

Part B Compliance:
April / May 2018

 **THE TO DO LIST**



REVISED

The Supreme Court has issued a ruling in the Endrew case which will affect how LEAs make decisions regarding the **PROVISION OF FAPE**. Rather than just receiving “some” or “de minimus” benefit from their educational program, a student’s IEP must now be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Please note that the compliance requirement to provide FAPE has not changed at all; the only change is the interpretation of what constitutes the provision of FAPE. It will be up to the courts to provide concrete guidance related to the interpretation of this ruling. In the meantime, LEAs might want to review/revise procedures and practices to ensure:

1. Students are evaluated sufficiently to determine eligibility for special education as well as their “circumstances”
2. Quality present levels of performance and appropriate SMART goals based on grade level standards are used to create IEPs “reasonably calculated to ensure progress based on the student’s circumstances,” and
3. Ongoing IEP goal progress monitoring data is used to be proactive in making programming changes when the student is not progressing as planned

The Endrew case appears to continue to highlight the focus on outcomes for students with disabilities rather than merely procedural compliance with IDEA.

Many IEP teams will be making decisions regarding a student’s participation in the MAP or the **MAP-A** during the 2018-19 school year this spring. It is important the IEP teams are aware of the eligibility criteria for participation in the MAP-A and how to appropriately determine eligibility based on these criteria. Remember that any LEA exceeding the 1% MAP-A participation rate will be required to provide justification beginning in the 2018-19 school year. A Myth of the Month on Alternate Assessments as well as the following updated guidance has been posted on the Special Education Compliance webpage under “General Guidance.” Here are additional resources regarding Alternate Assessments.
<https://dese.mo.gov/college-career-readiness/assessment/map-a>

EXTENDED SCHOOL YEAR (ESY) decisions must be made prior to the end of the regular school year and documented in the student’s IEP. Form B in the model IEP can be used by LEA staff to document decisions regarding ESY as well as goals to be addressed and services to be provided. Remember the IEP amendment process can be used to make ESY decisions after the annual IEP review. A Notice of Action (NOA) is required to be provided to the parent when the parent has requested ESY and the IEP Team has determined the student is not eligible to receive the requested ESY services and when the IEP team adds ESY services to the IEP. Be sure to refer to your LEA’s School Board Policy on ESY in the NOA. Remember ESY is NOT summer school. Summer school is beneficial to all students while ESY is required in order to provide FAPE to students with disabilities as determined by their IEP teams.

Mark your calendars for the following **SUMMER PROFESSIONAL DEVELOPMENT OPPORTUNITIES**:

- **Transition Institute/June 26-28/Columbia/Holiday Inn Executive Center**
- **New Directors Academy/July 25 – 27 / Jefferson City/Capitol Plaza Hotel**

Register for these FREE trainings at <https://www.mylearningplan.com> 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.

The **MISSOURI INTERAGENCY TRANSITION TEAM (MITT)** was created to increase interagency collaboration in order to improve employment, independent living, and post-secondary outcomes for students with disabilities. The MITT has developed a comprehensive Resource List at <http://disability.mo.gov/MITT.htm> which may be useful to IEP teams when developing Transition Plans for student’s beginning no later than age 16.

Students with IEPs who graduate using an alternate route must be reported in core data under exit code G03. This alternate route could be earning some or all required credits **TO GRADUATE BY MEETING IEP GOALS**. This would generally be limited to those students whose IEP teams have determined that this method of graduation

provides FAPE to the individual student. Department of Elementary and Secondary Education (DESE) has published guidance on this topic in the *Graduation Handbook for Missouri Public Schools* at <https://dese.mo.gov/sites/default/files/Graduation%20Handbook.pdf> starting on page 16 under the section titled *Policy Considerations for Students with Disabilities under IDEA*. LEAs must have the following documentation when students graduate by meeting IEP goals in order to be in compliance:

1. A School Board Policy addressing graduation by meeting IEP goals
2. An IEP that documents the student will graduate by meeting their IEP goals
3. An IEP that includes SMART goals that clearly document the evaluation or procedures used to determine if the student has met the goals and the criteria used to make that determination
4. Data to support the IEP goals were met
5. Although any specific graduation requirement may be waived for a student with disabilities if recommended by the student's IEP Committee, it is advisable to consider the amount of services in order to provide instruction for the goals that are consistent with the number of minutes required for awarding units of credit. The State Board of Education defines a "unit of credit" as a passing grade in a course that meets for at least 7,830 minutes a year (or proportionately fewer minutes for half- and quarter-units of credit) on page 5 in the *Graduation Handbook for Missouri Public Schools*.

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:

Summary of Performance (**SOP**) 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.

Early Childhood Outcomes (**ECO**) must be completed by the Early Childhood Special Education (ECSE) teacher for every ECSE student exiting the ECSE program and reported to DESE by the LEA not more than 30 days after a child exits the ECSE program

WIOA requires LEAs to provide Vocational Rehabilitation (VR) with documentation of transition services for any student who may be interested in working at a job paying a subminimum wage. VR and the Office of Special Education are collaborating on a model form that can be used to share this information. The form is available at Workforce Innovation and Opportunity Act (WIOA). 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*

COHORT 2: These LEAs will be participating in the self-assessment process during the 2018-19 school year. The Self-Assessment Training will take place during October 2018. Be watching for email messages once school gets back in session next fall.

COHORT 3: These LEAs must have corrected any identified noncompliance from their self-assessment no later than one year from the date of their Special Education Program Review Report from last September.

COHORT 1: Remember the initial evaluation timelines and the C to B Transition timelines are both due in IMACS no later than May 15, 2018. Desk reviews to verify each LEA's self-assessment calls will be taking place until the end of July so be sure to provide your assigned Compliance Supervisor with your summer contact information in case there are any questions. Be watching for the results of the Self-Assessment and Desk Review in September 2018.

Be sure to contact your compliance team of DESE Compliance Supervisors and RPDC Compliance Consultants for support or if you have any questions. This will be the final TO DO List for the 2017-18 school year. Thank you for all your hard work this school year on behalf of students with disabilities!