

Part B Public Hearing #1
December 17, 2019

>> Thank you for joining the webinar. We will begin promptly at 1:30. I'm Bev Luetkemeyer director for special education compliance. This is a listen only webinar. Please make sure to turn off your telephone, web camera and/or microphone. During the webinar if you are not able to hear the audio please do the following. Check to see whether your speakers are on, plugged in and the volume is turned up it's not muted. Click the meeting tab then 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 DESE webinar page listed here 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 or IDEA. The Missouri part B program serves 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 disabilities and their families are protected. IDEA also requires that the department hold public hearings and provide the opportunity for the general public to comment before adopting any new policy or procedure. The purpose of this hearing is to fulfill the public hearing requirements of part B of the IDEA and give stakeholders an opportunity to ask any clarifying questions on the proposed changes to the Missouri state plan for special education 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 changes process. One, we are holding two public hearings via webinar. One today, Tuesday December 17, 2019 and the second on Thursday January 2nd, 2020, from 10:30 a.m. to 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, make the change as proposed. Two, make the change with revisions. Or three, 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 action on the proposed changes, they will be submitted to the Secretary of State's office for publication in the Missouri register. The changes will become final after they have been published in the Missouri register the required number of days. Today's webinar will serve as the department's first public hearing related to the proposed changes to the state regulations for battery B of the IDEA. As stated before a second public hearing webinar will be held on Thursday January 2nd, 2019 at 10:30 a.m. Reminder we will not be taking any public comments during the public hearing webinars. Any comments must be submitted in

writing to the office of special indication by close of business at 4:30 p.m. on January 14, 2020. To submit comments by mail, send comments to 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, sent to IDEA.comments @ DESE.mo.gov until the subject line please put attention part B state plan comments. Or send them by FAX to 573-751-3910. Please put on the FAX cover page attention 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 web page available at the site 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 questions and until 2:30 p.m. If we are finished presenting the proposed changes and receiving no questions, we will end the webinar.

We will now begin the public hearing for the proposed changes for the Missouri part B state plan. Regulation 3 identification and evaluation. Page 29, update the sentence defining what significantly below means by adding the phrase or more. The proposed change is to clarify what the phrase significantly below means in the eligibility criteria for language impairment. The proposed sentence 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 is to clarify that the discrepancy does not have to equal 1.75 deviations. Regulation 3 page 40. The proposed change is to clarify the methods allowed in determining eligibility for young children ages 3 through 5. Making it clear the changes in the speech or language impairment criteria done in 2019 apply only to students who are kindergarten age eligible or older. Page 40 continued. The proposed sentence would read, I've all children using any of the disability categories except of that of young child with a developmental delay, YCDD and speech or language impairment, or, identify all children as eligible using only the category of young child with a developmental delay, YCDD. Or. 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. The reason for the proposed change is to clarify that the changes in the language impairment criteria in 2019 only apply to students who are kindergarten age eligible or older. Regulation 4, FAPE, IEP, least restrictive environment. Page 48. The proposed change is to simply correct a formatting errors made in the 2019 state plan. The transitional sentence and the definition of IEP section and the continued numbering will be corrected. Regulation 5, procedural safeguards discipline. Page 65. The proposed change would drop the term school from the sentence within five days of initial referral or parent request for an evaluation to align the state plan more closely with 34 CFR 300.504A1 which indicates that the procedural safe guards notice is provided upon referral. The difference between a day and a school day is defined in 34 CFR 300.11. The proposed sentence would read 1, within five days of initial referral or parent request for evaluation. Regulation 5, 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. The proposal changes the word answer to response in both the heading and paragraph regarding the requirements that an LEA to the parent must meet in a due process complaint. The change is to make the state plan more consistent with IDEA 34 CFR 300.508E which lists specific requirements, the response from the LEA to the parent must meet. The change reads, response to a due process complaint. Except as stated under the sub heading immediately above the party receiving a due process complaint must within ten calendar days of receiving the complaint send the other party and the administrative hearing commission a response that specifically addresses the issues in the complaint. The reason for the proposed change is to make the Missouri state plan more consistent with the federal regulations. Regulation V pages 77 and 78. The proposed change is to add a paragraph in the state level due process hearing section regarding the discretions listed in 34 CFR 300.512 (a) 3 and 34 CFR

300.512 (b) 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 (b) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party. The reason for the proposed change is to have the Missouri state plan be more aligned with federal regulations. Regulation 5 page 88 proposed change to delete the phrase or two days before to clarify that lists 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 reason for the proposed change is to ensure Missouri practice is consistent with IDEA requirements. And the analysis and comments to the federal regulation Federal Register volume 71, number 156, 34 CFR 300.532 (c) 4. Regulation VIII personnel standards. Page 99. The proposed addition is to clarify that all paraprofessionals including those who have a teaching certificate require training so they are properly prepared to meet the needs of the students they serve. The proposed sentence 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 change is to clarify that all paraprofessionals require training so they are properly prepared to meet the needs of the students they serve. Regulation VIII, page 102. The proposed language provides clarification that an orientation and mobility specialist, holding a current contract with rehabilitation services for the blind, has established necessary proficiency to provide orientation and mobility services to students with IEP's. This addition in the state plan recognizes the legitimacy and benefit of the RSB review process to the field. The new paragraph reads, certified by the academy for certification of vision, rehabilitation, and education professionals, ACVREP as an orientation and mobility specialist, COMS or current O and M services contract with rehabilitation services for the blind. Reason for the proposed change, proposed because Missouri higher education institutes do not offer the coursework required to get national certification. Rehabilitation services for the blind evaluates orientation and mobility specialists with whom they contract for competency to a specialist who has a contract with RSB has established the necessary proficiency to provide services to RSB's clients. Regulation IX. Case loads. Regulation IX page 109. The proposed deletion would avoid further confusion. Removing the asterisk or statement associated with the asterisk does not change any case loads. An explanation of case loads is in the early childhood special education or ECSE final expenditure record guide found on the DESE website. The proposed change would read -- would delete the following statement. Based on two half day sessions. regulation XIV approved private agencies. Delete the first sentence on page 131, this section applies to children with disabilities who attend private or parochial schools or who are home schooled. The proposal is to correct an error. The sentence was inadvertently copied from section XIII in the previous edition of the state plan and does not apply to approved private agencies. Regulation XVI state operated programs. Page 150. Change wording under the eligibility procedure section for MSSD. The proposal would change the wording of number 4 of the eligibility procedures section for MSSD. This would ensure consistent language between all the state operated board programs. 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. The reason for the proposed change is to ensure consistent language between all the state operated board programs MSSD, MSB, and MSD. Regulation XVI page 156. Add requirement for IEP team to convene annually to review or revise IEP's for students enrolled at Missouri school for the blind or Missouri school for the deaf. The proposed edition 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's for students enrolled in Missouri school for the blind or

Missouri school for the deaf. The proposed change more closely aligns with the placement decision process for students enrolled in all three state board operated programs. The new edition reads, 3, the public agency will convene an IEP meeting in collaboration with MSB or MSD at least annually to review and/or revise IEP's for students enrolled in MSB or MSD. The reason for the proposed change is to provide consistency with IDEA requirements for an annual review which includes the consideration of placement in the least restrictive environment. Regulation XVI page 156. Remove subsequent referral. The proposed removal of the subsequent referral procedures section is due to the fact that decisions about placement in the least restrictive environment is an IEP team decision, not a decision that can be made unilaterally by MSB or MSD. The proposed change more closely aligns the placement decision process for students enrolled at all three state board operated programs. 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 any 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. We'll pause now to check for questions. Some clarifying questions have been posted. The first is, do subsequent referral procedures still apply to the MSSD. If so, why is it different from MSD and MSB. The next clarifying question is with the changes in regulation 3, it now seems to read that students aged 3 to 5 cannot meet speech impairment since it is now listed with language impairment. I understand YCDD should be used for communication, but that is receptive and expressive language. How are our students able to meet for speech impairment. To clarify, one states except YCDD and speech or language. 2 states only YCDD, three states any disability category other than speech or language impairment other than YCDD. This is a reminder that the hearing will stay open until 2:30 p.m. You may type clarifying questions in the chat box until that time. This is a reminder that the hearing will stay open null 2:30 p.m. You may type clarifying questions in the chat box until that time. I'll periodically read any new questions received. This is a reminder that the hearing will stay open until 2:30 p.m. You may type clarifying questions in the chat box until that time. This is the reminder that the hearing will stay open until 2:30 p.m. You may type clarifying questions in the chat box until that time. Hearing on the revisions to the Missouri state plan for special category thank you for listening.