

PART B COMPLIANCE 2019-20 YEAR-END TO-DO LIST

- 1) There is an expectation for **Continued Educational Opportunities** to be offered to all Missouri students during COVID-19 building closures. In Commissioner Vandeven's [statement](#) on April 9, 2020, she stressed school services should continue through the last day of school in each school district (according to the district's locally board-approved school calendar).
- 2) Schools are obligated to continue to provide a **Free Appropriate Public Education (FAPE)** during this time of closure. The foundational standard of FAPE, as defined by the Supreme Court in *Andrew F* decision, is grounded in providing an individualized education program (IEP) that enables a child to make progress in light of the child's circumstances. During school closures due to COVID-19, schools should make good faith reasonable efforts to make an appropriate program available to the student with a disability. Good faith reasonable efforts to provide FAPE during this time would include providing distance learning opportunities that are:
 - Individualized and linked to the student's IEP goals/objectives
 - Developed in collaboration with the student's parents
 - Documented in detail on DESE's [Continuity of Instruction](#) model form, CASE's [School Closure Distance Learning Plan for Students Eligible for Special Education](#) form or similar district-created form
 - Designed to allow progress monitoring data to be collected during the time of closure

Districts who make a conscientious effort to provide FAPE in a reasonable manner and document those efforts should be in a good position, should the conversation regarding compensatory services be needed when school resumes normal operations (March 21, 2020, Supplemental Fact Sheet, DOE).

- 3) The state legislature passed into law the ability for districts to use **Alternative Methods of Instruction (AMI)** on days when there is an unexpected school/district closure beginning in the 2020-21 school year. At this time, districts that intend to use AMI in the coming school year must submit a plan for DESE approval prior to June 15, 2020. AMI plans must include details for the provision of special education. It is recommended districts use the [AMI guidance document](#) to assess the educational opportunities provided within the last several weeks, their effectiveness and how useful information from recent school closures could be formalized into the district's AMI plan for 2020-21. Remember that when an LEA is approved for AMI, each student's IEP must include details to address provision of AMI prior to the implementation of AMI for that student.
- 4) Prior to requesting approval for the use of the **Speech Implementer Model** during the 2020-21 school year, the public agency must advertise, recruit, and attempt to hire or contract with a certificated speech-language pathologist (SLP) and/or a licensed speech-language pathology assistant (SLP-A) to fill the position. This **recruitment must be conducted annually**, and documentation of the **extended SLP/SLP-A recruiting efforts** must be maintained on file in

the public agency and submitted along with the speech implementer application to the Office of Special Education at DESE. The public agency must also consider the utilization of telepractice to provide speech and language services prior to requesting approval for the use of the Speech Implementer Model. The public agency will need to collect and use the appropriate information to make an informed decision regarding the use of telepractice to provide speech and language services. Refer to the [Speech Implementer Model – Requirements for Implementation](#) for all specific requirements.

- 5) **Extended School Year (ESY)** decisions must be made prior to the end of the regular school year and documented in the student’s IEP. IEP [Form B](#) can be used by the public agency to document goals to be addressed and services to be provided. The IEP amendment process can be used to make ESY decisions after the annual IEP review has been held. ESY is NOT summer school. Summer school is designed to benefit all students, usually through regular curriculum enrichment activities. ESY is specially designed instruction, provided during breaks in the school year to mitigate regression in skills and reduce the amount of recoupment needed when school resumes. ESY is required in order to provide FAPE to students with disabilities as determined by their IEP Teams.
- 6) The end of the school year triggers several tasks that must be completed for students who are transitioning either into or out of the K-12 school setting. Be sure to mark your calendars to complete these in a timely manner.

For graduates:

- **Summary of Performance (SOP)** [form](#) must be provided to the student not more than 60 days prior or 30 days after a student with an IEP graduates with a regular diploma or turns age 21.
- **Prior Written Notice (PWN)** for Change of Placement/Graduation, explaining that the LEA’s obligation to provide special education services ends when the student obtains a regular high school diploma, must be provided at least 10 days prior to graduation. In this context, graduation refers to the last day of scheduled attendance for the student and is not the participation date in a graduation event.
- **Guidance on Reporting Graduates** can be found on the [SPED Data website](#) and it is intended to help districts make decisions related to reporting graduates as G01 or G03. Students with IEPs who graduate by earning some or all required credits through modified classes aligned with alternate state standards or by meeting IEP goals must be reported in core data under exit code G03. This would generally be limited to those students with the most significant cognitive disabilities whose IEP teams have determined that this method of graduation provides FAPE to the individual student. Students with IEPs who graduate by earning all required credits through regular or modified classes aligned with state standards must be reported in core data under exit code G01. These graduates would have not earned any credits by meeting IEP goals.
- The **Workforce Innovation and Opportunity Act (WIOA)** requires LEAs to provide Vocational Rehabilitation (VR) with documentation of transition services for any student who may transition to a job paying a subminimum wage. VR and the Office of Special Education have collaborated on model forms that can be used to share this information. The following resources are available on the DESE Special Education Forms page:

- [Summative Transition Outcomes Letter](#)
- [Summative Transition Outcomes Cover Sheet](#)
- [Summative Transition Outcomes Model Form](#)

For children entering part B services:

- **Early Childhood Outcomes (ECO)** ratings must be completed by the Early Childhood Special Education (ECSE) teacher for every child entering ECSE during the school year and every child exiting ECSE during the school year. Both the entry and exit ratings are reported to DESE in the MOSIS June Student Core file. [Information](#) regarding ECO and the sample [Missouri Outcomes Summary Sheet](#) can be found on the DESE website. Any data collection questions can be emailed to speddata@dese.mo.gov.

7) Summertime Professional Development:

- Director’s Academy / July 30-31, 2020 / Columbia, MO / Stoney Creek Hotel & Conference Center
- Transition Institute / June 22-25, 2020 / Columbia, MO / Holiday Inn Executive Center

Visit <https://www.mylearningplan.com> to register for these training opportunities. Also, visit with your Regional Professional Development Center (RPDC) compliance consultants for other summer training opportunities being offered that you might be able to take advantage of to enhance your personnel’s professional skills.

- 8) **Proportionate Share** – When LEAs are out of proportionate share funds, they are not required to continue to provide services unless they choose to do so. DESE’s Office of Special Education Finance published the [Proportionate Share at a Glance](#) document to help LEAs in understanding options for proportionate share.
- 9) **Tiered Monitoring Year 3** – Cohort 1 LEAs should be providing professional development to maintain compliance and improve outcomes for students with disabilities. Please be sure to review procedures and practices within your LEA to increase efficiency and effectiveness in order to support continued compliance. Cohort 1 LEAs will be participating in the Self-Assessment process during the 2020-21 school year. The Self-Assessment Training will take place during October 2020. SELS messages related to this will be forthcoming once the 2020-21 school year begins.
- 10) **Tiered Monitoring Year 2** – Cohort 2 LEAs that had any noncompliance identified for either their initial evaluation, their C to B Transition timelines, or their file review should have submitted their Evidence of Correction into IMACS 2.0 already for their compliance supervisor to review. If an LEA is experiencing any hardships in meeting their monitoring requirements, please contact your compliance supervisor or your RPDC compliance consultant for assistance.
- 11) **Tiered Monitoring Year 1** – Cohort 3 LEAs are in their Self-Assessment year. LEAs were asked to upload selected student files to the IMACS 2.0 platform. If an LEA is experiencing any hardships in meeting their monitoring requirements, please contact your compliance supervisor or your RPDC compliance consultant for assistance. Data from C to B transition evaluations and initial evaluations conducted and completed between July 1, 2019, and May 1, 2020, are

expected to be uploaded into IMACS 2.0 by May 15. Please remember to upload a copy of your district calendar showing the days that school was not in session due to holidays, snow, sickness, etc. If the 60-day timeline was exceeded because the student was unavailable for testing, provide dates of the student's absences. Please refer to slides 19–31 in the [Self-Assessment Year IMACS Training & Guidance](#) for further assistance.

12) **School Closures and Pandemic Response** – Since passage of the Coronavirus Aid, Relief and Economic Security (CARES) Act, there has been much anticipation and speculation regarding the report to Congress Secretary of Education DeVos is required to write. The report is to include information about the flexibility that might be necessary during the COVID-19 pandemic including any waivers from the Individuals with Disabilities Education Act (IDEA). Here are some points to consider about the potential waiver of any procedural requirements under IDEA:

- Secretary DeVos has 30 days from the date the Act was signed into law to provide her report to Congress.
- Secretary DeVos is receiving information from many groups who are vehemently against any waiver of IDEA requirements.
- Congress has no specific timeline under which they have to act on any recommendations made by Secretary DeVos.
- The IDEA is a civil rights law and any exceptions infringe on longstanding, established rights.
- Any waiver or extension would be temporary.

Most questions received at the Office of Special Education have to do with meeting IEP and evaluation timelines including reevaluations and providing services to students. Since there is no guarantee that Secretary DeVos will request any relief from IDEA requirements through waivers or extensions or that Congress will act on her request, it is best to keep working to find ways to meet IDEA requirements for holding annual IEP meetings and completing evaluations and take steps to provide special education and related services to students with IEPs.

IEP meetings:

- Use alternative methods for conducting IEP meetings remotely instead of in-person.
- Be as flexible as possible with scheduling, as both parents and teachers have many demands on their time and may be operating under an altered family schedule.

Evaluations:

- There are acceptable reasons to extend the 60-day timeline for completing an initial evaluation and determining eligibility including the child not being available for testing.
- Use remote assessment when, after thorough investigation of all the implications, remote assessment appears appropriate and can be done with fidelity to the assessment. Do not sacrifice assessment fidelity in order to meet a timeline requirement; the timeline can be extended if remote assessment is not appropriate.
- Keep parents informed of the reason for any delays and have a well-articulated plan for completing any outstanding assessments as soon as it is possible to engage children in assessments.

Providing special education and related services:

- Make good faith efforts to communicate with parents to determine what services can be provided and how.
- Document the plan for providing services until school is in session.
- Deliver services and monitor progress as best as is possible.

IEP meetings held and evaluations completed now should help lessen the load when school resumes. These efforts may, more importantly, help maintain goodwill with families. For more information about specific guidance related to pandemic closures, refer to the [DESE Special Education Compliance COVID-19 Question and Answer Guide](#).

- 13) **Transfer Students** – During this time of school building closures and virtual instruction, there is an expectation for continued educational opportunities to be offered to all Missouri students including students who transfer into a school district. Commissioner Vandeven stressed that school services should continue through the last day of school in each school district according to their school calendar. This includes the enrollment of students with disabilities in order to assure that there is no denial of their access to FAPE.