

**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	Current Regulation	Proposed Regulation	Rationale for the change
III	18	Missouri Department of Elementary and Secondary Education requires local school districts to annually assist in Child Find by conducting the following activities prior to November 1 each year:	Missouri Department of Elementary and Secondary Education requires local school districts local education agencies (LEAs) to annually assist in Child Find by conducting the following activities prior to November 1 each year:	Update language to make clear that school districts and charter schools are responsible for child find activities.
III	19	<p style="text-align: center;">2. DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY</p> <p>The Individuals with Disabilities Education Act (IDEA) defines students with disabilities as those children, ages three (3) to twenty-one (21), who have been properly evaluated as having Intellectual Disability, Hearing Impairments and Deafness, Speech or Language Impairments, Visual Impairments including Blindness, Emotional Disturbance, Orthopedic Impairments, Autism, Traumatic Brain Injury, Other Health Impaired, a Specific Learning Disability, Deaf Blindness, or Multiple Disabilities and, who because of that disability, require special education and related services. As allowed under 34 CFR 300.8 implementing IDEA, the State of Missouri also defines a child with a disability to include children ages three (3) through five (5) who have been properly identified as a young child with a developmental delay.</p>	<p style="text-align: center;">3. DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY</p> <p>The Individuals with Disabilities Education Act (IDEA) defines students with disabilities as those children, ages three (3) to twenty-one (21), who have been properly evaluated as having Intellectual Disability, Hearing Impairments and Deafness, Speech or Language Impairments, Visual Impairments including Blindness, Emotional Disturbance, Orthopedic Impairments, Autism, Traumatic Brain Injury, Other Health Impairedments, a Specific Learning Disability, Deaf Blindness, or Multiple Disabilities and, who because of that disability, require special education and related services. As allowed under 34 CFR 300.8 implementing IDEA, the State of Missouri also defines a child with a disability to include children ages three (3) through five (5) who have been properly identified as a young child with a developmental delay.</p>	Update to current usage.
III	19	No child may be determined to be eligible if the determinant factor for that eligibility determination is lack of appropriate instruction in reading, including the essential components of reading instruction (as defined by section 1208 (3) of the ESEA), or lack of appropriate instruction in math or limited English proficiency 34 CFR 300.306 (b) (1).	No child may be determined to be eligible if the determinant factor for that eligibility determination is lack of appropriate instruction in reading, including the essential components of reading reading comprehensive literacy instruction (as defined by in section 1208(3) 2221 (b) (1) of the ESEA), or lack of appropriate instruction in math or limited English proficiency 34 CFR 300.306(b)(1).	Update to align with current language and citation in ESEA.

Regulation	Page	Current Regulation	Proposed Regulation	Rationale for the change
III	19	Several conditions may be diagnosed by other professionals such as physicians, psychologists, etc. that are not specified by IDEA. These may include such conditions as Tourette syndrome, diabetes, sickle cell anemia, leukemia, etc. Students who present significant learning problems by virtue of the condition may demonstrate eligibility for special education under one or more of the disabilities identified above.	Several conditions may be diagnosed by other professionals such as physicians, psychologists, etc. that are not specified by IDEA. These may include such conditions as Tourette syndrome, diabetes, sickle cell anemia, leukemia, dyslexia, central auditory processing disorder , etc. Students who present significant learning problems by virtue of the condition may demonstrate eligibility for special education under one or more of the disabilities identified above.	Clarification regarding medical diagnoses and IDEA categorical disability eligibility.
		<p>A. The group determines that its findings under A and B of this section are not primarily the result of:</p> <ol style="list-style-type: none"> 1) a visual, hearing, or motor disability; 2) Intellectual disability; 3) Emotional disturbance; 4) Cultural factors; 5) Environmental or economic disadvantage; 6) Limited English Proficiency; 7) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208 (3) of the ESEA); 8) Lack of appropriate instruction in math; and, 	<p>B. The group determines that its findings under A and B of this section are not primarily the result of:</p> <ol style="list-style-type: none"> 1) a visual, hearing, or motor disability; 2) Intellectual disability; 3) Emotional disturbance; 4) Cultural factors; 5) Environmental or economic disadvantage; 6) Limited English Proficiency; 7) Lack of appropriate instruction in reading, including the essential components of reading comprehensive literacy instruction (as defined in section 1208 (3) 2221 (b) (1) of the ESEA); 8) Lack of appropriate instruction in math; and, 	Update to align with current language and citation in ESEA.
III	29	A. The child's development is at or below 1.5 standard deviations, or equivalent levels, of the mean in any TWO areas of development OR at or below 2.0 standard deviations, or equivalent levels, in any ONE area of development. Areas of development that can be used to determine eligibility include physical, cognitive, communication, social/emotional, or adaptive.	A. The child's development is at or below 1.5 standard deviations, or equivalent levels, of the mean in any TWO areas of development OR at or below 2.0 standard deviations, or equivalent levels, in any ONE area of development as compared to typical development . Areas of development that can be used to determine eligibility include physical, cognitive, communication, social/emotional, or adaptive.	Clarification that the standard deviation comparison is to typical development rather than cognitive ability and also allows for use of ASHA normative data for students below the age of three (3) as the designated state normative data begins at age three (3).
III	31	<u>Initial Evaluation (34 CFR 300.301)</u> Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a	<u>Initial Evaluation (34 CFR 300.301)</u> Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a	To clarify that same process applies to provision of notice

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		disability.	disability. If the public agency determines there is no reason to suspect a disability, the parent will be provided with a notice of action refusing to conduct an initial evaluation.	whether is an agency or parent referral.
III	32	The public agency must provide notice to the parents of a child with a disability that describes any evaluation procedures the agency proposes to conduct. Each public agency shall ensure, at a minimum, that the following requirements are met:	The public agency must provide notice to the parents of a child with a disability that describes any evaluation procedures including, but not limited to, standardized and non-standardized tests, classroom observations, functional behavioral assessments (FBAs), interviews, etc. that the public agency proposes to conduct. Each public agency shall ensure, at a minimum, that the following requirements are met:	Clarification based on OSEP guidance letters.
III	35	Each public agency shall develop a written Evaluation Report for all initial evaluations and any reevaluations which required additional testing.	Each public agency shall develop a written Evaluation Report for all initial evaluations and any reevaluations which required additional testing or resulted in a change in eligibility.	To clarify that an evaluation report is needed for any change in eligibility even when no additional testing is conducted as a result of the review of existing data.
III	35	<p>The evaluation report must include:</p> <ul style="list-style-type: none"> A. a statement of whether the child has a specific disability as defined in Regulation III.2. of this document; B. a synthesis of information from the evaluation considering all areas of functioning; C. the basis for making the determination of eligibility for a disability; D. a statement that the disability is not a result of lack of appropriate instruction in reading, including the essential components of reading instruction (as defined by section 1208(3) of the ESEA or lack of appropriate instruction in math or Limited English proficiency; and, E. a list of the individuals who were in attendance at the eligibility determination meeting and their role. 	<p>The evaluation report must include:</p> <ul style="list-style-type: none"> F. a statement of whether the child has a specific disability as defined in Regulation III.2. of this document; G. a synthesis of information from the evaluation considering all areas of functioning; H. the basis for making the determination of eligibility for a disability; I. a statement that the disability is not a result of lack of appropriate instruction in reading, including the essential components of reading comprehensive literacy instruction (as defined by in section 1208(3) 2221 (b) (1) of the ESEA or lack of appropriate instruction in math or Limited English proficiency; and, J. a list of the individuals who were in attendance at the eligibility determination meeting and their role. 	Update to align with current language and citation in ESEA.