

**Proposed changes to the Missouri
State Regulations Implementing Part B of the Individuals with Disabilities Education Act (IDEA)**

Regulation I – General Provisions

NOTE: This chart only shows substantive changes being proposed to the Part B State Regulations implementing the Individuals with Disabilities Education Act (IDEA). Other changes of a non-substantive nature, such as terminology or wording changes, spelling/punctuation/grammar corrections, etc. are not shown here. For a complete picture of all changes being proposed, the reader is directed to the regulatory document itself.

Regulation	Page	Current Regulation	Proposed Regulation	Rationale
I	11	<u>Services Plan</u> : Services plan means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR 300.132 and is developed and implemented in accordance with 34 CFR 300.137 through 300.139.	<u>Services Plan</u> : Services plan means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a nonprofit private elementary or secondary school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR 300.132 and is developed and implemented in accordance with 34 CFR 300.137 through 300.139.	Add wording to align with 20 U.S.C. § 1412(a)(10)(A) and 34 C.F.R. §§ 300.130 through 300.144 and federal Office of Special Education Programs (OSEP) guidance for providing proportionate share services to parentally placed private, parochial, and home schooled students described in a February 2022 OSEP Q&A document.

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Regulation IV – FAPE/IEP/LRE

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Regulation	Page	Current Regulation	Proposed Regulation	Rationale
IV	45	<p><u>AGENCY RESPONSIBLE FOR FAPE</u></p> <p>The public agency or special school district in which a student with a disability resides is responsible for implementation of FAPE. Students with disabilities or severe disabilities who are admitted to programs and facilities of the Department of Mental Health or whose domicile is in one public agency, but actually reside in another public agency as a result of a placement arranged by or approved by the Department of Mental Health, the Department of Social Services, or a court of competent jurisdiction shall be provided special education and related services in the public agency where the student actually resides.</p>	<p><u>AGENCY RESPONSIBLE FOR FAPE</u></p> <p>The public agency or special school district in which a student with a disability resides is responsible for implementation of FAPE. Students with disabilities or severe disabilities who are admitted to programs and facilities of the Department of Mental Health or whose domicile is in one public agency, but actually reside in another public agency as a result of a placement arranged by or approved by the Department of Mental Health, the Department of Social Services, or a court of competent jurisdiction shall be provided special education and related services in the public agency where the student actually resides.</p> <p>Students enrolled in full-time MOCAP approved virtual education programs hosted by a Missouri school district are enrolled in the host school district. The host school district is responsible for implementation of FAPE.</p>	Add description of MOCAP hosted district enrollment because it is an exception to the residency rule and is a new addition to Section 161.670 RSMo.
IV	46	<p>Listed below are the statutes of the state of Missouri which provide the legal basis and source Missouri’s policy relating to FAPE.</p> <p>(1) Section 162.670, RSMo (2) Section 162.675, RSMo (3) Section 162.680, RSMo (4) Section 217.355(4), RSMo (5) Section 162.700(1), RSMo (6) Section 219.021, RSMo (7) Article IV, Section 37(a), Missouri Constitution</p>	<p>Listed below are the statutes of the state of Missouri which provide the legal basis and source Missouri’s policy relating to FAPE.</p> <p>(1) Section 162.670, RSMo (2) Section 162.675, RSMo (3) Section 162.680, RSMo (4) Section 217.355(4), RSMo (5) Section 162.700(1), RSMo (6) Section 219.021, RSMo (7) Article IV, Section 37(a), Missouri Constitution (8) Section 161.670 Subsection 3(4), RSMo</p>	Add Section 160.670 RSMo, implementing new requirements to the MOCAP statute, to the list of state statutes that provide the legal basis and source of Missouri’s policy relating to FAPE.

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Regulation V – Procedural Safeguards/Discipline

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Regulation	Page	Current Regulation	Proposed Regulation	Rationale
V	65	D. PROCEDURAL SAFEGUARDS NOTICE (34 CFR 300.504) A copy of the state approved procedural safeguards available to the parents of a student with a disability shall be given to parents only one (1) time a school year, except that a copy also shall be given to the parents:	D. PROCEDURAL SAFEGUARDS NOTICE (34 CFR 300.504) A copy of the state approved procedural safeguards available to the parents of a student with a disability and a copy of the Parents’ Bill of Rights, per section 161.850 RSMo, shall be given to parents only one (1) time a school year, except that a copy also shall be given to the parents:	Add wording to describe when a copy of the Parents’ Bill of Rights is to be provided to parents per RSMo 161.850.

Proposed changes to the Missouri
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Regulation VIII – Personnel Standards

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Regulation	Page	Current Regulation		Proposed Regulation		Rationale
VIII	103	Title	Responsibilities	Educational Qualifications	Certificates or License	Add names of additional nationally recognized certification agencies to meet the requirements of the BRITE Act, 167.225 Sections 9(4) and 10(3) RSMo. Remove wording that does not comply with BRITE Act requirements.
		Orientation and Mobility (O&M) Specialist	Provides orientation and mobility services to eligible students with visual impairments	Bachelor’s Degree with specialization in orientation and mobility teaching the blind and visually impaired, rehabilitation teaching, special education, occupational therapy or closely related area	Certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as a Certified Orientation and Mobility Specialist (COMS), the National Blindness Professional Certification Board (NBPCB) with a National Orientation and Mobility Certification (NOMC), or hold a nationally recognized certification related to orientation and mobility or Current O&M services contract with Rehabilitation Services for the Blind	

Regulation	Page	Current Regulation		Proposed Regulation		Rationale
VIII	107	Title	Responsibilities	Educational Qualifications	Certificates or License	Add title, responsibilities, educational qualifications and certificates or license requirements to meet the requirements of the BRITE Act, 167.225 Section 10(2) RSMo.
		Teacher <ul style="list-style-type: none">• Accessible Assistive Technology	Provide instruction in accessible assistive technology, consultation, and training with teachers, and conduct assistive technology assessment	Bachelor’s Degree	Certification in blind and partially sighted issued by the State Board of Education, hold a valid and current Certified Assistive Technology Instructional Specialist for People with Visual Impairments (CATIS), or hold a valid and current National Certification in Access Technology for the Blind (NCATB) or other nationally recognized certification related to assistive technology instruction for individuals with visual impairments	
VIII	107	Title	Responsibilities	Educational Qualifications	Certificates or License	There is a fundamental misunderstanding of the early learning blended program which uses blended funding to operate. Funding sources may or may not include ECSE funding. Blended funding programs have no clear special education instruction requirements. Adding <i>funding program</i> to the title aligns to the program name used by
		Teacher <ul style="list-style-type: none">• Early childhood blended funding program	Direct instruction, consultation with teachers, develop IEPs, writing evaluation reports, travel training, individualized assessments	Bachelor’s Degree	Certification in early childhood or early childhood special education issued by the State Board of Education	

Regulation	Page	Current Regulation			Proposed Regulation	Rationale
						Office of Childhood and stands in contrast to the integrated ECSE classroom model listed in State Plan Regulation IX, class size and caseload requirements. The integrated ECSE model operates using special education funding and has very clear guidance on the makeup of the classroom and requires special education instruction provided by a teacher holding Early Childhood Special Education certification.
VIII	107	Title	Responsibilities	Educational Qualifications	Certificates or License	Add names of additional nationally recognized certification agencies to meet the requirements of the BRITE Act, 167.225 Section 10(1) RSMo.
		Teacher	Specialized instruction in Braille or other related instruction	Bachelor's Degree	Certification in blind and partially sighted issued by the State Board of Education, hold a current and valid National Certification in Unified English Braille (NCUEB) working under the supervision of a reading specialist, or hold a nationally recognized certification related to Braille instruction	
		<ul style="list-style-type: none">Visually Impaired				