

X. STATE OPERATED PROGRAMS

1. SEA PROVISION OF DIRECT SERVICES

The Missouri Department of Elementary and Secondary Education (~~Department~~**DESE**) provides free appropriate public education services for students with disabilities through three State Board of Education Operated Programs: School for the Deaf, School for the Blind, and the Missouri Schools for the Severely Disabled.

It is the policy of the ~~Missouri Department of Elementary and Secondary Education~~**DESE** that the requirements of Part B of IDEA are implemented by the State Board of Education Operated Programs responsible for the education of students with disabilities. Each State Board Operated Program is required to submit a Compliance Plan that specifies the policies and procedures necessary to meet the requirements of IDEA.

The ~~Department~~**DESE** ensures that each educational program for ~~children~~**students** with disabilities administered by the State Board of Education is under the general supervision of the Office of Special Education, ~~Department of Elementary and Secondary Education~~**DESE**, and that their programs meet the standards of the State Education Agency (SEA).

The ~~Department~~**DESE** ensures that funds provided under Part B to support SEA direct services are used in accordance with requirements of this state plan with the exception of those policies related to excess cost.

2. MISSOURI SCHOOLS FOR THE SEVERELY DISABLED

Regulations for Services

The Missouri Schools for the Severely Disabled (MSSD), a system of day school services in separate school settings, were established by state law to serve those students with severe disabilities referred to the State Board of Education by ~~local school districts~~**public agencies** which do not operate such programs themselves and which are not a part of special school districts. If the evaluation information and the Individualized Education Program (IEP) compiled by the ~~local education agency (LEA)~~**public agency** supports separate school placement as the student's least restrictive educational environment, the LEA may ~~seek~~**request a** determination of student eligibility for services. The following procedural information is provided to assist ~~school districts~~**public agencies** in accessing services from ~~the~~ MSSD.

A. Eligibility Criteria for MSSD

- 1) **The public agency must establish the existence of a severe or profound intellectual disability.** Students with severe disabilities ~~are those students who~~ generally have significant cognitive deficits as evidenced by ~~one (1) of the two (2) methods~~**method a or b** described below:

a) The student obtains scores falling four (4) or more standard deviations below the mean on standardized measures of cognitive functioning and shows commensurate deficits in at least two (2) areas of adaptive functioning.

OR

b) The student is not able to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, but evaluation information indicates significant deficits in ~~intellectual~~ **cognitive ability** and adaptive behavior skills **as evidenced by a description of**, ~~and the student requires a~~ **student's need for** pervasive ~~level~~ **levels** of supports across all life areas, as defined by the American Association on Intellectual and Developmental Disabilities (AAIDD) classification system. **The evaluation report also includes scores from a normative referenced standardized measure of adaptive behavior that yields a composite score that falls four (4) or more standard deviations below the mean.**

~~This identification shall result~~ **Only assessment results** from comprehensive ~~evaluation that is~~ **evaluations** consistent with the procedures in Regulation III, Procedures for Evaluation and Determination of Eligibility, **will be considered during the MSSD eligibility process.**

2) The ~~LEA~~ **public agency** shall provide justification of why ~~it~~ **the public agency** is not the least restrictive environment for the student. ~~The district must demonstrate why it cannot educate the student in the local school and justify why the services they have provided are not adequate to meet the needs of the student.~~

~~The presence of significant cognitive deficits may permeate a student's educational condition so as to render the student severely disabled. A student with severe or multiple disabilities would evidence the presence of significant cognitive deficits along with one (1) or more of the other educationally disabling conditions.~~

Students who educationally benefit from special education and related services that can be provided by the ~~LEAs~~ **public agency** are not considered eligible for services through MSSD. In general, students with disabilities such as cognitive deficits falling two (2) to three (3) standard deviations below the mean, Speech or Language Impairments, Hearing ~~Impaired~~ **Impairment/Deaf**, Visually ~~Impaired~~ **Visual Impairment/Blind**, Learning Disabilities, Emotional Disturbance, Other Health ~~Impaired~~ **ment**, Traumatic Brain Injury, or ~~Orthopedically Impaired~~ **Orthopedic Impairment** can receive an appropriate education when served by ~~LEAs~~ **public agencies**.

~~A student with a severe disability may enroll in MSSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.~~

B. Eligibility Procedures

In order to assure compliance with applicable state and federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in MSSD, the following procedures have been adopted by the State Board of Education.

- 1) All students identified as potentially in need of special education services shall be enrolled in and served by the LEA **public agency** pending the determination of such need. This includes students whose performance indicates possible functioning within the range of severe to profound intellectual disability.
- 2) The LEA **public agency** in which the student resides shall complete a comprehensive evaluation which is current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with State regulations on evaluation. Additional educational records or other pertinent information may be required by MSSD to clarify the student's educational needs.
- 3) Following compilation of evaluation information, the LEA **public agency** where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of State regulations. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) When the IEP indicates the student is in need of services which the LEA **public agency** is unable to provide and which may be provided by MSSD, the LEA **public agency** must forward documentation for eligibility review which includes:

- the evaluation report;
- current IEP, the preceding IEPs, or progress reports, if available; and,
- ~~the justification~~ **Justification** for Separate School Placement if the IEP Team is considering separate school as a placement option for the student, **including an explanation that MSSD would be the least restrictive educational environment for the student.** ~~This documentation must provide justification for~~ **The justification must include, but is not limited to, the following information:**

a) the public agency considered educating the child in the public agency;

Provide specific statements of the placement options considered and the basis for rejection of each option, including support statements

related to educational benefit to the student and the student's ability to make progress in the public agency.

b) identification of supplementary aids and services needed to educate the student in the public agency special education program; and

c) an explanation as to why the public agency cannot serve the student at the public agency in a placement that would benefit the student. This can include, but is not limited to, a description of the student's progress and/or the adverse impact on the student to explain the educational benefit the student did or did not receive at the public agency, and the harmful effects of the student's continued placement in the public agency.

Removal from Regular Education

- ~~— Curriculum and goals of the regular education class and why the student is unable to access the general education curriculum.~~
- ~~— Sufficiency of the district's efforts to accommodate the child with a disability in the regular classroom.~~
- ~~— The degree to which the child with a disability will receive educational benefit from regular education.~~
- ~~— The effect the presence of a child with a disability may have on the regular classroom environment on the education that the other students are receiving.~~
- ~~— The nature and severity of the child's disability.~~

Removal from LEA

- ~~— Considered educating the child in the LEA.~~
- ~~— Identified supplementary aids and services that would be needed to educate the child in the LEA.~~
- ~~— Articulated why the LEA cannot serve the child in the LEA in a placement that would benefit the child.~~

Parental consent must be obtained before the documentation for the eligibility review is submitted to MSSD or all personally identifiable information, as defined in 34 CFR 99.3, must be removed from the documentation before it is provided to MSSD.

- 5) Following a professional review of this information provided by the ~~LEA~~ **public agency**, the district shall be notified whether or not the student is eligible for services through MSSD. ~~Such notice shall specify the placement site should the student be referred.~~ The **eligibility** decision on such eligibility is not appealable.

Students who ~~are~~ **would otherwise be** eligible for MSSD based on the severity of the disability will not be accepted if they require ~~permanent~~ homebound placement as such a placement ~~requirement~~ would ~~therefore~~ preclude attendance at a separate day program such as MSSD. Students who otherwise qualify and require only intermittent ~~homebound placement~~ **services in the home** will be ~~accepted~~ **eligible** for placement **referral**.

- 6) Should the district be notified that the student is eligible for MSSD, the district may refer the student. The district shall notify parents of the eligibility decision and submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice. ~~If the~~ **The** IEP, at time of request **referral**, ~~does not~~ **must** reflect a total of 1,800 **the actual number of** minutes of service per week **needed to provide FAPE, or** the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide free appropriate public education (FAPE).
- 7) Upon receipt of the referral, enrollment papers will be mailed to the parent. MSSD will notify the LEA of the date of the student's enrollment. **A student with a severe disability may enroll in MSSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.**
- 8) Within thirty (30) days following initial enrollment of the student, an ~~IEP/placement review conference~~ **meeting** shall be held. The purpose of this review is to confirm the appropriateness of continued placement in MSSD as the least restrictive environment to provide FAPE for the student. The student's teacher, other appropriate professional personnel from the ~~school~~ **public agency**, a representative of the referring ~~district~~ **public agency**, and the student's parent shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the procedures provided in the Procedural Safeguards notice, any change in placement decision made as a result of this review.
- 9) IEP Teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in MSSD. These conferences will be conducted in accordance with State regulations on individualized education program, and the least restrictive environment.
- 10) At any time the IEP Team may determine, based on general functioning level and progress shown, that the student is no longer eligible for MSSD, either because: ~~he or she is functioning at a level higher than the required cognitive measure or because a separate school no longer appears to be the student's least restrictive environment. In such instances, the IEP Team reviews the IEP, existing data, and education record to determine the plan through which educational services for the student to return to the local school district.~~
 - **the student's cognitive and adaptive levels of functioning and performance at school no longer demonstrate a need for pervasive**

- levels of supports across all life areas and a separate school placement no longer appears to be the student's least restrictive environment, or**
- **a separate school placement is no longer the student's least restrictive environment because he or she demonstrates a need for homebound instruction that exceeds the scope of what would reasonably be considered intermittent in nature.**

In such instances, the IEP Team, including a representative of the public agency and the parent, convenes to review/revise the IEP to consider placement in the least restrictive environment. The Team should consider IEP goal progress data, other existing data in the education record, information in the most recent reevaluation, and any relevant medical information. MSSD will develop an IEP based on the IEP Team's decisions, including services and IEP goals to be implemented by the public agency in accordance with the IDEA transfer processes, when the student re-enrolls at the public agency. The public agency will provide the parent with prior written notice of the change in placement and change in services.

C. Reevaluation

- 1) The ~~LEA~~ **public agency** shall conduct a reevaluation as required by State regulations.
- 2) Results of the reevaluation shall be submitted to MSSD for review. Additional data may be requested by MSSD to clarify the student's educational needs.

D. Transfer of Students

- 1) Transfer of students enrolled in MSSD:

A student who is enrolled in a **an** MSSD school and moves from one ~~LEA~~ **public agency** to another (including those moves to another ~~district~~ **public agency** within the catchment area of the MSSD school the student currently attends), may transfer enrollment immediately on the basis of the Justification for Separate School Placement, current IEP, and evaluation report. This is considered an interim placement, not to exceed ~~sixty (60)~~ **thirty (30)** days, during which the new ~~LEA~~ **public agency** follows the transfer procedures provided within Regulation III, Procedures for Evaluation and Determination of Eligibility, to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student. If this review results in determination that MSSD is the least restrictive environment, the new ~~LEA~~ **public agency** will complete the Justification for Continued Separate School Placement. If, during the ~~sixty (60)~~ **thirty (30)** day interim period, the new ~~LEA~~ **public agency** fails to provide Justification of Separate School Placement, the student will not be served by MSSD and shall be served by the ~~LEA~~ **public agency** through a placement other than MSSD.

2) Transfer of Students with Severe Disabilities from a Separate School (Day) Facility (in Missouri School District, a Special School District, or an Out-of-State Program):

A sixty (60) day interim placement at MSSD may be available for students with severe disabilities who are changing school districts due to a change in residence. These students must have been receiving services in their local district; through cooperative arrangement by their home district with another school district; in a special school district; or, in an out-of-state program for students with severe disabilities.

To qualify for this interim placement, the following criteria must be met:

- The current IEP and evaluation report are adopted by the new school district pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment.
- The new **LEA public agency** submits a copy of the student's current IEP and evaluation report to MSSD with a letter acknowledging adoption of the documents. In the same letter, the new **LEA public agency** will verify the previous placement provided educational services in a self-contained classroom with students with severe disabilities in a separate school building. In addition, the district requests that the student be served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.
- MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.
- Enrollment paperwork must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the **LEA public agency** of the date of the student's enrollment.
- During the sixty (60) day interim placement, the local district shall follow the referral procedures to seek eligibility determination in accordance with B 1-6 above. If found eligible, the **LEA public agency** will issue a notice of action to the parents, guardian or surrogate parent and MSSD confirming continued placement in the State School. If, during the sixty (60) day interim period, the **LEA public agency** fails to submit the Justification for Separate School Placement, the student will not be served by MSSD and shall be served by the **LEA public agency** through a placement other than MSSD.

If MSSD is not confirmed as the student's least restrictive educational environment, the **LEA public agency** is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.

3. Transfer of students who previously attended MSSD, moved out of state, and have returned to Missouri:

To qualify for this interim placement, the following criteria must be met:

- The student attended MSSD in the 12 months prior to seeking readmission, and
- The student moved out of state and had an IEP placement other than a separate day school, and
- The student has moved back to Missouri, and
- The parent agrees to the interim placement at MSSD.

Procedure to implement the interim placement:

- The current IEP and evaluation report are reviewed by the new **LEA public agency** pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment and a decision made accepting or rejecting the IEP and evaluation report is documented.
- The new **LEA public agency** submits a copy of the student's current IEP and evaluation report to MSSD with documentation of the acceptance or rejection of the documents. In a letter, the new **LEA public agency** will verify the previous placement at MSSD within the prior twelve (12) months. In addition, the **LEA public agency** requests that the student be served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.
- MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.
- Enrollment paperwork must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the **LEA public agency** of the date of the student's enrollment.
- During the sixty (60) day interim placement, the **LEA public agency** shall follow the procedures to seek eligibility determination in accordance with B 1-6 above. If found eligible, the **LEA public agency** will issue a notice of action to the parents, guardian, or surrogate parent and MSSD confirming continued placement in the state school. If, during the sixty (60) day interim period, the **LEA public agency** fails to submit all the documentation needed to determine eligibility for placement at MSSD, the student will not be served by MSSD and shall be served by the **LEA public agency** through a placement other than MSSD.

If MSSD is not confirmed as the student's least restrictive educational environment, the **LEA public agency** is notified of this decision and becomes responsible for providing the required special education and related services in

accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.

3. MISSOURI SCHOOL FOR THE BLIND AND MISSOURI SCHOOL FOR THE DEAF

The Missouri School for the Blind (MSB) and Missouri School for the Deaf (MSD) are established by state law to serve those students referred to the State Board of Education by local school districts who may require such services to receive a free appropriate public education. If the evaluation information and the Individualized Education Program (IEP) compiled by the local district supports separate school placement as the student's least restrictive educational environment, the local education agency may seek determination of student eligibility services. The following procedural information is supplied to assist school districts in accessing services from the Missouri School for the Deaf and Missouri School for the Blind.

A. Eligibility for MSB and MSD

- 1) MSB: Students who are Blind or Visually Impaired, for purposes of MSB eligibility, are those students who meet the State eligibility criteria for Visual Impairment. Students who meet the state eligibility category criteria for Missouri Schools for the Severely Disabled (MSSD) are not eligible for MSB.
- 2) MSD: Students who are Deaf or Hearing Impaired, for purposes of MSD eligibility, are those students who meet the state eligibility criteria for Deaf/Hearing Impaired. Students who meet the state eligibility criteria for MSSD are not eligible for MSD.
- 3) A student may enroll in MSB and MSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

B. Referral Procedures

In order to assure compliance with applicable State and Federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in either the Missouri School for the Deaf or Missouri School for the Blind program, the following procedures have been adopted by the State Board of Education. ~~The local school district~~ **public agency** is encouraged to request a professional employee of MSB or MSD to participate in this process. Such requests for participation shall be honored when made during the school term and when schedules permit.

- 1) All students identified as potentially in need of services from the State Board Operated Programs shall be enrolled in ~~local school district~~ **public agency** programming pending the determination of such need.
- 2) The ~~local school district~~ **public agency** in which the student resides shall complete a comprehensive and appropriate evaluation information, current

within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation must be obtained in accordance with ~~State regulations~~ **Regulation III**, (Procedures for Evaluation and Determination of Eligibility). Additional educational records or other pertinent information may be required by MSB or MSD to clarify the student's educational needs.

- 3) Following compilation of evaluation information, the ~~local school district~~ **public agency** where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of State regulation provisions for ~~Individualized Education Programs~~ **IEPs within Regulation IV**. The ~~district~~ **public agency** must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) If the IEP Team is considering separate school as a placement option for the student, they must document the justification for such placement in writing, **including an explanation that MSB or MSD would be the least restrictive educational environment for the student.** ~~This~~ **The justification** documentation must include **information** that the ~~district~~ **public agency** has:
 - considered educating the child in the ~~LEA~~ **public agency**;
 - identified supplementary aids and services that would be needed to educate the child in the ~~LEA~~ **public agency**; and,
 - articulated why the ~~LEA~~ **public agency** cannot serve the child in the ~~LEA~~ **public agency** in a placement that would benefit the child.

The public agency must submit to MSB or MSD any supporting evidence of each of the preceding statements that justify the IEP Team's decision.

- 5) When the IEP indicates the student is in need of services which the ~~local district~~ **public agency** is unable to provide and which may be provided by the MSB or MSD, the ~~local school district~~ **public agency** may forward the evaluation report, current IEP, and justification for separate school placement to MSB or MSD for eligibility review. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the ~~local district~~ **public agency** shall also be forwarded. Additional information may be requested on an individual student basis. Following a professional review of this information, the ~~district~~ **public agency** shall be notified whether or not the student is eligible for services through MSB or MSD. The eligibility determination is not appealable and is a unilateral determination made by MSB or MSD, respectively.
- 6) Should the ~~district~~ **public agency** be notified that the student is eligible for MSB or MSD, the ~~district~~ **public agency** may refer the student after holding an IEP meeting. Notice of such decision to refer shall be given to the parent in accordance with the law, including an explanation of their right to appeal the action through use of their due process hearing rights. The ~~district~~ **public agency** shall submit the referral only after the parents have received an

explanation of the Procedural Safeguards. ~~If the~~ **The** IEP, at time of request **referral**, ~~does not~~ **must** reflect a total of 1,800 **the actual number of** minutes of service per week **needed to provide FAPE, or** the ~~district~~ **public agency** must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide FAPE.

- 7) Upon receipt of the referral, enrollment papers will be mailed to the parent by MSB or MSD.
- 8) Within thirty (30) days following initial enrollment of the student in MSB or MSD, an IEP meeting shall be held. The purpose of this review is to confirm the eligibility and appropriateness of continued enrollment in MSB or MSD as the least restrictive environment to provide a free appropriate public education for the student and to make necessary revisions in the student's IEP. The student's teacher, other appropriate professional personnel from MSD or MSB, a representative of the referring ~~district~~ **public agency**, and the student's parents shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the Procedural Safeguards, any decision made as a result of this review, including any change in placement decision made as a result of this review. If the IEP Team meeting results in a determination that the student is ineligible for services at MSB or MSD, the ~~home district~~ **referring public agency** will be notified and will need to locate another entity to implement the IEP or revise the IEP if appropriate, pursuant to proper IEP process.
- 9) IEP Teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in MSB or MSD.
- 10) At any time the IEP Team may determine, based on general functioning level and progress shown, that the student is no longer eligible for MSB or MSD because a separate school no longer appears to be the student's least restrictive environment. In such instances, the IEP Team reviews the IEP, existing data, and education record to determine the plan through which the student will be transitioned to the ~~local school district~~ **public agency** for services.

C. Reevaluation

- 1) The ~~local district~~ **public agency** shall conduct a reevaluation as required by State regulations.
- 2) Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data may be requested by MSB or MSD to clarify the student's educational needs.

D. Subsequent Referral Procedures

The following procedures have been adopted by the State Board of Education for annual enrollment.

- 1) Missouri School for the Deaf or Missouri School for the Blind shall mail a copy of the Letter of Referral to the referring ~~district~~ **public agency** on an

annual basis.

- 2) Personnel from the referring ~~district~~ **public agency** shall be invited to review the educational progress displayed by the student during the proceeding school term and participate in the development of the student's IEP.
- 3) If the referring ~~district~~ **public agency** determines a continuing need for services from the Missouri School for the Deaf or Missouri School for the Blind, as documented in the student's IEP, the superintendent of the ~~district~~ **public agency** shall amend any identifying information concerning the student or parent, as is necessary, sign the referral form, and submit the referral to the Missouri School for the Deaf or Missouri School for the Blind.
- 4) The determination of whether to accept the re-referral for the new school year is a unilateral decision to be made by Missouri School for the Deaf or Missouri School for the Blind and is not appealable. Upon rejection of the re-referral, a ~~home district~~ **public agency** is responsible for provision of a free appropriate public education.
- 5) The Missouri School for the Deaf or Missouri School for the Blind shall mail a Letter of Notification to the parent or guardian and ~~local school district~~ **public agency** of every student enrolled in the previous year who is expected to return and who has been referred by the ~~local school district~~ **public agency**.