

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

Regulation III – Identification and Evaluation

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	Proposed Regulation	Comments	Response
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 child's 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 child consistently exhibits inappropriate use in any of the structures of language (e.g., morphology, syntax, semantics, and pragmatics) as measured by language sampling or other clinical tasks; 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 child's language functioning is significantly below the child's abilities as measured by two (2) or more standardized language assessments. Significantly below is defined as two (2) standard deviations below the mean for children three (3) to five (5) years of age but not eligible for kindergarten, and 1.5 standard deviation below cognitive ability for children who are kindergarten age eligible and older; 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</p>	<p>Comments were received regarding the following:</p> <ul style="list-style-type: none"> Concern (8) and support (20) for replacing the use of cognitive reference for eligibility (i.e., practice of comparing IQ scores and language scores) for determining eligibility to receive language services as a student with a language impairment with the use of composite language scores that reflects both receptive and expressive language function in a single standard score. <ul style="list-style-type: none"> Concern that the change does not extend to 1.75 standard deviation for eligibility as a child with a language impairment to age 3 as other eligibility categories are currently written. (23) 	<p>Proceed with changes. Rationale: Cognitive referencing is no longer recognized as an appropriate approach to identifying a language impairment. This change brings Missouri into better alignment with research-based practices and aligns language impairment and YCDD eligibility determinations in the area of communication and the change focuses more on broad language deficits that will have a much greater impact on educational progress instead of deficits in discrete language structures.</p> <p>Proceed with changes. The proposed rule limits the requirements to kindergarten age eligible and above.</p>

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		<p>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 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>Young child with a developmental disability criteria (communication area) shall be used for eligibility determinations for children who are three (3) to five (5) years of age but not yet kindergarten eligible.</p> <p>(3) The language impairment adversely affects the child's educational performance; and, The student consistently displays inappropriate or inadequate language that impairs communication in the student's educational environment as documented by structured qualitative procedures such as a formal language sample, classroom observations, curriculum based assessments, teacher/parent checklists/interviews, or other clinical tasks.</p> <p>(4) The language impairment is not a result of dialectal differences or second language influence.</p> <p>Professional Judgment</p> <p>A child may also be deemed eligible if the evaluation documents through formal and informal assessment that a language impairment is present even though the standard scores do not meet the criteria in A above. In such cases, sufficient data must be presented in the evaluation report to document the existence of the language impairment.</p>	<ul style="list-style-type: none"> • Concern (20) about and support (30) for professional judgement removed and replaced with composite score within two points of meeting the criterion when the criterion is met on the other composite score. • Concern that the proposed criteria does not take EL students into account to provide for professional judgement for Language Impairment, because the standardized tests are not normed on those students and do not yield an accurate score. (10) • Concern about increase in caseload caused by change in eligibility for ECSE students eligible for language services. (21) • One commenter suggested Young Child with a Developmental Delay is proper terminology rather than Young Child with a Disability 	<p>Proceed with change. Professional judgment on the part of the speech-language pathologist and other members of the evaluation team is embedded throughout a comprehensive evaluation process. The change allows for consideration of differences between the composite scores when one composite score does not meet the criteria and the use of the Standard Error of Measurement. Professional judgement should not be used to override the qualitative and quantitative data produced during an evaluation.</p> <p>Proceed with change for English Learners (EL). The proposed change allows districts to adopt written procedures for ELs. Language impairment is not a result of dialectal differences or second language influence.</p> <p>A speech/language workgroup applied the new language criteria to 1200 evaluations and determined that there would not be a significant difference in the numbers of students eligible, only a shift in the type of students eligible.</p> <p>Agree with recommendation for correction in terminology.</p>

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III	30	<p>A Sound System Disorder, which includes articulation and/or phonology, is present when:</p> <p>(1) The student exhibits a delay of correct sound production based on state designated normative data. The child's sound system is significantly delayed based on a single word test and/or a sentence/phrase repetition task and a connected speech sample with consideration given to the type of error recorded (substitutions, omissions, distortions, and/or additions). These errors may be described as single sound errors or errors in phonological patterns or multiple errors in the child's speech that compromise intelligibility and/or listener perception even though the recorded errors are considered within normal developmental guidelines; The Sound System Disorder 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 Sound System Disorder adversely affects the child's educational performance; and, The student exhibits a significant delay of at least one year in correct sound production based on the state designated normative data in the table below after administering a single word test and/or a sentence/phrase repetition task and a connected speech sample with consideration given to the type of error recorded (substitutions, omissions, distortions, and/or additions). These errors may be described as single sound errors or errors in phonological patterns. However, if the student does not exhibit a significant delay of at least one year in correct sound production, but there are multiple errors in the sound system which are collectively so severe that the student's speech is unintelligible, the public agency may establish the student as having a sound system disorder; and,</p> <p>(3) The sound system disorder is not a result of dialectal differences or second language influence.</p>	<p>Comments were received regarding the following:</p> <ul style="list-style-type: none"> Concern the requirement to document lack of response to evidence-based interventions for pre-k students will be difficult due to a lack of universal access to public preschool. (15) Concern about being able to implement interventions because there is no designated early childhood funding to provide the evidence-based interventions. (21) Concern that significant delay of at least one year in correct sound production would extend the current age before they can receive services. (15) Concern that the proposed use of the Normative Chart is not consistent with ASHA. (5) <p>Comment received that The Missouri Speech and Hearing Association supports the speech and language proposed changes.</p>	<p>Proceed with changes. Rationale: Non-special education interventions can and should be available to support pre-k students, including interventions to be used by parents, day-care providers and others. Determination of adverse educational impact includes documentation of general education interventions.</p> <p>Special Education services are reserved for students who meet eligibility criteria. Recommendations are aligned with national standards.</p> <p>The one year beyond benchmark aligns with the concept of an adverse educational impact and was the criteria used originally when developmental sound norms were first adopted in Missouri. Districts can and should be providing general education interventions (using SLPs or other appropriate personnel) for children who have sound system errors at the developmental timelines of the Missouri Designated Normative Data.</p> <p>The normative chart is not a change in regard to the eligibility requirements. The chart has been</p>

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		<table border="1"> <thead> <tr> <th>Phoneme</th> <th>Chronological Age</th> <th>Phoneme</th> <th>Chronological Age</th> <th>Word initial clusters</th> <th>Chronological Age</th> </tr> </thead> <tbody> <tr> <td>/m/</td> <td>3:0</td> <td>/-f/</td> <td>5:6</td> <td>/tv kw/</td> <td>5:6</td> </tr> <tr> <td>/n/</td> <td>3:6</td> <td>/v/</td> <td>5:6</td> <td>/sp st sk/</td> <td>7:0</td> </tr> <tr> <td>/ŋ/ (ng)</td> <td>7:0</td> <td>/θ/ (th)</td> <td>8:0</td> <td>/sm sn/</td> <td>7:0</td> </tr> <tr> <td>/h/</td> <td>3:0</td> <td>/ð/ (th)</td> <td>7:0</td> <td>/sw/</td> <td>7:0</td> </tr> <tr> <td>/w/</td> <td>3:0</td> <td>/s/</td> <td>7:0</td> <td>/sl/</td> <td>7:0</td> </tr> <tr> <td>/j/ (y)</td> <td>5:0</td> <td>/z/</td> <td>7:0</td> <td>/pl bl kl gl fl/</td> <td>6:0</td> </tr> <tr> <td>/p/</td> <td>3:0</td> <td>/ʃ/ (sh)/</td> <td>7:0</td> <td>/pr br tr dr kr gr fr/</td> <td>8:0</td> </tr> <tr> <td>/b/</td> <td>3:0</td> <td>/tʃ/ (ch)</td> <td>7:0</td> <td>/θr/</td> <td>9:0</td> </tr> <tr> <td>/t/</td> <td>4:0</td> <td>/dʒ/ (j)</td> <td>7:0</td> <td>/skw/</td> <td>7:0</td> </tr> <tr> <td>/d/</td> <td>3:6</td> <td>/ʒ/ (zh)</td> <td>8:0</td> <td>/spl/</td> <td>7:0</td> </tr> <tr> <td>/k/</td> <td>3:6</td> <td>/l-/</td> <td>6:0</td> <td>/spr str skr/</td> <td>7:0</td> </tr> <tr> <td>/g/</td> <td>4:0</td> <td>/-l/</td> <td>7:0</td> <td></td> <td></td> </tr> <tr> <td>/f-/</td> <td>3:6</td> <td>/r/</td> <td>8:0</td> <td></td> <td></td> </tr> </tbody> </table> <p>Sufficient data is present in the evaluation report to document the existence of a disorder due to multiple errors in the sound system which compromise the child's intelligibility and/or the listener's perception even though the recorded errors are considered within normal developmental guidelines (professional judgment).</p>	Phoneme	Chronological Age	Phoneme	Chronological Age	Word initial clusters	Chronological Age	/m/	3:0	/-f/	5:6	/tv kw/	5:6	/n/	3:6	/v/	5:6	/sp st sk/	7:0	/ŋ/ (ng)	7:0	/θ/ (th)	8:0	/sm sn/	7:0	/h/	3:0	/ð/ (th)	7:0	/sw/	7:0	/w/	3:0	/s/	7:0	/sl/	7:0	/j/ (y)	5:0	/z/	7:0	/pl bl kl gl fl/	6:0	/p/	3:0	/ʃ/ (sh)/	7:0	/pr br tr dr kr gr fr/	8:0	/b/	3:0	/tʃ/ (ch)	7:0	/θr/	9:0	/t/	4:0	/dʒ/ (j)	7:0	/skw/	7:0	/d/	3:6	/ʒ/ (zh)	8:0	/spl/	7:0	/k/	3:6	/l-/	6:0	/spr str skr/	7:0	/g/	4:0	/-l/	7:0			/f-/	3:6	/r/	8:0				in existence and is now included in the State Plan to ensure no changes are made without public comment.
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III	31	<p>A fluency impairment is present when a comprehensive communication assessment documents all of the following:</p> <p>(1) The child consistently exhibits one or more of the following symptomatic behaviors of dysfluency:</p> <ul style="list-style-type: none"> a. sound, syllabic, or word repetition; b. prolongations of sounds, syllables, or words; c. blockages; or, d. hesitations; <p>(1) The fluency 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 child's fluency is significantly below the norm as measured by speech sampling in a variety of contexts. A significant discrepancy is defined as five (5) or more dysfluencies per minute or a ten (10) percent dysfluency rate and distracting to the listener; and,</p>	Commenters (2) indicated concern regarding who will be responsible for the requirement of providing and documenting lack of response to evidence based interventions.	Proceed with changes.																																																																																				

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		<p>(2) The student’s fluency is significantly below the norm as measured by speech sampling in a variety of contexts and impairs communication in the student’s educational environment as documented by structured qualitative procedures such as classroom observations, curriculum based assessments, teacher/parent checklists/interviews, or other clinical tasks; and,</p> <p>(3) The student consistently exhibits at least one of the following symptomatic behaviors of dysfluency:</p> <ul style="list-style-type: none"> a. sound, syllabic, or word repetition; b. prolongations of sounds, syllables, or words; c. avoidance; d. blockages; or, e. hesitations. <p>(3)The fluency impairment adversely affects the child's educational performance.</p> <p>Professional Judgment</p> <p>A child may also be deemed eligible if the evaluation documents through formal and informal assessment that a fluency impairment is present even though the criterion in C above is not met. In such cases, sufficient data must be presented in the evaluation report to document the existence of the fluency impairment.</p>		
III	32	<p>A voice impairment is present when a comprehensive communication assessment documents all of the following:</p> <p>(1) The child consistently exhibits deviations in one or more of the parameters of voice: pitch, quality, or volume; The voice 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>Commenters (2) indicated concern regarding who will be responsible for the requirement of providing and documenting lack of response to evidence based interventions.</p>	<p>Proceed with changes.</p>

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		<p>(2) The child's voice is discrepant from the norm as related to his/her age, sex, and culture and is distracting to the listener; (2) The student consistently exhibits deviations in pitch, quality, or volume;</p> <p>(3) The voice impairment is not the result of a temporary problem such as: normal voice changes, allergies, colds, or other such conditions; and, (3) The student's voice is discrepant from the norm as related to his/her age, sex, and culture and is distracting to the listener; and,</p> <p>(4) The voice impairment adversely affects the child's educational performance. (4) The voice impairment is not the result of:</p> <p style="padding-left: 40px;">a. a medical condition that contraindicates voice therapy intervention; b. a temporary condition such as: normal voice changes, allergies, colds, or other such conditions; or, c. a dialectal difference or second language influence.</p>		
III	34	<p><u>Visual Impairment/Blindness:</u> Visual Impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's student's educational performance. The term includes both partial sight and blindness.</p> <p>(1) A visual impairment or a progressive vision loss has been diagnosed by an optometrist or ophthalmologist;</p> <p>(2) Visual acuity has been determined to be:</p> <p style="padding-left: 40px;">a. For visual impairment of 20/70 to 20/200 in the better eye with best correction by glasses; b. For blindness of 20/200 or less in the better eye after best correction by glasses or a visual field measuring 20 degrees or less; and, c. The visual impairment adversely affects the child's educational performance.</p>	<p>Comments were received regarding the following:</p> <ul style="list-style-type: none"> • Medical report needed as documentation of the impact of the diagnosed eye condition (whether progressive or not) to consider for identification of a visual impairment. (3) • Concern that students with neurological issues that affect their visual processing may or may not receive services unless they meet the other criteria listed. Students with progressive vision loss may not become eligible until they have lost their vision, excepting them from being able to have instruction in braille early before the loss of vision. Concern that by removing Sections 1 and 2, the proposed language then relies solely on an educational assessment that constitutes adverse impact on educational performance. (5) • Suggested wording is as follows: <p><u>Visual Impairment/Blindness:</u> Visual Impairment, including</p>	<p>Proceed with changes.</p> <ul style="list-style-type: none"> • The removal of the requirement for a vision diagnosis does not relieve the district of their responsibility to consider all evidence provided by the parent, including a medical report. • The required changes from OSEP remove artificial limitations and cannot anticipate any changes in caseloads, nor can the changes address potential need for special education services. LEAs continue to

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			<p>blindness, means an impairment in vision that, even with best correction, adversely affects a child's student's educational performance. The term includes both partial sight and blindness. A student displays a Visual Impairment when any one of the items below is met:</p> <ol style="list-style-type: none"> (1) A visual impairment or progressive vision loss has been diagnosed by a medical professional, or (2) (2) Visual acuity has been determined to be 20/70 or less in the better eye with best correction or a visual field measuring 20 degrees or less, or (3) The visual impairment adversely affects the student's educational performance, as determined by a qualified professional in the field of vision loss with special knowledge of the student. 	<p>be allowed to exercise professional judgement in order to provide needed services to students.</p> <ul style="list-style-type: none"> • Changes are required based on memo from OSEP, dated May 22, 2017, which clarifies <i>state standards must not narrow the definitions in the IDEA by including a modifier. The federal regulations do not include a modifier.</i>
III	36	<p><u>PARENT REQUEST FOR EVALUATION</u></p> <p>Parents may request an evaluation for their child student. If the public agency receives such a request, the district public agency shall:</p> <ol style="list-style-type: none"> (1) Accept the request and determine in a timely manner, but not more than 30 days from the request, if there is reason to suspect a disability and need for evaluation. p Proceed with the evaluation process in accordance with the timelines and requirements set forth in this section, or (2) Refuse the request and provide the parent with Notice of Action Refused 	No comments received.	Proceed with changes.
III	28 – 31 and 35		<p>A comment was received indicating the following deletions are needed as the As, Bs, and Cs are no longer there:</p> <p>p. 28 – “A above”, “A and B of this section” p. 29 – “B above” p. 30 – “A above” p. 31 – “C above” p. 33 – “A above”</p>	Proceed with suggested changes.