

**Parent's Guide
to Special
Education in
Missouri**



Missouri Department of Elementary and Secondary Education

— *Making a positive difference through education and service* —

Dear Parents,

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

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

Should you have questions about your child's special education services, you should first contact your local school district and speak with your child's teacher(s), principal or the district's Director of Special Education. In addition, there are a number of other resources in Missouri that you will find in this booklet that can assist you, including staff of the Missouri Department of Elementary and Secondary Education (MoDESE).

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

- improve achievement scores on statewide assessments,
- reduce drop outs and increase graduation rates,
- increase the number of children who are proficient readers and,
- improve the preparation of students for their chosen vocation or continued education upon graduation.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Melodie Friedebach".

Melodie Friedebach

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introduction

Introduction

Children with disabilities have a right to a free, appropriate public education. Children differ in mental abilities, sensory development, physical traits, emotional or social behaviors, or communication skills.

Some may require modification to their school program or special education and related services in order to benefit from their schooling.

Congress recognized that children with disabilities have special needs and passed what is now called the Individuals with Disabilities Education Act (IDEA) in 1975. That law provided that children with disabilities must receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The law has since been reauthorized five times and this booklet reflects the latest changes made by Congress in 1997. Missouri House Bill 474 and later legislation make it the law of the state to provide special education services, sufficient to meet the needs of all children with eligible disabilities, from the child's 3rd birthday to age 21, at no cost to the parent. The Missouri State Plan for Special Education contains all regulations that must be followed by all public school districts and other responsible agencies in the provision of special education services.

This guide was developed to provide information concerning your rights and responsibilities as the parent of a child with a disability as defined in the Missouri State Plan for Special Education. For more information on these rights ask your school district for a copy of the *Procedural Safeguards for Children and Parents*. (Other resources for information on special education issues are listed in the resources section of this guide.)

Procedural Safeguards must be given to you:

- When your child is referred for evaluation
- When you are notified of an IEP meeting
- When your child is reevaluated and additional testing is required
- When you request a due process hearing

informed

effective parents

Informed effective parents

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

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

The Missouri State Plan for Special Education (as approved by the U.S. Department of Education) specifies the process that all school districts are required to follow in identifying, evaluating, and serving all children with disabilities who live in the school district. This guide gives you information on the steps in this process and resources for more information and assistance. The guide is a first step on the path to become informed, effective parents to benefit your children.

the special

education process

The special education process

Child is identified as possibly needing special education and related services

1. **Child Find.** Local districts must identify, locate, and evaluate all children residing in the district with disabilities that need special education and related services. To do so, districts conduct “Child Find” activities.

Referral or request for evaluation. A school professional (i.e. teacher, counselor, principal) may ask that a child be evaluated to see if he or she has a disability. Parents may contact the child’s teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be tested as part of an evaluation. The testing needs to be completed within 45 calendar days after the parent gives consent.

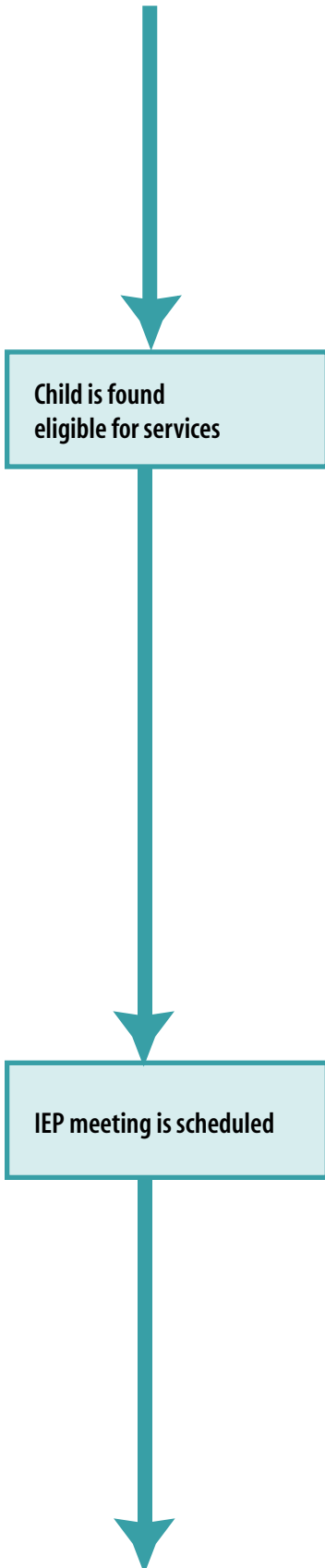
Child is evaluated

2. **Evaluation.** The evaluation process includes a review of existing data and additional testing, if needed. The child must be evaluated in all areas related to the child’s suspected disability. Evaluation results are used to decide the child’s eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the results or conclusions of any part of the evaluation, they have the right to an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Eligibility is decided

3. **Eligibility Determination.** A team of qualified professionals and the parents look at the child’s evaluation results. The team decides if the child is a “child with a disability,” as defined by IDEA. If the team cannot agree on your child’s eligibility, the district must make the final

the special education process



decision about your child's eligibility. Parents may challenge the eligibility decision through a due process hearing. (For more information read *Due Process in a following section.*)

- 4. Eligible.** If your child is found to be a “child with a disability,” as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the Individualized Education Program (IEP) team must meet to develop an IEP for the child. This team includes:

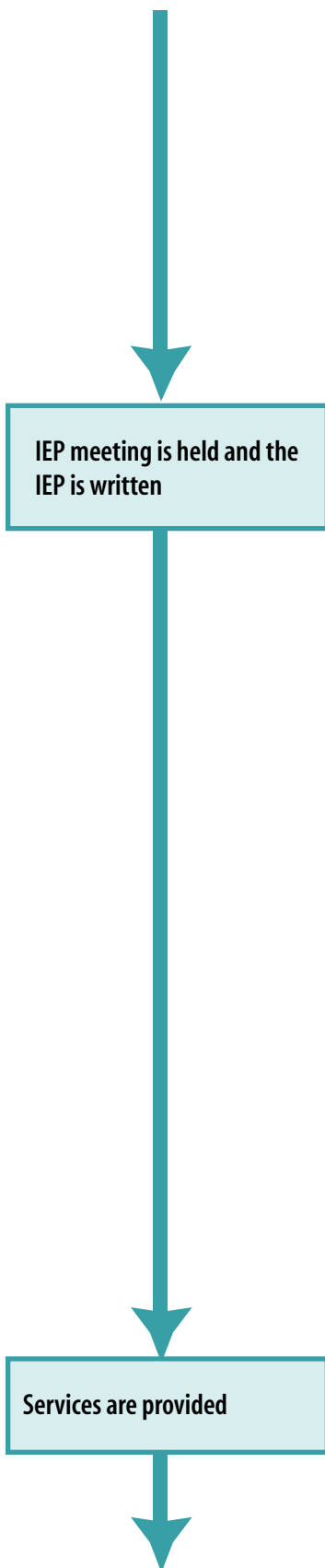
- a. Parents of the child
- b. Regular education teacher of the child
- c. Special education teacher of the child
- d. District representative
- e. Individual(s) who can interpret instructional needs identified in the evaluation process

The team members can serve in more than one role.

- 5. IEP Meeting Scheduled.** School personnel will schedule and conduct the IEP meeting. School staff must:

- Contact the participants, including the parents
- Notify parents early enough to make sure they have an opportunity to attend
- Attempt to schedule the meeting at a time and place agreeable to parents and the school
- Tell the parents the purpose, time, and location of the meeting
- Tell the parents who will attend
- Tell the parents that the district and the parent may invite other people to the meeting who have knowledge or special expertise about their child

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If the district is unable to gain parent participation after attempting to schedule two separate meetings they may proceed without you.

- 6. IEP Meeting.** The IEP team meets to talk about your child's educational needs, write the IEP, then determine placement. Parents and the student (when appropriate for the student) are part of the team.

Before the school district may provide special education and related services to your child for the first time, the parents must give consent for those services in writing. The child begins to receive services as soon as possible after consent is given.

If the parents do not agree with the IEP and/or placement, they should discuss their concerns with the IEP team at the IEP meeting. Parents can ask for a resolution conference, mediation, or the school may offer mediation if parents and school personnel are unable to resolve their differences. Parents may request a due process hearing with the Missouri Department of Elementary and Secondary Education, at which time mediation will be offered by the State to the parents and the school district at no charge. (*For more information on Due Process see the section on Dealing with Conflicts.*)

- 7. Services.** The school makes sure that your child's IEP is implemented as it was written. Parents are given a copy of the IEP. Each of your child's teachers and service providers have access to the IEP and know his or her specific responsibilities for carrying out the IEP, including all accommodations, modifications, and supports that must be provided to your child. The IEP is a tool for you and the district to monitor your child's educational progress.
- 8. Progress.** Your child's progress toward the IEP annual goals is measured, as stated in the IEP.

the special education process



Parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be provided to parents for students with disabilities as often as reports are provided to parents for nondisabled children.

- 9. IEP Review.** The IEP team must review your child's IEP at least once a year, or more often if the parents or school personnel ask for a review. If necessary, the IEP is revised. Parents, as IEP team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and/or placement, they may discuss their concerns at an IEP meeting with other members of the IEP team and try to work out an agreement. There are several options available, including additional testing, an independent evaluation, asking for a resolution conference, or asking for mediation or a due process hearing.

- 10. Reevaluation.** At least every three years your child must be reevaluated. Your child may be reevaluated more often if conditions warrant. (*See the section on Reevaluation in this guide for more information.*)

the special education process

The evaluation

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

If your child is exhibiting behaviors that interfere with his or her learning or the learning of others you may request a functional behavioral assessment as part of the evaluation or reevaluation. Such an assessment helps families and school officials better understand why your child behaves the way he or she does. *(For more information on functional behavioral assessments, you may contact MPACT, DESE, or other resources.)*

Reevaluation

When your child is receiving special education services, a reevaluation must be done at least once every three years. If you think additional information is needed before time for the three-year reevaluation, you may request that the district conduct an earlier reevaluation. School personnel and parents may request a reevaluation at any time they think it may be necessary.

When conducting a reevaluation, the IEP team, including you and other qualified professionals, review current information about your child. This review may be done without a meeting. Evaluations and information provided by you, current classroom-based assessments and observations, observations by

the special education process

your child's teacher and related service providers such as occupational, speech, or physical therapists, are reviewed. The purpose of the reevaluation is to determine if any additional information is needed for the IEP team to decide:

- If your child still has a disability
- Your child's present level of performance and educational needs
- If your child continues to need special education and related services
- If any additions or modifications to your child's special education and related services are needed for your child to meet the IEP annual goals and participate in the general education curriculum

If additional information is needed that requires testing, you will receive a written notice. Your informed consent will be necessary to do those additional tests. When you give your consent, the district will conduct the necessary tests within forty-five (45) days. The district must make two (2) attempts to obtain your signed consent. If you fail to respond to the district's requests, they can proceed with the assessments without your signature.

If the IEP team decides additional information is not needed in order to decide if your child continues to have a disability, you must be notified of:

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

The district does not have to do additional testing unless the team reviewing the existing information agrees it is needed, or you request it to determine if your child continues to qualify for special education services.

Independent educational evaluation

If you disagree with the evaluation results, you have the right to request an independent educational evaluation (IEE) at public expense. Professionals who are not employed by the school district conduct an IEE. Your right to an IEE assures you that upon requesting the IEE, the district must provide you with information about where an IEE may be obtained and the agency criteria applicable for the IEE. It is always best to make such requests in writing, being

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sure to date your letter and keep a copy. (The district must provide you information about where independent educational evaluations may be obtained.)

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

Any evaluation information you have about your child should be provided to and must be considered by, the school district.

individualized

Individualized Education Program (IEP)



o better understand an IEP, consider that:

- **Individualized** means that the IEP must be written for your particular child, not a group or class. It addresses the educational needs of your particular child.
- **Education** indicates that the IEP should address your child's problem areas of learning. It need not identify areas in which there is no concern; for example, if the student is not having problems with reading, there is no reason for reading to be addressed in the IEP.
- **Program** tells you that the IEP includes statements about your child's present educational abilities and needs, and outlines goals and objectives or benchmarks to be accomplished in the coming year. It lists necessary services that the school will provide during the year to assist your child in reaching those goals, including any assistive technology devices and/or related services that may be required.

If your **child is age 14**, or younger if appropriate, the district must tell you that one purpose of the IEP meeting will be a discussion of your child's transition service needs and that your child will be invited.

If your **child is age 16**, or younger if appropriate, the district must tell you that one purpose of the IEP meeting is to consider any needed transition services, including those provided in the community, and that your child will be invited. Service providers from the community who may be providing services should be invited to each IEP meeting where transition services are discussed. (*Transition is discussed in a later section.*)

How do you prepare for an IEP meeting?

Your participation in any IEP meeting will be easier and more effective if you have thought about your concerns and what you have in mind for your child. Know what you want to say. Advocates and support from parent organizations

education program (ieps)

individualized education program _____

can be helpful in preparing for an IEP meeting. (*The Resource section of this guide can give you information about such organizations.*)

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

- 1.** Gather information about your child. Review the most current evaluation report and the last IEP if your child is already receiving services. You might bring progress reports, other school evaluations, your observations, or doctors' reports.
- 2.** If your child is already in school, you may want to request permission to observe the classroom. You may want to take notes on your observations to use during the IEP meeting.
- 3.** Watch and make notes of your child's behavior at home. Write down what your child can and cannot do, likes and dislikes, and interactions with other children and family members.
- 4.** Find out what your child's feelings are regarding school, home, and friends.
- 5.** Check the IEP meeting information provided by the district to determine who will be attending the meeting. Call the school if you have questions.
- 6.** You may tell school personnel if you will be bringing someone with you, but you do not have to. Who you want to bring is up to you, as long as the person(s) have knowledge or special expertise about your child.
- 7.** Notify school personnel in advance if you will not be able to attend the meeting as scheduled. Try to arrange for a meeting that is convenient for everyone. You may wish to see if arrangements can be made for your participation by phone if you cannot attend the meeting.
- 8.** Keep records of your child's schoolwork, parent conferences, phone calls with teachers, progress reports, etc. Use this information to monitor your child's progress and to prepare for IEP meetings.

individualized education program

What will an IEP include?

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

1. Present level of performance

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

The present level must state:

- How your child's disability affects his or her participation and progress in the general education curriculum—the same curriculum as for children without disabilities—or appropriate preschool activities.
- The strengths of your child
- Your concerns for improving your child's education
- Changes in your child's functioning since the last IEP
- The results of the evaluation or reevaluation
- Your child's performance on State or district-wide assessments

Although it is not a required component of the IEP, the team may also consider the dreams and visions of all those involved with your child as well as your child's dreams and visions in order to develop an IEP that will help your child to become an independent and productive member of society.

2. Measurable annual goals including benchmarks or short-term objectives

Goals must address your child's needs. Goals should be clear and simply stated. You should be able to understand what is needed to implement the IEP. A goal should state what your child can reasonably be expected to learn during the twelve (12) months of the IEP. Goals must be measurable and the IEP must indicate how the progress toward the annual goals will be measured. What is your child expected to do by the end of the IEP's twelve (12) month period and how well will he or she do it? Goals must support

individualized education program _____

your child's involvement in and progress in the general education curriculum. Goals must relate to meeting each of your child's educational needs.

Benchmarks describe the amount of progress your child is to achieve within specific segments of the year. Short-term instructional objectives separate the skills described in the goals into discrete components. Objectives or benchmarks must be included for each annual goal to help everyone know if progress is being made.

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

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

- Advance toward the annual goals
- Progress in the general curriculum
- Participate in extracurricular and nonacademic activities, such as sports and school clubs
- Be educated and participate with other children with and without disabilities in these activities

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

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

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

- Audiology
- Counseling services
- Occupational therapy
- Physical therapy

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- Early identification and assessment
- Psychological services
- Parent counseling and training
- Rehabilitation counseling
- Speech-language pathology services
- Social work services
- Recreation and leisure education
- School health services
- Medical services for diagnostic or evaluation purposes
- Transportation
- Orientation and mobility services for visually impaired students

4. Participation in state and district-wide assessments

The IEP team must make decisions about how your child will participate in State and district-wide assessments. The decisions include if your child will participate in the Missouri Assessment Program (MAP) subject area assessments or the Missouri Assessment Program-Alternate (MAP-A). When making this decision, the team must consider what accommodations your child needs. If the MAP subject assessments are not appropriate for your child, even with accommodations, then the team will consider your child's eligibility for MAP-A.

The IEP must also address these same considerations for any assessment of student achievement that is administered by the district for all children that are in the same grade as your child. If the team decides your child cannot participate in a district-wide assessment, even with accommodations, the IEP must state why and how your child will be assessed.

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

The IEP must state when each special education, modification, accommodations, supplementary aids and services, and related service will begin, when it will end, how often it will be provided, and where it will be provided. The services must be provided as stated.

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6. Procedures for evaluating progress and reporting to parents

The IEP must state how your child's progress on the annual goals will be measured. You must be informed of progress at least as often as parents are informed about the progress of children without disabilities and whether that progress is sufficient to achieve the goals by the end of the IEP period.

7. Transition services

Transition planning may begin earlier than age 14, but no later than by age 14 the IEP must include a statement of transition service needs (addressing courses of study your child will need to reach goals for life after school). No later than age 16, or earlier if needed, the IEP must also include a statement of needed transition services. This may include linkages with other agencies that might provide transition services for your child. Consideration will be given to cooperative work programs, vocational-technical training, supported employment, college preparation, and other considerations to help your child transition from school. If transition is discussed, your child must be invited to attend the IEP meeting. If your child cannot attend this meeting, then the district must assure that his or her needs and interests have been considered in the development of the transition services. Encourage your child to attend and explain her or his role to them so he or she feels comfortable in that role.

8. Transfer of rights

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

9. Assistive technology

If the IEP team believes your child needs an assistive device and/or service, that information must be included in the IEP. This may be a device your child needs to improve function, or technology services needed for selecting, acquiring, or using an assistive technology device. Such services might include evaluation, including trying several different devices to find the

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one best suited for your child; providing, maintaining, customizing or replacing devices; coordinating other therapies with assistive technology; and training and technical assistance for your child, family, or others who work with your child.

10. Behavior intervention plan

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

11. Extended school year

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

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

- The nature and severity of your child's disability
- Your child's progress in relation to behavior and physical needs
- The opportunities for your child to practice skills
- Areas of development that need continuous attention
- Your child's transition needs

individualized education program _____

- Opportunities your child has to interact with children without disabilities
- Areas of learning critical to your child's progress toward self-sufficiency
- Level of independent functioning

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

12. Participation in regular education and placement—Least Restrictive Environment

The IEP must address your child's participation in regular education. Regular education includes academic instruction as well as recess, lunch, and assemblies. If your child does not participate 100% of the time with nondisabled peers in regular education, a statement must be made describing the extent your child will not participate and why full participation is not possible. For preschool children, if participation with nondisabled peers is determined to be unnecessary for FAPE, the IEP must explain why.

After annual goals have been developed for your child in the IEP meeting, the team determines which services are needed and where they will be provided. This decision is referred to as the placement decision and is made each year. Your child's education should be in the least restrictive environment, which means: to the maximum extent appropriate, children with disabilities are to be educated with children who do not have disabilities. For preschool children with disabilities, consideration must be given to the provision of special education services in the child's current daytime setting.

Special classes, separate schooling, or other removal from the regular education classroom occurs only when the nature or severity of the disability is such that education cannot be achieved in regular classes with supplementary aids and services. *(A description of the types of placement alternatives is available in the Appendix for both ECSE and K-12 placements.)*

individualized education program

There are a variety of placement options in which a child with disabilities can receive special education and related services, but the regular classroom with supplementary aids and services must always be the first consideration. A child with a disability is not removed from education in age-appropriate regular classrooms or daytime settings solely because of needed modifications in the curriculum. Unless the IEP requires another arrangement, your child will attend the public school he or she would attend if not disabled.

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

- The curriculum and goals of the regular education program
- The other efforts that have been made to accommodate or modify the regular education program to meet your child's needs
- The potential positive effects your child may experience from regular education related to cognitive, academic, physical, social, or other areas of development
- The potential harmful or disruptive effects for your child or other children in the regular classroom environment
- The need for alternative instruction that cannot be achieved in the regular class

When your child receives special education services for the first time, the school will need your written consent for placement. You will receive a "Notice of Consent for Initial Placement." It must include the following:

- A description of the proposed placement and why it is considered appropriate for your child
- The other placement options considered and the reasons why they were not selected; for example, a self-contained program may require more time in special education than your child needs

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- The information that was used to make the placement decision (all the evaluation information)
- A description of other relevant factors, if any
- A statement that you, as a parent, have protection under procedural safeguards, where you can obtain a copy, and who you can contact to assist you in understanding these safeguards

Questions you may want to ask during the IEP conference

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

Remember, goals may not always be reached. During the year, you or your child's teacher(s) may realize the goals that were developed in the IEP meeting

_____ individualized education program

are not appropriate, have already been achieved, or that your child is not benefiting from the current services. If this occurs, your child's program may need to be changed. Either you or the district personnel may request that a meeting be held to change your child's IEP. The IEP must be reviewed or revised at least once a year, but may be reviewed or revised more often if necessary.

Disagreement with the services developed during the IEP meeting may be discussed at the meeting or it may be resolved by requesting another IEP meeting to discuss the issue.

(If it is not possible to resolve the difference during the first or later IEP meetings, you may seek mediation or due process as discussed later in this guide.)

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

The school district is required to keep copies of certain documents and reports pertaining to the identification, evaluation, placement, and special education services of a child with a disability. These records are confidential. Only school district personnel who need the information to provide educational services for your child may use them. Those reviewing the files must sign that they have done so. With few exceptions specified in the Family Educational Rights and Privacy Act (FERPA), the school district must receive your written permission to share your child's records with any other person or agency. As a parent, you have the right to review your child's records. If you disagree with any of the information included in your child's records, you may request that it be changed. If the district disagrees, you have the opportunity to challenge the school district's decision. It is important for you to view your child's records and make sure the information contained in them is accurate.

You may request a full description of the rights you have under FERPA, including who may access your child's records without your consent, from the school district. You will receive a copy of your child's evaluation report and IEP after those meetings. The district must provide the copies within a reasonable period of time, generally 15-20 days. If you wish to view any of your child's other records, contact your school district to make arrangements to view those records. The school must make the arrangements for you within a reasonable period of time but cannot exceed 45 days.

individualized education program _____

Your rights under IDEA

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

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

dealing with

conflicts

Dealing with conflicts

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

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

Formal complaint procedures

1. Child complaint

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

Department of Elementary and Secondary Education

Division of Special Education

PO Box 480

Jefferson City, MO 65102

Attention: Child Complaint Coordinator

Your letter should address your concerns, and as detailed a description of the alleged violation as possible. Include your child's name, parent or guardian's names, your mailing address, daytime phone number, and the name of your child's school district. You may want to include copies of documentation or evidence related to your concerns; however, you will

dealing with conflict

have an additional opportunity to provide that information during the investigation process.

Following receipt of the child complaint, you and the school district will receive written notification acknowledging the complaint. The Division of Special Education will investigate the complaint and the commissioner of education will issue the findings and decision within sixty calendar days, unless an extension is necessary to investigate the complaint. If an extension is necessary, you will receive a letter notifying you of the reason for the extension and the new date for completion.

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

2. Due process

A due process hearing is another step in resolving disagreements between parents and school districts. Due process procedures are used when there is a disagreement that is not able to be resolved concerning the identification, evaluation, provision of a free appropriate public education, or placement of a child with a disability. These procedures can be used by parents and by school districts. *(More information concerning due process hearings can be found in the procedural safeguards statement.)*

Due process hearing requests must be made in writing to:

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

Your request must include your child's name, parent or guardian's names, and address. Include the name of the school district, a description of your concerns and the resolution you are seeking. With receipt of your written request, DESE will provide you with information about the availability of mediation and information for a Missouri lawyer referral. The DESE web site contains assistance for parents when filing for a

dealing with conflict

hearing, including a sample form: www.dese.state.mo.us/divspeced/dueprocessrequest.html. These forms may also be requested from DESE by contacting the compliance section. (See the *Resource* section of this guide.)

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

3. Mediation

State paid mediation is also available to parents who file for a due process hearing. Mediation is a structured, yet informal, voluntary process in which an impartial third party mediator helps parents and school personnel who are experiencing conflict to reach a suitable agreement. Mediation builds positive working relationships, encourages mutual understanding, and helps parents and schools focus on their common interest—your child.

Information about mediation will be sent to you when DESE receives your request for a due process hearing. If you want to consider mediation outside of a formal request for a due process hearing, you will need to discuss this option with your district and mutually agree on a method for payment. At your request, DESE can provide you and the district with a list of trained mediators and a copy of the booklet, *Mediation in Missouri*.

appendix

Appendix

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

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

- Autism
- Deaf/Blindness
- Emotional Disturbance
- Hearing Impairment and Deafness
- Mental Retardation
- Multiple Disabilities
- Orthopedic Impairments
- Other Health Impaired
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury (TBI)
- Visual Impairment, Including Blindness
- Young Child with a Developmental Delay

Note: ADD/ADHD is discussed under other health impaired and at the end of this section.

Definitions of disabilities

Autism

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

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

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

Deaf/Blindness

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

Emotional Disturbance

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

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

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

Hearing Impairment and Deafness

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

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

Mental Retardation

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

Multiple Disabilities

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

Orthopedic Impairment

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

Other Health Impairment

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

appendix

Specific Learning Disability

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

Speech or Language Impairment

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

Traumatic Brain Injury (TBI)

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

Visual Impairments/Blindness

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

Young Child with a Developmental Delay

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

A special note about ADD/ADHD

ADD (attention deficit disorder) and ADHD (attention deficit with hyperactivity disorder) are not listed as separate disability categories in the IDEA Amendments of 1997; a child with such a diagnosis is not automatically eligible for special education services. Some children who have significant learning problems because of ADD or ADHD may meet the definition of Other Health Impaired described on a previous page or the criteria for one of the other disabilities. An evaluation, as required under IDEA, would be necessary to determine your child's specific disability.

Children with ADD or ADHD who do not meet the eligibility criteria of any of the disabilities in IDEA may be entitled to the services and legal protections described in Section 504 of the Rehabilitation Act of 1973. Section 504 also requires a multidisciplinary evaluation and the provision of a free appropriate public education. If your child has ADD or ADHD and it is interfering with your child's ability to learn, the school district is required by Section 504 to provide an appropriate education. An appropriate education in this case means modifying the regular education program and furnishing any necessary services as outlined in your child's 504 or Accommodation plan. These services might include reducing the amount of required work, completing fewer assignments in a shorter period of time, providing more visual instruction, or developing a behavior management program.

For more information about Section 504, contact the Office for Civil Rights, U.S. Department of Education at the address in the Resources section at the back of this booklet.

special education placements

Early childhood placement options

Early childhood setting

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

Early childhood special education setting

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

Home

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

Part time EC/part time ECSE setting

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

Residential facility

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

Separate school

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

Itinerate service outside the home

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

Kindergarten–grade 12 placement continuum

Outside regular class less than 21 % of day

Children with disabilities who receive special education and related services outside the regular classroom for less than 21 percent of the school day.

Example: If your child has a 6-hour school day, he may spend about 1 hour and 15 minutes during his school day receiving special education and/or related services outside his regular education classroom. (6 hours = 360 minutes x .20 = 72 minutes or about 1:15)

Outside regular class at least 21 %, no more than 60 %

Children with disabilities who receive all of their special education and related services outside the regular classroom for at least 21 percent but no more than 60 percent of the school day.

Example: If your child has a 6-hour school day, she would spend between 1 hour and 25 minutes to 3 hours and 30 minutes receiving special education and/or related services outside the regular education classroom. (6 hours = 360 minutes x .21 (.60) = 76 minutes / 216 minutes or about 1:25 to 3:30)

Outside regular class more than 60 % of day

Children with disabilities who receive all of their special education and related services outside the regular classroom for more than 60 percent of the school day. This category does not include children who received education programs in public or private separate day or residential facilities.

Example: if your child has a 6-hour school day he would spend more than 3 hours and 30 minutes receiving special education and related services outside his regular education classroom (6 hours = 360 minutes x .61 = 219+ minutes)

Public separate (day) facility

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

Private separate (day) facility

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

Public residential facility

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

Private residential facility

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

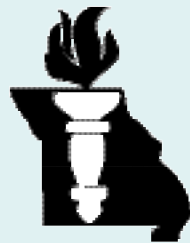
Homebound/hospital

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

appendix

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The Missouri Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities. Inquiries related to Department programs may be directed to the Jefferson State Office Building, Title IX Coordinator, 5th Floor, 205 Jefferson Street, Jefferson City, Missouri 65102-0480; telephone number 573-751-4581.

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