VI. DEPARTMENT RESPONSIBILITIES

1. GENERAL SUPERVISION RESPONSIBILITIES

It is the policy of the Missouri Department of Elementary and Secondary Education (Department) that the requirements of Part B of the Individuals with Disabilities Education Act are implemented by public agencies in this state responsible for the education of children with disabilities.

The Department ensures that each educational program for children with disabilities administered in the State, including each program administered by another State or local agency, is under the general supervision of the Office of Special Education, Department of Elementary and Secondary Education, and that their programs meet the educational standards of the Department.

Monitoring, Technical Assistance, and Enforcement (34 CFR 300.600, 300.602, 300.604)

The Department of Elementary and Secondary Education (Department) shall, through monitoring and enforcement, assure that each public agency responsible for providing services to children with disabilities has in effect policies, practices and procedures that enable the agency to comply with the implementation of all provisions of Part B of IDEA. The primary focus of the State's monitoring activities shall be on:

A. improving educational results and functional outcomes for all children with disabilities, and
B. ensuring that public agencies meet the program requirements under Part B of IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As part of its general supervision responsibilities, the Department will use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the following indicators and the indicators established by the U. S. Department of Education for the State Performance Plans:

A. provision of FAPE in the least restrictive environment;
B. State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services; and,
C. disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

In the event a responsible public agency is unwilling or unable to comply with the provisions of IDEA, including progress toward meeting the targets in the State Performance Plan, the Department of Elementary and Secondary Education shall take one or more of the following enforcement actions or any other action deemed necessary within the Department's discretion:

A. Advise the agency of available sources that may help the agency address the areas in which assistance is needed, which may include assistance from the Office of Special Education, other offices of the Department of Elementary and Secondary Education, other state agencies, and/or other technical assistance providers approved by the Department and require the agency to work with appropriate entities. Such technical assistance may include:

   1) the provision of advice by experts to address the areas in which the agency needs assistance, including explicit plans for addressing the area or areas of concern within a specified period of time;
   2) assistance in identifying and implementing professional development, instructional strategies and method of instruction that are based on scientifically based research;
   3) designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers and administrators to provide advice, technical assistance, and support; and,
   4) devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, state and national centers of technical assistance, and private providers of scientifically based technical assistance.

B. Require the agency to prepare a corrective action plan which incorporates all of the required elements for such plan.
C. Require the agency to prepare an improvement plan which incorporates all of the required elements for such plan.
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.

<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:

A. a monitoring report stemming from a monitoring for compliance with IDEA, Part B; or,
B. a child complaint decision in which the agency has been found out of compliance; or,
C. a due process hearing decision of a state level hearing.

In each of the above, corrective actions are expected to be achieved within a given timeline, or in the case of a due process decision, implementation is expected to be achieved within a given timeline. Such timelines in the case of a monitoring report or a child complaint decision may be extended by the Department. However, if the Department determines it is unreasonable to further extend, or if the Department attempted to provide technical assistance to the agency to accomplish the corrective action to no avail, the Department may determine the agency is unable or unwilling to provide FAPE.

The Department will determine the amount of funding to be withheld or recovered on a case-by-case basis. The Department will determine the amount deemed necessary to enforce the decisions rendered in the actions described above. The Department will notify the LEA in writing of the specific action it has failed to correct, the source and amount of funds that will be withheld or recovered, and the date that the withholding or recovery of funds will begin.

The hearing procedure described in Regulation VII of this State Plan, for LEA eligibility, is incorporated herein by reference.

2. APPLICATION, EVALUATION, AND APPROVAL OF PRIVATE EDUCATIONAL AGENCIES (See also Regulation VIII on Private Schools)

Statutory Authority

Pursuant to State law, a responsible public agency may, if no adequate program is available in nearby districts or through public agencies, contract with any organizations within the state which meet the standards established by the State Board of Education for services for students with disabilities. Agencies will be approved and monitored by the Department of Elementary and Secondary Education.

Agency Defined

For the purpose of these provisions, a private organization is defined as any organization which has programs meeting the standards established by the State Board of Education with the exception of any organization established for a sectarian purpose or whose governance is controlled by any religious creed, church, or sectarian denomination.

Agency Policies and Procedures

Agencies shall be organized and operated according to written policies and procedures. Those written policies and procedures must include statements that the agency will:

A. comply with the provisions of IDEA, including all of the procedural safeguards provided for in that Act;
B. provide all services to students with disabilities under contract from a public agency in accordance with the student's Individualized Education Program (IEP);
C. provide all services at no cost to the parents;
D. ensure that the student has the same rights as a student with a disability served by the public agency with whom the contract is negotiated;
E. have a written Code of Conduct which has been shared with the parents of the students with a disability and the public agency with which the contract has been negotiated; and,
F. have a written procedural plan which coordinates the evaluation of all programs and services provided to students with disabilities which includes:

    1) program goals and objectives for each program and service, and
    2) evaluation criteria and procedures for each offered program/service.

    Special educational services provided by the agency, pursuant to contract with public school(s), shall conform to the aforementioned policies. To document that those services will conform, each agency must sign an "Assurances" statement provided by the Department of Elementary and Secondary Education.

    Private agency approval may be withdrawn by the Department of Elementary and Secondary Education if the agency's written policies and procedures, as they relate to IDEA, are not being followed by the agency and the agency fails to correct the situation in a timely manner.

Administration of Programs

The educational programs provided by agencies shall be provided administrative direction by a person who has certification in an area of special education or related area which is appropriate for the educational program(s) the agency provides.

Provision of Free Appropriate Public Education (FAPE)

The curricula of private educational agencies shall include all the areas for which instruction is provided, per the contract and the student's IEP. It shall be in writing and revised, as necessary. Agencies shall provide instruction and related services:

A. in conformance with their contractual arrangement with the public agency;
B. in conformance with an IEP that meets the requirements of IDEA;
C. at no cost to parents;

D. that meets the standards that apply to education provided by the public agency including access to the general education curriculum, as determined appropriate by the IEP team; and,
E. in accordance with the provisions of the Procedural Safeguards as referenced in Regulation V. of this State Plan as they apply to private agencies.

Facilities, Transportation, Equipment, and Materials

Agencies shall provide appropriate facilities, equipment, and materials to effectively deliver special education and related services to all students serviced via contract.

Agencies shall comply with appropriate health and environment, occupancy, fire safety, transportation, and accessibility standards as are warranted by the services which the agency has contracted to provide.

Certificated and Licensed Professional Staff

Agencies shall retain appropriately certificated staff according to the personnel standards in this Section to deliver the services for which school districts have contracted. Personnel records shall be maintained for all certificated and licensed professional staff.

Agency and Student Records

Agencies shall maintain an organized system of accurate and current records which pertain to the administration of the agency and the delivery of special education and related services. Student records shall be maintained consistent with the provisions of the Family Educational Rights and Privacy Act, 34 CFR 99.1-99.67. Agencies shall provide a contracting school system, upon written request, complete and timely access to all agency records which pertain to the delivery of services to student(s) served through contractual agreement with that school system. Agencies shall maintain sufficient and accurate records to document the delivery of appropriate special education and related services.

Administrative and Support Services

Agencies shall provide appropriate administrative and support services, as needed, for the effective delivery of special education and related services for contract students.

Professional Development

Agencies shall assure that all personnel receive in-service training, as appropriate, to be effective in the delivery of special education and related services.

Agency Approval

Initial applicants will submit a written application for approval to the Office of Special Education and shall be reviewed on-site. Disposition will be one (1) of the following: approved without condition, conditional approval, or not approved.

All agencies will annually submit a written assurance statement/program update to the Office of Special Education.

Nondiscrimination
Agencies shall ensure equal employment/educational opportunities regardless of race, color, creed, national origin, sex, disability, or age in its programs and services.

Appeal Procedure for Private Agencies

An agency will be provided with notice and an opportunity for a hearing upon disapproval of an application under these provisions. This notice shall contain:

A. a statement of the basis upon which the Department has disapproved the application;
B. a description of the corrective action needed to resolve the issue;
C. advisement that a hearing may be requested before the Department not later than thirty (30) days from receipt of the notice of disapproval; and,
D. information about the procedures applicable to the hearing process.

An applicant requesting a hearing pursuant to this section must do so in writing directed to the Assistant Commissioner for the Office of Special Education. Within thirty (30) days of the date of receipt of the request, the Assistant Commissioner or a designee shall schedule and conduct the hearing. Not later than thirty (30) days after the formal close of the hearing, a written ruling shall be forwarded to the applicant.

Appeal of the Assistant Commissioner's ruling is authorized pursuant to Chapter 536, RSMo.

3. CHILD COMPLAINT PROCESS

Statement of Jurisdiction

The Department of Elementary and Secondary Education, as a grantee under Part B of the Individuals with Disabilities Education Act (IDEA), must maintain procedures for receiving, investigating, and resolving complaints alleging that statutes and/or regulations implementing IDEA have been violated. This process is known as the child complaint process.

The Department of Elementary and Secondary Education disseminates information on this process to parents and other interested individuals, including parent training and

information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Limitations (34 CFR 300.153(c))

A complaint must allege a violation by a responsible public agency that occurred not more than one (1) year prior to the date that the complaint is received

Filing a Complaint (34 CFR 300.153)

An organization or individual may file a signed written complaint. The complaint must include:

A. a statement that a public agency has violated a requirement of Part B of the Act;
B. the facts on which the statement is based (state facts describing an alleged violation of state and/or federal regulations implementing IDEA);
C. the signature and contact information for the complainant; and
D. if alleging violations with respect to a specific child, the name and address of the residence of the child and the name of the school that the child is attending. If the child is a homeless child or youth, the available contact information for the child and the name of the school the child is attending must be provided;
E. a description of the nature of the problem of the child, including the facts relating to the problem; and,
F. a proposed solution of the problem to the extent known and available to the party at the time the complaint is filed.

The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA. Failure to provide a copy to the LEA or public agency will delay the starting of the timeline for the investigation of the complaint to the date the SEA sends a copy of the complaint to the LEA.

If the party fails to provide a description of the nature of the problem of the child, including the facts relating to the problem at the time the complaint is filed, the SEA may, in its discretion, dismiss the complaint and grant the party the opportunity to refile with the required information included.

Processing of Complaint Record

Upon receipt, the complaint shall be reviewed and necessary staff assigned to investigate it. The complaint shall also be entered into the complaint tracking process.

Investigation of the Complaint

The process of investigation shall include: staffing the complaint, providing written notice of the complaint to the responsible public agency, written acknowledgment to the complainant, data collection, and on-site visits where appropriate.

A. Assigned staff will review the complaint to determine the parameters of the investigation. This would include determining whether an on-site visit will be necessary or whether the information may be obtained through the use of a data request and phone interviews.
B. Upon receipt of a complaint, notice shall be sent to the responsible public agency against which the complaint is filed. The notice shall include a copy of the complaint, statement of the elements of the complaint, a description of the investigation process, and, if possible, the details of any on-site visits, data requests, or phone interviews that are planned. The responsible public agency shall be invited to respond to the complaint, which could include a proposal to resolve the complaint and an opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation.
C. Upon receipt of a complaint, a written acknowledgment shall be sent to the complainant and shall include a statement of the elements of the complaint, a description of the investigation process, and an invitation to provide any additional information either orally or in writing, about the allegations in the complaint.
D. Documentation requests and phone interviews will be the primary methods of data collection in the complaint investigation. The data request should include documents relevant to the complaint and should be forwarded to a designated contact with the responsible public agency. It is the purpose of the data requests and phone interviews to attempt, where possible, to resolve the complaint without an on-site visit.
E. If the investigation requires an on-site visit, separate notice to the responsible public agency shall be given. This notice may be given by phone, but should preferably be in writing. If the notice is given by phone, then a confirmation in writing should follow-up the phone conversation. The notice shall include a statement of the records to be made available, staff to be interviewed, and any need for access to school or agency facilities.

Investigation Timelines

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 and the responsible public agency under investigation, with documentation of that notice to be maintained within the child complaint file.

Resolution of the Complaint

Resolution of a child complaint shall be through the issuance of a Decision letter from the Commissioner of Education, or a designee, Department of Elementary and Secondary Education. The Decision letter shall include findings of fact and conclusions, and provide reasons for the Decision. These findings would include a review of the investigation results, including any information in an on-site investigation or from a data request. The basis for resolution may be any of the following:

A. a decision that the responsible public agency is not out of compliance;
B. a decision that the responsible public agency is out of compliance, but that voluntary corrective action has been taken by the public agency to bring the public agency into compliance; or,
C. a decision that the responsible public agency is out of compliance, and ordering a corrective action with a timeline for submission to the Department of Elementary and Secondary Education. Corrective actions ordered by the Commissioner of Education, or a designee, may include, but are not limited to, technical assistance activities, negotiations, or other actions to achieve compliance.

Final Decision

The findings of the Commissioner of Education, or a designee, related to the complaint shall constitute a final decision of the Department of Elementary and Secondary Education. No further appeal is available.

Permission from a child's parent or the adult student is required to share the final decision with a non-parent complainant. If permission is not given, the non-parent complainant will receive a copy of the final decision with all personally identifiable information redacted. In cases where it is impossible to remove personally identifiable information, the decision will not be provided to a non-parent complainant.

Complaints Filed Under This Section and Due Process Hearings

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described above.

If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding on that issue and the SEA must inform the complainant to that effect.

4. FULL EDUCATIONAL OPPORTUNITIES GOAL

The State of Missouri has established a goal of providing a full educational opportunity for all students with disabilities, ages birth through twenty-one (21) years, within the State.

The State began provision of full educational opportunities for all students with disabilities between the ages of five (5) and twenty-one (21) years on July 1, 1974.

The State began provision of full educational opportunities for all students with disabilities between the ages of three (3) and twenty-one (21) years on July 1, 1991.

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.

Full implementation of the goal will include the provision of a free appropriate public education for all students with disabilities ages three (3) through twenty-one (21) years, and the provision of early intervention services for infants and toddlers with disabilities (birth through age two (2)) and their families.

5. METHODS OF ENSURING SERVICES

Methods of Ensuring Services (34 CFR 300.154)

Establishing Responsibility for Services

The Assistant Commissioner of Special Education for the Department of Elementary and Secondary Education (Department) ensures that an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agency and the Department, in order to ensure that all services that are needed to ensure FAPE are provided, including the provision of these services during the pendency of any interagency dispute. The agreement or mechanism must include the following:

A. agency financial responsibility: An identification of or a method for defining the financial responsibility of each agency for providing services to ensure FAPE to children with disabilities. The financial responsibility of each noneducational public agency, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial responsibility of the public agency (or the State agency responsible for developing the child's IEP);
B. conditions and terms of reimbursement: The conditions, terms, and procedures under which the responsible agency must be reimbursed by other agencies;

C. interagency disputes: Procedures for resolving interagency disputes (including procedures under which the responsible public agency may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism; and,
D. coordination of services procedures: Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services.

Obligation of Noneducational Public Agencies

If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in 34 CFR 300.6 relating to assistive technology devices, 34 CFR 300.5 relating to assistive technology services, 34 CFR 300.34 relating to related services, 34 CFR 300.42 relating to supplementary aids and services, and 34 CFR 300.43 relating to transition services) that are necessary for ensuring FAPE to children with disabilities within the State, the public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

A noneducational public agency may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context. If a public agency other than an educational agency fails to provide or pay for the special education and related services, the LEA (or State agency responsible for developing the child's IEP) shall provide or pay for these services to the child in a timely manner. The LEA or State agency may then claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency shall reimburse in accordance with the terms of the interagency agreement or other mechanism and the conditions and terms of reimbursement.

6. PERFORMANCE GOALS AND INDICATORS (34 CFR 300.157)

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. These goals address graduation rates and dropout rates, as well as other factors. These goals are consistent, to the maximum extent appropriate, with goals and standards that have been established by the State for all children.

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.

Annually, the State will report to the Secretary and the public on the progress of the State and of children with disabilities in the State, toward meeting the State

Performance Plan (SPP) goals (indicators) as established by the U. S. Department of Education, Office of Special Education Programs. The SPP goals (indicators) may be found on the Office of Special Education's website.

7. PUBLIC PARTICIPATION (34 CFR ~~300.165~~300.167-300.169)

The State of Missouri ensures that, prior to the adoption of any policies and procedures needed to comply with the Individuals with Disabilities Education Act, or prior to submitting a State Plan to the Secretary, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

8. PUBLIC ATTENTION (34 CFR 300.606)

If the State receives notice that an enforcement action is proposed or is being taken against the State by the Secretary of Education, the Department must take such actions as may be necessary to notify the public within the State of the pendency of that enforcement action. At a minimum, the State must post a notice on the Department website and distribute the notice to the media and through public agencies.

9. STATE ADVISORY PANEL (34 CFR 300.168)

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."

Membership (34 CFR 300.651)

The membership of the State advisory panel is representative of the State population and is composed of individuals involved in or concerned with the education of children with disabilities, including:

A. parents of children with disabilities (ages birth through twenty-six (26));
B. individuals with disabilities;
C. teachers;
D. representatives of institutions of higher education that prepare special education and related services personnel;
E. State and local education officials, including officials who carry out activities under the McKinney-Vento Homeless Assistance Act;
F. administrators of programs for children with disabilities;
G. representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
H. representatives of private schools and public charter schools;

I. at least one (1) representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
J. a representative from the State child welfare agency responsible for foster care; and,
K. representatives from the State juvenile and adult corrections agencies.

A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through twenty-six (26)).

Advisory Panel Duties (34 CFR 300.169)

The State advisory panel must:

A. advise the SEA of unmet needs within the State in the education of children with disabilities;
B. comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
C. advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
D. advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act;
E. advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities; and,
F. advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

Advisory Panel Procedures ~~(34 CFR 300.653)~~

A. The advisory panel shall meet as often as necessary to conduct its business.
B. Official minutes must be kept on all panel meetings and must be made available to the public on request.
C. All advisory panel meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings must be open to the public.
D. Interpreters and other necessary services must be provided at panel meetings for panel members or participants.
E. The advisory panel shall serve without compensation but the State must reimburse the panel for reasonable and necessary expenses for attending meetings and performing duties.

10. SUSPENSION AND EXPULSION RATES (34 CFR 300.170)

The State of Missouri shall examine data including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among local education agencies in the State or compared to the rates for nondisabled children within the agencies.

If the discrepancies are occurring, the Department of Elementary and Secondary Education shall review and, if appropriate, revise (or require the affected State agency or local education agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure these policies, procedures, and practices comply with IDEA.

11. ACCESS TO INSTRUCTIONAL MATERIALS (34 CFR 300.172)

The State of Missouri has adopted the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of providing instructional materials to blind persons or other persons with print disabilities in a timely manner. "In a timely manner" means that the responsible public agency has taken all reasonable steps to ensure that students with print disabilities have accessible materials at the same time their fellow students without disabilities have their materials.

In carrying out this section, the SEA, to the maximum extent possible, must work collaboratively with the State agency responsible for assistive technology programs.

Definitions

Blind persons or other persons with a print disability means children served under this part who may qualify to receive books and other publication produced in specialized formats in accordance with the Act entitled "An Act to provide books for adult blind" approved March 3, 1931, 2 U.S.C.1135a.

National Instructional Materials Access Center or NIMAC means the center established through the American Printing House for the Blind to receive and maintain a catalog of print instructional materials; to provide access to print instructional materials; and, to develop, adopt, and publish procedures to protect against copyright infringement.

National Instructional Materials Accessibility Standard or NIMAS means the standard established by the Secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

Specialized formats means Braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities and with respect to print materials, includes large print formats when such materials are distributed exclusively for use by blind or other persons with disabilities.

These definitions apply to the State and each LEA.

12. OVERIDENTIFICATION AND DISPROPORTIONALITY (34 CFR 300.173)

The State has in effect policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities.

13. PROHIBITION ON MANDATORY MEDICATION (34 CFR 300.174)

The State prohibits State and LEA personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812 (c)) for a child as a condition of attending school or receiving an evaluation or services under IDEA. This does not prohibit teachers or other school personnel from consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance or behavior in the classroom or school or regarding the need for evaluation for special education or related services.

14. STATE ADMINISTRATION (34 CFR 300.199 ~~and 34 CFR 300.177~~)

As a condition of receipt of funds under Part B of the Act, Missouri must:

A. ensure that any State rules, regulations, and policies relating to this part conform to the purposes of this part;
B. identify, in writing, to LEAs located in the State and the Secretary any such rule, regulation, or policy as a State imposed requirement that is not required by Part B of the Act and Federal regulations; and,
C. minimize the number of rules, regulations, and policies to which the LEAs and schools located in the State are subject to under Part B of the Act.
D. make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted under Part B of the IDEA.

State rules, regulations, and other policies under Part B of the Act must support and facilitate LEA and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.

15. PERSONNEL QUALIFICATIONS (34 CFR 300.156)

Policies and Procedures

The Missouri Department of Elementary and Secondary Education has established and maintains qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

The qualifications for personnel, includes related services personnel that are consistent with any State approved or State recognized certification, licensing, registration, or

other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

The qualifications for related services personnel ensures that related services personnel who deliver services in their discipline or profession, meet the requirements and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis and allow assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, to be used to assist in the provision of special education and related services to children with disabilities.

Special Education Teachers

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).

LEAs must take measurable steps to recruit, hire, and retain highly qualified personnel to provide special education and related services to children with disabilities.

Rule of Construction

Nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular LEA or SEA employee to be highly qualified or to prevent a parent from filing a complaint about staff qualifications with the SEA.

Use of Paraprofessionals

Missouri allows paraprofessionals who are appropriately trained and supervised to be used to assist in the provision of special education and related services to children with disabilities.

Responsible public agencies must provide each paraprofessional with the orientation and training necessary for the individual to perform the duties associated with the work assignment. At a minimum, such training shall include information and experiences related to:

A. the type of disabilities displayed by the students with whom they will work;
B. basic principles of behavior modification;
C. basic instructional techniques expected to be used (demonstration, modeling, cueing, reinforcement, correction, etc.); and,
D. other areas as necessary (positioning, lifting and transferring techniques, feeding procedures, etc.).

Paraprofessionals who do not hold a teaching certificate shall receive a minimum of fifteen (15) hours of training during their initial year of employment and a minimum of ten (10) hours of training in subsequent years.

Personnel Standards

The Personnel Standards outlined in the following pages list the Titles, Responsibilities, Educational Qualifications, and appropriate Missouri Licensure or Certification requirements for the personnel providing special education and related services for students with disabilities. The Titles listed are not intended to be a finite listing of occupational categories.

The descriptions listed under Responsibilities are not an all inclusive list. Districts should review applicable Practice Acts, code of ethics, and content of an individual's preparation program to determine if a designated individual can deliver specific services. Services must be provided consistent with the appropriate guidelines and requirements specified by the individual licensure requirements. In addition, the administration of some standardized assessments have specific requirements for administration. Personnel, with the appropriate education and training, may be qualified to administer these assessments and may hold a variety of job titles.

The Educational Qualifications indicate the highest entry-level academic degree needed for state approved licensure or certification. Districts may employ individuals with qualifications that exceed these requirements. Licensure and Certification requirements are those currently in place and are subject to change by the appropriate governing agency. Specific requirements are available from the appropriate licensing or certifying agency that is listed.

Telepractice is a service delivery model using technology to deliver professional services at a distance by linking professional to student or professional to professional for assessment, intervention, and/or consultation. Utilization of telepractice is governed by the Missouri professional licensing boards and by the policy, procedures, and practices for each profession (i.e. The American Speech-Language-Hearing Association, The American Occupational Therapy Association, The American Psychological Association, etc.)

16. PERSONNEL STANDARDS

TITLE	RESPONSIBILITIES	EDUCATIONAL QUALIFICATIONS	CERTIFICATES OR LICENSE
Adaptive Physical Education teacher	Direct instruction, consult with teachers, assist in developing IEPs, individualized assessments	Bachelor's Degree	Certification in the area of physical education or special education by the State Board of Education
Audiologist	Plans and implements screening, evaluation/diagnosis, and special education services for hearing impaired students.	Master's Degree	License issued by the State Board of Registration for the Healing Arts
Audiology Aide	Works under direct supervision of a licensed audiologist.	High school diploma or GED **or HSE (High School Equivalency Certificate)**	Registration certificate issued by the State Board of Registration for the Healing Arts
Casemanager	An administrative function that includes oversight of the IEP process on an individual student basis.	Bachelor's Degree	Any special education certificate issued by the State Board of Education
Counselor • high school • middle school • elementary	Provides direct guidance and counseling to eligible students with disabilities not routinely provided to the entire school population.	Master's Degree	Counselor certification by the State Board of Education
Counselor, Licensed Professional	Provides individual and group counseling techniques, methods or procedures for the purposes of assessing, understanding or influencing behavior. Conducts assessments for aptitudes, intelligence, attitudes, abilities, achievement, interests or personal characteristics. Provides Therapeutic vocational/personal rehabilitation.	Master's Degree	Licensed by the Division of Professional Registration
Educational Diagnostician*	Administers educational evaluations and assists in determining eligibility for special education.	Master's Degree	1. Must have one of the following certificates issued by the State Board of Education: • Special education • Guidance Counselor • School Psychological Examiner • School Psychologist 2. Licensed Professional Counselor licensed by the Division of Professional Registration
Interpreter of the Deaf	Facilitates communication between students with hearing impairments and hearing persons.	High school diploma or GED **or HSE (High School Equivalency Certificate)**	Certified by the Commission for the Deaf and licensed by the Division of Professional Registration. After January 1, 2003, an intermediate certificate issued by the Commission for the Deaf and license issued by Professional Registration.

*For more specific information concerning test administration, see the introduction to this section.

TITLE	RESPONSIBILITIES	EDUCATIONAL QUALIFICATIONS	CERTIFICATES OR LICENSE
Music Therapist	Participates in the development and implementation of IEPs.	Bachelor's Degree	Certification recognized by the American Music Therapy Association
Occupational Therapist	Provides occupational therapy and evaluation services to eligible students with disabilities.	Bachelor's Degree	License issued by the Missouri Board of Occupational Therapy
Occupational Therapy, Certified Assistant (COTA)	Provides occupational therapy services under the direction of a licensed occupational therapist.	AA degree	License issued by the Missouri Board of Occupational Therapy
Orientation and Mobility Specialist	Provides orientation and mobility services to eligible students with visual impairments.	Bachelor's Degree with specialization in orientation and mobility, teaching the blind and visually impaired, rehabilitation teaching, special education, occupational therapy, physical therapy or closely related area	• Certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) OR • ~~Demonstrated proficiency in O&M as required by a current contract with Rehabilitation Services for the Blind~~
Orientation and Mobility Paraprofessional	Provides orientation and mobility services under the direction of an Orientation and Mobility Specialist.	~~Bachelor's Degree in fields of study other than those listed above~~ **High school diploma or GED or HSE (High School Equivalency Certificate)**	• Demonstrated proficiency in O&M as ~~required by a current contract with Rehabilitation Services for the Blind and 2 years supervised experience with blind/or visually impaired persons~~ **determined by the supervisory O&M Specialist**
Paraprofessional	Assists with the implementation of IEPs under the direction of the teacher. Additional responsibilities may include meeting the physical needs of the student, preparation of materials and providing other supports that may be necessary based on the students needs and disability.	High school diploma or GED **or HSE (High School Equivalency Certificate)** **OR** If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.	None

TITLE	RESPONSIBILITIES	EDUCATIONAL QUALIFICATIONS	CERTIFICATES OR LICENSE
Paraprofessional for Braille Instruction	Assists with the implementation of IEPs under the direction of a teacher for the visually impaired.	High school diploma or GED **or HSE (High School Equivalency Certificate)** OR If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.	Demonstrated proficiency in Braille as ~~required by a current contract with Rehabilitation Services for the Blind.~~ **determined by the supervisory teacher for the visually impaired**
Physical Therapist	Provides physical therapy and evaluation services to eligible students with disabilities.	Bachelor's Degree OR Master's Degree if graduated after December 31, 2002	License issued by the State Board of Registration for the Healing Arts
Physical Therapist Assistant	Provides Physical Therapy services under the direction of a physical therapist.	60 hours prescribed course of study, Associate's degree	License issued by State Board of Registration for the Healing Arts
Physician	Provides medical, evaluative, and diagnostic services, and assists in planning and implementing special education services for students with disabilities.	Medical Degree	Physician licensed by the State Board of Registration for the Healing Arts
Psychologist, School	Administers psychological tests, participates on evaluation teams, provides psychological services to students with disabilities as specified on the IEP, and assists in planning an implementing special education services.	Master's Degree	School Psychologist certification by the State Board of Education
Psychologists	Administers psychological tests, participates on evaluation teams, provides psychological services to eligible students with disabilities as specified on the IEP, and assists in planning and implementing special education services.	Master's Degree	Licensed by the Division of Professional Registration as a Psychologist
Recreational Therapist	Participates in the development and implementation of IEPs.	Bachelor's Degree	Certification recognized by the Recreational Therapy Association
School Nurse, LPN	Provides health services under the direction of an RN or Physician.	One year course of study in practical nursing	Licensed by the State Board of Nursing
School Nurse, RN	Provides screening, evaluative, and diagnostic health information. This person provides health services to eligible students with disabilities as specified on the student's IEP. The health services would include only those not routinely provided to the entire school population.	Associate's Degree	Licensed by the State Board of Nursing

TITLE	RESPONSIBILITIES	EDUCATIONAL QUALIFICATIONS	CERTIFICATES OR LICENSE
School Psychological Examiner	Coordinates and/or participates on the multidisciplinary evaluation team. Conducts individual evaluations and assists in determining whether a student is a student with a disability	Master's Degree	School Psychological Examiner certification by the State Board of Education
School Social Worker	Provide services to parents of students with special education needs, assists in the development and implementation of IEPs. Assist in identification and assessment of individual's educational needs including social, emotional, behavioral, adaptive needs; develops and implements behavior intervention plans: provides individual, group, parent, and family counseling and consultation; serves as a liaison with home, school, and community.	Master's Degree	Completion of an approved course of study in school social work accredited by CSWE or a School Social Work Specialist credential issued by National Association of School Social Workers (NASSW)
Social Worker, Licensed Clinical	Provides methods, principles, and techniques of casework, group work, client centered advocacy community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families, and groups in assessment, diagnosis, treatment, prevention, and amelioration of mental emotional conditions. Delivers services that are billable to Medicaid.	Master's Degree	License issued by Missouri State Committee for Social Workers
Special Education Administrator	Directs, coordinates, and supervises the district's special education services.	Master's Degree	Special Education Administrator Certification by the State Board of Education.
Special Education Process Coordinator	Supervises the special education process from referral through placement and provision of services, appropriate identification and placement of students with disabilities; and, district compliance with state and federal requirements for special education.	Master's Degree	Certification in at least one area of special education or certification or licensure in a related area and knowledge of special education process requirements
Special Education Supervisor/**P**K-12 • high school • middle school • elementary • **early childhood special education ECSE** • **early childhood education/ early childhood special education (ECE/ECSE)**	Directs and assists special education teachers and paraprofessional, grades **P**K-12, or any combination thereof, in providing special education services to students with disabilities.	~~Master's Degree~~ **Bachelor's Degree**	Any special education certification issued by the State Board of Education for the area and grade level for which supervision is provided

TITLE	RESPONSIBILITIES	EDUCATIONAL QUALIFICATIONS	CERTIFICATES OR LICENSE
Speech Implementer	Assists with the implementation of IEPs under the direction of a speech/language pathologist.	Bachelor's Degree in Communications Disorders, Elementary Education, or Secondary Education	Missouri teaching certificate and annual approval by the Department of Elementary and Secondary Education
Speech/Language Pathologist Speech/Language Pathologist, Diagnostic	Provides direct instruction, consultation with teachers, develops IEPs, writes evaluation reports, and may provide evaluation services and any other duties permitted by state law. Provides evaluation services for students with suspected speech/language disabilities. This person does not have a caseload of students for provision of direct services.	Master's Degree	Speech and Language Pathologist certificate issued by the State Board of Education or License issued by the State Board of Registration for the Healing Arts
Speech/Language Pathology Aide	Works under the direct supervision of a licensed speech/language pathologist. **Additional responsibilities may include preparation of materials and providing other supports that may be necessary based on the student's needs and disability**.	High school diploma or GED **or HSE (High School Equivalency Certificate)**	Registration certificate issued by the State Board of Registration for the Healing Arts
Speech/Language Pathology Assistant	Assists with the implementation of IEPs under the direction of a licensed speech/language pathologist.	Bachelor's Degree	Registration certificate issued by the State Board of Registration for the Healing Arts
Teacher • Early childhood special education	Direct instruction, consultation with teachers, develop IEPs, writing evaluation reports, travel training, co-teaching, individualized assessments.	Bachelor's Degree	Special Education certification by the State Board of Education in • Early childhood special education
Teacher • Specialized instruction	Direct instruction, consultation with teachers, develop IEPs, writing evaluation reports, travel training, co-teaching, individualized assessments, sign language instruction.	Bachelor's Degree	Any special education certificate issued by the State Board of Education
Teacher • Visually Impaired	a. Direct instruction, consultation with teachers, develop IEPs, writing evaluation reports, travel training, co-teaching, individualized assessments. b. Specialized instruction in Braille or other related instruction.	Bachelor's Degree	a. Any special education certificate issued by the State Board of Education b. Blind and partially sighted certificate
Vocational Resource Educator (VRE)	Assists with the development and implementation of IEPs and the placement of students with disabilities in vocational programs.	Bachelor's Degree	• Special Education Certificate or • Counselor or Vocational Certificate and additional coursework as determined by the Vocational Division
		EDUCATIONAL	

TITLE	RESPONSIBILITIES	QUALIFICATIONS	CERTIFICATES OR LICENSE
Work Experience Coordinator (WEC) Vocational Adjustment Coordinator (VAC)	Plans, develops, implements, and supervises work experience programs for students with disabilities. Provides direct instruction, participates in IEP meetings, conducts screenings and work assessments.	Bachelor's Degree	Any special education certification issued by the State Board of Education