

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

Regulation IV – FAPE/IEP/LRE

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
IV	39	It is the policy of the State of Missouri that all children with disabilities between the ages of three (3) and twenty-one (21) years, inclusive, as prescribed by Missouri statutes and residing in the state, have a right to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school.	It is the policy of the State of Missouri that all children with disabilities between the ages of three (3) and to twenty-one (21) years, inclusive , as prescribed by Missouri statutes and residing in the state, have a right to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school.	To clarify the applicable ages for IDEA services under State Law (162.675 (1)).
IV	39	In the case of a child with a disability who has been removed for more than ten (10) school days in a school year the public agency, for the remainder of the removals must:	In the case of a child student with a disability who has been removed from the provision of special education and related services, including maintaining the student's special education placement , for more than ten (10) school days in a school year the public agency, for the remainder of the removals must:	To clarify that 10 day out-of-school suspension rule is based on removal of the child from their special education and related services (OSEP letter to Sarzynski, 6/12/12). And that the student's placement (LRE) must also be maintained.
IV	40	Exceptions to FAPE Public agencies in Missouri are not required to provide FAPE to the following children and youth: B. Students who have graduated from high school with a regular high school diploma. The term, regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of attendance or a General Education Diploma (GED) or a High School Equivalency (HSE) certificate. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written	Exceptions to FAPE: Public agencies in Missouri are not required to provide FAPE to the following children and youth: B. Students who have graduated from high school with a regular high school diploma. The term, regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of attendance or a General Education Diploma (GED) or a High School Equivalency (HSE) certificate . Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior	The term General Education Diploma (GED) is no longer used.

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		notice in accordance with 34 CFR 300.503.	written notice in accordance with 34 CFR 300.503.	
IV	40	<u>Continuing Requirement for FAPE</u> Students who have participated in a graduation ceremony or who have obtained a General Education Diploma (GED)-or a High School Equivalency (HSE) certificate, but have not been awarded a regular high school diploma, continue to be eligible to receive FAPE if they are under twenty-one (21) years of age.	<u>Continuing Requirement for FAPE</u> Students who have participated in a graduation ceremony or who have obtained a General Education Diploma (GED) or a High School Equivalency (HSE) certificate, but have not been awarded a regular high school diploma, continue to be eligible to receive FAPE if they are under twenty-one (21) years of age.	The term General Education Diploma (GED) is no longer used
IV	41	The Department of Social Services, Division of Youth Services (DYS), shall provide special education and related services or arrange for such services with other agencies and schools where DHS releases such students, for students and youth with disabilities who have been assigned to programs by a court and meet eligibility.	The Department of Social Services, Division of Youth Services (DYS), shall provide special education and related services or arrange for such services with other agencies and schools where DHS releases such students., for Students and youth with disabilities who have been assigned to programs by a court and meet eligibility will continue to receive services by said program.	Clarify meaning of section.
IV	45	F. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and,	F. at the discretion of the parent or the agency, and with parent written consent, if appropriate, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and,	To clarify LEAs must have written consent from the parent to share personally identifiable information at IEP meetings per FERPA guidelines.
IV	45	Determination of Knowledge and Expertise The determination of knowledge or special expertise of any individual shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.	Determination of Knowledge and Expertise The determination of knowledge or special expertise of any individual shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team. The parents of a child who has reached the age of 18 may be invited to participate in the IEP team meeting by either the child or the public agency.	Clarify that the parents may continue to be invited to the IEP meeting after the child turns 18 by either the child or the LEA.
IV	51	<u>Continuum of Alternative Placements (34 CFR 300.115)</u> Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children ages five (5) to twenty-one (21) with disabilities for special education and related services. The continuum shall include instruction in the regular classes (general education environments), special classes, special schools, home instruction, and instruction in hospitals and institutions. Each public agency must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction	<u>Continuum of Alternative Placements (34 CFR 300.115)</u> Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children ages five (5) three (3) to twenty-one (21) with disabilities for special education and related services. The continuum shall include instruction in the regular classes (general education environments), special classes, special schools, home instruction, and instruction in hospitals and institutions. Each public agency must make provision for supplementary services (such as resource room or itinerant	Update regulations applying to continuum of alternative placements for all Part B eligible students ages three (3) to twenty-one (21).

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		<p>with general class placement. A child does not have to fail in the less restrictive options on the continuum before the child is placed in a setting that is appropriate to his or her needs.</p> <p>For children ages three (3) to five (5), the placement options include home, early childhood settings, early childhood special education classes in settings with children who are nondisabled, early childhood special education in settings with only children with disabilities, multiple settings, and residential settings.</p> <p>See most current definitions of placement on the Department website.</p>	<p>instruction) to be provided in conjunction with general class placement. A child does not have to fail in the less restrictive options on the continuum before the child is placed in a setting that is appropriate to his or her needs.</p> <p>For children ages three (3) to five (5), the placement options include home, early childhood settings, early childhood special education classes in settings with children who are nondisabled, early childhood special education in settings with only children with disabilities, multiple settings, and residential settings.</p> <p>See most current definitions of placement on the Department website.</p>	