

Parent's Guide to

SPECIAL

EDUCATION

in **MISSOURI**




**Missouri Department of Elementary
and Secondary Education**

Division of Special Education

D. Kent King, Commissioner of Education



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Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

Dear Parents,

If you are reading this letter, then you probably have a son or daughter who has been identified by your local school district as a child with a disability as defined by the Individuals with Disabilities Education Act. This law, commonly referred to as IDEA, provides the basis for special education services in Missouri.

The major purpose of the IDEA is to provide children with disabilities the supports and services they need to learn and progress in their schoolwork. It requires that each child receive a free and appropriate public education (FAPE). As the parent of a child with a disability, you will participate in many meetings, working alongside school personnel in planning the special educational services and supports that your child needs. It is important that you understand your child's rights under IDEA. This Parent's Guide is written to assist you in understanding some of the most important aspects of special education.

Should you have questions about your child's special education services, I recommend you first contact your local school district and speak with your child's teacher(s), principal or the district's Director of Special Education. In addition, there are a number of other resources in Missouri including MPACT (the Parent Training and Information Center) and staff of the Missouri Department of Elementary and Secondary Education (DESE). Contact information for MPACT and DESE can be found at the end of this booklet.

The Missouri State Board of Education and the Department of Elementary and Secondary Education have set high standards and expectations for all children attending Missouri's public schools. Department staff is working with local school districts to:

- improve student achievement scores on statewide assessments.
- reduce drop outs and increase graduation rates.
- improve the preparation of students for their post-secondary life, whether that be a chosen vocation or continued education upon graduation.

These high expectations have been set for all children, including those with disabilities. Local districts need your help and involvement in reaching these goals for your child, just as the Department of Elementary and Secondary Education needs the help of each local school district to meet these goals for all children in the State.

We welcome your help and collaboration with your local school district in reaching these goals for your child as we all work to improve the educational outcomes for all children in Missouri.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Atkins Lieberman".

Heidi Atkins Lieberman
Assistant Commissioner
Missouri Division of Special Education

Introduction

Children with disabilities have a right to a free appropriate public education (FAPE). Children differ in mental abilities, sensory development, physical traits, emotional or social behaviors, or communication skills. Some may require modification to their school program or special education and related services in order to benefit from their schooling.

Congress recognized that children with disabilities have special needs and passed what is now called the Individuals with Disabilities Education Act (IDEA) in 1975. That law provided that children with disabilities must receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The law has since been reauthorized six times and this booklet reflects the latest changes made by Congress in 2004. Missouri House Bill 474 and later legislation make it the law of the state to provide special education services, sufficient to meet the needs of all children with eligible disabilities, from the child's 3rd birthday to age 21, at no cost to the parent. The Missouri State Plan for Special Education contains all regulations that must be followed by all public school districts and other responsible agencies in the provision of special education services.

This guide was developed to provide information concerning your rights and responsibilities as the parent of a child with a disability as defined in the Missouri State Plan for Special Education. For more information on these rights, ask your school district for a copy of the Procedural Safeguards for children and parents or access them at http://www.dese.mo.gov/divspeced/Compliance/Proc_Safe/index.html.

NOTE: Procedural Safeguards must be given to you:

- upon initial referral or parental request for evaluation.
- upon receipt of the first request for a due process hearing and upon the first child complaint in a school year.
- upon a disciplinary change of placement.
- upon request by the parent.
- once per school year.

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Informed Effective Parents

Parents are their children's first teachers. Parents are the only lifelong advocate for their child. You are an expert on your child. You observe your child in all of the various environments in which he or she functions over the span of his or her childhood.

Parents and educators work as partners to determine the most appropriate education for each child when a child is eligible for special education services. For parents to be effective partners on this team, they must know the special education process. Research has shown that parents' participation in their child's education is important to the child. Your involvement makes a difference. This guide is based on Federal Regulations under Part B and Part C of IDEA and their implementation as provided for in the Missouri State Plan for Special Education. The purpose of this guide is to help you understand special education in Missouri.

The Missouri State Plan for Special Education specifies the process that all school districts are required to follow in identifying, evaluating and serving all children with disabilities who live in the school district. This guide gives you information on the steps in this process and resources for more information and assistance. The guide is a first step on the path to becoming an informed, effective parent to benefit your child's education.

The Special Education Process

- 1. Child Find:** Local districts must identify, locate and evaluate all children residing in the district with disabilities, including children who are homeless or are wards of the state, and children with disabilities attending private school who are in need of special education and related services. To do so, districts conduct "Child Find" activities such as notices in local newspapers, public notices on local radio and television stations, placing posters in school offices or sending written information to parents.
- 2. Request for Initial Evaluation:** School district personnel (i.e., teacher, counselor, principal) may request that a child be evaluated to determine if the child is a child with a disability as well as his/her educational needs. Parents can also request that their child be evaluated. While this request can be verbal or written, it is recommended that parents make their request in writing. Informed written consent is required from parents before their child can be tested as part of an evaluation. Testing must be completed and a meeting held with the parents within 60 calendar days of receiving the parents informed written consent. Evaluation timelines may be extended for acceptable reasons such as snow days, child illness, summer breaks or school holidays.
- 3. Evaluation:** The evaluation process begins with a review of existing data. If the team of individuals that meet the requirements of an IEP team and other professionals as appropriate determines that additional testing is needed, the child must be evaluated in all areas related to the child's suspected disability. The evaluation must be broad enough to identify all of your child's special education needs. The results must be a true reflection of your child's abilities. Evaluation results, including input from the child's teachers and information provided by the parents, are used to decide the child's eligibility for special education and related services as well as to make decisions about an appropriate educational program for the child. If the parents disagree with the results or conclusions of any part of the evaluation, they have the right to request an Independent Educational Evaluation (IEE) at public expense. The parents of the child can request one IEE each time they disagree with the school district's evaluation.
- 4. Eligibility Determination:** When the eligibility of the child is considered, a team of qualified professionals and the parents review the child's evaluation results. The team decides if the child

is a “child with a disability,” as defined by IDEA and the Missouri State Plan for Special Education. If the team cannot agree on your child’s eligibility, the district must make the final decision about the child’s eligibility. Parents may challenge the eligibility decision through a due process hearing. (For more information read Due Process in “Dealing with Conflicts” section of this publication or on our Web site at http://www.dese.mo.gov/divspced/Complaint_System/index.htm). A copy of the evaluation results and eligibility determination must be provided to the parents within a reasonable period of time, generally 20 days after the meeting.

5. **Eligible:** If the child is found to be a “child with a disability,” as defined by IDEA and the Missouri State Plan, he or she is eligible for special education and related services. The Individualized Education Program (IEP) team must meet to develop an IEP for the child within 30 calendar days after a child is determined eligible. For children coming from First Steps, the IEP must be in place by the child’s third birthday if the referral was received more than 120 days before the 3rd birthday. This team includes:
 - A. parents of the child.
 - B. not less than one general education teacher of the child.
 - C. not less than one special education teacher of the child.
 - D. representative of the district.
 - E. individual(s) who can interpret instructional needs identified in the evaluation process.
 - F. other individuals who have knowledge or special expertise about the child, invited by either the parent or the agency. Knowledge or special expertise of the child is determined by the party who invited the individual to be a member of the IEP team.
 - G. the child, whenever appropriate.
 - H. the parent of a child previously served in first steps may request that a service coordinator or other representative be invited to attend.

6. **IEP Meeting Scheduled:** School personnel will schedule and conduct the IEP meeting and must contact all participants, including the parents. Parents must be notified of the meeting early enough to ensure they will have an opportunity to attend. The meeting is to be scheduled at a mutually agreed upon time and place. Other information that the IEP notice must include:
 - A. who will be in attendance.
 - B. the parent and the district may invite individuals to the meeting that they believe have knowledge or special expertise regarding the child. The determination of that individual’s knowledge or special expertise is made by the parent or the district that invited the individual to be a member of the IEP team.
 - C. for the initial IEP for children who participated in Part C (First Steps), an invitation to the Part C service coordinator or the Part C representative will be sent at the parent’s request.
 - D. for the IEP that is to be in effect by the student’s 16th birthday the IEP notice must also include:
 - 1) the purpose of the meeting is the consideration of the postsecondary goals and transition services for the student.
 - 2) an invitation to the student.
 - 3) identification of agency representatives that have been invited.

If the parent cannot attend the meeting the district shall use other methods that ensure parent participation, including individual or teleconference calls. If the district is unable to gain parent participation after attempting to schedule two separate meetings they may proceed without you.

Some school personnel team members may serve in more than one role. Some school district team members may be excused from IEP team meetings with written agreement from the parent and the district when the area of curriculum or related services is not being modified or discussed in the meeting. When the meeting involves a modification to or discussion of the member’s area of curriculum or related services, the parent and district must consent to the excusal and the member must submit written input to the parent and the IEP team prior to the meeting.

- 7. IEP Meeting:** The IEP team meets to talk about your child's unique educational needs, write the IEP, then determine placement based upon the IEP and as close as possible to your child's home. Parents and the student (when appropriate for the student) are part of the team. When determining placement the IEP team must consider whether your child can achieve satisfactorily in the general classroom with the use of supplementary aids and services and, if not, then how your child is being integrated to the maximum extent appropriate. Before the school district may provide special education and related services to your child for the first time, the parents must give informed written consent for those services. The child begins to receive services as soon as possible after informed written consent is given. If the parents do not agree with the IEP and/or placement, they should discuss their concerns with the IEP team at the IEP meeting. If parent concerns cannot be resolved, the Missouri Department of Elementary and Secondary Education makes mediation available at no cost to parents or districts requesting it. Mediation at no cost is also offered when parents or districts file Due Process or child complaints. (For more information on Due Process see the section on Dealing with Conflicts on pages 17 and 18.)
- 8. Services:** The school must implement the IEP as it was written as soon as possible after the IEP meeting. Parents are given a copy of the IEP. Each of your child's teachers and service providers have access to the IEP and know his or her specific responsibilities for carrying out the IEP, including all accommodations, modifications, and supports that must be provided to your child. The IEP is a tool for you and the district to ensure your child receives a free appropriate public education (FAPE).
- 9. Progress:** Your child's IEP will include a statement on:

 - how your child's progress toward the IEP annual goals is measured.
 - when periodic reports on your child's progress toward meeting annual goals will be provided.
- 10. IEP Amendment:** Changes to the IEP may be made either by the entire IEP team at an IEP meeting or by mutual agreement of the parent and the district by amending the IEP rather than by redrafting the entire IEP. The parent and the district may agree to change the IEP without convening an IEP team meeting and instead may develop a written document to amend or modify the child's current IEP. If changes to the IEP are made, it is the district's responsibility to ensure that the IEP team members are informed of the changes. Upon request, a parent shall be provided with a revised copy of the IEP that includes the amendments.
- 11. IEP Review:** The IEP team must review your child's IEP at least once a year to determine whether the annual goals are being achieved or more often if the parents or school personnel ask for a review. If necessary, the IEP is revised. IEP review and revision, as appropriate, addresses any lack of expected progress toward the child's annual goals or in the general education curriculum; the results of any reevaluation; information about the child provided to or by the parents; the child's anticipated needs; or, other matters. Parents, as IEP team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement. If parents do not agree with the IEP and/or placement, they may discuss their concerns at an IEP meeting with other members of the IEP team and try to work out an agreement. There are several options available, including additional testing, an independent evaluation, mediation or a due process hearing.
- 12. Reevaluation:** At least every three years your child will go through a reevaluation. This may not include actual testing of your child. The IEP team may agree that your child still qualifies as a child with a disability by reviewing existing data. If you feel that the team should do testing in order to help determine your child's educational needs, you should document this request in writing to your child's IEP team.

Evaluation Process

Initial Evaluation

The purpose of the evaluation is to determine if your child has a disability, to identify his or her educational needs, and to determine the need for special education services. Your child must be evaluated in all areas related to the suspected disability. This evaluation will include reviewing existing information and conducting additional tests, as needed. The evaluation must be thorough enough to identify all of your child's special education and related services needs, even those that are not commonly linked to the suspected disability category. It must include information you provide and information related to enabling your child's involvement and progress in the general education curriculum. If you provide a written report from outside sources, the district must **consider** it as part of the evaluation process. No single procedure can be used as the only means of determining if your child has a disability or what services are needed. Tests must be given in your child's native language or primary mode of communication. Tests or evaluation procedures must not be racially or culturally biased.

If your child is exhibiting behaviors that interfere with his or her learning or the learning of others, the IEP team will consider the use of positive behavioral intervention and supports and other strategies to address that behavior. You may request a functional behavioral assessment as part of the evaluation or reevaluation. Such an assessment helps families and school officials better understand why your child behaves the way he or she does. When a Behavior Intervention Plan is developed, the plan must be included in the IEP. (For more information on functional behavioral assessments, you may contact MPACT, DESE or other resources.)

Reevaluation

When your child is receiving special education services, a reevaluation must be done at least once every three years. If you think updated information is needed to plan appropriately for your child's education before time for the three-year reevaluation, you may request that the district conduct an earlier reevaluation. Requests for evaluation should be made in writing, being sure to date your letter and keep a copy. Reevaluations are not conducted more frequently than once a year unless the parent and the district agree otherwise.

When conducting a reevaluation, the IEP team, including you and other qualified professionals, review current information about your child. This review may be done without a meeting; however, if a meeting is held, the parent must be invited and given a reasonable amount of time to make arrangements to attend the meeting. Evaluations and information provided by you, current classroom-based assessments and observations, observations by your child's teacher and related service providers such as occupational, speech, or physical therapists are reviewed. The purpose of the reevaluation is to determine if any additional information is needed for the IEP team to decide:

- if your child continues to have a disability.
- your child's present level of academic achievement and related developmental needs.
- if your child continues to need special education and related services.
- if any additions or modifications to your child's special education and related services are needed for your child to meet the IEP annual goals and participate in the general education curriculum.

The district must evaluate a child with a disability before determining that the child no longer has a disability. If additional information is needed that requires testing, you will receive a written notice. Your informed written consent will be necessary to do those additional tests. When you give your informed written consent, the district will conduct the necessary tests within sixty (60) calendar days. The district

must make two (2) attempts to obtain your signed consent. If you fail to respond to the district's requests, district personnel may proceed with the assessments without your signature. If the district is assessing some area other than the area of eligibility for which the child is already eligible, then the district must obtain informed written consent. If the IEP team decides additional information is not needed in order to decide if your child continues to have a disability, you must receive written notice of:

- the decision and the reasons for it.
- your right to request an independent educational assessment to determine whether your child continues to qualify for special education services.

The district is not required to do additional testing unless the team reviewing the existing information agrees it is needed, or you request it to determine if your child continues to need special education services, and/or to determine whether any additions or modifications to their services are needed to enable your child to meet his/her measurable annual goals.

Independent Educational Evaluation

If you disagree with the evaluation results, you have the right to request **one** independent educational evaluation (IEE) at public expense each time you disagree with district's evaluation. Professionals who are not employed by the school district must conduct an IEE. Upon requesting the IEE, the district must provide you with information about where an IEE may be obtained and about the school district's criteria considering costs that apply to independent educational evaluations. It is always best to make such requests in writing, being sure to date your letter and keep a copy.

You may request an independent evaluation, but the district may decide that its own evaluation is appropriate. If the district refuses to pay for an independent evaluation it must initiate a due process hearing to show that the district's evaluation was appropriate and the independent evaluation is, or was, not necessary. If the hearing panel decides that an independent evaluation is necessary, the school district is responsible for the costs of this evaluation. If the hearing panel decides that the evaluation is not needed, parents will be responsible for the cost of the independent evaluation. The school must consider the results of an independent evaluation.

Any evaluation information you have about your child may be shared with and must be considered by the school district.

Individualized Education Program (IEP)

To better understand an IEP, consider that:

- Individualized Education Program means that the IEP must be written for your particular child, not a group or class. It addresses your child's unique needs as related to education.
- Education indicates that the IEP should address your child's problem areas of learning and functional performance. It need not identify areas in which there is no concern; for example, if the student is not having problems with reading, there is no reason for reading to be addressed in the IEP.
- The IEP includes statements about your child's present level of academic achievement and functional performance as well as identification of annual measurable goals and related services for the year. It includes specially designed instruction that the school will provide during the year to assist your child in reaching those goals, including any assistive technology devices and/or related services that may be required.

Prior to your child's 16th birthday, or younger if appropriate, the district must tell you that one purpose of the IEP meeting is to consider any needed postsecondary transition services, including those provided in the community, and that your child will be invited. Service providers from the community who may be providing services should be invited to each IEP meeting where transition services are discussed. (Transition is discussed on page 13.)

How do you prepare for an IEP meeting?

Your participation in any IEP meeting will be easier and more effective if you have thought about your concerns and what you have in mind for your child. Know what you want to say. Training and support from parent organizations and MPACT may be helpful in preparing for an IEP meeting. (The Resource section of this guide can give you information about such organizations.)

The following suggestions are designed to help you prepare to participate effectively in the IEP meeting:

1. Check the IEP Meeting Notice to determine who will be attending the meeting. If there is someone listed that you do not know, ask who the person is and what their role will be. Also, if there is someone in particular that you feel needs to be in attendance, you may request that person be invited or you may invite them yourself.
2. Consider bringing a spouse, friend, relative or private service provider who can assist you in advocating for your child.
3. Notify school personnel as soon as possible if you will not be able to attend the meeting as scheduled, and provide them with dates and times that do work for you. Try to arrange for a meeting that is convenient to everyone.
4. Review what must be contained in the IEP and consider how each of these areas affect your child.
5. Gather information about your child that will be helpful at the meeting, such as, evaluation reports, reports from school, your observations or doctors' reports. Highlight important information such as areas of concern, weaknesses and recommendations for your child.
6. Consider how your child's disability affects his/her education, what his/her strengths, needs, and interests are. Think of different ways to involve your child in the IEP process, even at a young age. Self-advocacy skills are crucial skills for a child to develop.
7. If your child is already in school, you may want to observe him or her in the classroom. You will need to call the school office to schedule a time.
8. Watch and record your child's behavior at home.
9. Write down what your child can and cannot do, likes and dislikes, and interactions with other children and family members.

10. Find out what your child's feelings are regarding home, school and friends.
11. Keep records of your child's work, parent conferences and progress reports. Use this information to monitor your child's progress and to prepare for future IEP meetings.
12. Consider what has or hasn't worked in the past to help your child make progress as well as why he/she may or may not have been successful.
13. While at the meeting, remember that the focus and purpose of the meeting is your child.

What will an IEP include?

There are several required components to the IEP that need to be discussed and developed at the meeting and written in the IEP document.

1. Present levels of academic achievement and functional performance

The present levels of academic achievement and functional performance should provide a snapshot of your child. It should be written so clearly that anyone can easily identify your child's needs and know your child's strengths. It is the bridge between the evaluation and the instruction.

The present levels of academic and functional performance must state:

- whether your child's present level of academic achievement and functional performance is consistent with evaluation/reevaluation results in the evaluation report.
- the changes in current functioning of your child since the initial/prior IEP.
- how your child's disability affects his or her involvement and progress in the general education curriculum — the same curriculum as for children without disabilities — or appropriate preschool activities.
- the results of the initial or most recent evaluation of your child.
- your child's strengths.
- your concerns for enhancing the education of your child.
- the academic, developmental and functional needs of your child.

2. The IEP must include measurable annual goals including academic and functional goals that are designed to enable your child to be involved and make progress in the general education curriculum. Goals should meet the needs that result from your child's disability. Goals should be clear, concise, results oriented and written so that anyone is able to understand what skill or behavior is being targeted.

A goal should state what your child can reasonably be expected to achieve during the twelve (12) months of the IEP.

Objectives or benchmarks must be included for students who are taking MAP-A assessment and may be used for other students with disabilities but are not required for them. Benchmarks describe the amount of progress your child is to achieve within specific segments of the year. Short-term instructional objectives separate the skills described in the goals into separate parts.

There should also be a statement of when you will receive periodic reports on the progress your child is making toward meeting your child's annual goals, such as through the use of quarterly or other periodic reports that correspond with the issuance of report cards.

3. Special education, related services, supplementary aids, program modifications and/or supports that school personnel will provide for your child

Services the team decides your child needs to meet her/his goals are listed in the IEP. These services include special education and related services that are needed for your child to:

- A. advance toward meeting the annual measurable goals.
- B. progress in the general education curriculum.

- C. participate in extracurricular and nonacademic activities, such as sports and school clubs.
- D. be educated and participate with other children with and without disabilities in these activities.

Special education services include, specially designed instruction to meet the unique needs of a child with a disability, including instruction in the classroom, home, hospital or institution, and in any other setting; instruction in physical education; travel training to learn to move about the environment; and vocational education.

Services could also include supplementary aids and services, program modifications, or supports for school staff to meet your child's goals.

Related services can be any service that allows your child to benefit from the education provided. The IDEA lists examples of related services that may be needed:

- audiology
- counseling services including rehabilitation counseling
- early identification and assessment
- interpreting services
- medical services for diagnostic or evaluation purposes
- occupational therapy
- orientation and mobility services for visually impaired students
- parent counseling and training
- physical therapy
- psychological services
- recreation
- school health and school nurse services
- social work services in school
- speech-language services
- transportation.

Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning or the replacement of that device.

4. Participation in state and district-wide assessments

All students must participate in state and district-wide assessments. The IEP team must make decisions about what accommodations or modifications may be needed for your child to participate in State and district-wide assessments. The decisions include if your child will participate in the Missouri Assessment Program (MAP) subject area assessments or the Missouri Assessment Program-Alternate (MAP-A). When making this decision, the team should refer to the Eligibility Criteria provided by DESE at <http://www.dese.mo.gov/divimprove/assess/mapa.html>.

5. Initiation, duration, frequency and location of services and modifications

The IEP must state when each special education service, modification, accommodation, supplementary aid and service, and related service will begin, the amount of time it will be provided, when it will end, how often it will be provided, and where it will be provided. The services must be provided as stated.

6. Procedures for evaluating progress and reporting to parents. The IEP must state how your child's progress on the annual goals will be measured as well as when and how that progress will be reported to you.

7. Transition services

By age 16, the IEP must also include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and (where appropriate) independent living skills. Also a statement of necessary transition services needed to assist your child with meeting those goals must be included. If transition is discussed, your child must be invited to attend the IEP meeting. If your child cannot attend this meeting, then the district must assure that his or her needs and interests have been considered in the development of the transition goals and services. With the consent of the parent or the child this may include linkages with other agencies that are likely to be responsible for providing transition services for your child. Consideration will be given to cooperative work programs, career and technical training, supported employment, college preparation, and other considerations to help your child transition from school to postsecondary education or work. Encourage your child to attend and explain his or her role to them so he or she feels comfortable in that role.

8. Transfer of rights

At least one year before your child turns 18, the age of majority in Missouri, the IEP must include a statement that your child has been informed of his or her rights that will transfer to him or her at age 18. If your child is still a dependent under Internal Revenue Service rules (living at home and supported by you), you still have the right to receive copies of any notices given to your child, to attend IEP meetings, and to access your child's educational records. When your child turns 18, the district will notify you that the transfer of rights has occurred.

9. Assistive technology

If the IEP team believes your child needs an assistive device and/or service, that information must be included in the IEP. This may be a device your child needs to improve function, or technology services needed for selecting, acquiring, or using an assistive technology device. Such services might include evaluation, including trying several different devices to find the one best suited for your child; providing, maintaining, customizing or replacing devices; coordinating other therapies with assistive technology; and training and technical assistance for your child, family or others who work with your child.

10. Behavior intervention plan

If your child's behavior prevents his learning or the learning of others, the IEP team must consider positive behavioral interventions to address that behavior. If a behavior intervention plan is developed for your child, it must be a part of the IEP. This plan is not the same as your district's discipline plan.

11. Extended school year

The IEP must also indicate if extended school year services (education for more than the traditional school term) are needed. These are special education and related services provided during the summer months, Christmas break or spring break; and such services are not the same as summer school. The decision of whether or not your child needs extended school year services is an IEP team decision and is based on your child's unique educational needs, as are all other education decisions. Extended school year is not intended to initiate learning of new skills, but to reinforce learning connected to the annual goals. The school district should have an extended school year policy and guidelines to assist the team in making this decision.

One factor in determining if your child needs extended school year services is the difficulty your child may experience remembering information or skills previously learned (regression) and the amount of time it takes your child to learn those skills again (recoupment). Most children forget some skills they have learned during extended breaks in school programming, and it takes them some time to relearn those skills; it takes some children longer to relearn these skills than others. Other factors in determining if your child needs extended school year might include:

- A. the nature and severity of your child’s disability.
- B. your child’s progress in relation to behavior and physical needs.
- C. the opportunities for your child to practice skills.
- D. areas of development that need continuous attention.
- E. your child’s transition needs.
- F. opportunities your child has to interact with children without disabilities.
- G. areas of learning critical to your child’s progress toward self-sufficiency.
- H. level of independent functioning.

An example of a critical learning area might be that your child is just learning to feed him or herself, or your child is just beginning to understand the meaning of letters (critical to reading), or beginning to learn sign language (for a child who is unable to speak). All of these factors will be considered in relation to your child’s goals, as indicated in the IEP. A new IEP is not developed for extended school year. It is a continuation of the current IEP.

12. Participation in general education environment and placement — least restrictive environment

The IEP must address your child’s participation in general education environment. General education includes academic instruction as well as recess, lunch and assemblies. If your child does not participate 100 percent of the time with nondisabled peers in the general education environment, a statement must be made describing the extent your child will not participate and why full participation is not possible.

After annual goals have been developed for your child in the IEP meeting, the team determines which services are needed and where they will be provided. This decision is referred to as the placement decision and is made each year. Your child’s education should be in the least restrictive environment, which means: “To the maximum extent appropriate, children with disabilities are to be educated with children who do not have disabilities.”

Special classes, separate schooling, or other removal from the general education classroom occurs only when the nature or severity of the disability is such that education cannot be achieved in general education classes with supplementary aids and services. (A description of the types of placement alternatives is available in the Appendix for both Early Childhood Special Education (ECSE) and K-12 placements.) There are a variety of placement options in which a child with disabilities can receive special education and related services, but the general education classroom with supplementary aids and services must always be the first consideration. A child with a disability is not removed from education in age-appropriate general education classrooms or daytime settings solely because of needed modifications in the curriculum. Unless the IEP requires another arrangement, your child will attend the public school he or she would attend if not disabled.

When making the placement decision, the IEP team should consider whether or not education in the general education classroom with the use of supplementary aids and services can be achieved satisfactorily, and if not, whether integration with nondisabled peers has been achieved to the maximum extent appropriate. To make these decisions the IEP team should consider:

- A. the curriculum and goals of the general education program.
- B. the sufficiency of the district’s efforts to accommodate the child with a disability in the general education class.
- C. the degree to which the child with a disability will receive educational benefit from general education.
- D. the effect the presence of the child with a disability may have on the general education classroom environment and on the education that the other students are receiving (i.e., description of potential harmful effect for the student with a disability or disruptive effects for the students without disabilities).
- E. the nature and severity of the child’s disability.

When your child receives special education services for the first time, the school will need your informed written consent for the initial provision of special education and related services. You will receive a “Notice of Consent for Initial Services and Notice for Placement.” The Notice of Action for initial services and placement may be included on the same notice. It must include the following:

- a description of the proposed placement and why it is considered appropriate for your child the other placement options considered and the reasons why they were not selected (i.e., a self-contained program may require more time in special education than your child needs)
- the information that was used to make the placement decision (all the evaluation information)
- a description of other relevant factors, if any
- a statement that you, as a parent, have protection under Procedural Safeguards, where you can obtain a copy, and who you can contact to assist you in understanding these safeguards

Questions you may want to ask during the IEP conference

1. What do the tests and observations show about my child?
2. What are my child’s strengths?
3. Are the evaluation results the same or different from what the teacher observes about my child?
4. In which classes will my child be with students without disabilities?
5. What goals are realistic for my child?
6. How do these goals lead to my child’s long-range plans (adult living and work)?
7. How much time is required to meet the goals and objectives that we have developed?
8. Where will my child best be served?
9. How will my child’s progress be checked and reported to me?
10. Is there a need for supplemental aids or services?
11. Are there ways we can help with our child’s educational program at home?
12. Is my child ready to participate in the development of the IEP?
13. Does my child need a positive behavioral support plan?
14. Does my child need assistive technology?
15. Can my child’s needs (for preschool children) be met in his current daytime setting(s)?

Remember, goals may not always be reached. During the year, you or your child’s teacher(s) may realize the goals that were developed in the IEP meeting are not appropriate, have already been achieved, or that your child is not benefiting from the current services. If this occurs, your child’s program may need to be changed. The IEP must be reviewed or revised at least once a year, but may be reviewed or revised more often if necessary. Changes to an IEP may be made by holding an IEP meeting or by amending the IEP. An amendment may be made to the IEP, after the annual IEP team meeting for a school year, when the parent of the child with the disability and the district agree not to convene the IEP team for the purpose of making changes to the IEP but instead develop a written document to amend the child’s IEP. Either you or the district personnel may request that a meeting be held to change your child’s IEP or that an amendment be made to the IEP.

Disagreement with the services developed during the IEP meeting may be discussed at the meeting or may be resolved by requesting another IEP meeting to discuss the issue. (If it is not possible to resolve the difference during the first or later IEP meetings, you may seek mediation or due process as discussed later in this guide.)

Do I have the right to see my child's school records?

The school district is required to keep copies of certain documents and reports pertaining to the identification, evaluation, placement and special education services of a child with a disability. These records are confidential and the district must keep a record of parties obtaining access to education records collected, maintained or used under Part B of the IDEA except access by parents and authorized employees of the participating district. With few exceptions specified in the Family Educational Rights and Privacy Act (FERPA), the school district must receive your written permission to share your child's records with any other person or agency. As a parent, you have the right to review your child's records. If you disagree with any of the information included in your child's records, you may request that it be changed. If the district does not agree to change the information, you have the opportunity to challenge the school district's decision through a hearing conducted by the district. It is important for you to view your child's records and make sure the information contained in them is accurate.

You may request a full description of the rights you have under FERPA, including who may access your child's records without your consent, from the school district. You will receive a copy of your child's evaluation report and IEP after those meetings. The district must provide the copies within a reasonable period of time, generally 20 days. If you wish to view any of your child's other records, contact your school district to make arrangements to view those records. The school must make the arrangements for you within a reasonable period of time but cannot exceed 45 calendar days.

Your rights under IDEA

Children with disabilities and their parents are guaranteed certain basic rights by state and federal laws. (Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and Family Educational Rights and Privacy Act are the most commonly referred to laws.) This guide is based on the special education process set forth in the IDEA and Missouri regulations.

1. All children with disabilities must be provided a free and appropriate public education.
2. The special education services for each identified, eligible child with a disability should be designed to meet the child's unique needs, and the parents cannot be required to pay for those special education services. Usual fees such as lunch, locker fees, etc., assessed to all students may be charged to students in special education programs.
3. The school program for a child with a disability must be based on a complete and nondiscriminatory evaluation of the child.
4. Parents must give signed permission for their child to be evaluated if the assessment or tests are not administered to all students in the same class, grade or school.
5. Parents must give their written permission for their child to receive special education services for the first time.
6. Parents have the right to participate in decisions about the identification, eligibility, provision of a free appropriate public education and placement of their child with a disability.
7. Parents must be notified in writing of any proposed change in their child's IEP before it occurs.
8. Parents must be informed, by receiving a copy of the Procedural Safeguards, how they may challenge and appeal any decisions or proposed actions concerning identification, evaluation, free appropriate public education, or placement of their child.

Dealing with Conflicts

When you have questions or concerns about your child's educational program, talk with your school district staff. You should first discuss your concerns with your child's teacher or one of the other staff who attended the IEP meeting. Staff may include any of the special education or related services personnel working with your child or the school principal. The director of special education or the superintendent should also be available to meet with you regarding your concerns. It is a good idea to schedule an appointment to meet with them.

If you are unable to resolve your disagreements with the school district staff, a call to the Division of Special Education, Compliance Section, Department of Elementary and Secondary Education (DESE) might be helpful. A division staff person will listen to your concerns and answer your questions. You may also wish to call Missouri's Parent Training and Information Center, Missouri Parents Act (MPACT) or Missouri's Protection and Advocacy organization at the toll-free numbers listed in the Resources section of this guide on page 22.

Formal complaint procedures

1. Child complaint

If you are convinced that the educational rights of your child are being violated, you may want to file a child complaint with DESE. This must be done in writing to:

Missouri Department of Elementary and Secondary Education
Division of Special Education
PO Box 480
Jefferson City, MO 65102-0480
Attention: Child Complaint Coordinator

Your letter should address your concerns and as detailed a description of the alleged violation as possible. Include your child's name, parent or guardian's names, your mailing address, daytime phone number, and the name of your child's school district. You may want to include copies of documentation or evidence related to your concerns; however, you will have an additional opportunity to provide that information during the investigation process. If known, you should also propose a resolution to the conflict. You may link to the child complaint form available at the DESE Web site at: http://www.dese.mo.gov/divspeced/Complaint_System/.

You must also provide the school district with a copy of the child complaint.

Following receipt of the child complaint, you and the school district will receive a letter about the complaint. Also, you and the district will be made aware of the availability of mediation provided by the Division of Special Education (DSE) at anytime during the investigation of the child complaint. Both the district and the parent must agree to mediate and agree to the mediator. The DSE will investigate the complaint and the commissioner of education will issue the findings and decision within sixty calendar days, unless an extension is necessary to investigate the complaint. If an extension is necessary, you will receive a letter notifying you of the reason for the extension and the new date for completion.

A copy of Procedural Safeguards is provided by DSE to parents upon the first child complaint the parent files for that school year.

The child complaint process is intended to investigate the district's compliance with specific procedural requirements. If the investigation results in a decision that the district violated a requirement, the district will be required to correct the violation within a specified period of time.

2. Due process

A due process hearing is another step in resolving disagreements between parents and school districts. Due process procedures are used when there is a disagreement that is not able to be resolved concerning the identification, evaluation, provision of a free appropriate public education, or placement of a child with a disability. These procedures can be used by parents and by school districts. (More information concerning due process hearings can be found in the Procedural Safeguards notice available by request from DSE, your school district or online at: http://www.dese.mo.gov/divspeced/Compliance/Proc_Safe/index.html.)

Due process hearing requests must be made in writing to the other party and a copy of the complaint must also be sent to:

Missouri Department of Elementary and Secondary Education
Division of Special Education/Compliance Section
PO Box 480
Jefferson City, MO 65102-0480

Your request must include your child's name, parent or guardian's names, and address. Include the name of the school district, a description of your concerns and the resolution you are seeking. With receipt of your written request, DESE will provide you with information about the availability of mediation and information for a Missouri lawyer referral. The DESE Web site contains assistance for parents when filing for a hearing, including a sample form: http://www.dese.mo.gov/divspeced/Complaint_System/index.html. These forms may also be requested from DESE by contacting the DSE in the Compliance Section. (See the Resources section of this guide on page 22.)

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a resolution meeting with you and the relevant members of the IEP team. The purpose of the meeting is for you to discuss your due process complaint so that the school district has the opportunity to resolve the dispute. Additional information about the resolution process may be found in Procedural Safeguards.

During the time a due process hearing is pending and until the due process is concluded, your child will remain in her or his current educational placement unless you and the school district mutually agree otherwise. This is commonly known as "stay-put." There are some exceptions to this "stay-put" rule that relate to disciplinary actions. These exceptions are explained in your Procedural Safeguards statement.

A copy of the Procedural Safeguards will be provided by the DSE to parents who file for a due process hearing.

3. Mediation

State paid mediation is available to parents and districts when either party is considering filing for a due process hearing or upon filing for a due process hearing. Both the district and the parent must agree to mediate and agree to the mediator. Mediation is a structured, yet informal, voluntary process in which an impartial third party mediator helps parents and school personnel who are experiencing conflict involving any matter under Part B IDEA to reach a suitable agreement. Mediation builds positive working relationships, encourages mutual understanding, and helps parents and schools focus on their common interest — your child.

Information about mediation will be sent to you when DESE receives a child complaint or upon your request for a due process hearing.

• APPENDIX •

Criteria for Determination of Eligibility

A child with a disability may have physical, emotional, learning, or behavioral needs that require the support of special education and related services. The disability category under which your child is eligible does not determine your child's services or placement. As a parent, you will want to know more about the definition and implications of your child's disability so that you can better communicate with the professionals in your school district. Refer to the Missouri State Plan and the Special Education Compliance Program Review Standards and Indicators for additional information.

The Individuals with Disabilities Education Act (IDEA) Part B and the Missouri State Plan define the following as disabilities eligible for special education services:

- autism
- deaf/blindness
- emotional disturbance
- hearing impairment and deafness
- mental retardation/intellectual disability
- multiple disabilities
- orthopedic impairments
- other health impaired
- specific learning disability
- language impairment
- sound system disorder
- speech fluency
- speech voice
- traumatic brain injury (TBI)
- visual impairment, including blindness
- young child with a developmental delay.

Definitions of Disabilities

Autism

A developmental disability significantly affecting verbal or nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disability as defined in this document.

A child who manifests the characteristics of autism after age 3 can be diagnosed as having autism if the criteria above are satisfied.

Deaf/Blindness

Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Emotional Disturbance

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- an inability to learn that cannot be explained by intellectual, sensory or health factors
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- inappropriate types of behavior or feelings under normal circumstances
- a general pervasive mood of unhappiness or depression
- a tendency to develop physical symptoms or fears associated with personal or social problems.

The term includes schizophrenia, but does not apply to children who are socially maladjusted unless it is determined they have an emotional disturbance.

Hearing Impairment and Deafness

"Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but is not included in the following definition for deafness.

"Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, adversely affecting a child's educational performance.

Mental Retardation/Intellectual Disability

Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period that adversely affects a child's educational performance.

Multiple Disabilities

Concomitant impairments (such as mental retardation/blindness, mental retardation/orthopedic impairment, etc.,) the combination of which causes such severe educational needs that the child cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blindness.

Orthopedic Impairment

A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., club foot, absence of some member, etc.) impairments caused by disease (poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations and fractures, or burns that cause contractures).

Other Health Impairment

Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems, such as asthma, attention deficit disorder, or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, tourettes syndrome, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and adversely affects a child's educational performance.

Specific Learning Disability

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to do mathematical calculations, or to listen, think, speak, read, write and spell. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia or developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation/intellectual disability, of emotional disturbance, or environmental, cultural, economic disadvantage, or limited English proficiency.

Speech or Language Impairment

A communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a child's educational performance.

Traumatic Brain Injury (TBI)

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychological behavior, physical functions, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

Visual Impairments/Blindness

Visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Young Child with a Developmental Delay

A child aged 3 through 5 who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who needs special education and related services.

A special note about ADD/ADHD

ADD (attention deficit disorder) and ADHD (attention deficit with hyperactivity disorder) are not listed as separate disability categories in the Reauthorization of the IDEA 2004; a child with such a diagnosis is not automatically eligible for special education services. Some children who have significant learning problems because of ADD or ADHD may meet the definition of Other Health Impaired described on a previous page or the criteria for one of the other disabilities. An evaluation, as required under IDEA, would be necessary to determine your child's specific disability.

Children with ADD or ADHD who do not meet the eligibility criteria of any of the disabilities in IDEA may be entitled to the services and legal protections described in Section 504 of the Rehabilitation Act of 1973. For more information about Section 504, contact the Office for Civil Rights, U.S. Department of Education at the address in the Resources section at the back of this booklet.

Special Education Placements

Early childhood placement options

Early childhood setting (EC)

Children with disabilities who receive all of their special education and related services in educational programs designed primarily for children without disabilities. No education or related services are provided in separate special education settings.

Early childhood special education setting (ECSE)

Children with disabilities who receive all of their special education and related services in educational programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings. No education or related services as designated by an IEP are provided in early childhood settings.

Home

Children with disabilities who receive all of their special education and related services in the principal residence of the child's family or caregivers.

Part-time EC/part-time ECSE setting

Children with disabilities who receive all of their special education and related services in multiple settings, such as (1) general and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and (2) special education and related services are provided in programs designed primarily for children with disabilities.

Residential facility

Children with disabilities who receive all of their special education and related services in publicly or privately operated residential schools or residential medical facilities on an inpatient basis.

Separate school

Children with disabilities who receive all of their special education and related services in educational programs in public or private day schools specifically for children with disabilities.

Itinerate service outside the home

Children with disabilities who receive all of their special education and related services at a school, hospital facility on an outpatient basis, or other location for a short period of time (i.e., no more than 3-hours per week). (This does not include children receiving services at home.) These services may be provided individually or to a small group of children.

Kindergarten-Grade 12 placement continuum

Inside the general education class 80 percent or more of the day

Students with disabilities who are inside the general education classroom for 80 percent or more of the school day.

Example: If your child has a 6-hour school day, he/she may spend about 1 hour and 15 minutes during his school day receiving special education and/or related services outside his general education classroom. (6 hours = 360 minutes x .80 = 288 minutes inside the regular class or about 72 minutes outside the regular classroom).

Inside the general education class no more than 79 percent of the day and no less than 40 percent of the day

Students with disabilities who are inside the general education classroom between 40 and 79 percent of the day.

Example: If your child has a 6-hour school day, he/she may spend between 2 hours and 25 minutes to 4 hours and 45 minutes receiving special education and/or related services outside the general education classroom. (6 hours = 360 minutes x .79/.40 = which would be not more than 284 minutes in the general education classroom but not less than 144 minutes in the general education classroom).

Inside the general education class less than 40 percent of day

Students with disabilities who are inside the general education classroom less than 40 percent of the school day.

(These are children who receive special education and related services outside the regular classroom for more than 60 percent of the school day.) This category does not include children who received education programs in public or private separate day or residential facilities. This category may apply to children placed in self contained special education classrooms with part-time instruction in a general education class; or self contained special education classrooms with full-time special education instruction on a regular school campus.

Example: If your child has a 6-hour school day he/she would spend more than 3 hours and 30 minutes receiving special education and related services outside his general education classroom (6 hours = 360 minutes x .40 = 144 minutes or less in the general classroom and 216 or more minutes in special education/related services).

Public separate school (day) facility

Children with disabilities who receive all of their special education and related services for greater than 50 percent of the school day in public separate facilities for children with disabilities.

Private separate school (day) facility

Children with disabilities who receive all of their special education and related services, at public expense, for greater than 50 percent of the school day in private separate facilities for children with disabilities.

Public residential facility

Children with disabilities who receive all of their special education and related services for greater than 50 percent of the school day in public residential facilities.

Private residential facility

Children with disabilities who receive all of their special education and related services, at public expense, for greater than 50 percent of the school day in private residential facilities.

Homebound/hospital

Children with disabilities who receive all of their special education and related services in hospital programs or homebound programs.

Resources

Missouri Department of Elementary and Secondary Education (DESE)

Division of Special Education ■ PO Box 480 ■ Jefferson City, MO 65102-0480
<http://www.dese.mo.gov/divspeced/>

Data Coordination, (573) 526-0299 — Collects data for analysis and reporting to support effective decision making at state and local level. Coordinates the Division's Web site.

Effective Practices, (573) 751-0187 — Assists schools in improving performance for all children and students through professional development activities.

Funds Management, (573) 751-0622 — Develops and implements an automated, integrated electronic financial accounting and payment system for all grants and contracts within special education. Processes all fiscal payments.

Special Education Compliance, (573) 751-0699 — Monitors school districts and other responsible agencies for implementation of IDEA. Investigates child complaints and provides technical assistance addressing compliance requirements and private agency approvals.

Relay Missouri 1-800-735-2966 (TDD)

More specific information on the following resources can be obtained from DESE or on the DESE Web site at <http://www.dese.mo.gov/divspeced/>.

Missouri Parents Act (MPACT)

Missouri's Parent Training and Information Center for parents of children with disabilities — provides parent training and information on special education issues, disability issues, menu of training available, individual assistance, volunteers, lending library, parent-to-parent support, Web site with links to important sites for families.

MPACT ■ 8301 State Line Road, Suite 204 ■ Kansas City, MO 64114

<http://www.ptimpact.com>

(816) 531-7070 ■ Toll-free: 1-800-743-7634

Missouri Protection and Advocacy

Provides advocacy and free legal services according to annual priorities.

925 S. Country Club Drive ■ Jefferson City, MO 65109

Toll-free: 1-800-392-8667

General information: mopasjc@earthlink.net *Webmaster:* webmaster@moadvocacy.org

Office for Civil Rights

Advises on issues related to Section 504 of the Rehabilitation Act of 1973.

10220 N. Executive Hills Blvd., 8th Floor ■ Kansas City, MO 64153-1367

<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

(816) 216-0550



Missouri Department of Elementary and Secondary Education

P.O. Box 480, Jefferson City, Missouri 65102-0480

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The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Inquiries related to Department programs may be directed to the Jefferson State Office Building, Title IX Coordinator, 5th Floor, 205 Jefferson Street, Jefferson City, MO 65102-0480; telephone number 573-751-4212.