

December 13, 2016.

Missouri Department of Elementary
and Secondary Education

"Proposed Changes to the Missouri
Part B State Plan."

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>> Thank you for joining the
webinar on the changes to the
proposed State Plan. I'm Shelley
Woods, the school coordinator for
financial and administrative
services. Cohosting is Nancy
Thomas, assistant director of
compliance.

This webinar is being recorded. To
find the recording, visit the DESE
webinar page at
dese.mo.gov/webinar slash and click
on the recorded webinar's button.

This webinar is provided to you with
closed captioning.

The purpose of the public hearing is to allow stakeholders to hear about the proposed changes and ask any clarifying questions. You may ask clarifying questions by typing in the chat window.

Questions will be read aloud during the webinar.

Is the recording, presentation slides, and other documents from today's webinar will be posted to the DESE website as soon as possible. The Department of elementary and secondary education Office of Special Education is the administrative agency responsible for ensuring the implementation of Part B of the Individuals with Disabilities Education Act. The married Part B program serving children and youth with disabilities from age 3 to 21. IDEA requires that the Department have policies and/or procedures to ensure that

IDEA is implemented and the rights of children and youth with IDEAs and their families are protected.

The purpose of this hearing is to fulfill the public hearing requirements of Part B of IDEA and to give stakeholders an opportunity to ask any clarifying questions on the proposed changes to the Missouri State Plan for Part B of IDEA.

Today's webinar will serve as the Department's second public hearing related to proposed changes to the State Regulations.

We are here today to take clarifying questions only. Also, we ask that you please limit your questions to the proposed changes.

We will not be taking public comments during the hearings. Any comments must be submitted in writing to the Office of Special Education Programs.

The following is an explanation of the hearing and changes process.

We are holding two public hearings via webinar. One was Tuesday, November 29.

The second one is today.

We are taking written comments on the proposed changes until the close of business on January 6, 2017, following the January deadline for receiving written comments.

The Department will review all comments submitted and make one of three decisions about the proposed changes. One, make the change as proposed.

Two, make the change with revisions. Or three, do not make the change.

All comments received will be summarized and published on the department web page. The proposed changes will go to the State Board of Education.

After the State Board of Education takes actions on the proposed changes, they will be submitted to the Secretary of State's office for publication in the Missouri Register.

The changes will be final after they've been published in the Missouri Register for the required number of days.

Again, all comments must be submitted in writing by the close of business on January 6, 2017.

Close of business is considered 4:30 p.m.

Comments May be submitted in three ways. They may be submitted receive mail to the Missouri department of elementary and secondary education Office of Special Education. Attention: Part B State Plan comments.

PO box 480, Jefferson city, Missouri, 65102-0480.

Comments may be submitted via

e-mail to

IDEA.comments@dese.mo.gov,

attention Part B State Plan

comments.

Or comments may be submitted via

fax to 573-526-###-4404. Again,

attention Part B State Plan

comments.

I will read a summary of the

proposed substantive changes. The

summary will follow the proposed

version of the November 2016 State

Plan available at the website listed

on this slide.

I will pause periodically to read any

questions that are received during

the webinar. You may ask

questions on any of the proposed

Regulations at any time during the

webinar by using the chat feature.

We will keep the line open as long

as we are receiving comments up

until 2:30. If we are finished

presenting the propose # changes

and we are receiving no question, we will end the webinar. Nancy will now begin the public hearing for the proposed changes to the Missouri Part B State Plan.

>> Nancy: So let's start with Regulation I, general provisions. The first proposed change is on page 2.

We're proposing to change the term mental retardation to intellectual disability and change the term other health I impaired to other health impairments. The reason for this proposed change is to update the eligibility category terms to be consistent with current language.

The next proposed change is also on page 2.

It deletes core academic subjects. And this is because that term is no longer applicable.

The next proposed change is found

on page 3. And then on pages 5 through 6.

It renames limited English proficient to English learner. And it changed the state's proficient level of achievement on the state assessments to challenging state academic standards.

This change is being proposed to rename and update to make consistent with the terms currently being used in the ESSA. The every student succeeds act.

The next proposed change is page 4 to 5. It removes the highly qualified teacher language. And this is proposed because under the ESEA, the highly qualified teacher definition goes away.

So it's no longer applicable.

The next change is on page 6.

We are proposing to update the definition of native language to indicate English learner instead of

limited English proficient. Again, this is to update terminology and make it consistent with the current terminology in the ESSA.

On page 7, we're looking to change the term guidance counselors to school counselors.

And, again, this is to update the term to make it consistent with current use.

Let's move on to Regulation 2 which is confidentiality.

The first proposed change is on page 15.

It removes language about the parent's failure to give consent constituting neglect. And this was proposed because it's not a federal or a state or federal regulatory requirement. And this guidance is going to be included in guidance documents as propose.

Regulation III. Which is identification and evaluation is our

next area that we'll be looking at.

The first proposed change is on page 18.

It changes local school districts to local education agencies or LEAs.

This was done to update language to make it clear that both school districts and charter schools are responsible for child find activities.

The next change is on page 19.

We are proposing to change other health impaired to other health impairments. This is to update language to current use.

The next proposed change is on page 19 and also on page 35.

It proposes to change reading instructions to comprehensive literacy instruction. And it updates the federal citation. And, again, the reason for this proposed change is to update and align with the current language and the citation in the ESEA.

Also on page 19

We're proposing to add dyslexia and central auditory processing disorder to the list of conditions in this Regulation.

And this is being proposed as clarification regarding medical diagnoses and IDEA category disability eligibility.

Then we move on to page 29.

We're proposing to add a statement to indicate the comparison is to typical development.

And this is being proposed as a clarification that the standard deviation comparison is to typical development rather than cognitive disability and also allows for the use of ASHA or the American Speech Hearing Association normative data for students below the age of three, as the designated state normative data begins at age three.

Then we move on to page 31.

We are proposing to add a sentence to clarify that the parent will be provided with a notice of action refusing to conduct an initial evaluation if the public agency determined there is no reason to suspect a disability.

The reason for this proposed change is to clarify that the same process applies to the provision of notice whether it's an agency or a parent referral.

Then we move on to page 32. We are proposing to add that evaluation procedures may include standardized and non-standardized tests, classroom observations, functional behavioral South Americas or FBAs, interviews, et cetera.

And the reason for this proposed change is to provide clarification based on OSEP or the offense of special education programs -- the

Office of Special Education Programs
guidance letters.

On page 35, we propose adding a provision that a written evaluation report must be developed for all initial evaluations or reevaluations that results in a change in eligibility.

This proposed change is to clarify that an investigations evaluation report is needed for any change in eligibility, even when no additional testing is conducted as a result of the review of existing data.

Now we're going to look at changes proposed in Regulation 4, Fay FAPE, IEP, LRE, or free appropriate education, individualized education programs, least restrictive environment.

The first proposed change is on page 39. We're proposing to add language to clarify that FAPE, free promote public education, begins at age 3 and ends when a student

turns age 21.

And the reason for the proposed change is to clarify the applicable ages for IDEA services under state law.

Also on page 39. : We are proposing to add language to clarify what constitutes a removal.

This is being proposed to provide clarification based on OSEP Office of Special Education program guidance letters.

On page 40, we're proposing to remove the reference to the general education diploma, or GED.

And the reason for this proposed change is that it has been replaced with the high school equivalency, HSE, certificate.

On page 41, we're proposing to add language to clarify that students who are placed in programs by the court shall receive services by that program. And this is being

proposed to clarify the meaning of the requirement.

On page 45, we're proposing to add language regarding obtaining consent from the parent, if appropriate.

This is proposed to make it consistent with FERPA, the privacy act requirements for release of personally identifiable information.

On page 45, we are proposing to add language to clarify that either the student or the LEA may invite the parent of the student to the IEP team meeting once the student has reached the age of 18.

And this is to clarify the requirement.

On page 51, we change age 5 to age 3. And this proposed change is being proposed to update and apply the continuum of alternative placements for all Part B eligible students, ages 3 to 21.

Now let's move on to Regulation V.

Procedural safeguards and discipline.

On page 58, we are proposing to change wording clarifying the notification from a parent when requesting an IEE, or an independent educational evaluation.

And we're proposing this change to update wording so that it more closely matches the federal Regulations.

On page 76, and I believe that it was listed as page 77 on the chart, but I do believe that has been updated. So check that to make sure.

But the proposed change is to add that the surrogate parents appointed by a judge must meet the surrogate parent qualifications. And the reason for this proposed change is to clarify State Regulations regarding surrogate parents.

Now let's move on to Regulation VI,
department responsibilities.

On page 86, we will proposing to
remove the reference to state funds.

And this is to clarify that only
federal funds will be affected.

On pages 92-93, we are proposing
to add a sentence to indicate the
time line for investigating
complaints may be extended an
additional 30 days if both parties are
agreeable.

And the reason for this proposed
change is to clarify that mediation
can extend the time line for child
complaints.

On page 94, we're proposing to
extend the state goal of provision of
full educational opportunities for
students through the age of 21, up
to 2027.

And the reason for this proposed
change is because this goal, this
state goal, requires a change to

state statutes to enable the provision of special education services to students through the age of 21.

On page 95, we are proposing to clarify the language regarding performance goals and this is being propose in order to be consistent with the federal requirements and the ESSA.

On page 96, we updated the federal citation for the state advisory panel. And this was being proposed to change the citations to accurately reflect the federal Regulation that serves as the basis for each of the Regulations.

On page 98, we are proposing to add the reference to Part B of IDEA in the blind persons or other persons with a print disability definition.

And this is being proposed to clarify which law was being referenced.

On page 100, we're proposing to change the term highly qualified to fully certificated. And this is being proposed in order to remove references to highly qualified as it is no longer applies.

On pages 102-108, in the personnel chart.

We are proposing to add behavior analyst and behavior analyst assistant. We're proposing to change counselor to school counselor.

We removed references to the GED. And we added educational qualifications for school nurse, LPN, and school nurse, RN.

And these proposed changes are for consistency in language, changes in terminology, changes in educational qualifications and/or certification licensure and changes to state requirements.

On the chart 102-108 proposing to

clarify the master degrees for school social worker is in social work.

Added teacher, early childhood blended. And added teacher, hearing impaired.

And the reason for this proposed change is to update for consistency in language, changes in terminology, changes in educational qualifications and/or certification licensure and changes to state requirements.

Also, on pages 102-108 in the personnel chart, we are proposing to add career education to vocational resource educator. And, again, for the same reasons, updating for consistency.

Let's move on to Regulation VII.

Public agency eligibility. On page 108, we're proposing to change the reference to EDGAR to the federal Regulations. And that is an update to reflect changes in various

Federal Regulations.

On pages 110-111, we're proposing to add language regarding the obligation time frame.

Adding language regarding grant periods and use of funds and adding language regarding requirements to follow procurement procedures.

And the reasonable for this proposed change is to update fiscal requirements to align with the uniform grant guidance.

Also on page 110-111, we're proposing to add language regarding the requirement to code expenditures separately by funding source.

We're proposing to add language regarding time and effort documentation.

And we're proposing to add language regarding the Missouri accounting manual.

And the reason for these proposed

changes is to update fiscal requirements to align with the uniform grant guidance, again.

On pages 112-114, we're proposing to add requirements under the new eligibility standard for maintenance of effort. We're proposing to add requirements under the new compliance standard for maintenance of effort.

And we're proposing to add the subsequent years rule.

And, again, the reason for these proposed changes is to update fiscal requirement, this time to align with the new IDEA Maintenance of Effort Regulations.

On page 112-114, we're proposing to add consequences for the failure to maintain fiscal effort. And, again, this is to update fiscal requirements to align with the new IDEA Maintenance of Effort Regulations.

On page 117, we're proposing to

add the word state to indicate state funds will not be provided for staff providing ECSE or early childhood Special Ed services, to children who are ages 5 and kindergarten age eligible.

The reason for this proposed change is to clarify the use of state funds.

On page 117, we're making -- we are proposing to make changes to the Caseload Chart by reorganizing the chart, adding per session to caseload requirements for clarity.

We're proposing to increase diagnostic services caseload from 160 to 180.

And we condensed our proposing -- or proposing to condense therapy services into direct services category.

The reason for this -- for these proposed changes, is to update the chart to align with core data reporting and personnel standards.

To reorganize for more clarity and to increase diagnostic caseload to accommodate positions performing strictly diagnostic duties.

Now let's move on to Regulation VIII, private schools and agencies.

On page 121, we are proposing to add the listed entities that are private schools in Missouri. We're proposing to add that reevaluations can not be included in proportionate share expenditures, and we're proposing to add language regarding students attending a private school in Missouri but who live in another state.

And the reason for these proposed changes is to clarify the requirement.

On page 122, we are proposing to remove the note.

And this is because all notes are being removed from Regulation and the information provided in those

notes will be provided via guidance documents posted on the DESE website.

On page 123, we're proposing to add language explaining the use of additional funds to support proportionate share obligations.

This 1 being proposed as a clarification and additional information on expenditures and the use of funds.

On page 125, we're proposing to remove the references to highly qualified teachers. And this is proposed to change and remove the references to highly qualified as it is no longer applicable.

On pages 126. We're proposing to add language describing the neutral site. And this is as a clarification based on Missouri case law and Missouri constitution.

Regulation IX, special school districts. On page 129-130, we're

proposing to add language regarding the provision of procedural safeguards to the parents in an agency referral.

And this is to clarify -- it's a clarification of the procedure.

You on page 130-131, we're proposing to add language clarifying when prior written notice must be provided in the case of an initial evaluations and reevaluations.

And, again, this proposed change is a clarification of the requirement.

On page 133-134, we're proposing to add IEP Facilitation to the list of informal methods of resolving disagreement.

The reason for this proposed change is a clarification to be consistent with the current options available in Missouri.

On page 136, we're proposing to remove the reference to hearing process and added the reference to

administrative hearing commission
process used in the due process.

And this is being proposed as a
clarification to be consistent and
current with the current state law in
Missouri.

On page 136-137, we're proposing
to update terminology to
educational surrogate instead of
surrogate. And this is to update to
be consistent with Missouri
terminology. On page 137, we're
proposing to add additional
language regarding the continuum
of alternative placements.

And this is to clarify that there must
be a continuum of alternative
placements.

On page 139, we are proposing to
remove MSIP requirements
regarding professional development
plan and process.

And we're proposing to add
language clarifying requirements for

adopting and submitting assurance plans, assurances for local compliance plans.

And the reason for this is this is no longer a requirement under MSIP, and it's a clarification of procedures. MSIP.

Moving on to Regulation X, state operated programs. On page 141-142, we're proposing to add language to clarify the process and types of scores required for eligibility for the MSSD, the Missouri schools for the severely disabled.

And this is a clarification of the requirement.

On page 142, we're proposing to reword to remove redundant information and streamline the description of the process. And, again, this is being proposed as a clarification of the requirement.

On page 143, we're proposing to add a description to clarify items

required in the justification for separate school placement. And, again, a clarification of the requirement is the reason.

On page 144, we are proposing to update to clarify the ability of schools to obtain eligibility determinations and to prefer home bound -- refer home bound students to MSSD.

This is a clarification of the requirement.

On page 144, we're removing, we're proposing to remove the requirement that students IEP's reflect 1,800 minutes per week of special education at the time of referral to the Missouri School for the Severely Disabled, be MSSD.

This is to be consistent with IDEA, which require, in that the number of minutes of service needs to be provided -- that

I'm going to start over. This is to --

the reason for this proposed change is to be consistent with IDEA in that the number of minutes of service needed to provide FAPE is individualized based on student need. It's not automatically, 1,800 minutes per week.

On page 144, we moved from page 142 to section 7 on this page to clarify the enrollment procedures and the age.

Again, just a clarification of the requirement.

On page 144, we removed the reference to the placement review conference. And that's to clarify there's no need for a separate meeting.

On page 144-145, we're proposing to remove wording and add wording to clarify the process considerations for when Missouri schools for the severely disabled may no longer be the least restrictive environment for

the student.

And, again, it's being proposed as a clarification of that requirement.

On page 145, we are proposing to change the interim placement for a student who is enrolled at an MSSD school from 60 days to 30 days upon transfer to another MSSD school.

And this is being proposed -- excuse me, in order to match transfer procedures.

[coughing] sorry. Go ahead.

>> Okay. Page 145. Change the interim placement for a student enrolled in an MSSD school from 60 days to 30 days upon transfer to another MSSD school. This was updated to match transfer procedures since the student was already eligible for placement at an MSSD school and there's no need to allow time for a reevaluation.

>> Nancy: I apologize. We are

operating with illness here.

[chuckling], we have illness here at the Department.

All right. Pages 148-149. We're proposing to change wording to clarify Missouri school for the blind and Missouri school for the deaf eligibility termination process.

Again, this is to clarify and make the language process align with the eligibility determination for MSSD.

I am going to let Shelley take over for the rest of this. I apologize. I am going to take medicine now.

[chuckling].

>> Shelley: On page 149. We removed the requirement that students IEP reflect 1800 minutes per week of special education at the time of referral to MSB or MSD.

That's Missouri School for the Blind or Missouri school for the deaf. This is to be consistent with IDEA that the number of minutes of service

needed to provide FAPE is individualized based on student need.

And that is the end of the proposed changes. We are now opening the chat for questions. Please ask any clarifying questions by typing into the chat window.

Questions will be read aloud during the webinar and responses provided.

Either verbally or in writing.

Please remember that we will not be taking public comments during this hearing. Any comments must be submitted in writing to the Office of Special Education Programs no later than 4:30 p.m. on January 6, 2017.

I put up a little calendar. January 6.

And at this time, we will just put the microphone on mute. And come back every few minutes to see if there are questions.

Okay. We have a question. Where

would we find the newly proposed ECSE caseload chart for review?

And the question, the answer to that question is, that chart is actually posted within the language.

The language, the link that we gave on page -- oh, it's at the very beginning of the presentation. Give me just a second. I'll find that. Go to the DESE website. If you click on the State Plan link that we talked about at the very beginning of the webinar, you will actually see the changes chart.

Similar to what we covered during the webinar. You are will see the actual language with strikethroughs and additions and that chart is there in that language.

The proposed chart.

And if you couldn't hear that, Nancy said you could call the compliance section.

They can walk you through with how

to find that chart.

Here is the link to where the proposed changes are. It's on this slide. I will keep this up for just a few minutes if anyone wants to write that link down.

>> Shelley: We're still available for any clarifying questions on the proposed changes to the State Plan. Please use the chat feature of the webinar.

>> Shelley: Since we don't have any further questions at this time, we're going to go ahead and end the webinar. Thank you so much for participating today.

Comments may be submitted. And I will put the slide back up.

Comments can be submitted via mail, e-mail, or fax, up until January 6, at 4:30 p.m. Thank you.

>>CART Captioner: Thank you.

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