

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

Regulation VIII – Private Schools and Agencies (~~see also Regulation VI~~)

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
VIII	121	<p>3. CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS-CHILD FIND</p> <p>Each LEA shall locate, identify, and evaluate all private school children with disabilities, who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA.</p> <p>The cost of carrying out the child find requirements in this section, including initial evaluations, may not be considered in determining if the LEA has met its proportionate share obligation.</p> <p>Each LEA in which private, including religious, elementary schools and secondary schools are located, must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.</p>	<p>3. CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS-CHILD FIND</p> <p>Each LEA public agency shall locate, identify, and evaluate all private school children with disabilities, who are enrolled by their parents in private schools; (including religious/parochial schools, home schools, and private elementary; and secondary schools) located in the school district served by the LEA public agency’s boundaries.</p> <p>The cost of carrying out the child find requirements in this section, including initial evaluations and reevaluations, may not be considered in determining if the LEA public agency has met its proportionate share obligation.</p> <p>Each LEA public agency in which private, including religious, elementary schools and secondary schools are located, must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than Missouri the State in which the private schools that they attend are located but attend a private school located in Missouri.</p>	<p>Clarify those entities included under the classification of private school in Missouri.</p> <p>Clarify that reevaluations fall under child find as well as initial evaluations and therefore can’t be counted as part of the proportionate share obligation.</p> <p>Clarification.</p>
VIII	122	<p>4. LEA REQUIREMENTS TO PROVIDE SERVICES FOR PARENTALLY-PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES (34 CFR 300.132)</p> <p>NOTE: While IDEA does not provide an individual entitlement to such private school students and IDEA compliance requires only that services provided represent a proportionate share as explained below</p>	<p>4. LEA PUBLIC AGENCY REQUIREMENTS TO PROVIDE SERVICES FOR PARENTALLY-PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES (34 CFR 300.132)</p> <p>NOTE: While IDEA does not provide an individual entitlement to such private school students and IDEA</p>	<p>Notes being removed from regulations. Will be included in guidance documents, as appropriate.</p>

Regulation	Page	Current Regulation	Proposed Regulation	Rationale for the change
		under “Expenditures,” school districts need to consider the extent of services required under Missouri law.	compliance requires only that services provided represent a proportionate share as explained below under “Expenditures,” school districts need to consider the extent of services required under Missouri law.	
VIII	123	Expenditures/Proportionate Share (34 CFR 300.133)	Expenditures/Proportionate Share (34 CFR 300.133) State funds, local funds, or IDEA Part B 611 funds that are not part of the obligation, may supplement the proportionate share obligation, but in no case supplant the proportionate share obligation. The public agency must expend the entire proportionate share obligation before utilizing any other funding sources on proportionate share services.	Clarity and additional information on expenditures and use of funds.
VIII	125	Equitable Services Provided (34 CFR 300.138) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements.	Equitable Services Provided (34 CFR 300.138) The services provided to parentally-placed private school children students with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements.	No longer applicable as highly qualified special education teacher requirements no longer apply for public school teachers.
VIII	126	Location of Services; Transportation (34 CFR 300.139) Missouri case law and the Missouri Constitution prohibit the provision of personnel, services, materials, and equipment on the premises of a child’s private school unless they are provided in a neutral site. LEAs must determine how and where services will be provided to children with disabilities attending private or parochial schools.	Location of Services; Transportation (34 CFR 300.139) Missouri case law and the Missouri Constitution prohibit the provision of personnel, services, materials, and equipment on the premises of a child student’s private school unless they are provided in a neutral site. The private school may be considered a neutral site if the setting of the services is secular and void of ideological items. LEAs Public agencies must determine how and where services will be provided to children students with disabilities attending private or parochial schools.	Clarify meaning of ‘neutral site’.