PROPOSED CHANGES TO THE MISSOURI PART B STATE PLAN

Thank you for joining the webinar. We will begin at 10:00 a.m.

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

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- Check to see whether your speakers are on, plugged in, and the volume is turned up (not muted).
- Click the “Meeting” tab, then click “Manage My Settings” and then click the “Audio Setup Wizard.” Run through the wizard to test your equipment.

November 29, 2016
10:00 – 11:00 a.m.

Missouri Department of Elementary and Secondary Education

Participating in this Webinar

- This webinar is being recorded. To find the recording, visit the DESE webinar page at www.dese.mo.gov/webinar/ 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. You may ask clarifying questions by typing in the chat window. Questions will be read aloud during the webinar.
- The recording, presentation slides, and other documents from today's webinar will be posted to the DESE website as soon as possible.

Missouri Part B State Regulations

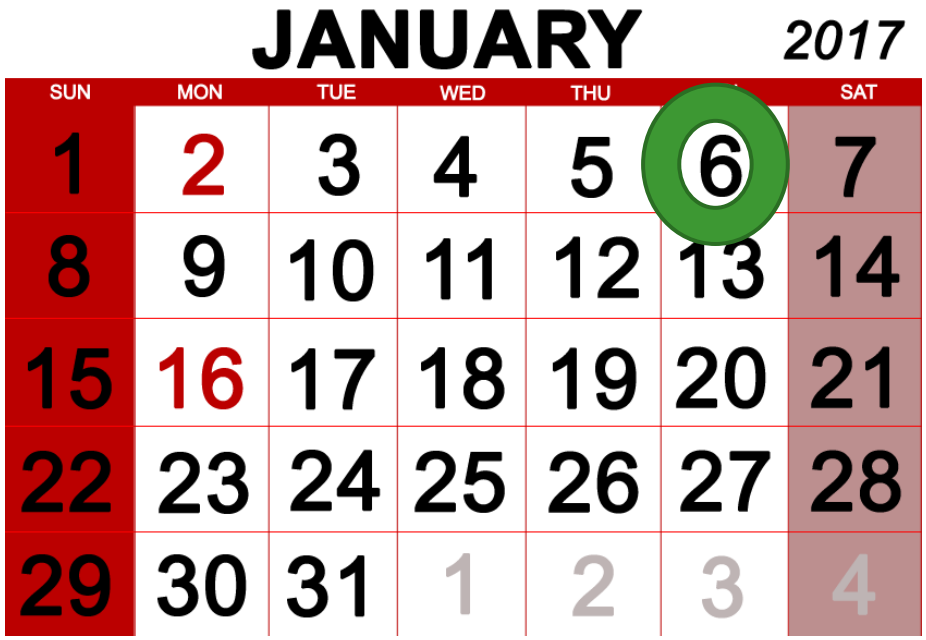
- The Department of Elementary and Secondary Education (the Department), Office of Special Education is the administrative agency responsible for ensuring the implementation of Part B of the Individuals with Disabilities Education Act (IDEA).
- The Missouri Part B program serves children and youth with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

Purpose of Today's Webinar

- The 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.
- The second public hearing webinar will be held on December 13, 2016 from 1:30 to 2:30 p.m.
- Reminder: We will not be taking public comments during the hearings. Any comments must be submitted in writing to the Office of Special Education Programs.

Comments on the Proposed Changes

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



To Submit Comments

Comments may be submitted via:

- Mail: Missouri Department of Elementary & 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)526-4404, 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 the Proposed Version of the November 2016 State Plan available at: https://dese.mo.gov/special-education/proposed-state-plan-changes-2016

- I will pause periodically to read any questions that are received during the webinar.

REGULATION I

GENERAL PROVISIONS

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 2 ▪ Changed “Mental Retardation” to “Intellectual Disability” ▪ Changed “Other Health Impaired” to “Other Health Impairments”	Update eligibility category terms to be consistent with current language.

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 2 ▪ Deleted Core Academic Subjects	Term is no longer applicable.

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 3, 5-6 ▪ Renamed Limited English proficient to English Learner ▪ Changed State's proficient level of achievement on State assessments to challenging State academic standards	Rename and update to make consistent with terms as currently used in ESSA.

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 4-5 ▪ Removed Highly Qualified Teacher language	Highly Qualified Teacher, as previously defined in ESEA, is no longer applicable.

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 6 ▪ Updated the definition of Native language to indicate English Learner instead of limited English proficient	Update term to make consistent with current terminology in ESSA.

REGULATION I

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 7 ▪ Changed the term guidance counselors to school counselors	Update term to make consistent with current use.

REGULATION II

CONFIDENTIALITY

REGULATION II

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 15 ▪ Removed language about parent's failure to give consent constituting neglect	This is not a state or federal regulatory requirement. This will be addressed in guidance documents, as appropriate.

REGULATION III

IDENTIFICATION AND EVALUATION

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 18 ▪ Changed local school districts to local education agencies (LEAs)	Update language to make clear that both school districts and charter schools are responsible for child find activities.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 19 ▪ Changed Other Health Impaired to Other Health Impairments	Update language to current use.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 19, 35 ▪ Changed reading instruction to comprehensive literacy instruction ▪ Updated federal citation	Update to align with current language and citation in ESEA.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 19 ▪ Added dyslexia and central auditory processing disorder to the list of conditions in this Regulation	Clarification regarding medical diagnoses and IDEA categorical disability eligibility.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 29 ▪ Added the statement to indicate the comparison is to typical development	Clarification that the standard deviation comparison is to typical development rather than cognitive ability and also allows for the use of ASHA normative data for students below the age of three (3) as the designated state normative data begins at age three (3).

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 31 ▪ Added 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 determines there is no reason to suspect a disability	To clarify the same process applies to provision of notice whether it is an agency or parent referral.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 32 ▪ Added that evaluation procedures may include standardized and non-standardized tests, classroom observations, functional behavior assessments (FBAs), interviews, etc	Clarification based on OSEP guidance letters.

REGULATION III

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 35 ▪ Added provision that a written Evaluation Report must be developed for all initial evaluations or reevaluations that resulted in a change in eligibility	To clarify that an 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.

REGULATION IV

FAPE/IEP/LRE

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 39 ▪ Added language to clarify FAPE begins at age 3 ends when a student turns age 21	Clarify the applicable ages for IDEA services under State Law.

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 39 ▪ Added language to clarify what constitutes a removal	Clarification based on OSEP guidance letters.

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 40 ▪ Removed reference to General Education Diploma (GED)	This term has been replaced with the High School Equivalency (HSE) certificate.

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 41 ▪ Added language to clarify that students who are placed in programs by the court shall receive services by that program	Clarify meaning of the requirement

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 45 ▪ Added language regarding obtaining written consent from parent, if appropriate	To make consistent with FERPA requirements for release of personally identifiable information.

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 45 ▪ Added 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	Clarification of the requirement.

REGULATION IV

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 51 ▪ Changed age 5 to age 3	Update to apply the continuum of alternative placements for all Part B eligible students ages 3 to 21.

REGULATION V

PROCEDURAL SAFEGUARDS/DISCIPLINE

REGULATION V

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 58 ▪ Changed wording clarifying notification from a parent when requesting an IEE	Updated wording to more closely match federal regulations.

REGULATION V

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 76 (listed as 77 on chart) ▪ Added that the surrogate parent appointed by a judge must meet the surrogate parent qualifications	Clarify state regulations regarding surrogate parents.

REGULATION VI

DEPARTMENT RESPONSIBILITIES

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 86 ▪ Removed the reference to state funds	Clarify that only Federal funds will be affected.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 92-93 ▪ Added a sentence to indicated the timeline for investigating complaints may be extended an additional thirty (30) days if both parties are agreeable	Clarify that mediation can extend the timeline.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 94 ▪ Extended the State goal of provision of full educational opportunities for students through the age of twenty-one (21) up to 2027	This goal requires a change to State statutes to enable the provision of special education services to students through age twenty-one (21).

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 95 ▪ Clarified the language regarding performance goals	Changed the language to be consistent with federal requirements in the ESSA.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 96 ▪ Updated the federal citation for the State Advisory Panel	Changed the citations to accurately reflect the federal regulation that serves as the basis for each Regulation.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 98 ▪ Added the reference to Part B of IDEA in the blind persons or other persons with a print disability definition	Changed to clarify which law was being referenced.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 100 ▪ Changed the term “highly qualified” to “fully certificated”	Changed to remove references to highly qualified as it no longer applies.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 102-108 ▪ Added Behavior Analyst and Behavior Analyst, Assistant ▪ Changed Counselor to School Counselor ▪ Removed references to GED ▪ Added Educational Qualifications for School Nurse, LPN and School Nurse, RN	Updated for consistency in language, changes in terminology, changes in educational qualifications and/or certification/licensure, and changes to state requirements.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 102-108 ▪ Removed skills under the certificates or license column for: Orientation & Mobility Paraprofessional, Paraprofessional for Braille Instruction, and School Social Worker. Moved to the Educational Qualifications column	Updated for consistency in language, changes in terminology, changes in educational qualifications and/or certification/licensure, and changes to state requirements.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 102-108 ▪ Clarified the Master's degree for School Social Worker is in Social Work ▪ Added Teacher, Early Childhood blended ▪ Added Teacher, Hearing Impaired	Updated for consistency in language, changes in terminology, changes in educational qualifications and/or certification/licensure, and changes to state requirements.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 102-108 ▪ Added Career Education to Vocational Resource Educator	Updated for consistency in language, changes in terminology, changes in educational qualifications and/or certification/licensure, and changes to state requirements.

REGULATION VI

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 102-108 ▪ Added Career Education to Vocational Resource Educator	Updated for consistency in language, changes in terminology, changes in educational qualifications and/or certification/licensure, and changes to state requirements.

REGULATION VII

PUBLIC AGENCY ELIGIBILITY

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 108 ▪ Changed reference to EDGAR to Federal regulations	Update to reflect changes in various federal regulations.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 110-111 ▪ Added language regarding obligation timeframe ▪ Added language regarding grant periods and use of funds ▪ Added language regarding requirement to follow procurement procedures	Update fiscal requirements to align with the Uniform Grant Guidance.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 110-111 ▪ Added language regarding requirement to code expenditures separately by funding source ▪ Added language regarding time and effort documentation ▪ Added language regarding MO Accounting Manual	Update fiscal requirements to align with the Uniform Grant Guidance.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 112-114 ▪ Added requirements under the new eligibility standard for Maintenance of Effort ▪ Added requirements under the new compliance standard for Maintenance of Effort ▪ Added Subsequent Years Rule	Update fiscal requirements to align with new IDEA Maintenance of Effort regulations.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 112-114 ▪ Added consequences for failure to maintain fiscal effort	Update fiscal requirements to align with new IDEA Maintenance of Effort regulations.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 117 ▪ Added the word state to indicate state funds will not be provided for staff providing ECSE services to children who are age 5 and kindergarten eligible.	Clarify the use of state funds.

REGULATION VII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 117 Caseload Chart ▪ Reorganized Chart ▪ Added per session to caseload requirements for clarity ▪ Increased diagnostic services caseload from 160 to 180 ▪ Condensed therapy services into direct services category	Update the chart to align with core data reporting and personnel standards. Reorganized for more clarity. Increased diagnostic caseload to accommodate positions performing strictly diagnostic duties.

REGULATION VIII

PRIVATE SCHOOLS AND AGENCIES

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 121 ▪ Added list of entities that are private schools in MO ▪ Added that reevaluations cannot be included in proportionate share expenditures ▪ Added language regarding students attending a private school in MO but who live in another state	Clarification of the requirement.

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 122 ▪ Removed note	All notes are being removed from regulation and information will be provided via guidance documents posted on DESE website.

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 123 ▪ Added language explaining the use of additional funds to support proportionate share obligations	Clarification and additional information on expenditures and use of funds.

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 125 ▪ Removed reference to highly qualified teachers	Changed to remove references to highly qualified as it no longer applies.

REGULATION VIII

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 126 ▪ Added language describing neutral site	Clarification based on Missouri case law and Missouri constitution.

REGULATION IX

SPECIAL SCHOOL DISTRICTS

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 129 - 130 ▪ Added language regarding provision of procedural safeguards to the parents in an agency referral	Clarification of the procedure.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 130 - 131 ▪ Added language clarifying when prior written notice must be provided in the case of initial evaluations and reevaluations	Clarification of the requirement.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 133-134 ▪ Added IEP Facilitation to list of informal methods of resolving disagreement	Clarification to be consistent with current options available in MO.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 136 ▪ Removed reference to hearing process and added reference to administrative hearing commission process used in due process	Clarification to be current with state law in MO.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page136 - 137 ▪ Update terminology to “educational surrogate” instead of “surrogate”	Update to be consistent with MO terminology.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 137 ▪ Added additional language regarding continuum of alternative placements	Clarify that there must be a continuum of alternative placements.

REGULATION IX

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 139 ▪ Remove MSIP requirements regarding professional development plan and process ▪ Added language clarifying requirements for adopting and submitting assurances for local compliance plan	This no longer a requirement under MSIP and a clarification of procedures.

REGULATION X

STATE OPERATED PROGRAMS

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 141 - 142 ▪ Added language to clarify process and types of scores required for eligibility for MSSD	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 142 ▪ Reworded to remove redundant information and streamline the description of the process	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 143 ▪ Added description to clarify items required in the Justification for Separate School Placement	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 144 ▪ Updated to clarify the ability of schools to obtain eligibility determinations and to refer homebound students to MSSD	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 144 ▪ Removed the requirement that student's IEP reflect 1800 mpw of special education at time of referral to MSSD	Be consistent with IDEA that the number of minutes of service needed to provide FAPE is individualized based on student need.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 144 ▪ Moved from 142 to Section 7 on this page to clarify enrollment procedures and age	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 144 ▪ Removed the reference to the “placement review conference”	Clarify that there is no need for a separate meeting.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 144-145 ▪ Wording was removed and added to clarify the process and considerations for when MSSD may no longer be the LRE for the student	Clarification of the requirement.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 145 ▪ Changed 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	Update to match transfer procedures since student was already eligible for placement at an MSSD school and there is no need to allow time for a reevaluation.

REGULATION X

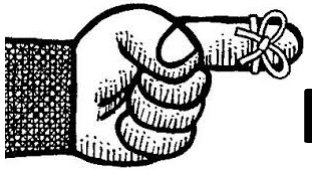
Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 148-149 ▪ Changed wording to clarify the MSB and MSD eligibility determination process	Clarification and make language/process align with eligibility determination for MSSD.

REGULATION X

Location in Proposed Plan and Proposed Change	Reason for Proposed Change
Page 149 ▪ Removed the requirement that student's IEP reflect 1800 mpw of special education at time of referral to MSB or MSD	Be consistent with IDEA that the number of minutes of service needed to provide FAPE is individualized based on student need.

Questions?

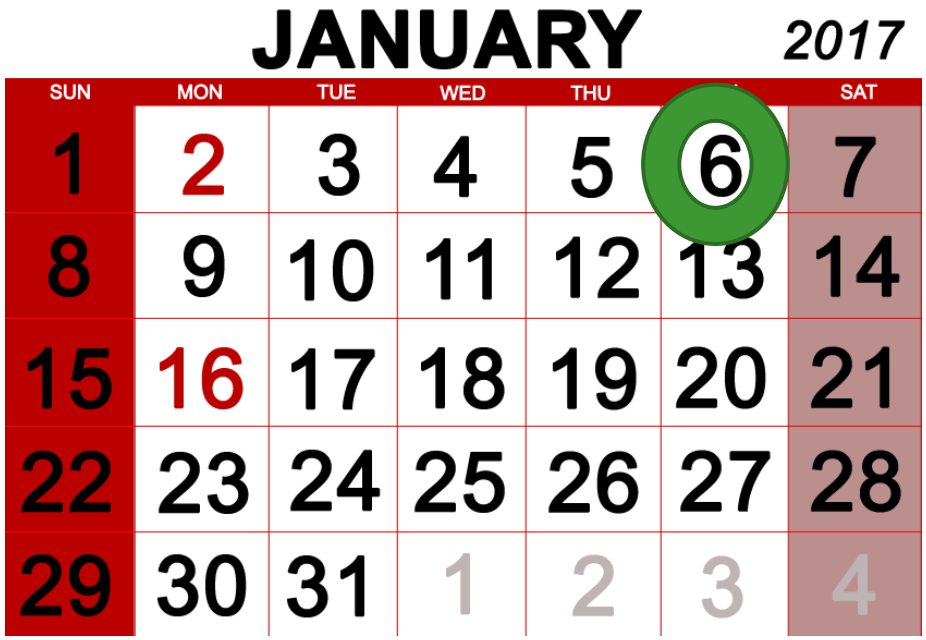
Please ask any clarifying questions by typing in the chat window. Questions will be read aloud during the webinar and responses provided either verbally or in writing.



Reminder: We will not be taking public comments during the hearings. Any comments must be submitted in writing to the Office of Special Education Programs <u>no later than the end of the business day on January 6, 2017</u>.

Comments on the Proposed Changes

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



In Conclusion

Missouri DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION

Written comments on the proposed changes to the Part B State Plan may be submitted until the close of business January 6, 2016.

Comments may be submitted via:

- Mail: Missouri Department of Elementary & 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
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- Fax: (573)526-4404
  Attn: Part B State Plan Comments

Thank you for participating!

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
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