# The Parent's Guide

# to Special Education in Missouri

**May 2018**

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION™

***Making decisions about a student's education is very important. We hope this guide is helpful to everyone who is involved with the education of students with disabilities and will help develop a true partnership between parents and teachers.***

This document was developed by the Compliance Section of the Office of Special Education (OSE) in the Missouri Department of Elementary and Secondary Education (DESE) in working with the Missouri Parents Act (MPACT).

OSE's services are mainly supported by federal money set aside by the Individuals with Disabilities Education Act (IDEA).

MPACT is the Missouri parent training center funded through IDEA and the parent partner of the OSE at DESE. Useful resources related to special education, parent support, and parent training are available from MPACT on its website http://www.missouriparentsact.org/, via email at info@missouriparentsact.org, or by phone at 800-743-7634.

This document is offered as a guide for the rules of special education and related services. If any part of this document conflicts with law or regulation, the law or regulation is treated as more important.

Please contact us if you have questions about information contained within this guide:

Phone: 573-751-0699
Relay Missouri: 800-735-2966
Fax: 573-751-3910
Email: secompliance@dese.mo.gov
Homepage: https://dese.mo.gov/special-education/compliance

If more copies are needed, readers are encouraged to duplicate current copies of the guide, as there is no copyright on the information. Readers may also download the guide from the web by using the homepage listed above. The format of the guide may be a little different on the version that is downloaded.

If you have needs included by the Americans with Disabilities Act (ADA) and need this information in a different format, call 573-751-0699 or Relay Missouri at 800-735-2966. Efforts will be made to help you with your needs.

# Table of Contents

**Introduction** **4**
**Effective and Informed Parents** **5**
**How Special Education Works in Missouri** **6**
Child Find: ... 6
Request for Initial Evaluation and Referral: ... 6
Review of Existing Data: ... 6
Evaluation: ... 7
Eligibility Determination: ... 7
The Individualized Education Program (IEP): ... 7
Reevaluation: ... 10
**The Evaluation Process** **12**
Request for a Special Education Evaluation and Referral: ... 12
Written Notice of Action and Consent: ... 12
Initial Evaluation: ... 13
Eligibility: ... 14
Reevaluation: ... 15
Review of Existing Data (RED): ... 15
Evaluations before Change in Eligibility: ... 16
Independent Educational Evaluations: ... 16
**Frequently Asked Questions Evaluation Process** **17**
**Individualized Education Program (IEP) Purpose of the IEP** **19**
IEP Meeting Notification: ... 20
IEP Team Members: ... 20
Excusal from the IEP Team Meeting ... 21
Your Attendance at the IEP Team Meeting: ... 21
Other Invited Participants at the IEP Team Meeting: ... 21
Timeframe for the IEP Team Meeting: ... 21
Changes to the IEP: ... 22
Content of the IEP: ... 22
Your Copies following the IEP Team Meeting: ... 23
**Frequently Asked Questions: Individualized Education Program (IEP)** **24**
**Parent and Student Rights** **26**
Definition of Parent: ... 26
Your Participation: ... 26
Procedural Safeguards Notice: ... 27
Parent Bill of Rights: ... 28
**Resolving Disputes** **29**
Facilitated IEP (FIEP): ... 30
Mediation: ... 30
Child Complaint Process: ... 31
Due Process: ... 32
**Requirements for Placement by Parents of Children in Private Schools at Public Expense** **33**
**Acronyms and Resources** **35**

# Introduction

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

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 said children with disabilities must receive FAPE in the least restrictive environment (LRE), or in other words, with children of all abilities. The law has been reauthorized six times, and this booklet contains the latest changes made by Congress in 2004.

Missouri House Bill 474 was first passed in 1973 authorizing special education. Laws that were passed later required states to provide special education services to meet the needs of all children with disabilities, ages 3 to 21, at no cost to parents. The Missouri State Plan for Special Education contains all rules outlining how public school districts and other agencies must provide special education services.

This guide provides 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 Notice for Children and Parents or access the safeguards at https://dese.mo.gov/special-education/compliance/procedural-safeguards.

***Almost 30 years of research and experience has shown the education of children with disabilities can be made more effective by strengthening the role and responsibility of parents and making sure families of those children have meaningful opportunities to participate in the education of their children at school and at home.***
**IDEA 2004**

# Effective and Informed Parents

You are your child's first teacher and only lifelong supporter. You are an expert on your child. You see your child function in all kinds of surroundings and conditions over the span of his or her childhood.

You and teachers work as partners to decide the most appropriate education for each child who is eligible for special education services. For you to be effective partners on this team, you must know the special education process. Research has shown that your participation in your child's education makes a difference. This guide is based on federal laws under Part B and Part C of IDEA and the way the laws are applied through the Missouri State Plan for Special Education. The purpose of this guide is to help you understand special education in Missouri for children ages 3 to 21.

The Missouri State Plan for Special Education under Part B of IDEA specifies the way that school districts identify, test, and serve all children with disabilities who live in the school district. This guide walks you through the steps in this process and tells you where to find more information and help to become a knowledgeable, effective parent who guides your child's education.

You and the school can work together for significant results. Schools cannot do it alone. You need to find ways to get involved in your child's learning. Studies show that when you are visible in the school building, your child does even better. Your views about school and learning are the most important element to your child's school success.

Ask your school about ways you can help your child at home. Opportunities for learning are available in everyday life. Find ways you can volunteer at the school, even if you are not able to during the school day. Most importantly, hold high expectations for your child and insist everyone else do the same. When your child receives special education services, encourage him or her to go beyond expectations. All children can learn and be successful.

# How Special Education Works in Missouri

Special education and related services are support services for children with disabilities. In order for your child to receive special education and related services, he or she must be found to have a disability *and* need specialized instruction. Once your child is found to have a disability *and* a need for specialized instruction, an Individualized Education Program (IEP) is developed. At that point, special education and related services can begin. This chapter and the flowchart on page 8 give a short summary of the steps in the special education process.

Child Find: School districts must identify, locate, and test all children with disabilities living in the district. This includes children who are homeless or are wards of the state; who attend private, church-run schools; or who are home-schooled and are in need of special education and related services. In order to do this, school districts conduct "Child Find" activities such as putting notices in local newspapers and on the district website, arranging for announcements on local radio and television stations, placing posters in school offices, and sending written information to parents.

Request for Initial Evaluation and Referral: School district staff (i.e. teacher, counselor, principal) may request that your child be tested to determine if he or she has a disability and if specialized instruction is needed. You can also request that your child be tested. Verbal requests are allowed, but we recommend that you make your request in writing.

The school district has 30 days to consider your request and decide if a disability is suspected. If no disability is suspected, the school district will provide you with a written statement called a Notice of Action (NOA) which explains the reason for declining to test your child. If a disability is suspected, the school district will review information about your child in a form called a Review of Existing Data (RED).

Review of Existing Data: The Review of Existing Data (RED) is done by a team of people who meet the requirements of an IEP team. An IEP team includes you and school staff, as appropriate. The RED may be done in a meeting or by discussing the ideas with the members of the team. Current information is gathered in the areas of health, motor skills, vision/hearing, speech/language, cognitive (thinking-related) skills, adaptive (social and practical) behavior, academic (study/learning) skills, social/emotional (relationship) behaviors, life after high school, and technology that helps people with disabilities. The team looks at all of the information and decides if other data is needed to make a decision about special education eligibility. You are given a written statement (Notice of Action) proposing to test all areas related to the possible disability. This Notice of Action must be given to you no later than 30 days from the date you requested the initial evaluation. The 30-day timeline may be extended for reasons such as snow days, child illness, summer breaks, or school holidays.

Evaluation: The Notice of Action (NOA) informs you that the school wants to test your child to help in deciding whether he or she is eligible to receive special education services. The testing must include enough information to identify all of your child's education needs, and the results must describe your child's abilities.

You will need to give written permission before testing can begin. The school must complete testing and hold a meeting with you within 60 calendar days of receiving your written permission. Timelines may be extended for acceptable reasons such as snow days, child illness, summer breaks, or school holidays.

The results of testing, including information from you and your child's teachers, are used to decide your child's eligibility for special education and related services and to make decisions about an educational program that meets the needs of your child. If you disagree with the results or conclusions of any part of the testing, you have the right to request an Independent Educational Evaluation (IEE) at no cost to you. You can request one IEE each time you disagree with the school district's evaluation results.

Eligibility Determination: You will meet with a team of qualified professionals to review the evaluation results within 60 days of the date you gave written permission for the special education testing. Eligibility has two parts:

- Your child is a "child with a disability" as defined by the Missouri State Plan for Special Education.
- Your child must need special education and related services.

If the team cannot agree on your child's eligibility, the district must make the final decision.. The school district must provide you with a written statement (the Notice of Action) describing the decision and the reason for it. A copy of the Evaluation Report, including the results, must be provided to you within a reasonable amount of time, usually not more than 20 days after the meeting. You may challenge the decision through a due process hearing. For more information, read about due process in "Resolving Disputes" in this guide or at the DESE website at https://dese.mo.gov/special-education/due-processchild-complaint.

The Individualized Education Program (IEP): If your child is eligible for special education under one of the categories as defined by IDEA and the Missouri State Plan, the IEP team must meet within 30 calendar days to develop an IEP. The IEP will be based on your child's unique needs. If your child participated in Missouri's First Steps Program, his or her eligibility must be decided and an IEP must be in place by your child's third birthday. If your child was referred to First Steps less than 90 days before his or her third birthday, the process for an Initial Evaluation is followed.

**IEP Team Meeting Notification:** The school district will schedule the IEP meeting and invite all IEP team members, including you, the parents. You must be told of the meeting early enough to make sure you will have an opportunity to attend. The IEP meeting notice must list the purpose of the meeting and who will attend, as well as the date, time, and location of the meeting.

The meeting notice also tells you that you and the school district may invite people to the IEP meeting that you believe have knowledge or expertise with your child. You or the district will decide if someone with special expertise or knowledge is needed as part of the IEP team.

For the first IEP for children who participated in First Steps, an invitation will be sent at your request to the First Steps service coordinator or the First Steps representative.

For the IEP that will be in effect at your child's 16th birthday, the IEP meeting notice must also include

- the purpose of the meeting to consider goals and services to prepare for life after high school;
- an invitation to the student; and
- identification of any agency representatives that have been invited.

The IEP meeting is to be scheduled at a time and place agreed to by you and the school district. If you cannot attend the IEP meeting, the district will attempt to reschedule the meeting or use other methods to make sure of your participation, including phone or teleconference calls. If you do not participate after attempts to schedule two separate meetings, the IEP team meeting may be held in your absence.

**IEP Team Meeting Participants:** School staff team members can serve in more than one role. A member of the IEP team can be excused from all or part of the meeting if you and the school agree in writing that the member does not need to come because the member's school course or related service is not being changed or discussed in the meeting. A member of the IEP team may be excused from all or part of the IEP meeting when the member's school course or related services is being discussed if you and the school give permission in writing and the team member submits written information in the development of the IEP before the meeting.

**Members of the IEP Team**

- You, the parent(s) of your child
- At least one general education teacher of your child
- At least one special education teacher of your child
- A representative of the school district
- At least one individual who can explain the results of testing
- Other people who have knowledge or expertise about your child, invited by either the parent or the agency
- Your child, whenever appropriate

**The IEP Team Meeting:** At the meeting, the IEP team will talk about your child's unique needs, develop goals, identify what services need to be given in order to meet the goals, and then decide on the best place for your child receive those services as close as possible to home.

When figuring out placement, the IEP team must think about whether your child can make progress in the general classroom with the use of additional aids and services and, if not, how your child is going to be included as much as possible.

The school district will provide you with a written Notice of Action that describes the team's decisions and reasoning for each. Before the school can begin special education and related services for your child for the first time, you must give written permission for those services. Services begin as soon as possible after the school receives your written permission.

The school district must put the IEP in place as it was written as soon as possible. You must be given a copy of the IEP within a reasonable amount of time following the IEP team meeting, usually no more than 20 days from the meeting date. Each of your child's teachers and service providers has access to a copy of the IEP and knows his or her responsibilities, including all accommodations, modifications, and supports needed for your child. The IEP is a tool for you and the district to make sure your child receives a free, appropriate, public education (FAPE).

If you do not agree with the IEP or placement, you should discuss your concerns with the IEP team at an IEP meeting. If your concerns cannot be settled, DESE will make a neutral, trained IEP facilitator or mediator available at no cost. Facilitators or mediators help in resolving disagreements when both you and the district agree to participate in the facilitated IEP meeting or mediation. For more information, see IEP Facilitation and Mediation in the "Resolving Disputes" section of this booklet.

**IEP Goal Progress Reporting:** Your child's IEP will describe how your child's progress toward the yearly IEP goals will be measured and when you will receive occasional reports on your child's progress toward meeting goals.

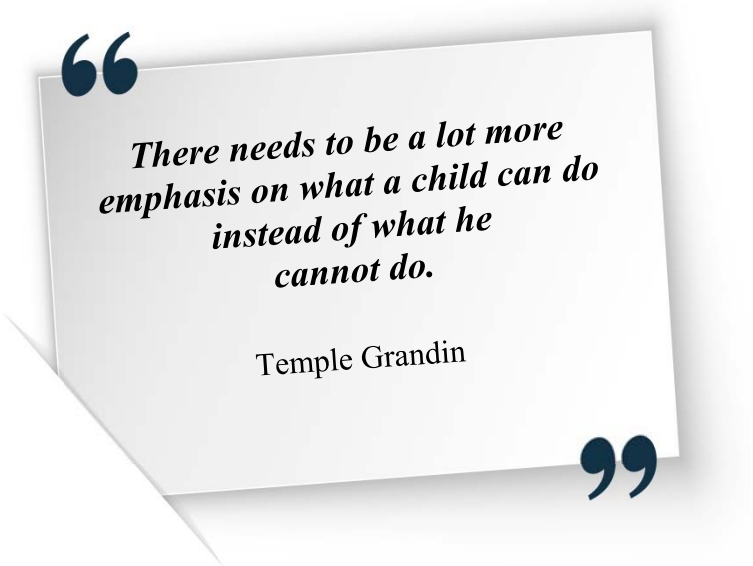
**IEP Amendments:** Changes to the IEP may be made by amending the IEP rather than by redoing the whole IEP. An IEP amendment can be made by either the entire IEP team at an IEP meeting or by agreement between the parent and school district staff. If the change is made without a meeting, then both the parent and the district must agree to the changes made to the IEP. If changes to the IEP are made, it is the district's responsibility to make sure all IEP team members are notified of the changes. Upon request, you will be given a revised copy of the IEP that includes any amendments.

**The Annual IEP Review:** The IEP team must review and revise your child's IEP at least once a year to decide whether the yearly goals are being met. The IEP can be reviewed and changed more often if you or school staff asks for a review.

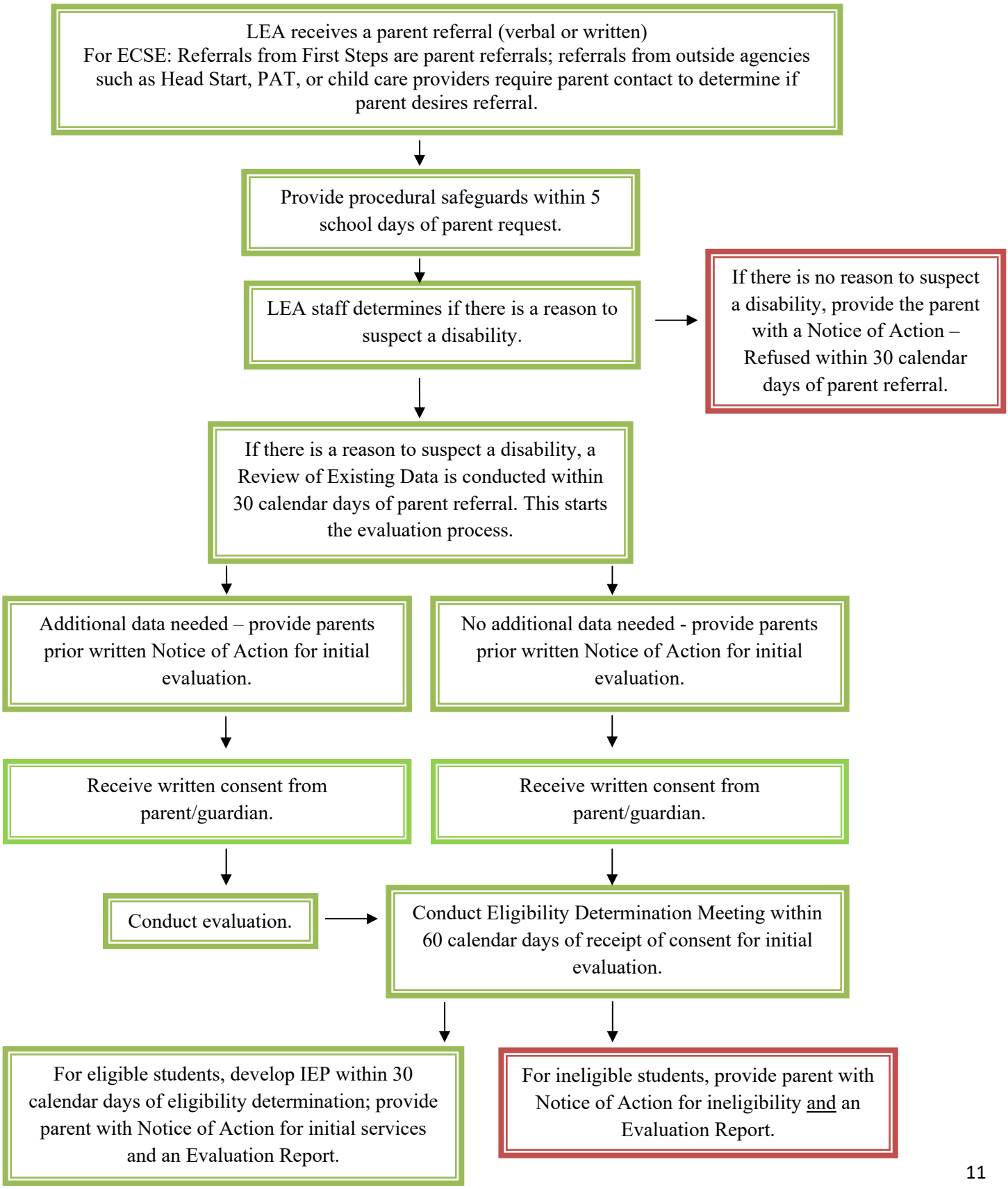
The IEP review looks at any lack of progress toward your child's yearly goals or in general education courses, the results of any reevaluation, information about your child, your child's expected needs, or other matters. You can make suggestions for changes, agree or disagree with the IEP goals and services, and agree or disagree with where your child receives special education and related services. You should discuss your concerns at the IEP meeting and try to work out an agreement. Based on the IEP meeting outcome, the school district must give you written notice, NOA, of any proposal or refusal to change identification, testing, placement, or the way a free appropriate public education (FAPE) is provided.

If you agree with the IEP and the services and placement listed on the NOA, you may give up the 10-day waiting period and allow the change to happen right away. If you do not agree with the IEP and the services and placement described in the written notice, you must file due process within 10 days of the date of the written notice to keep the change from taking place.

Reevaluation: At least once every three years your child will be reevaluated to decide whether he or she remains eligible to receive specialized education. This reevaluation may or may not include testing of your child. The IEP team may agree that your child still qualifies as a child with a disability following a review of existing data. If you believe more testing is needed in order to help decide whether your child's educational needs are being met, you should make a request in writing to your child's IEP team.



## Initial Evaluation Process – PARENT REFERRAL Flow Chart



# The Evaluation Process

Request for a Special Education Evaluation and Referral: The Individuals with Disabilities Education Act (IDEA) requires an evaluation of your child be done in order to see if your child is a child with a disability. Before special education services are ever given, a team has decided your child is a child with a disability. There are three different ways a child could be referred for an evaluation:

1. By school district personnel when various general education strategies indicate your child may have a disability
2. By the parents who formally request an initial evaluation
3. By a First Steps referral when a child is about to reach age 3 and will need to change to the school-based early childhood special education program

Within five days of the request for a special education referral, you must be given a copy of the Procedural Safeguards Notice which explains your rights under IDEA. The Procedural Safeguards Notice must be given to you in your native language. If your language is not a written language (such as sign language), the school must make sure that you understand the Parent Rights information. The Procedural Safeguards Notice is available in a variety of languages on the DESE website at https://dese.mo.gov/special-education/compliance/procedural-safeguards.

Written Notice of Action and Consent: The school district must provide you with prior written notice (Notice of Action) and ask for written permission from you before an evaluation can be done. The written notice may be mailed or personally delivered to you. Also, you may choose to receive the notice by email if the school makes that option available. The request for permission to conduct the evaluation must tell you what you are giving permission to have done. When you give permission for an evaluation, you are not giving permission for placement to receive special education and related services.

The prior written notice for evaluation and request to evaluate must

1. provide a description of the reasons they are requesting an initial evaluation and any important factors;
2. clearly describe the kinds of tests, records, or reports to be used as part of the evaluation;
3. give a description of other options considered and the reason why those options were rejected;

4. inform you that you are protected by the procedural safeguards found in the Procedural Safeguards Notice and how you can get a copy; and
5. give you useful contacts for help in understanding your rights.

If you give written permission for the evaluation, the school may start the evaluation immediately. If you have not given permission for the evaluation, the school should try to contact you to explain the need for the evaluation and answer any questions you may have. If you still refuse to give permission for the evaluation, the school can either (1) accept your decision or (2) ask for mediation or a due process hearing. The school should keep records of contacts and meetings with you.

If you refuse to give permission and the school decides it needs to do the evaluation, the school may ask you if you want to participate in mediation. Mediation is something you may choose to do, but is not required for both you and the school. There is no cost because mediation is paid for by DESE. Mediation may not be used to deny or delay your right to a due process hearing or to deny any other rights. Mediation has been found to be an informal and positive way to resolve issues. Discussions during mediation are confidential and may not be used in later due process hearings or legal actions.

If you request an evaluation and the school decides the evaluation is not necessary, the school will provide written notice to you. This written notice must be given to you within 30 calendar days of the date the school received your request. If you disagree with the school's decision that the evaluation is not necessary, you may request mediation or a due process hearing.

Sometimes, a school may have to get permission for an initial evaluation from someone other than a parent of the child. For example, when a parent's rights have ended by a judge in court or the parents cannot be found, an educational surrogate, or substitute, must be selected to make decisions about education for that child. Another example is, a judge may assign a person other than the parent to make educational decisions for the child. In cases like these, the school must get permission from that person before conducting an evaluation.

Initial Evaluation: In doing an initial evaluation, the school will use different testing tools and approaches to gather information about all areas of your child's life, both at school and at home, so your information is important. No one approach or test will be used as the only basis for making a final decision about the educational program for a child. The results of the evaluation will use proven and thorough tests that give information on intellect, behavior, and physical growth.

An initial evaluation has to be completed within 60 days of the date the school receives written permission from you. This time may be extended for reasons like snow days, child illness, summer breaks, or school holidays. If your child transfers from one school district to another during the evaluation, you and the school should agree on a reasonable time for the

completion of the evaluation. A school should not be held to the timeline if you do not, or refuse to, make your child available.

The evaluation team will use different tools and strategies including record reviews, interviews, observations, tests, and the child's response to research-based approaches. All areas where a disability is in question will be reviewed by staff that is trained and knowledgeable. The purpose is to get educational, functional, and developmental information, including information from you which helps determine if your child is eligible for special education services.

Some of this information becomes a part of the child's Individualized Education Program (IEP), including information about the present levels of your child's performance, and how the child will be involved in the general education classroom. For preschool children, this means how they can participate in activities with other children their age.

The team will review all the information they have about the student. The team may decide they have enough information without conducting additional testing. In this case, the school will provide a written notice to let you know they have enough information and will not need to do any additional tests. You can still ask for additional testing to be done if you think it is needed to determine eligibility and the educational needs of your child.

Eligibility: After testing is completed, the team meets to decide if the results show the child is eligible for special education services. No one, single measure can be used as the only thing to decide if a child is eligible. For example, an Intelligence Quotient (IQ) test score cannot be the only information used to determine a child is a child with a disability.

You are to be included in the team making the decision. You may attend the meeting or have your opinions given by another person or team member. You are given a copy of the evaluation report and the eligibility decision.

Under Missouri special education law, a child is eligible for special education and related services if the child meets **both** of the following criteria:

1. Meets the requirements of at least one disability category noted below
    - Autism
    - Deaf/Blind
    - Emotional Disturbance
    - Hearing Impairment and Deafness
    - Intellectual Disabilities
    - Multiple Disability
    - Orthopedic Impairment
    - Other Health Impairment
    - Specific Learning Disability
    - Language Impairment
    - Sound System Disorder (Articulation and Phonology)
    - Speech - Fluency
    - Speech - Voice
    - Traumatic Brain Injury

- Visual Impairment/Blindness
- Young Child with a Developmental Delay

2. Is in need of special education and related services as a result of the identified disability

It is important to remember that if the evaluation results show the child is a child with a disability, the team must also decide if the child needs special education services. A child may be a child with disabilities and may not need special education services, but the child may still need some special help. In cases like these, your child may have their needs met through having the instruction delivered in a slightly different way by the classroom teacher. If the child has a disability as defined by Section 504 of the Rehabilitation Act of 1973, the child may need accommodations in the general education class as described in an Accommodation Plan. This is referred to as a child having a "504 Plan."

A team made up of you and school employees makes the decision about a child being eligible. No one person can decide if the child is eligible for special education services. If the child's learning difficulties are from a lack of instruction in reading or math, or because of limited English ability, the child is not eligible for special education services. In these situations, the team should suggest other services or programs that may help the child.

Reevaluation: A child is reevaluated at least once every three years unless you and the school district agree it is not necessary. A reevaluation may be done any time the school district believes the needs of a child should be reevaluated or when you or a teacher request a reevaluation. A reevaluation may not happen more than once a year unless you and the school agree it is needed.

The school gives you the same written notice for an initial evaluation and asks for your written permission before doing any evaluation. If the school tries several times to get the written permission and you do not respond, the school can go ahead with the reevaluation. If you refuse to give permission for a reevaluation, the reevaluation will not be done unless the school requests mediation or due process to get to an agreement. The school documents the different ways they tried to reach you, such as phone calls, personal visits, mail, etc. The process and requirements for a reevaluation are the same as for an initial evaluation.

Review of Existing Data (RED): As part of the first evaluation and any reevaluation, the IEP team and other qualified school staff will look at information that is already available, including previous tests, information from you, current classroom testing, and observations from teachers and other school staff. The team identifies what other information is needed to decide

- if the child has a disability as described in IDEA and the Missouri State Plan;
- if the child needs special education and related services; and
- how the child has moved through school and life.

The team may decide that it has enough information for the reevaluation without doing more testing. In this case, the team will give a written notice to you requesting to conduct a reevaluation, but there is enough information for the reevaluation and no testing will need to be done. You may still request tests be done if you think it is necessary to decide upon the needs of the child.

Evaluations before Change in Eligibility: The school district must reevaluate a student with a disability before deciding the student no longer needs special education services. For example, a child may have met the goals on the IEP and be doing well in the general education classroom. There may be no more need for special education services, but to be sure, the team reevaluates. A reevaluation is not needed when special education services end due to graduation from high school with a diploma or because the child has reached the age of 21.

Independent Educational Evaluations: As the parent(s) of a child with a disability, you may get an independent outside educational evaluation of your child at your own expense at any time and may choose to share the results with the school district. You may request an independent educational evaluation (IEE) at school expense any time you disagree with the results of testing done by the school.

When you ask for an IEE at school expense, the school must either 1) provide you with information about how to get the IEE or 2) begin a due process hearing to show the school district's testing is correct. If a due process decision is that the school's testing is correct, you still have a right to an independent evaluation, but the school does not have to pay for it.

When an IEE is done, the same things that are required of testing done by school staff must be followed. The people who do the evaluation must meet the same qualifications as the school's evaluators.

The results of any IEE must be considered by the school or administrative hearing commissioner, or both, in decisions made about your child's special education services.

> ***If a child cannot learn in the way we teach…we must teach in the way the child can learn.***
>
> Ivar Lovaas

# Frequently Asked Questions Evaluation Process

**How do you make a referral/request for an initial (first) evaluation?**
Each school district has a way to make a referral for an initial evaluation. This information is available to you and school staff. You can contact the school office or the teacher for this information. A request can be made by you either in writing or by speaking to a school official.

A referral can also be made by the school staff when screening, intervention, or observation point out that a child may need special education services in order to make progress at school. Before age 3, a referral from the First Steps program is considered a parent referral for testing.

**What can school staff do to be sure evaluations do not discriminate?**
All testing procedures must be done in the language the child uses or in the way the child communicates with others. For example, if a child is from a home where English is not used, school staff decides what language the child understands the best. That is the language they use during testing. Each test and any other materials are to be given in the language most likely to provide correct information on what the child knows and can do based on how a child has developed over time and how he or she functions at home and school.

Testing or receiving special education services cannot be delayed because the child cannot communicate in English. Also, a child cannot be identified as a child with a disability because of limited ability to speak English.

**What are the qualifications of the people doing the evaluation?**
All tests that are part of the evaluation must be given by a professional qualified to give and explain the results of that test or tests.

**What is required to be part of the initial evaluation?**
The testing must provide enough information to decide if your child is eligible for special education and then develop an IEP for that child. There must also be information that helps the child make progress in general education classes, or for preschool children, to participate in activities with other students their age.

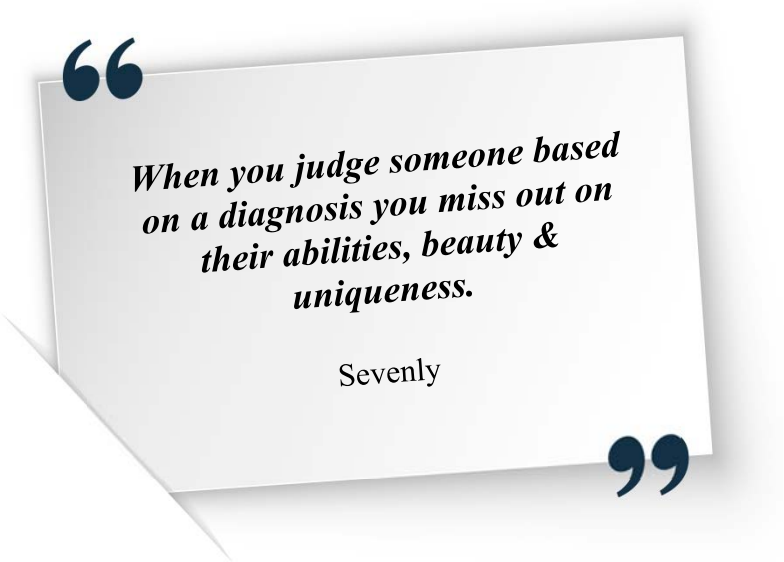
Students should be tested in all areas of concern. The team must test the learning, behavior, physical, and developmental areas when these are areas of concern. The team must use a variety of tools and strategies to gather functional, developmental, and school information, including tests, observations, review of records, and interviews with you and others who know about the student.

**What is the timeline for an initial (first) evaluation?**
Each evaluation must be done within 60 days of the date the school received written permission to conduct testing. There are some extensions to the 60-day timeline including snow days, student illness, summer break, and school district vacation days.

**What if a student is not eligible for special education services?**
If a child is tested and does not qualify for special education services, some other kinds of help may be needed. The school district's child improvement team may need to be used again to consider other resources or find out if the child is eligible for an Accommodation Plan under Section 504 of the Rehabilitation Act.

**What if a student transfers to another school district during the initial evaluation?**
The two school districts should share information and be sure the evaluation is completed as soon as possible. The new school will make sure the evaluation is completed quickly. The school and parent should agree on a timeline for completing the evaluation.

**Why would you agree to not have a three-year reevaluation?**
You may agree to not do a three-year reevaluation if your child has been receiving special education services for many years or if there is enough information to decide on the educational needs of the child and the child continues to need special education services. Once a year, the IEP team will review data of the child's progress in meeting the measurable annual goals.



# Individualized Education Program (IEP) Purpose of the IEP

Many people have called the IEP the most important part of IDEA. The IEP is individualized so it is designed for one particular child. It must be educational; so it makes sure the student receives FAPE. It is also a program or a plan for the child's success in learning and for his or her future.

You, as the parents of a child with a disability, are expected to be equal partners with school personnel in developing, reviewing, and revising the IEP for your child. This is an active role in which you

- provide important information about the strengths of your child and express your concerns for improving the education of your child;
- take part in discussions about the child's need for special education and related services and additional aids and services; and
- join with the other people in deciding how the child will be involved and move ahead in the school classes, how your child will participate in state and districtwide tests, and what services the school will provide to the child and in what setting.

The IEP lays out how the child will get FAPE in the most inclusive setting. Other parts of the IEP

- describe the child's school achievement and functional performance;
- describe how the child will be included in general education classes;
- establish yearly goals for the child and describe how those goals will be measured;
- state what special education and related services are needed by the child;
- describe how the child will be included in state and districtwide tests, including the use of alternate testing; and
- determine what accommodations and/or modifications would be recommended for the child's instruction and tests.

IEP Meeting Notification: The school must schedule an IEP meeting at least once a year. You are to be informed in writing at least 10 days before the date of the IEP meeting. The written notice should tell you

- the purpose of the meeting;
- the proposed meeting date, time, and place it will be held; and
- the names and/or specific jobs of the people who are invited to attend the meeting.

The meeting should be held at a date, time, and place agreeable to both you and school staff. If you ask for or agree to meet on an earlier date, the meeting can be held sooner than the 10-day advance notice requirement. You may ask to have the meeting at a different date, time, and place, or to participate in the meeting through a conference call, video conference, or other ways.

IEP Team Members: It is important that certain people attend as part of the IEP team. Those that are marked with an asterisk (*) are required members:

- You, the parents* (or educational decision maker)
- At least one of the child's general education teachers*, if the child is or may be participating in the general education classroom
- At least one of the child's special education teachers* or special education providers
- Someone who can interpret how test results effect teaching the child*;
- A representative of the school district* who
    - can supervise specially designed instruction to meet the needs of child with learning differences
    - knows about the school courses
    - knows about the school's resources
- Others who have knowledge or special expertise about the child, including related services personnel, when invited by you or the district
- The child at age 16, or earlier, if appropriate

If your child has been in First Steps, you may ask that an invitation be sent to a representative of that program.

If one of the purposes of the IEP meeting for a child age 16 or younger is to talk about the goals for the child after high school and the transition services needed to help the child reach those goals, the following people must be invited:

- The child (If the child does not attend the IEP meeting, the school should be sure the child's job choices and interests are considered.)
- A person from any agency likely to provide or pay for transition services

Excusal from the IEP Team Meeting: A member of the IEP team can be excused from all or part of the meeting if you and the school agree in writing that the member does not need to come because the member's school course or related service is not being changed or discussed in the meeting.

A member of the IEP team may be excused from all or part of the IEP meeting when the member's school course or related services is being discussed if you and the school give permission in writing and the team member submits written information in the development of the IEP before the meeting.

Your Attendance at the IEP Team Meeting: It is important that you are involved in the development of the IEP for your child, and every effort should be made to have you attend the IEP meeting. If you cannot attend, you may be part of the meeting by use of a phone call, video conferencing, or other ways. However, the IEP meeting can be held without you if the school shows they tried but were unable to contact you, or you did not want to attend the meeting. Detailed records will be kept showing the date, time, and person making telephone calls, visits to the home, written notices, and other attempts to reach you.

Other Invited Participants at the IEP Team Meeting: If you wish, you or the child may invite others to attend the IEP meeting. You may invite people you know who can provide useful information about your child, such as an advocate or relatives. If you invite people who charge a fee for their time, the school does not have to pay the fee. You must inform the school district if you intend to have a lawyer attend the IEP team meeting with you just as the school district must inform you of all people invited to attend the IEP team meeting, including any lawyer, in the IEP Team Meeting Notification.

The school district must obtain written permission from you in order to share confidential information about your child with the people you have invited to the IEP team meeting.

Timeframe for the IEP Team Meeting: The meeting to develop a child's first IEP must be held within 30 calendar days after the team decides the child is eligible for special education services. After that, IEP meetings must be held at least once a year to review the child's current IEP and revise it as needed. You or staff can ask for an IEP meeting any time during the school year if you feel there is a need for changes or discussion.

The length of an IEP team meeting can vary, based upon what needs to be discussed. On average, an IEP team meeting usually takes thirty minutes to one hour. The first (initial) IEP meeting and meetings where transition issues are discussed may require extra time.

Changes to the IEP: Changes made to the IEP after the yearly review may be made by all of the team members. If the school and you agree, the changes can be made by an agreement between a school district representative and you. The school will give you a written notice of any changes made to the IEP and get permission from you if the changes affect your child's identification, testing, placement, or provision of his or her free appropriate public education. You may ask for a copy of the changed IEP. Changes made after the yearly review do not change the annual IEP date.

Content of the IEP: At an IEP meeting, you, the child if appropriate, and the school staff meet as a team to decide together

- how the child learns best and the learning needs of the child;
- your concerns for the child to receive a good education;
- the results of the testing;
- the school, development, and functional needs of the child; and
- services that will be provided to meet the child's needs.

When revising an IEP, the team will also think about the yearly goals being achieved. The team also updates the IEP to address

- lack of progress toward the yearly goals and in school classes;
- the results of any testing;
- information given by you;
- the child's expected needs; and
- other matters, as needed.

The IEP document must include a description of the how the child functions and progresses at school. This is called "Present Level of Academic Achievement and Functional Performance" (PLAAFP). This is a "snapshot" of the child's current performance and includes your concerns for improving the education of the child. The school district does not have to include word for word your concerns but must include a summary of any written concerns shared by you.

Based upon the PLAAFP, the IEP team must develop yearly goals for the child. These goals must be clearly stated, measureable, able to be reached, based on results, and timebound within the yearly IEP cycle. For children taking the alternate testing (MAP-A), the yearly goal(s) must also have short-term goals or benchmarks to show progress toward the annual goal.

Based upon the yearly goal(s), the IEP team must decide the specific special education and related services the child needs in order to accomplish the goal(s). Every service must relate to an IEP goal. The IEP team must also think about whether supplementary aids/services are needed for the child to take general education classes.

Every service listed in the IEP must state how often the service will be provided (e.g. minutes per week), the location where the service will be provided (e.g. special education or general education setting), and the time period of the service (e.g. the annual IEP cycle).

Based on the special education and related services, the IEP team must then decide the placement where the services will be given. These services must be given in the school's most inclusive setting and the IEP team will need to consider a full range of options including general education settings, special education settings, and more restrictive placements outside of the school district until the right placement option is decided for the individual child.

The IEP will also include a description of the following:

- any special factors that may affect the child's educational program like vision, hearing, and/or behavioral concerns;
- the child's participation in state and districtwide tests;
- the need for extended school year services for the child;
- any specific assistance that must be made in the general education setting to support the child's disability;
- after-high-school options and a transition plan for children age 16 (or younger if appropriate); and
- the reporting of student progress toward meeting the annual goals, when goals will be measured, and when reports on the progress will be provided to you.

Your Copies following the IEP Team Meeting: As a member of the IEP team, you probably will be asked to sign the IEP to show you were at the meeting. The school district must provide a copy of the IEP to you within a reasonable amount of time following the IEP team meeting. In Missouri, 20 calendar days is considered a reasonable amount of time for the IEP to be provided to you.

The school district must provide you with a written Notice of Action proposing or refusing to make changes to the IEP when the changes affect the provision of FAPE or placement. The IEP should be put in place as soon as possible following the IEP team meeting or within 10 calendar days of any written notice to you.

# Frequently Asked Questions: Individualized Education Program (IEP)

**How can parents be involved in the IEP meeting when they work during the day?**
The school district should make every effort to have you attend the IEP team meeting. Meetings can be held at a time fitting for you, such as before you go to work in the morning or during lunch time. If you cannot attend the IEP meeting, you may participate by telephone or video conference.

**What if the parents do not speak English?**
In order to help you understand what is being proposed for your child during the IEP meeting, the school should provide a translator for you if you do not speak English.

**Where do we get the information to describe the student's present level of academic achievement and functional performance?**
Information is gathered from a variety of sources. The general education teacher reports on approaches and ideas used in the classroom setting. Specific instances and data are shared by the special education teacher(s) and related services staff who work with the child during the school year. You will have observations and opinions about the child to share. Information can also come from the most recent testing of the child and include formal and informal tests of child performance, observations of child behavior at home and school, student work samples, and any other input from you or teachers that is important.

**What should the IEP team think about when it decides how the student will participate in state or districtwide tests?**
The IEP team decides if the child can participate in the Missouri Assessment Program's statewide or districtwide tests or whether the child is eligible to take alternate testing for children with the most significant intellectual disabilities. For children to be eligible for the alternate assessment, the IEP team must describe the following

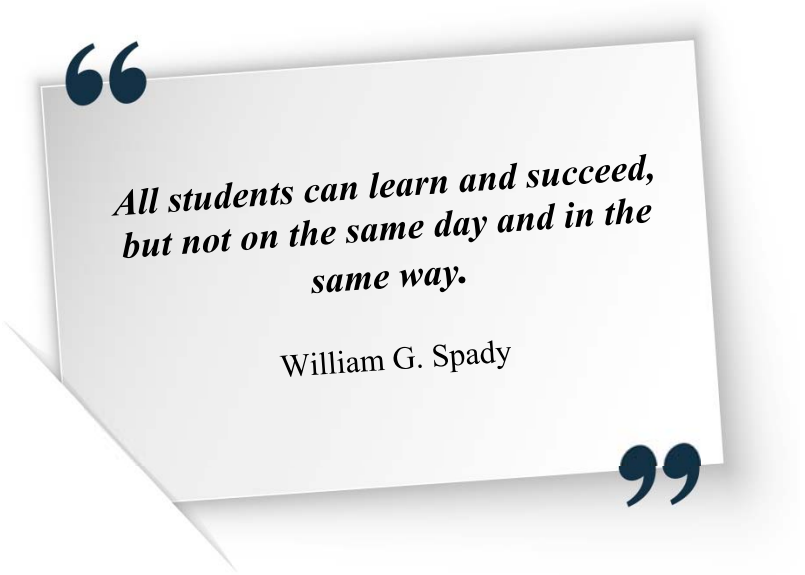
- the child's most significant intellectual disabilities and limited adaptive skills;
- how the most significant intellectual disability impacts access to the general education classes and requires specialized instruction;
- how the most significant intellectual disability influences the child's after high school outcomes;
- any other factors that say your child is not participating in the general statewide assessment due to your child's most significant cognitive disabilities and not excessive absence, visual/auditory disabilities, or social cultural, language, or economic differences.

**What if the student/family transfers to another school district during the school year?**
The new school gets copies of the records from the old school as soon as possible. The new school provides the services on the IEP or services as near as possible until the new IEP team can meet to review the current IEP and accept it as it is written or develop and carry out a new IEP that better meets the child's needs. The school may ask you for permission to conduct testing.

**How are the parent's concerns included in the IEP?**
The IEP team will ask for and discuss any concerns or information you may have about the child's learning needs. This discussion may help the team decide what should be included in the plan and to see what the teacher can do to help the child to learn and make progress in meeting the IEP goals. Your concerns for improving the education of your child will be included in the IEP.

**Does Least Restrictive Environment (LRE) apply to preschool?**
Yes, LRE requirements apply to children receiving early childhood special education services. Some schools in Missouri offer preschool for all 3-and 4-year-old children without disabilities, but most do not. The team should think about where the child would be if the child did not have a disability. Some settings for LRE for preschool are

- Head Start,
- community preschool,
- child care,
- home; and
- play groups.



# Parent and Student Rights

You and your child have many rights under IDEA. It is important you and your child understand your rights, and it is the responsibility of the school to provide you with written information about your rights in understandable language. You also have a responsibility to take part in the education of your child through the participation in meetings about your child and by providing permission to allow the school to provide the support and services you and the school agree are necessary for your child to be successful.

Definition of Parent: IDEA allows for many people to satisfy the role of parent. School staff must decide the appropriate person(s) to make educational decisions for the child and may request paperwork to prove the role/label. Those people are to receive written notices, give permission, file formal complaints, request mediation, file due process, give or refuse to give permission for release of records, and all other requirements.

In Missouri, the definition of "parent" is

- a biological, adoptive, or foster parent of a child;
- a guardian generally authorized to make educational decisions for the child (but not the state if the child is a ward of the state);
- a person acting in place of the biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives;
- an individual who is legally responsible for the child's welfare; or
- an educational surrogate who has been appointed by either the state or the courts.

When more than one person meets the definition of parent, the biological parent shall fill the role unless a court has appointed an educational guardian to make educational decisions for the child.

Your Participation: You are to be included as members of any decision-making team for your child, including decisions about eligibility, initial evaluation or reevaluation, development of an IEP for the provision of a FAPE, and educational placement. This does not include informal or unscheduled meetings involving school staff, meetings on issues like teaching methods, lesson plans, or coordination of services if those issues are not talked about in the child's IEP. A meeting does not include the preparation of a proposal or response to a parent proposal that will be discussed at a later meeting.

If you cannot be present in a meeting about educational decisions for your child, the school must use other methods to make sure of your participation. These methods could include individual telephone calls or video conferencing. If the school cannot reach you, or if the school cannot convince you that you should come to the meeting, the meeting can be held without you, but the school must document at least two attempts by two methods to reach you.

Your involvement in all decisions about your child will help result in services that are designed to meet the specific needs of your child as well as developing a team approach with the school. The input you give to the process is important because you safeguard the educational success of the child.

Procedural Safeguards Notice: The Procedural Safeguards Notice provides a means of making sure the child with a disability has a way to receive a FAPE. The Procedural Safeguards Notice gives you an opportunity to understand your rights, the rights of your child, and the procedures for resolving differences. Hopefully, this document helps to facilitate communication between you and school personnel.

The Procedural Safeguards Notice outlines all of the rights and safeguards available to you, as the parent of a child with a disability, as well as children who are their own decision makers. A copy of the Procedural Safeguards Notice must be given to you at least one time per year. A copy of the Procedural Safeguards Notice must also be given upon

- initial referral or your request for testing;
- receipt of the first request for a due process hearing;
- disciplinary removal of a child from school that would mean a change of placement; and
- when you request a copy.

> ***Every child deserves a champion - an adult who will never give up on them, who understands the power of connection and insists that they become the best that they can possibly be.***
>
> Rita F. Pierson

The Procedural Safeguards Notice must be written in language understandable to the general public and provided in your native language or in another mode of communication used by you (like Braille or sign-language), unless it is clearly not possible to do so. If necessary, the school will translate the notice orally or by other means so you understand the content of the written notice. You may choose to receive written notices by email if the school makes that option available.

If you would like a more detailed explanation of the rights included in the Procedural Safeguards Notice, you can contact the principal at your child's school, a school administrator, the local special education director, or the Office of Special Education at the Missouri Department of Elementary and Secondary Education at 573-751-0699. Copies of these rights in English, Spanish, American Sign Language, Braille, and other languages are available at https://dese.mo.gov/special-education/compliance/procedural-safeguards or by calling 573-751-0699.

Parent Bill of Rights: The Office of Special Education at the Missouri Department of Elementary and Secondary Education developed a Parents' Bill of Rights in 2009 according to Section 161.850, RSMo. School districts must provide the Bill of Rights to you when your child is determined to be eligible for special education services, or the initial (first) Individualized Education Program (IEP) is developed and the Procedural Safeguards Notice is provided to you.

Copies of these rights in English, Spanish, American Sign Language, Braille, and other languages are available at https://dese.mo.gov/special-education/compliance/parents-bill-rights or by calling 573-751-0699.

# Resolving Disputes

Special education laws and rules include many important rights for you, the parent of a child with a disability. Among these is the right to be a part of the team of people who will develop an IEP for your child. As part of your child's IEP team, you have the opportunity to

- provide input to the IEP team;
- make proposals about services and placement;
- give or withhold permission when the team proposes an initial testing, initial services, or a reevaluation with additional testing; and
- give up the 10-day waiting period if in agreement or file for due process when
- disagreeing with the school district's proposal or refusal for a change in services, placement, or providing the student with a free and appropriate public education.

This process for developing a child's IEP sometimes includes an energetic, back-and-forth conversation, which can lead to disagreements among team members. At times, these disagreements may become intense and result in deep frustrations, misunderstandings, and hard feelings on the part of all involved.

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 the school principal or any of the special education or related services personnel working with your child. The director of special education or the superintendent may also be available to meet with you about 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 staff, you may call the Department of Elementary and Secondary Education's Office of Special Education Compliance Section, at 573-751-0699 for help. A Special Education Compliance Section 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) at 800-743-7634, or Missouri's Protection and Advocacy organization at 800-392-8667 for help.

However, when many attempts have been made to resolve disagreements without success, you should know that other options are available to help you resolve special education disagreements. In Missouri, there are several options available to help resolve disputes between you and the school district. These include the Facilitated IEP (FIEP) process, mediation before filing a formal complaint, the formal child complaint investigation process, and participating in a formal due process hearing before an administrative law judge.

Facilitated IEP (FIEP): You and school district staff may agree to participate in a facilitated IEP team meeting when both parties agree it would be beneficial. A neutral IEP facilitator helps to create an environment in which the team members can listen to one another's points of view. The neutral IEP facilitator's role is to assist the team to build agreement in developing an IEP that meets the child's needs. This process is designed to be used when there is a sense from either of the parties that the issues at the IEP meeting may lead to disagreement or create an uncomfortable climate. While facilitation is helpful when there is special education disagreement, a facilitated IEP meeting is available any time you and the school district agree it would be helpful. IEP facilitation is provided at no cost for IDEA-related cases and is requested through the Missouri Department of Elementary and Secondary Education's Office of Special Education. Additional information is available at https://dese.mo.gov/special-education/compliance/facilitated-individualized-education-program-fiep.

Mediation: Mediation is a structured, yet informal, voluntary process in which an impartial third party mediator helps you and the school resolve conflict. Mediation builds positive working relationships, encourages mutual understanding, and helps you and the school focus on your common interest – the child. The meetings are confidential and are offered at no cost to you or the school district.

Mediation can occur before filing a formal complaint or at any time during the child complaint investigation or due process procedures. Participating in mediation can be helpful to both parties for the following reasons:

- Can be used to resolve disagreements about the identification, testing, educational placement, or related services for children with disabilities
- Clears up areas of agreement and disagreement
- Helps to develop better relationships between you and the school
- Is offered free of charge to parties when DESE receives a request for mediation raising an issue under the Individuals with Disabilities Education Act (IDEA); and
- Allows for a lay advocate, although no lawyer may participate or attend for any party

When both parties decide to mediate, they choose a mediator from DESE's list of approved mediators. The chosen mediator will need to agree to take the case. One of the parties informs DESE which mediator has been selected, and DESE confirms the appointment. Mediation cannot move forward until the appointment letter is issued by DESE. This confirms DESE will pay for the mediation services. The mediator will tell the parties of the time, date, and location of the appointment.

You and school staff are involved in the mediation process, which is designed to encourage you and the school to work together in a partnership to resolve differences. The process is an alternative to an expensive and stressful due process hearing or formal complaint. A successful mediation results in a signed agreement from both parties describing a plan to resolve the disagreement. If mediation is not successful, you may choose to go ahead with the more formal dispute resolution options.

More information about mediation is available at https://dese.mo.gov/sites/default/files/se-dp-mediation-booklet-finalized-2009-updated-august-2019.pdf

Child Complaint Process: Any individual or organization may file a child complaint with the Office of Special Education at DESE if they believe that a local school district is not following the requirements of special education laws and regulations. If you believe 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.

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

Your letter should discuss the possible violation with as much detail as you can provide. Include your child's name, your name, your mailing address, daytime phone number, and the name of your child's school district. You may want to include copies of any documents or evidence about your concern(s). You will have other chances to provide additional information during the investigation process. If known, you should also suggest a resolution to the conflict. The child complaint form is available on DESE's website at https://dese.mo.gov/special-education/compliance/due-processchild-complaint/due-processchild-complaint-forms.

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. You and the district will also be made aware that mediation provided by the Office of Special Education (OSE) may be requested at any time during the investigation of the child complaint. Both you and the district must agree to mediate and agree to the mediator's decision.

OSE will look into the complaint, and the OSE assistant commissioner will issue the findings and a decision within 60 calendar days of the complaint being filed, unless an extension is needed to investigate the complaint. If an extension is necessary, you will receive a letter notifying you of the reason and the new date for completion.

OSE provides a copy of the Procedural Safeguards Notice to you when/if you file the first child complaint in a school year.

The child complaint process is meant to find the truth about the district's compliance with specific procedures. If the decision indicates the district violated a requirement, the district will be required to correct the violation within a specified period of time.

Due Process: A due process hearing is another step in resolving disagreements between you and the school district. Due process procedures are used when there is a disagreement that cannot be resolved about the identification, testing, provision of a free appropriate public education, or placement of a child with a disability. These procedures are available to you and to the school district. You can find more information concerning due process hearings in the Procedural Safeguards Notice available by request from OSE, your school district, or online at https://dese.mo.gov/special-education/compliance/procedural-safeguards.

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

Attention: Due Process Coordinator
Office of Special Education/Compliance Section
Missouri Department of Elementary and Secondary Education
PO Box 480
Jefferson City, MO 65102-0480

Your request must include your child's name, your name, your mailing address, daytime phone number, and the name of your child's school district, a description of your concern(s) and the solution you are seeking. When OSE receives your written request, you will be mailed information about the option of mediation and information for a Missouri lawyer referral. DESE's website contains help for you when filing for a hearing, including a sample form https://dese.mo.gov/special-education/compliance/due-processchild-complaint/due-processchild-complaint-forms. The forms may also be requested from OSE Compliance Section at 573-751-0602.

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

During the time a due process hearing is pending and until the due process has ended, your child remains in his or her current educational placement unless you and the school district both 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.

OSE will provide a copy of the Procedural Safeguards Notice to you if you file for a due process hearing.

# Requirements for Placement by Parents of Children in Private Schools at Public Expense

**GENERAL**

**34 C.F.R. § 300.148:** Part B of the Individuals with Disabilities Education Act (IDEA) does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are looked at under the legal rules related to children who have been placed by their parents in a private school under 34 C.F.R. § 300.131 through § 300.144.

**Reimbursement for Private School Placement:** If, in the past, your child received special education and related services under the authority of a school district and you choose to enroll your child in a private preschool, elementary school, or secondary school without the permission of or referral by the school district, a court or a hearing officer may require the school district to pay you back for the cost of that enrollment if the court or hearing officer finds that the district had not made a FAPE available to your child in a timely way before that enrollment and that the private placement is appropriate. A court or hearing officer may find your placement to be appropriate, even if the placement does not meet the state standards that apply to education given by the state educational agency and school district.

**Limitations on Being Reimbursed:** Getting money back described in the paragraph above may be reduced or denied:

- if (a) at the most recent individualized education program (IEP) meeting that you attended before you removed your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) at least ten business days (including any holidays that happen on a business day) before you removed your child from the public school, you did not give notification in writing to the school district of that information;
- if, before you removed your child from the public school, the school district gave prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable) but you did not make the child available for the evaluation; **or**
- when a court finds your actions were unreasonable.

**However, being reimbursed:**

- must not be reduced or denied for failure to provide notification in writing if (a) the school prevented you from providing the written statement; (b) you had not gotten information about your responsibility to provide a written statement; or (c) by completing the requirement in (a) or (b) under limitations on being reimbursed would probably result in physical harm to your child; **and**
- may, in the opinion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the written statement if (a) the parent is not able to read or cannot write in English or (b) if completing the above requirement of (a) or (b) under Limitations on being reimbursed would likely result in serious emotional harm to the child.

More information about your procedural safeguards can be provided to you through the following:

**Missouri Department of Elementary and Secondary Education**
**Compliance Section**
Phone: 573-751-0699
Fax: 573-751-3910
TDD: 1-800-735-2966

**Missouri Parents Act (MPACT)**
Phone: 816-531-7070
Fax: 816-531-4777
TDD/Voice 1-800-743-7634

# Acronyms and Resources

**ADA** Americans with Disabilities Act – a United States law passed in 1990 to protect people with disabilities from discrimination and to improve their access to services.

**FAPE** Free Appropriate Public Education – a United States law passed in 1973 that provides for education to people with disabilities regardless of the nature or severity of the disability.

**FIEP** Facilitated Individualized Education Program – process for parents and school personnel to use in reaching an agreement by using a neutral facilitator to guide the student-centered focus of the Individualized Education Program (IEP) meeting.

**IDEA Individuals with Disabilities Education Act – a United States law passed in** 1977 that helps guarantee no-cost educational services for children with disabilities.

**IEP** Individualized Education Program – written plan that outlines the educational goals and support needed for a student with a disability. The IEP is agreed upon by the student's family, teachers, school administrators, and others who spend time with the student away from school.

**IQ** Intelligence Quotient – total score derived from several standardized tests designed to assess human intelligence.

**LRE** Least Restrictive Environment – idea that students with disabilities should attend the school in their neighborhood and be integrated, to the maximum extent possible, with students without disabilities.

**DESE** Missouri Department of Elementary and Secondary Education – administers primary and secondary public education in Missouri.

**MPACT** Missouri Parents Act – non-profit group that serves children with disabilities, their families, and communities throughout the state.

**NOA** Notice of Action/Prior Written Notice **–** written notice given to you in advance when the school district: (1) Proposes to begin or change the identification, evaluation, or educational placement of your child or (2) Refuses to begin or change the identification, evaluation, or educational placement of your child.

**OSE** Office of Special Education – within MO DESE Division of Learning Services, the office that administers state and federal funds to support services for students and adults with disabilities.

**RED** Review of Existing Data – process of looking at a student's existing data to determine if additional data are needed as part of an initial evaluation or as part of a reevaluation.

**Missouri Department of Elementary and Secondary Education (DESE)**
PO Box 480 / Jefferson City, MO 65102-0480

**Office of Special Education** / https://dese.mo.gov/special-education

**Data Coordination**, 573-751-7848, collects data for analysis and reporting to support effective decision making at state and local level.
**Effective Practices**, 573-751-0187, assists schools in improving performance for all children through professional development activities.
**Special Education Compliance**, 573-751-0699, monitors school districts and other responsible agencies for implementation of IDEA. This office also investigates child complaints and provides technical assistance addressing compliance requirements and private agency approvals. You may reach Relay Missouri at 800-735-2966 (TDD).

**Division of Financial and Administrative Services**
https://dese.mo.gov/financial-admin-services/special-education-finance

**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. This office also processes all fiscal payments.

**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, individual assistance, volunteers, lending library, parent-to-parent support, and a website with links to important sites for families. A menu of training is available, MPACT / 87421 Mexico Road, Suite 200 / St. Peters, Mo 63376 / www.missouriparentsact.org / 800-743-7634

**Missouri Protection and Advocacy**
This agency provides advocacy and free legal services according to annual priorities. 925 South Country Club Drive / Jefferson City, MO 65109 / http://www.moadvocacy.org/ / 800-392-8667

**Office for Civil Rights**
This office advises on issues related to Section 504 of the Rehabilitation Act of 1973. 1010 Walnut Street, Suite 320, Kansas City, MO 64106 https://www2.ed.gov/about/offices/list/ocr/addresses.html / 816-268-0550
Email: OCR.KansasCity@ed.gov

# NOTES

**Revised May 2018**

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs and activities. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Office of the General Counsel, Coordinator – Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email civilrights@dese.mo.gov.