

Part B Public Hearing #2
January 2, 2020

Good morning, thank you for joining the webinar. We will begin at 10:30 a.m. This is a webinar on the proposed changes to the Missouri part B state plan for special education. I am Bev Luetkemeyer director of special education compliance. This is a listen only webinar. Please make sure your telephone, web camera and or microphone are muted or turned off. During the webinar, please do the following. Check to see whether your speakers are on, plugged in and the volume is turned up. It is 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.

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 DSC webinar page at the address listed on the slide. 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 or IDEA. The Missouri part B program serves children and youth with disabilities from age three 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 disabilities and their families are protected. 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 clarifying questions on the proposed changes to the Missouri state plan for part B of the IDEA. We are here today to take clarifying questions only. Also, we ask that you please limit your questions at this hearing to the proposed changes. Responses to the questions will be posted on the webinar page as stated in the previous slide. The following is an explanation of the hearing and change process. We are holding two public hearings via webinar. The first was Tuesday, December 20, December 17, 2019. In the second is today, Thursday, January 2, 2020 from 10:30 a.m. until 11:30 a.m. We are taking written comments on the proposed changes until the close of business on January 14, 2020. 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 is make the change as proposed, to do is make the change with revisions. Or three, not make the change. All comments received will be summarized and published on the department webpage. The proposed changes will go to the state Board of Education. After the state Board of Education, takes action on the proposed changes, they will be submitted to the Secretary of State's office for publication in the Missouri registrar. The changes will become final after they have been published in the Missouri registrar, the required number of days. As a 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, submit them via mail to the Department of elementary and secondary education, office of special education, attention part B state plan comments, PO Box 480, Jefferson City, Missouri, 65102 - 0480. Or by email at idea.comments@dese.mo.gov. Please put on the subject line, attention part B state plan comments. Or by fax at 573-751-3910, on the facts subject line please include attention part B state plan comments. 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 questions. Until 11:30 a.m. If we are finished presenting the proposed changes and are receiving no questions during the webinar, we will now begin the public hearing for the proposed changes to the Missouri part B state plan. This is how the hearing will proceed. I will read a summary of the proposed substantial changes in the summary will follow what is posted on the state plan webpage. At the address listed on the slide. I will pause periodically to read any questions that are received during the webinar.

Identification and evaluation. Regulation three. Location in proposed plan and proposed change is 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. The reason for the proposed change, it clarifies that the discrepancy does not have to equal 1.75 deviations. Standard deviations. Location and proposed plan and proposed change page 40. Update the sentences describing the methods of determining eligibility for young children ages three through five by adding the phrase, and speech or language impairment or other than speech or language impairment. The proposed change is to clarify the description of the methods allowed in determining eligibility for young children ages three through five by making it clear that changes in the speech or language impairment criteria done in 2019 apply only to students who are kindergarten age eligible or older. Location in proposed plan and proposed change is page 40 continued. One, identify all children using any of the disability categories except that of young child with a developmental delay why CDD and speech or language impairment or, two, identify all children as eligible using only the category of young children with a developmental delay, why CDD. Were three, identify all children as eligible for using any of the disability categories other than speech or language impairment including that of young child with a developmental delay YCDD. The reason for the proposed change, clarifies that the changes in the speech or language impairment in 2019 apply only to students who are kindergarten age eligible or older. Regulation four is FAPE IEP LRE. Location in proposed plan and proposed change, page 48. Indent the transitional sentence and fix the continued numbering in the definition of IEP section. The proposed change is to simply correct formatting errors made in the 2019 state plan changes. The transitional sentence in the definition of IEP section will be indented in the continued numbering will be corrected. Regulation five, procedural safeguards and discipline. Location in proposed plan and proposed change, page 65. Change school days two days to be consistent with 34 CFR 300.504 A1. Which indicates that the procedural safeguards notice is provided upon referral. It would read, one, within five 5 days of initial referral or parental request for evaluation. The difference between a day and a school day is defined in 34 CFR 300.511 and the reason for the proposed changes to have the Missouri state plan be more consistent with the federal regulations. Location in proposed plan and proposed change, page 75. Change the word answer to response in both the heading and paragraph regarding the requirements on LE a response to the parent must meet in a due process complaint. The changes to make the state plan be more consistent with IDEA 34 CFR 300.508 E. Which lists specific requirements the response from the LDA to parents must meet. The reason for the proposed changes to have the Missouri state plan be more consistent

with the federal regulations. Location in proposed plan and proposed change, pages 77 and 78. The proposed changes to add a paragraph in the state level due process hearing section regarding the discretions listed in 34 CFR 300.512 a3 and 34 CFR 300.5 12B for hearing officers. The proposed additional paragraph would read, hearing officers have discretion to bar any party that failed to comply with 34 CFR 300.512 from introducing the relevant evaluation or recommendation at the hearing without consent of the third party. The reason for the proposed changes to have the Missouri state plan for special education be more closely aligned with the federal regulations. Location in proposed plan and proposed change page 88. The proposed change is to delete the phrase, or two 2 days before to clarify that list of exhibits and witnesses must be exchanged at least five days before any type of due process hearing. The proposed sentence 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. The purpose of the change is to ensure that Missouri practice is consistent with IDEA requirements. Regulation eight, personnel standards. Location in proposed plan and proposed change is page 99. The proposed addition is to clarify that all paraprofessionals including those who have a teaching certificate required training so they are properly prepared to meet the needs of the students they serve. Add the phrase, including those who hold teaching certificate to the paragraph about paraprofessional training. 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. Associated with the work assignment prior to working with the student. The reason for the proposed changes to clarify that all paraprofessionals required training so they are properly prepared to meet the needs of the students they serve. Location in proposed plan and proposed change, page 102. The proposed language provides clarification that orientation and mobility specialist who hold a current contract to provide orientation and mobility services with rehabilitation services for the blind has established necessary proficiency to provide the orientation and mobility services to students with IEP. Because rehabilitated, sorry rehabilitation services for the blind conducts a thorough review of potential applicants prior to issuing a contract to provide services. This addition to the state plan recognizes the legitimacy and benefit of that review process. The new paragraph reads, certified by the Academy for certification of vision rehabilitation and education professionals, a CVR EP as an orientation and mobility specialist, COMS or current L and M services contract with rehabilitation services for the blind. The reason for the proposed change is because Missouri higher education institutes do not offer the course work required to get national certification. Rehabilitation services for the blind evaluates orientation and mobility specialists with whom they contract for competency so a specialist who has a contract with RSP has established the necessary proficiency to provide services to RSP clients. Regulation nine, caseloads. Location in proposed plan and proposed change, page 109. Delete Asterix in 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. The proposed deletion would avoid further confusion removing the asterisks or statement associated with the asterisks does not change any caseloads. An explanation of caseloads is in the early childhood special education final expenditure report guide found on the DESE website. Regulation 14 approved private agencies. Location in proposed plan and proposed change, page 131. Delete the first sentence, this section applies to children with disabilities to attend private or parochial schools or who are homeschooled. This proposal is to correct an error. The sentence was inadvertently copied from section 13 in a previous edition of the state plan for special education and does not apply to approved private agencies. Regulation 16 state operated programs. Location in proposed plan and proposed change, page 150. Change wording under the eligibility procedures section four MSSD. that 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. The proposal would change the wording of number four in the eligibility procedures section 4 MSSD section including consistent language for all the state operated board programs. That is consistent language between MSSD Missouri school for the blind and Missouri school for the deaf. Location in proposed plan and proposed change, page 156. Add requirement for the IEP team to convene annually to review and or revise IEP's for students enrolled in Missouri school for the blind or Missouri school for the deaf. It would read, the public agency will convene an IEP meeting in collaboration with MSB or MSD to review annually and revise IEP's for students enrolled in MSP or MSD. It would provide consistency with IDEA requirements requiring an annual IEP review which includes the consideration of placement in the least restrictive environment. It would require IEP teams to convene annually to review and or revise IEP for students enrolled in Missouri school for the blind or Missouri school for the deaf. The proposed change would follow the closely division process for students enrolled at all three board operated programs. Location in proposed plan and proposed change, page 156. Remove subsequent referral procedures section because placement in the least restrictive environment in an IEP team decision, not a decision that can be made unilaterally by MSB or MSD. The proposed removal of the subsequent referral procedures section is due to the fact that placement in the least restrictive environment is an IEP team decision. The proposed change more closely aligns the placement decision process for students enrolled at all three state board operated programs. We will pause now to check for questions. Please ask any clarifying questions by typing in the chat window. Questions will be read aloud during the webinar. Responses provided in writing and will be posted on the webinar page. A 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 business day on January 14, 2020. The chat feature will remain open for questions as long as we are receiving them or up until 11:30 a.m. I will leave this page displayed so you can see the information for providing your comments by mail, email or by fax. Thank you for participating in this webinar today.

Note clarifying questions have been received, you may ask clarified questions through the state plan chat feature until we close the webinar at 11:30 a.m.

We have received no questions at this time. The webinar will remain open until 11:30 a.m. Questions can be submitted through the chat feature.

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The time is 11:30 a.m. this concludes our public hearing on the proposed changes to the part B state plan. Thank you for participating.