible changes in timelines for other components of the referral process with consideration to 34 C.F.R. 300.504 (a)(1) which indicates Procedural Safeguards Notice is provided “upon referral.” and 34 C.F.R. 300.11 defines differences between day and school day.</p>
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V	75	<p><u>ANSWER TO A DUE PROCESS COMPLAINT</u></p> <p>Except as stated under the sub-heading immediately above, the party receiving a due process complaint must, within ten (10) calendar days of receiving the complaint, send the other party and the Administrative Hearing Commission an answer that specifically addresses the issues in the complaint.</p>	<p><u>ANSWERRESPONSE TO A DUE PROCESS COMPLAINT</u></p> <p>Except as stated under the sub-heading immediately above, the party receiving a due process complaint must, within ten (10) calendar days of receiving the complaint, send the other party and the Administrative Hearing Commission an answer response that specifically addresses the issues in the complaint.</p>	<p>Changed to make consistent with IDEA. 34 CFR 300.508(e) lists specific requirements the <i>response</i> from the LEA to parent must meet.</p>
V	77, 78	<p><u>STATE-LEVEL DUE PROCESS HEARINGS</u></p> <p>(1) Process: The Administrative Hearing Commission processes all due process complaints handling all issues after the filing of the complaint to the final decision. A complaint shall be assigned to a Commissioner who meets the training requirements of state law in regard to special education matters. The provisions of chapters 536 and 621, RSMo and the procedural rules adopted by the Administrative Hearing Commission shall be followed unless they conflict with the federal regulations or state statutes implementing the Individuals with Disabilities Education Act.</p> <p>(2) Hearing Rights: Any party to a hearing has the right to:</p> <ol style="list-style-type: none"> a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities; b. Represent themselves or be represented by a licensed Missouri attorney; c. Present evidence and confront, cross-examine, and compel the attendance of witnesses; d. Prohibit the introduction of any evidence, including all evaluations and recommendations based on the offering party's evaluation at the hearing that has not been disclosed to that party at least five (5) business days before the hearing; e. Obtain a written or, at the option of the parents, electronic verbatim record of the hearing at no cost; and, f. Obtain written or, at the option of the parents, electronic findings of fact and decisions at no cost. 	<p><u>STATE-LEVEL DUE PROCESS HEARINGS</u></p> <p>(1)Process: The Administrative Hearing Commission processes all due process complaints handling all issues after the filing of the complaint to the final decision. A complaint shall be assigned to a Commissioner who meets the training requirements of state law in regard to special education matters. The provisions of chapters 536 and 621, RSMo and the procedural rules adopted by the Administrative Hearing Commission shall be followed unless they conflict with the federal regulations or state statutes implementing the Individuals with Disabilities Education Act.</p> <p>(2) Hearing Rights: Any party to a hearing has the right to:</p> <ol style="list-style-type: none"> a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities; b. Represent themselves or be represented by a licensed Missouri attorney; c. Present evidence and confront, cross-examine, and compel the attendance of witnesses; d. Prohibit the introduction of any evidence, including all evaluations and recommendations based on the offering party's evaluation at the hearing that has not been disclosed to that party at least five (5) business days before the hearing; e. Obtain a written or, at the option of the parents, electronic verbatim record of the hearing at no cost; and, f. Obtain written or, at the option of the parents, electronic findings of fact and decisions at no cost. 	<p>34 CFR 300.512(a)(3) and 34 CFR 300.512(b) provides hearing officers with discretion to bar any party from introducing relevant evaluation or recommendation at the hearing without consent of the other party if that relevant evaluation or recommendation was not disclosed at least five days prior to the hearing date.</p>

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		<p>In addition, the parents, or the student if he/she is the educational decision maker, have the right to open the hearing to the public; otherwise, it is closed. The parents may also elect to have the student present at the hearing. Any student over age 18 has the right to attend the hearing, unless their legal guardian, if any, objects.</p> <p>(3) Subject Matter: The party that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.</p>	<p>Hearing officers have discretion to bar any party that failed to comply with 34 CFR 300.512(b) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.</p> <p>In addition, the parents, or the student if he/she is the educational decision maker, have the right to open the hearing to the public; otherwise, it is closed. The parents may also elect to have the student present at the hearing. Any student over age 18 has the right to attend the hearing, unless their legal guardian, if any, objects.</p> <p>(3) Subject Matter: The party that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.</p>	
V	81	<p><u>EXCLUSIONS</u></p> <p>The parties shall exchange lists of exhibits and lists of their witnesses at least five (5) business days before the hearing or two (2) days before an expedited hearing. Any party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party in accordance with this rule.</p>	<p><u>EXCLUSIONS</u></p> <p>The parties shall exchange lists of exhibits and lists of their witnesses at least five (5) business days before the hearing or two (2) days before an including an expedited hearing. Any party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party in accordance with this rule.</p>	<p>Changed to ensure Missouri practice is consistent with IDEA requirements. <i>Analysis and Comments to Regulation</i>, Federal Register, Vol.71, No. 156, 34 C.F.R. 300.532(c)(4).</p>
VIII	99	<p>Supervision is provided by a properly certificated teacher appropriate for the setting. Public agencies must provide each paraprofessional with the orientation and initial training necessary for the individual to perform the duties associated with the work assignment prior to working with the student. At a minimum, such training shall include information and experiences related to:</p>	<p>Supervision is provided by a properly certificated teacher appropriate for the setting. Public agencies must provide each paraprofessional, including those who hold a teaching certificate, with the orientation and initial training necessary for the individual to perform the duties associated with the work assignment prior to working with the student. At a minimum, such training shall include information and experiences related to:</p>	<p>Added to clarify that all paraprofessionals require training so they are properly prepared to meet the needs of the students they serve. 34 C.F.R. 300.156(b)(2)(iii)</p>

Regulation	Page	2019 State Plan		2020 State Plan		Rationale for the change	
VIII	102	Orientation and Mobility (O&M) Specialist (Current)	Provides orientation and mobility services to eligible students with visual impairments.	Bachelor's Degree with specialization in orientation and mobility, teaching the blind and visually impaired, rehabilitation teaching, special education, occupational therapy, physical therapy or closely related area	Certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as an Orientation and Mobility Specialist (COMS) or Rehabilitation Services for the Blind requires COMS who have a services contract with the RSB to have certification from a national organization	Changed because Missouri higher education institutions do not offer the coursework required to get national certification. RSB evaluates Orientation and Mobility Specialists with whom they contract for competency so a Specialist who has a contract with RSB has established competency to provide services to RSB's clients.	
		Orientation and Mobility (O&M) Specialist (Proposed)	Provides orientation and mobility services to eligible students with visual impairments.	Bachelor's Degree with specialization in orientation and mobility, teaching the blind and visually impaired, rehabilitation teaching, special education, occupational therapy, physical therapy or closely related area	Certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as an Orientation and Mobility Specialist (COMS) or Rehabilitation Services for the Blind requires COMS who have a services contract with the RSB to have certification from a national organization current O&M services contract with Rehabilitation Services for the Blind		
IX	109	Position/Full Time Equivalent	Caseload/Class Size	Position/Full Time Equivalent	Caseload/Class Size	Deleted asterisks and statement associated with asterisks because the asterisks and statement caused confusion rather than clarification. Removing the asterisk does not change any caseloads. An explanation of caseloads is in the Early Childhood Special Education (ECSE) Final Expenditure Report Guide.	
		Teacher of Early Childhood Special Education Classroom	10-20*	Teacher of Early Childhood Special Education Classroom	10-20**		
		Teacher of Integrated Classroom	10-20*	Teacher of Integrated Classroom	10-20**		
		Teacher Severe/Low Incidence Classroom	4-10*	Teacher Severe/Low Incidence Classroom	4-10**		
		Paraprofessional in ECSE Centerbased Self Contained or Integrated Classroom	10-20*	Paraprofessional in ECSE Centerbased Self Contained or Integrated Classroom	10-20**		
		Paraprofessional in ECSE Severe/Low Incidence Classroom	4-10*	Paraprofessional in ECSE Severe/Low Incidence Classroom	4-10**		
		*Based on two half day sessions.				**Based on two half day sessions.	
XIV	131	<u>REGULATION XIV: APPROVED PRIVATE AGENCIES</u>		<u>REGULATION XIV: APPROVED PRIVATE AGENCIES</u>		Sentence deleted because it was inadvertently copied from XIII in previous edits and does not apply to approved private agencies.	
		This section applies to children with disabilities who attend private or parochial schools or who are home schooled.		This section applies to children with disabilities who attend private or parochial schools or who are home schooled.			

Regulation	Page	2019 State Plan	2020 State Plan	Rationale for the change
XVI	150	<p>(4) When the IEP indicates the student is in need of services which the public agency is unable to provide and which may be provided by MSSD, the public agency must forward the evaluation report, current IEP, and justification for separate school placement to MSSD for eligibility consideration. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the public agency shall also be forwarded. MSSD may request additional information on an individual student basis if necessary. Following a professional review of this information, the public agency shall be notified whether the student is eligible for services through MSSD. The eligibility determination is not appealable and is a unilateral determination made by MSSD. If the student is determined eligible, MSSD will send the public agency recommendations for needed instruction and services as appropriate.</p>	<p>(4) If the IEP Team is considering separate school as a placement option for the student When the IEP indicates the student is in need of services which the public agency is unable to provide and which may be provided by MSSD, the public agency must forward the evaluation report, current IEP, and justification for separate school placement to MSSD for eligibility consideration. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the public agency shall also be forwarded. MSSD may request additional information on an individual student basis if necessary. Following a professional review of this information, the public agency shall be notified whether the student is eligible for services through MSSD. The eligibility determination is not appealable and is a unilateral determination made by MSSD. If the student is determined eligible, MSSD will send the public agency recommendations for needed instruction and services as appropriate.</p>	<p>Changed to use consistent language for MSSD, MSB and MSD</p>
XVI	156	<p>(2) When referring the student, the public agency will send the newly revised IEP to MSB or MSD. Upon acceptance of the referral, MSB or MSD will send enrollment documents to the parents.</p> <p>(3) If at any time MSB or MSD believes a modification to the student's IEP is required, including instances wherein MSB or MSD does not believe MSB or MSD is the Least Restrictive Environment, MSB or MSD will notify the public agency that an IEP Team meeting is necessary. The public agency must hold an IEP Team meeting within a reasonable time of MSB's or MSD's notification to the public agency of the need for an IEP Team meeting. The student's teacher and other appropriate professional personnel from MSD or MSB shall be invited to participate in this meeting. If the IEP Team determines the student is ineligible for services at MSB or MSD, they shall inform the parents of their right to appeal in accordance with the Procedural Safeguards.</p> <p><u>REEVALUATION</u></p> <p>The public agency shall conduct a reevaluation as required by state regulations.</p>	<p>(2) When referring the student, the public agency will send the newly revised IEP to MSB or MSD. Upon acceptance of the referral, MSB or MSD will send enrollment documents to the parents.</p> <p>(3) The public agency will convene an IEP meeting in collaboration with MSB or MSD at least annually to review and/or revise IEPs for students enrolled in MSB or MSD.</p> <p>(3) (4) If at any time MSB or MSD believes a modification to the student's IEP is required, including instances wherein MSB or MSD does not believe MSB or MSD is the Least Restrictive Environment, MSB or MSD will notify the public agency that an IEP Team meeting is necessary. The public agency must hold an IEP Team meeting within a reasonable time of MSB's or MSD's notification to the public agency of the need for an IEP Team meeting. The student's teacher and other appropriate professional personnel from MSD or MSB shall be invited to participate in this meeting. If the IEP Team determines the student is ineligible for services at MSB or MSD, they shall inform the parents of their right to appeal in accordance with the Procedural Safeguards.</p>	<p>Added requirement for IEP team to convene annually to be consistent with IDEA requirements requiring annual review which includes the consideration of placement in the least restrictive environment. Removed subsequent referral procedures because placement in the least restrictive environment is an IEP team decision, not a decision that can be made unilaterally by MSB or MSD. Both proposed changes more closely align the placement decision</p>

Regulation	Page	2019 State Plan	2020 State Plan	Rationale for the change
		<p>Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data, including additional evaluation information, may be requested by MSB or MSD and must be provided by the public agency to clarify the student's educational needs.</p> <p><u>SUBSEQUENT REFERRAL PROCEDURES</u></p> <p>The following procedures have been adopted by the State Board of Education for annual enrollment.</p> <ol style="list-style-type: none"> (1) MSD or MSB shall send a copy of the Letter of Referral to the referring public agency on an annual basis including information the public agency needs to make its annual referral determination. The information shall include information on the student's progress during the school year. (2) If the IEP Team determines the student has a continuing need for services from MSD or MSB, the IEP Team must document the need for continuing services in the IEP. The public agency shall amend any identifying information concerning the student or parents, as is necessary, sign the referral form, and submit the referral to MSD or MSB. (3) The determination of whether to accept the referral for the new school year is a unilateral decision to be made by MSD or MSB and is not appealable. Upon rejection of the referral, a public agency is responsible for provision of a free appropriate public education. (4) MSD or MSB shall send a Letter of Notification to the parents and public agency of every student enrolled in the previous year who is expected to return and who has been referred by the public agency. 	<p><u>REEVALUATION</u></p> <p>The public agency shall conduct a reevaluation as required by state regulations.</p> <p>Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data, including additional evaluation information, may be requested by MSB or MSD and must be provided by the public agency to clarify the student's educational needs.</p> <p><u>SUBSEQUENT REFERRAL PROCEDURES</u></p> <p>The following procedures have been adopted by the State Board of Education for annual enrollment.</p> <ol style="list-style-type: none"> (1) MSD or MSB shall send a copy of the Letter of Referral to the referring public agency on an annual basis including information the public agency needs to make its annual referral determination. The information shall include information on the student's progress during the school year. (2) If the IEP Team determines the student has a continuing need for services from MSD or MSB, the IEP Team must document the need for continuing services in the IEP. The public agency shall amend any identifying information concerning the student or parents, as is necessary, sign the referral form, and submit the referral to MSD or MSB. (3) The determination of whether to accept the referral for the new school year is a unilateral decision to be made by MSD or MSB and is not appealable. Upon rejection of the referral, a public agency is responsible for provision of a free appropriate public education. (4) MSD or MSB shall send a Letter of Notification to the parents and public agency of every student enrolled in the previous year who is expected to return and who has been referred by the public agency. 	<p>process for students enrolled at all three state board operated programs. 34 C.F.R.300.114 (a)(1-2)(i-ii)</p>