



PROPOSED CHANGES TO THE MISSOURI PART B STATE PLAN

Thank you for joining the webinar. We will begin at 1:30 p.m.

This is a listen-only webinar. Please make sure your telephone, web camera and/or microphone are turned OFF.

During the webinar, if you are not able to hear audio, please do the following:

- Check to see whether your speakers are on, plugged in, and the volume is turned up (not muted).
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December 17, 2019
1:30 – 2:30 p.m.

Missouri Department of Elementary
and Secondary Education

Participating in this Webinar

- This webinar is being recorded. The recording, slides, and other documents from today’s webinar will be posted as soon as possible. To find the recording, visit the DESE webinar page at <https://dese.mo.gov/communications/webinar/webinar-recorded> and click on the “Recorded Webinars” button. This webinar is provided to you with closed captioning.
- The purpose of this Public Hearing is to allow stakeholders to hear about the proposed changes and ask any clarifying questions in the chat window. Responses to the questions will be posted on the DESE webinar page along with the webinar.
- Comments on the state plan proposed changes can be made from December 9, 2019, through January 14, 2020, and may be emailed to Idea.Comments@dese.mo.gov

Missouri Part B State Regulations

- The Department of Elementary and Secondary Education (DESE), Office of Special Education is the administrative agency responsible for ensuring the implementation of Part B of the Individuals with Disabilities Education Act (IDEA).
- The Missouri Part B program serves children and youth with disabilities from age three to twenty-one.
- IDEA requires that the Department have policies and/or procedures to ensure that IDEA is implemented and the rights of children and youth with disabilities and their families are protected.

Purpose of Today's Webinar

- IDEA also requires that the Department hold public hearings and provide opportunity for the general public to comment before adopting any new policy or procedure.
- Today's webinar will serve as the Department's first public hearing related to proposed changes to the State Regulations for Part B of the IDEA.
- A second public hearing webinar will be held on Thursday, January 2, 2019, at 10:30 a.m.
- Reminder: We will not be taking public comments during the public hearing webinars. Any comments must be submitted in writing to the Office of Special Education by close of business at 4:30 p.m. on January 14, 2020.

To Submit Comments

Comments may be submitted via:

- Mail: Department of Elementary and Secondary Education
Office of Special Education
Attn: Part B State Plan Comments
P. O. Box 480
Jefferson City, MO 65102-0480
- Email: IDEA.Comments@dese.mo.gov
Attn: Part B State Plan Comments
- Fax: 573-751-3910
Attn: Part B State Plan Comments



Public Hearing Procedures

Today's webinar will proceed as follows:

- I will read a summary of the proposed substantive changes. This summary will follow what is posted on the State Plan webpage available at:
<https://dese.mo.gov/special-education/state-plan-special-education>.
- I will pause periodically to read any questions that are received during the webinar.

IDENTIFICATION AND EVALUATION

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
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Page 29
Update the sentence defining what “significantly below” means by adding the phrase “or more”.

It would read:
“Significantly below is defined as 1.75 standard deviations or more below the mean for students who are kindergarten age eligible and older.”

Clarifies that the discrepancy does not have to equal 1.75 deviations.

Regulation III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 40 Update the sentences describing the methods of determining eligibility for young children ages three through five by adding the phrases “and Speech or Language Impairment” or “other than Speech or Language Impairment”.</p>	<p>Clarifies that the changes in the Speech or Language Impairment in 2019 apply only to students who are kindergarten age eligible or older.</p>

Regulation III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 40 (continued) “(1) Identify all children using any of the disability categories except that of Young Child with a Developmental Delay (YCDD) and Speech or Language Impairment; or, (2) Identify all children as eligible using only the category of Young Child with a Developmental Delay (YCDD); or, (3) Identify all children as eligible using any of the disability categories, other than Speech or Language Impairment, including that of Young Child with a Developmental Delay (YCDD).”</p>	<p>Clarifies that the changes in the Speech or Language Impairment in 2019 apply only to students who are kindergarten age eligible or older.</p>

FAPE/IEP/LRE

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 48 Indent the transitional sentence and fix the continued numbering in the <i>Definition of IEP</i> section.	Correction of formatting errors made with the 2019 State Plan changes.

Procedural Safeguards/ Discipline

REGULATION V

Page 65
Change “school days” to “days” to be consistent with 34 C.F.R. 300.504 (a)(1) which indicates that the Procedural Safeguards Notice is provided “upon referral.”

It would read:
“(1) Within five (5) days of initial referral or parental request for evaluation;”.

To have the Missouri State Plan be more consistent with the Federal Regulations.

REGULATION V

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 75 Change the word “answer” to “response” in both the heading and paragraph regarding the requirements an LEA response to the parent must meet in a Due Process Complaint.</p>	<p>To have the Missouri State Plan be more consistent with the Federal Regulations.</p>

REGULATION V

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 77,78 Add a paragraph in the <i>State-Level Due Process Hearings</i> section regarding the discretions listed in 34 C.F.R. 300.512 (a)(3) and 34 C.F.R. 300.512 (b) for Hearing Officers.</p>	<p>To have the Missouri State Plan be more aligned with Federal Regulations.</p>

REGULATION V

Page 88
Deleting the phrase, “or two (2) days before” to clarify that lists of exhibits and witnesses must be exchange at least 5 days before any type of Due Process hearing.

It would read:
“The parties shall exchange lists of exhibits and lists of their witnesses at least five (5) business days before the hearing, including an expedited hearing.”

To ensure Missouri practice is consistent with IDEA requirements.
Analysis and Comments to Regulation, Federal Register, Vol.71, No. 156, 34 C.F.R. 300.532(c)(4).

PERSONNEL STANDARDS

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 99 Add the phrase, “including those who hold a teaching certificate” to the paragraph about paraprofessional training.</p> <p>It would read: “Public agencies must provide each paraprofessional, including those who hold a teaching certificate, with the orientation and initial training necessary for the individual to perform the duties...”</p>	<p>To clarify that all paraprofessionals require training so they are properly prepared to meet the needs of the students they serve. 34 C.F.R. 300.156(b)(2)(iii)</p>

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 102 Adds language to Orientation and Mobility Specialist (O & M) to provide clarification that an O & M Specialist may hold a current O&M services contract with Rehabilitation Services for the Blind.</p>	<p>Proposed because Missouri higher education institutions do not offer the coursework required to get national certification. Rehabilitation Services for the Blind (RSB) evaluates Orientation and Mobility Specialists with whom they contract for competency so a Specialist who has a contract with RSB has established the necessary proficiency to provide services to RSB’s clients.</p>

CASELOADS

REGULATION IX	
Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 109 Delete asterisks and the statement, "Based on two half day sessions.", that is associated with asterisks on the Early Childhood Special Education (ECSE) caseload chart because they cause confusion rather than clarification.	To provide clarification and avoid further confusion.

APPROVED PRIVATE AGENCIES

REGULATION XIV	
Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 131 Delete the first sentence, "This section applies to children with disabilities who attend private or parochial schools or who are home schooled".	This is a correction of error. Sentence was inadvertently copied from Section XIII in previous edition of the State Plan and does not apply to approved private agencies.

STATE OPERATED PROGRAMS

REGULATION XVI	
Location in Proposed Plan and Proposed Change	Reason for Proposed Change
<p>Page 150 Change wording under the Eligibility Procedures section for MSSD.</p> <p>It would read: “(4) If the IEP Team is considering separate school as a placement option for the student, the public agency must forward the evaluation report, current IEP, and justification for separate school placement to MSSD for eligibility consideration.”</p>	<p>To ensure consistent language between all the State Operated Board programs - MSSD, MSB and MSD.</p>

REGULATION XVI

Location in Proposed Plan and Proposed Change

Page 156
Add requirement for IEP team to convene annually to review and/or revise IEPs for students enrolled in Missouri School for the Blind or Missouri School for the Deaf.

It would read:
“(3) The public agency will convene an IEP meeting in collaboration with MSB or MSD at least annually to review and/or revise IEPs for students enrolled in MSB or MSD.”

Reason for Proposed Change

To provide consistency with IDEA requirements requiring annual review which includes the consideration of placement in the least restrictive environment.

REGULATION XVI

Location in Proposed Plan and Proposed Change

Page 156
Remove Subsequent Referral Procedures section because placement in the least restrictive environment is an IEP team decision, not a decision that can be made unilaterally by MSB or MSD.

Reason for Proposed Change

To more closely align the placement decision process for students enrolled at all three state board operated programs

Questions?

Please ask any clarifying questions by typing in the chat window. Questions will be read aloud during the webinar and responses provided in writing and will be posted on the webinar page.



Reminder: We will not be taking public comments during the hearings. Any comments must be submitted in writing to the Office of Special Education no later than the end of the business day on January 14, 2020.

In Conclusion



Your comments may be submitted via:

- Mail: Department of Elementary and Secondary Education
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Thank you for participating!



Office of Special Education

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