

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

**Regulation V – Procedural Safeguards**

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.

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| V          | 63   | Written notice must be given to parents a reasonable time before the responsible public agency proposes to initiates or changes the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student or refuses to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student. The notice must be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so.  | One comment was received concerning, “ten days is a reasonable amount of time for provision of notice,” at the end of the introductory paragraph of Section C of Regulation V.  | The paragraph does not currently specify an amount of time for the provision of notice. There is not a proposal to change the paragraph, so no change will be made.  |
|            | 64   | <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) <b>Within five (5) school days of the date of the initial referral or date of parental request for evaluation, or prior to beginning any evaluation procedures, whichever is less;</b> <del>Upon initial referral or parental request for evaluation;</del></p> <p>(2) Upon receipt of the first due process complaint and upon receipt of the first child complaint in a school year;</p> <p>(3) Upon a disciplinary change of placement; and,</p> <p>(4) Upon request by the parent.</p> <p>The procedural safeguards notice must include a full explanation of all of the procedural safeguards relating to independent educational</p> | <p>Comment received stating, <b>“or prior to beginning any evaluation procedures, whichever is less:”</b> This requires the procedural safeguards must also be given to parents when the LEA is conducting triennial reevaluations since reevaluations are an evaluation procedure. This would be an extra requirement above what is required by IDEA and not consistent with the language of 300.504. Additionally, the wording “whichever is less” is confusing and needs the intent to be clear.</p> | <p>Proceed with adjusted wording as follows:</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) <b>Within five (5) school days of initial referral or parental request for evaluation;</b></p> <p>(2) Upon receipt of the first due process complaint and upon receipt of the first child complaint in a school year;</p> <p>(3) Upon a disciplinary change of placement; and,</p> |

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|            |      | <p>evaluation; prior written notice; parental consent; access to educational records; opportunity to present and resolve complaints through due process complaint and state complaint procedures including the time period in which to file; the opportunity for the agency to resolve the complaint and the difference between the complaint procedures; the student's placement during due process proceedings; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents of students in private schools at public expense; mediation; due process hearings, including requirements for disclosure of evaluation results and recommendations; civil actions including the time period in which to file those actions; and, attorneys' fees.</p> |          | <p>(4) Upon request by the parent.</p> <p>The procedural safeguards notice must include a full explanation of all of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present and resolve complaints through due process complaint and state complaint procedures including the time period in which to file; the opportunity for the agency to resolve the complaint and the difference between the complaint procedures; the student's placement during due process proceedings; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents of students in private schools at public expense; mediation; due process hearings, including requirements for disclosure of evaluation results and recommendations; civil actions including the time period in which to file those actions; and, attorneys' fees.</p> |