Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION
Office of Special Education

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205 Jefferson Street, P.O. Box 480 • Jefferson City, MO 65102-0480 • dese.mo.gov

November 29, 2016.

Department of Elementary and

Secondary Education.

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>> Thank you for joining the
webinar on the proposed changes to
the MO Part B State Plan.
I am Shelley Woods, Fiscal
Coordinator for Financial and
Administrative Services.
Co-hosting with me today is Nancy
Thomas, Assistant Director of
Compliance.
This webinar is being recorded.
Visit us at dese.mo.gov forward
slash webinar forward slash. And
click on the recorded webinar's
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 but typing in the chat window. Questions will be read aloud after the webinar.

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, also called 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. Also called IDEA.

The program serves children and youth with disabilities from age 3 to age 21.

Requiring that the Department have policies or procedures that IDEA is implemented in the rights of children and youth with disabilities and their families are protected.

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

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

We are here today to take clarifying questions only. Also limit your questions to the proposed changes.

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

We are holding two public hearings via webinar. One today, Tuesday, November 29, 2016.

A second webinar on Tuesday, December 13, 2016, from 1:30 to 2:30 p.m.

We are taking written comments on the proposed changes until the close

of business, which is 4:30 p.m., 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.

Make the changes proposed, change with revisions or not make the change.

All comments received will be summarized and published on the Department web page. The proposed changes 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. Changes will be final after they are posted in the Missouri Register for a required number of days.

All comments must be submitted in writing by the close of business, which is 4:30 p.m., on January 6, 2017.

Comments submitted via e-mail, through the Department of Education, Office of Special Education, attention Part B State Plan comments.

PO box 480.

Jefferson City, Missouri.

65102-0480.

Or comments may be submitted e-mail to IDEA.comments@dese.mo.gov. Or submitted by fax at 573-522-8762. Attention Part B State Plan comments.

I will read a summary of the proposed substantive changes. The summary follows the proposed version of the November 2016 State Plan available at the link on this page.

You may ask questions on any of the proposed Regulations at any time during the webinar by using the chat feature. We will go over the questions at the end of the webinar.

We will keep the line open a lane as we receive comments until 11:00 a.m. If 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: This is Nancy Thomas. We're going to start with Regulation I, general provisions.

On page 2, we are changing the term mental retardation to intellectual disability. And changing other health impaired to other health impairments in order to update the eligibility category terms to be consistent with the current language.

Also on page 2, we are deleting core academic subjects, as this term is no longer applicable. On pages, 3, 5, and 6. Renaming limited English proficient to English learner. We are changing the state's proficient level to achievement on state assessments to challenging state academic standards. This renaming -- to make it consistent with the terms currently used in the ESSA, the Every Student Succeeds Act.

On pages 4 and 5, we are removing the highly qualified teacher language, this is because as previously defined, in ESEA, and highly qualified teacher is no longer applicable under the ESSA.

On page 6 we're updating the definition of native language to indicate English learner instead of limited English pro efficient. Again, this update is to be consistent with

the current terminology in the ESSA.
On page 67, proposing to change
the term guidance counselor to
school counselors to update the
term to make it consistent with
current use.
Now we'll move on to Regulation 2.
Confidentiality.
On page 15, we're removing
language on the parent's failure to
give consent constituting neglect.
The reason for this proposed change
is because it's not a state or federal
regulatory requirement.
We're going to be addressing this in
guidance documents as appropriate.
Now we move on to Regulation 3,
identification and evaluation.
On page 18, we're proposing to
change local school districts to local
education agencies, LEAs. This
change is to update language to
make it clear that both school
districts and charter schools are

responsible for child find activities.
On page 19, we're proposing
changing other health impaired to
other health impairments.
Again, just to update the language
to current use. On page 19 and
page 35, we're proposing to change
reading instructions to
comprehensive literacy instruction.
We also updated the federal citation,
to align with the current language
and the citation in the ESEA.
On page 19, we're proposing to add
dyslexia and central auditory
processing disorder to the list of
conditions in this Regulation.
This is to clarify, making clarification
making clarification on medical
diagnoses and the IDEA categorical
disability eligibility.
On page 29, we are proposing to
add the statement to indicate the
comparison is to typical
development. This clarification is

that the standard deviation comparison is to typical development rather than cognitive ability.

Also allows for the use of ASHA normative data for students below the age of 3 as a designated state normative data begins at age 3.

Page 31 -- 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 determines there's is no reason to suspect a disability.

To clarify the same process applies to the provision of notice, whether it's an agency or a parent referral.

On page 32, we are proposing to add that evaluation procedures may include standardized and nonstandardized tests.

Classroom observations, functional behavioral assessments, or FBAs,

interviews, et cetera.

This is clarification based on OSEP guidance letters.

On page 35, we're proposing to add a provision that a written evaluation report must be developed for all initial evaluations or reevaluations that resulted in a change in eligibility.

This is 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.

And now we will move on to Regulation IV.

I will remind you, at this point, if you have clarifying question, please go ahead and type those in the chat box so that Shelley can start researching answers for you all.

Again, we will do the questions at the end of the presentation. So let's do Regulation IV. FAPE, IEP, and

LRE.

On page 39. We are proposing to add language to clarify that FAPE, Free Appropriate Public Education, begins at age 3 and ends when a student turns age 21.

This is to clarify the applicable ages for IDEA services under state law.

On page 39, we are adding language to clarify what constitutes a removal. This is being proposed as a clarification based on OSEP guidance letters.

On page 40, we are proposing to remove the reference to the GED, the general education diploma, and replacing this term with the term 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 to clarify the

meaning of that requirement.

On page 45, we are proposing to add language regarding obtaining written -- adding language regarding obtaining written consent, from parent, if appropriate, to make it consistent with FERPA, the Federal Education Rights and Privacy Act, requirements for the 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 a clarification of that requirement.

On page 51, we are proposing to change the age 5 to age 3.

And this is because we want to update to apply the continuum of alternative placements for all Part B eligible students ages 3 to 21.

Excuse me. I am going to take a drink of coffee here.

All right. Now we're going to move on to Regulation V.

Procedural safeguards and discipline. On page 58, we're proposing to change the wording to clarify the notification from a parent when requesting an IEE, or independent educational evaluation. This is because we wanted to update the wording to more closely match the federal Regulations. On page 76, and I believe it was originally listed as page 77 on the chart. I think that's been updated now. But I wanted to make sure that you were aware of that.

We are adding language that the surrogate parent, appointed by the judge, must meet the surrogate parent qualifications. This is just to clarify the State Regulations regarding surrogate parents.

For Regulation VI, this is department responsibilities.

On page 86, we are removing the reference to state funds. And this is to clarify that only federal funds will be affected.

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

And this is to clarify that mediation can extend the child complaint investigation time line.

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.

The reason for this proposed change is that this goal requires a change to the state statute to enable the provision of special education to

service the students through the age of 21.

On page 95, we are clarifying the language regarding performance goals.

This is because -- or to make the language consistent with federal requirements under the ESSA.

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

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

And, again, this was changed -- this changes proposed to clarify which law was being referenced.

On page 100, we are proposing to change the term highly qualified to

fully certificated. This is being proposed to remove the references to highly qualified as it no longer applies.

On page 102 to 108, there are several changes that we're proposing.

We are proposing to add behavior analyst and behavior analyst assistant. Change counselor to school counselor. Remove the references to get.

Adds educational qualifications for school nurse, LPN, and school nurse, RN.

This was done for consistency in language, changes in terminology, changes in the educational qualifications or certifications licensures. And then changes to state requirements.

Also on pages 102 to 108, we're proposing to remove skills under the certificates or license columns for:

Orientation and mobility paraprofessional. Paraprofessional for Braille instruction, and school social worker.

We moved the skills over to the educational qualifications column.

And, again, this was done for consistency in language, change in terminology, changes in educational qualifications or certificates and licensure and changes to state requirements.

Again, on page 102 to 108, we clarified that the master’s degree for social work is the social work added teacher -- no. I'm sorry.

We clarified the master's degree for social work is in social work. We added teacher, early childhood blended, as a position. And we added teacher, hearing impaired, as a position.

Again, this was to be consistent in language, change in terminology,

change in qualifications,
certifications or licensure, and
changes to state requirements.
Also on page 102 to 108, we added
career education to the vocational
resource educator.
Again, for the same reasons.
Now we're on page -- or on
Regulation VII.
Public agency eligibility.
Page 108. We changed the
reference to EDGAR to federal
regulations.
And, again, this was just to update
the changes in various federal
Regulations.
On page 110 to 111, we added
language regarding obligation time
frame.
Adding language regarding grant
periods and use of funds.
And we added language regarding
requirements to follow procurement
procedures.

This was done to update fiscal requirements to align with the Uniform Grant Guidance.

On page 110 to 111, we added language regarding requirement to code expenditures separately by the funding source.

Adding language regarding time and effort documentation.

And added language regarding the Missouri Accounting Manual.

Again, this was done to update the fiscal requirements to align with the Uniform Grant Guidance Within.

112 to 114. We added requirements under maintenance of effort.

Added requirements under the new compliance standard for Maintain of Effort, and added subsequent Years Rule. And, again, this was to align with the IDEA Maintenance of Efforts Regulations.

Also on page 112 to 114, we added

consequences for failure to maintain fiscal effort.

Again, this was to align with the new IDEA Maintenance of Effort Regulations.

On page 117, we added the word state to indicate state funds will not be provided for staff providing ECSE services to children who are ages 5 and kindergarten-age eligible.

This was just to clarify the use of state funds.

On page 117, in the caseload chart, you will note that we are proposing to reorganize the chart. Added per session to caseload requirements for clarity.

Increased the diagnostic services caseload from 160 to 180.

And condensed therapy services into direct services category.

And this update was -- so the chart will align with core data reporting and personnel standards.

It was reorganized for more clarity.
We increased the diagnostic
caseload to accommodate positions
performing strictly diagnostic duties.
Now Regulation VIII. Private
schools and agencies.
Page 121.
We added a list of entities that are
private schools in Missouri. We
added that reevaluations can not be
included in the proportionate share
expenditures.
And we added language regarding
students attending a private school
in Missouri but who live in another
state.
This was just to clarify the
requirement.
On page 122, we removed the note.
And we were -- as a whole, were
removing notes from Regulations,
including that information that was
previously in the notes in guidance
documents that will be posted on

the DESE website.

On page 123, we added language explaining the use of additional funds to support the proportion share obligations.

Again, this is clarification and additional information on expenditures and use of funds.

On page 125, we removed the reference to highly qualified teachers and as previously this change was to remove references to highly qualified as it no longer applies.

On page 126, we added language describing the neutral site.

This is a clarification based on Missouri case law and the Missouri constitution.

Regulation IX. Special school districts. On page 129 to 130, we add in language regarding provision of procedural safeguards to the parents in the agency referral.

This is a clarification of the procedure.

On pages 130 to 131, we add in language clarifying when prior written notice must be provided in the case of initial evaluations and reevaluations.

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

On page 133 to 134, we added IEP facilitation to the list of informal methods of resolving disagreement.

This is a clarification to be consistent with current options available in Missouri.

On page 136, we removed the reference to hearing process and added reference to administrative hearing commission process used in due process.

This is a clarification to be current with state law in Missouri.

Page 136 to 137. We updated terminology to educational

surrogate instead of surrogate.

Again, this was to update, to be consistent with the Missouri terminology.

On page 137, we added 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 removed the MSIP requirements regarding professional development plan and process. And we added language clarifying requirements for adopting and submitting assurances for the local compliance plan.

This was because the MSIP requirement, it's no longer a requirement under MSIP, and also clarification of procedures.

Regulation X is state operated programs. On page 141 to 142, we added language to clarify the

process and types of scores required for eligibility for the Missouri School for the Severely Disabled.

Again, this is a clarification of the requirement. On page 142, we rewarded to remove redundant information and streamlined the description of the process to clarify the requirement.

On page 143, we added a description to clarify items required in the justification for separate school placement.

And, again, this is to clarify the requirement.

On page 144, we updated to clarify the ability of schools to obtain eligibility determinations and to refer home bound students to the Missouri School for the Severely Disabled.

Again, this was a clarification of the requirement.

Also on page 144, we removed the

requirement that the students IEP
reflect 1,800 minutes per week of
special education at the time of
referral to the Missouri school for
the severely disabled.
This was to be consistent with
ration, that the number of -- with
the IDEA that the number of
minutes of service needed to
provide FAPE, free appropriate
education, is individualized based on
the student need.
On page 144, we removed from 142
to section 7 on this page to clarify
enrollment procedures and age.
And this was a clarification of the
requirement.
Page 144. We removed the
reference to the placement review
conference.
And this is to clarify that there's no
need for a separate meeting.
On page 144 and 145, wording was
removed and added to clarify the

process and considerations for when the Missouri School for the Severely Disabled may no longer be the least restrictive environment for the student. This was to clarify that requirement.

On page 145, we changed the interim placement for a student who is enrolled at the Missouri Schools for the Severely Disabled from 60 to 30 day, upon transfer to another Missouri State School for the Severely Disabled.

And this was done to update and match the transfer procedures since students already eligible for placement at the Missouri School for the Severely Disabled, and there's no need to allow time for a reevaluation.

On pages 148 to 149, we changed wording to clarify the Missouri School for the Blind and the Missouri School for the Deaf eligibility

determination process.

This was done to make the language and the process align with the eligibility determination for the Missouri schools for the severely disabled.

On page 149, we removed the requirement that the students IEP reflect 1,800 minutes per week of special education at the time of referral to either the Missouri School for the Blind or the Missouri School for the Deaf.

Again, this was to be consistent with IDEA. That the number of minutes of service needed to provide FAPE is individualized based on student need.

Those were all of the updates that we're proposing to the State Plan.

If you have -- we have received several clarifying questions. I want to remind you that we are not taking public comments during the

hearings. So if you agree with
something strongly, or if you
disagree with something strongly,
you must
Submit your comments in writing to
the office of Special Ed programs.
No later than the end of business
January 6, 2017, in order for the
comments to be considered.
I am going to turn it back over to
Shelley, and she's going to answer
the questions.
>> Shelley: First question,
Regulation III, page 31. What is the
specific language in the federal
Regulations that justifies the
addition of NOA
Of refused to parents if the referral
is a district referral.
We actually don't have the federal
Regulations sitting in front of us.
You need to see 34CFR300.301 for
that specific language, or you can
contact the compliance section.

And they can give you the federal
language related to that change.
Or you can call Nancy at
573-522-1076.
Next question. In Regulation VII,
pertaining to caseloads.
Social worker position
codes/caseload, eliminated
purposefully or was it an oversight?
It actually was not eliminated. It
was condensed under the related
services personnel.
So the social worker would be under
direct services caseload 35 to 50.
Next question.
In Regulation VII pertaining to
increasing the caseload of diagnostic
staff. DNQ/drops count towards
their caseload?
Currently can only count those that
were determined eligible.
Yes. We do allow if there is a
caseload issue, for a district to
justify the not meeting caseload

with the do not qualify students that
were tested.
At this time, there are no other
questions. We will remain on the
line.
Please go ahead and continue to
submit any question, if you have
any more.
Okay, we received another question.
Does the social worker need to be
listed in the child's IEP to determine
their caseload?
Yes. It does.
>>CART Captioner: Standing by.
>> Nancy: We have another
clarifying question.
It relates to social workers. It says,
what if the social worker is utilized
as a resource for families and PBS
tier two interventions for ECSC
students.
This would not have minutes on the
IEP, but would have a caseload of
the students served

The special education compliance
answer to that is
-- those would not be caseload
minutes based on the IEP.
You can choose as a district to
provide social work services as a
general education tier two
intervention, but it would not be
able to be charged to ECSC funding,
because it's not related to a service
that's required for the student to
receive a Free Appropriate Public
Education, which is defined by
what's required and written into the
IEP.
>> Shelley: We are still holding at
this time.
There are no questions in the chat
feature. If you should have a
question, please still feel free to
submit up until 11:00 a.m.
>> Nancy: There was a question
earlier.
It was about the change in

Regulation III talking about the provision of notice to the parent when the district made a referral. And chose not to continue with that referral.

And when Shelley first spoke, she referred you to the 300301 through 300306 which is the process that talks about the initial evaluation.

The change is actually based on Regulation 3503, which talks about written notice and the provision of written notice to parents.

Any time, before the responsible public agency either initiates or changes, or refuses to initiate or change, the identification evaluation educational placement or placement of FAPE to the student.

We have had -- at the Department -- some discussions with the Office of Special Education regarding our process. Questioning why we are not providing prior

written notice to parents.
Providing the written notice to the parents at the end of the district referral. The same as we provide prior written notice at the end of a parent referral.
So that is the basis for why that proposal is being made. And we are looking forward to public comment on this issue.
>>CART Captioner: Standing by.
>> Shelley: The webinar is open for three more minutes.
If you have any other questions, please submit them at this time.
Thank you.
>>CART Captioner: Standing by.
>> Shelley: Thank you for participating in the public hearing today. This concludes the webinar.

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