

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

**Regulation VI – Department Responsibilities**

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
VI	86	D. Direct the use of State and/or Federal funds on the area or areas in which the agency needs assistance. E. Identify the agency as a high-risk grantee and impose special conditions on the agency’s Part B grant. F. Initiate action to withhold, in whole or in part, State and/or Federal funds paid to the agency to support the provision of services to children with disabilities G. Initiate action to withhold, in whole or in part, any State or Federal funds paid to the agency. H. Initiate action to recover funds paid to the agency to support the provision of services to children with disabilities.	D. Direct the use of <del>State and/or</del> Federal funds on the area or areas in which the agency needs assistance. E. Identify the agency as a high-risk grantee and impose special conditions on the agency’s Part B grant. F. Initiate action to withhold, in whole or in part, <del>State and/or</del> Federal funds paid to the agency to support the provision of services to children with disabilities. G. Initiate action to withhold, in whole or in part, any <del>State or</del> Federal funds paid to the agency. H. Initiate action to recover <b>Federal</b> funds paid to the agency to support the provision of services to children with disabilities.	Clarify that only Federal funds will be affected.
VI	86	<u>Failure to Provide FAPE</u> The Missouri Department of Elementary and Secondary Education (Department) may withhold, in part or whole, and may seek to recover, in part or whole, State and/or Federal special and general education funds when a responsible public agency is determined to be either unwilling or unable to provide FAPE. Such determination will be based on the agency’s refusal or failure to comply with a corrective action or hearing decision as ordered by the Department in:	<u>Failure to Provide FAPE</u> <del>The Missouri Department of Elementary and Secondary Education (Department)</del> <b>DESE</b> may withhold, in part or whole, and may seek to recover, in part or whole, <del>State and/or</del> Federal special <del>and general</del> education funds when a <del>responsible</del> public agency is determined to be either unwilling or unable to provide FAPE. Such determination will be based on the agency’s refusal or failure to comply with a corrective action or hearing decision as ordered by the <del>Department</del> <b>ESE</b> in:	Clarify that only Federal funds will be affected.
VI	92-93	The Department of Elementary and Secondary Education shall have, upon receipt of the completed complaint, sixty (60) calendar days to investigate and resolve the complaint. Extension of this time limit may be granted by the Commissioner of Education, or a designee, if exceptional circumstances exist with respect to the particular complaint, or the parent (or individual or organization) and the public agency involved agree in writing to extend the time limit to engage in mediation. If such an extension is given, notice shall be given to the complainant	The Department of Elementary and Secondary Education shall have, upon receipt of the completed complaint, sixty (60) calendar days to investigate and resolve the complaint. Extension of this time limit may be granted by the Commissioner of Education, or a designee, if exceptional circumstances exist with respect to the particular complaint, or the parent (or individual or organization) and the public agency involved agree in writing to extend the time limit to engage in mediation. If such an extension	Clarify that mediation can also extend the timeline.

Regulation	Page	Current Regulation	Proposed Regulation	Rationale for the change
		and the responsible public agency under investigation, with documentation of that notice to be maintained within the child complaint file.	is given, notice shall be given to the complainant and the responsible public agency under investigation, with documentation of that notice to be maintained within the child complaint file. <b>This timeline may also be extended by up to thirty (30) days if both parties agree to participate in mediation.</b>	
VI	94	The State began provision of full educational opportunities for all infants and toddlers (birth through age two (2)) with disabilities on October 1, 1995. The State goal is to begin provision of full educational opportunities for students through the age of twenty-one (21) in 2017.	The State began provision of full educational opportunities for all infants and toddlers (birth through age two (2)) with disabilities on October 1, 1995. The State goal is to begin provision of full educational opportunities for students through the age of twenty-one (21) in 20 <del>17</del> <b>27</b> .	Requires state statutory change to enable the provision of special education services to students through age twenty-one.
VI	95	The State of Missouri has established goals for the performance of children with disabilities in Missouri. These goals promote the purposes of IDEA and are the same as the State’s objectives for progress by children in its definition of adequate yearly progress, including the objectives for progress by children with disabilities. The State has established performance indicators that the State will use to assess progress toward achieving the goals, including measurable annual objectives for progress by children with disabilities.	The State of Missouri <del>has established</del> <b>s</b> goals for the performance of children with disabilities in Missouri. These goals promote the purposes of IDEA <del>and are the same as the State’s objectives for progress by children in its definition of adequate yearly progress,</del> including the objectives for progress by children with disabilities.  The State <del>has established</del> <b>s</b> performance indicators that the State will use to assess progress toward achieving the goals, including <del>measurable annual objectives for progress by children with disabilities.</del>	Changing language to be consistent with the federal requirements in the ESSA.
VI	96	<b>9. STATE ADVISORY PANEL (34 CFR 300.168)</b>  The State of Missouri maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State. The advisory panel is appointed by the Commissioner of the Department of Elementary and Secondary Education (Department). The Panel is a public governmental body as defined by Missouri’s Open Meetings and Records Law and complies with the “Sunshine Law.”  <u>Membership (34 CFR 300.651)</u>	<b>9. STATE ADVISORY PANEL (34 CFR 300.168<del>7</del>)</b> The State of Missouri maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State. The advisory panel is appointed by the Commissioner of the Department of Elementary and Secondary Education ( <del>Department</del> <b>ESE</b> ). The Panel is a public governmental body as defined by Missouri’s Open Meetings and Records Law and complies with the “Sunshine Law.”  <u>Membership (34 CFR 300.651<del>168</del>)</u>	Changed citations to accurately reflect the federal regulation that serves as the basis for each section.
VI	98	<u>Definitions</u>  <u>Blind persons or other persons with a print disability</u> means children served under this part who may qualify to receive books and other publication produced in specialized formats in accordance with the Act	<u>Definitions</u> <u>Blind persons or other persons with a print disability</u> means children served under <del>this part</del> <b>Part B of the IDEA</b> who may qualify to receive books and other publication produced in specialized formats in accordance with the Act entitled “An Act	Changed to clarify which law was being referenced.

Regulation	Page	Current Regulation	Proposed Regulation	Rationale for the change
		entitled “An Act to provide books for adult blind” approved March 3, 1931, 2 U.S.C.135a.	to provide books for adult blind” approved March 3, 1931, 2 U.S.C.135a.	
VI	100	<u>Special Education Teachers</u> Qualifications for teachers ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education teacher by the deadline established in section 1119(a)(2) of the ESEA (Elementary and Secondary Education Act).	<u>Special Education Teachers</u> Qualifications for teachers ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school is <del>highly qualified</del> <b>fully certificated</b> as a special education teacher <b>as required</b> by the <del>deadline established in section 1119(a)(2) of</del> the ESEA (Elementary and Secondary Education Act).	Changed to remove references to “highly qualified,” as it no longer applies.
VI	102-108	<u>16. Personnel Standards</u>  For current personnel standards, see chart in current Part B regulations.	<u>16. Personnel Standards</u>  For proposed changes, see personnel standards chart attached to changes chart.	