

**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.

Regulation	Page	Current Regulation	Proposed Regulation	Rationale for the change
V	58	C. that parents cannot be required to notify the responsible public agency prior to obtaining an independent evaluation at public expense. However, it is reasonable for the responsible public agency to request notification before such an evaluation is conducted. Likewise, a parent cannot be required to explain why they object to the public evaluation, but it is reasonable for the responsible public agency to ask why.	C. <del>that parents cannot be required to notify the responsible public agency prior to obtaining an independent evaluation at public expense; However</del> <b>however</b> , it is reasonable for the <del>the</del> responsible public agency <b>may</b> request, <b>but not require</b> , notification <b>from parents</b> before such an <b>IEE</b> evaluation is conducted. <del>Likewise, a parent cannot be required to explain why they object to the public evaluation, but it is reasonable for the responsible public agency to ask why. If a parent requests an IEE,</del> <b>the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.</b>	The wording of this section was changed to more closely mirror the federal regulation at 34 CFR 300.502(a)(4).
V	76	In the case of a child who is a ward of the State, the educational surrogate alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the above requirements.	In the case of a <del>child</del> <b>student</b> who is a ward of the State <b>and has no parent as defined above</b> , the educational surrogate alternatively may be appointed by the judge overseeing the <del>child</del> <b>student's</b> case, provided that the surrogate meets the above requirements.	Wording was added to clarify federal law which gives parents priority over educational surrogates in educational decision-making matters and our state law which requires an educational surrogate only when a ward of the state is living in a facility or group home and not with a person acting as a parent, such as a foster parent. Specifically, 34 CFR 300.519(a) states: "Surrogate parents must be appointed to

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				protect a child's rights when: 1. No parent (as defined in 34 CFR 300.30) can be identified; 2. The public agency, after reasonable efforts, cannot locate a parent; 3. The child is a ward of the state under the laws of that state; or 4. The child is an unaccompanied homeless youth..."