

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

Regulation IX – Special School Districts

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
IX	129-130	1) Procedural Safeguards: If the Joint Review committee determines that the referral for evaluation is warranted, then a copy of the Procedural Safeguards and, when appropriate, an appropriate notice of Intent to Evaluate and request for consent to evaluate shall be forwarded to the parent or guardian, by the special school district as a matter of direct compliance. If the committee refuses to honor a parental or guardian request for evaluation, then appropriate notice of that refusal shall also be required by the special school district to the parent or guardian. Further, these actions are subject to the procedural safeguards and hearing rights assured by the special district and provided under Subpart E of IDEA regulations and Regulation V of the State Plan, as modified by this regulation.	3) Procedural Safeguards: When a parent referral is made to any certificated staff at either the component school district or the special school district, a copy of the Procedural Safeguards must be provided to the parent or guardian by the special school district within five (5) school days of the date of that request as a matter of direct compliance. For either a parent referral or an agency referral, if when the Joint Review C ommittee determines that whether or not the a referral for evaluation is warranted, then a copy of the Procedural Safeguards and/or the Procedural Safeguards statement and , when appropriate, an appropriate prior written notice either proposing or refusing of Intent to Evaluate and request for consent to evaluate shall be forwarded to the parent or guardian, by the special school district as a matter of direct compliance. If the committee refuses to honor a parental or guardian request for evaluation, then appropriate notice of that refusal shall also be required by the special school district to the parent or guardian. Further, these actions are subject to the procedural safeguards and hearing rights assured by the special district and provided under Subpart E of IDEA regulations and Regulation V of the State Plan, as modified by this regulation.	Clarify requirements for provision of the Procedural Safeguards to the parent in the case of an agency referral.
IX	130 - 131	3) Procedural Safeguards: Notice of intent to evaluate or reevaluate to the parent or guardian shall be a matter of direct compliance for the special school district. Notice of initial evaluation would be based upon the determination of the referral review committee. Notice of intent to reevaluate would be based upon recommendation of the IEP Team. Notice would be given both	3) Procedural Safeguards: Notice of intent to evaluate or reevaluate to the parent or guardian shall be a matter of direct compliance for the special school district. Notice of initial evaluation would be based upon the determination of the referral Joint R eview C ommittee. Notice of intent to reevaluate would be based upon recommendation of the IEP	Clarify when prior written notice must be provided in the case of initial evaluations and reevaluations.

		<p>when the evaluation is requested by the IEP Team and when the evaluation is based upon parental request (34 CFR 300.504). This would include notice when a parental request for evaluation or re-evaluation has been refused. As with other elements in the process of providing special education and related services, procedural safeguards under Subpart E of IDEA apply to the evaluation process (34 CFR 300.504). Based upon this notice and any subsequent disagreement with the proposed evaluation/reevaluation, the parent or guardian may invoke the administrative hearing process also provided under Subpart E. Implementation of these procedural safeguards shall be based upon the provisions of Regulation V of the State Plan as amended by this regulation, under the direction of the special school district.</p>	<p>Team. Prior written notice either proposing or refusing an evaluation would be given both when the evaluation is requested by the IEP Team and when the evaluation is based upon parental or agency request (34 CFR 300.504). This would include notice when a parental request for evaluation or re-evaluation has been refused. As with other elements in the process of providing special education and related services, procedural safeguards under Subpart E of IDEA apply to the evaluation process (34 CFR 300.504). Based upon this notice and any subsequent disagreement with the proposed evaluation/reevaluation, the parent or guardian may invoke the administrative hearing process also provided under Subpart E. Implementation of these procedural safeguards shall be based upon the provisions of Regulation V of the State Plan as amended by this regulation, under the direction of the special school district.</p>	
IX	133-134	<p>Parental Disagreement with the IEP Content: Should a parent express disagreement about the content of the IEP, three (3) options can be considered:</p> <p>a) Agree upon some informal method of resolving the disagreement, including mediation or outside consultation.</p>	<p>Parental Disagreement with the IEP Content: Should a parent express disagreement about the content of the IEP, three (3) options can be considered:</p> <p>b) Agree upon some informal method of resolving the disagreement, including mediation, IEP Facilitation or outside consultation.</p>	<p>Clarify use of IEP Facilitation as an informal method of resolving disagreements.</p>
IX	136	<p>1) Maintenance of Placement: A major area of joint compliance for the special and component districts will be implementation of the requirements as to the student's status during administrative or judicial proceedings 34 CFR 300.518. Maintenance of the, placement for the student with a disability, whether in an instructional setting provided by the special district or the component district, will be required unless there is an agreement of the parties otherwise. Without such agreement, the placement can only be changed by a final decision of a hearing panel, hearing officer, or by order by a court of competent jurisdiction. This would include, but not be limited to, implementation of disciplinary procedures that would constitute a significant change in the placement for the student.</p>	<p>2) Maintenance of Placement: A major area of joint compliance for the special and component districts will be implementation of the requirements as to the student's status during administrative or judicial proceedings 34 CFR 300.518. Maintenance of the, placement for the student with a disability, whether in an instructional setting provided by the special district or the component district, will be required unless there is an agreement of the parties otherwise. Without such agreement, the placement can only be changed by a final decision of the Administrative Hearing Commission a hearing panel, hearing officer, or by order of a court of competent jurisdiction. This would include, but not be limited to, implementation of disciplinary procedures that would constitute a significant change in the placement for the student.</p>	<p>Update to incorporate current Due Process Hearing system use of Administrative Hearing Commission for Due Process.</p>
IX	136 - 137	<p>1) Surrogate Parents: Sections 162.997-162.999 RSMo. authorize</p>	<p>1) Educational Surrogates Parents: Sections 162.997-162.999</p>	<p>Update to be consistent with</p>

		<p>the appointment of surrogate parents when the parents or guardian of the student are not known or unavailable to act on behalf of a students with a disability as required pursuant to IDEA requirements 34 CFR 300.519. The responsibility for the surrogate parent program is a joint compliance. While the SSD has the primary responsibility to notify the Department of a student that is in need of a surrogate parent, providing the basic notice requirements and evaluating the surrogate performance, the component districts must assist SSD in sharing information to assist them in making a determination of need. The component districts should also assist the SSD in the recruitment of individuals to be trained as Surrogate parents. Component districts must also assist with the implementation of the program by affording the surrogate parents the same rights as other parents.</p>	<p>RSMo. authorize the appointment of educational surrogates parents when the parents or guardian of the student are not known or unavailable to act on behalf of a students with a disability as required pursuant to IDEA requirements 34 CFR 300.519. The responsibility for the educational surrogate parent program is a joint compliance. While the SSD has the primary responsibility to notify the Department of a student that is in need of an educational surrogate parent, providing the basic notice requirements and evaluating the educational surrogate's performance, the component districts must assist SSD in sharing information to assist them in making a determination of need. The component districts should also assist the SSD in the recruitment of individuals to be trained as educational surrogates parents. Component districts must also assist with the implementation of the program by affording the educational surrogate parents the same rights as other parents.</p>	<p>Missouri term "educational surrogate".</p>
IX	137	<p>2) Continuum of Alternative Placements: IDEA requires that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled and that the removal occur only when the nature or the severity of the disability is such that education in the regular classes cannot be achieved satisfactorily with the use of supplementary aids and services. Each special and component district shall, as a matter of joint compliance, ensure that alternative placements are available to meet the needs of students with disabilities for special education and related services 34 CFR 300.115. This includes the requirement that for every student with a disability:</p>	<p>3) Continuum of Alternative Placements: IDEA requires that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled and that the removal occur only when the nature or the severity of the disability is such that education in the regular classes cannot be achieved satisfactorily with the use of supplementary aids and services. Each special and component district shall, as a matter of joint compliance, ensure that a continuum of alternative placements are is available to meet the needs of students with disabilities for special education and related services 34 CFR 300.115. This includes the requirement that for every student with a disability:</p>	<p>Clarify that there must be a continuum of alternative placements.</p>
IX	139	<p>G. Regulation VII, Local Compliance Plan</p> <p>Districts are required by the Missouri School Improvement Program (MSIP) Standards to develop a professional development (PD) plan. Implementation of the PD requirements in a special school district is a joint responsibility of the special school district and the component school districts.</p> <p>1) Needs Assessment: Each component district is responsible</p>	<p>H. Regulation VII, Local Compliance Plan</p> <p>Districts are required by the Missouri School Improvement Program (MSIP) Standards to develop a professional development (PD) plan. Implementation of the PD requirements in a special school district is a joint responsibility of the special school district and the component school districts.</p>	<p>Removing MSIP language as these requirements no longer apply under MISIP and incorporating requirements for adoption and submission of assurances for local compliance plan.</p>

		<p>for collecting and sharing the needs assessment information collected by their Professional Development Committee (PDC) as it relates to students with disabilities. They are also responsible for their participation in appropriate professional development offered by the special district. Such participation shall be sufficient to properly assess and remediate training needs.</p> <p>2) Staff Participation: Each component district is responsible to have policies and procedures in place which direct their participation in activities developed by special school district to conduct a thorough needs assessment relating to personnel development needs of general education personnel. In addition each component district is responsible to have policies and procedures in place that specify the expectations of their general education personnel to participate in professional development activities developed by the special district and the component districts. Needs assessment data from component district staff may be obtained through sampling techniques. In addition, participation in in-service training by staff from component and special districts should be scheduled to reflect the needs of the staff as determined through the needs assessment process.</p> <p>3) Professional Plan Requirements: The special school district's professional development plan shall include a description of the process used by the special school district to coordinate with the component districts' professional development plans. The special school district should include in their plan professional development activities for administrators (including superintendents and principals), general and special education teachers, related services personnel and paraprofessionals. The special school district should include topics identified by the component districts' needs assessments such as, but not limited to:</p> <ul style="list-style-type: none"> a) Teamwork; b) Team training on curriculum modifications; c) IDEA regulations; d) Adaptations and modifications of curriculum; e) Screening requirements; 	<p>4) Needs Assessment: Each component district is responsible for collecting and sharing the needs assessment information collected by their Professional Development Committee (PDC) as it relates to students with disabilities. They are also responsible for their participation in appropriate professional development offered by the special district. Such participation shall be sufficient to properly assess and remediate training needs.</p> <p>5) Staff Participation: Each component district is responsible to have policies and procedures in place which direct their participation in activities developed by special school district to conduct a thorough needs assessment relating to personnel development needs of general education personnel. In addition, each component district is responsible to have policies and procedures in place that specify the expectations of their general education personnel to participate in professional development activities developed by the special district and the component districts. Needs assessment data from component district staff may be obtained through sampling techniques. In addition, participation in in-service training by staff from component and special districts should be scheduled to reflect the needs of the staff as determined through the needs assessment process.</p> <p>6) Professional Plan Requirements: The special school district's professional development plan shall include a description of the process used by the special school district to coordinate with the component districts' professional development plans. The special school district should include in their plan professional development activities for administrators (including superintendents and principals), general and special education teachers, related services personnel and paraprofessionals. The special school district should include topics identified by the component districts' needs assessments such as, but not limited to:</p> <ul style="list-style-type: none"> h) Teamwork; i) Team training on curriculum modifications; j) IDEA regulations; 	
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- f) Instructional strategies;
- g) Inclusionary strategies/practices; and, General curriculum adopted by component and special districts.

4. ASSURANCE OF COMPLIANCE

Each special district and the component districts of which it is comprised shall submit those assurances mandated by the requirements of the State Plan, as amended by this regulation, in the form of a local compliance plan or through a jointly ratified addendum to that plan.

- A. Special District Compliance Plan: Those issues determined to be areas of direct compliance shall continue to be addressed in the local compliance plan submitted by the special school district for approval by the Department of Elementary and Secondary Education.
- B. General Assurance Document: Assurances as to areas of joint and separate compliance that are not contained in the special district compliance plan shall be addressed through joint ratification of a general assurance to the special district compliance plan. This general assurance document must be submitted for approval to the Department of Elementary and Secondary Education, Office of Special Education.
- C. Agency Ratification: Joint adoption of any compliance plan or general assurance document by any participating special or component district shall be reflected in board resolutions for that participating district and the signature of the district's chief administrative officer.

- ~~k) Adaptations and modifications of curriculum;~~
- ~~l) Screening requirements;~~
- ~~m) Instructional strategies;~~
- ~~n) Inclusionary strategies/practices; and, General curriculum adopted by component and special districts.~~

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