

**MSBA Core Manual
Basic Policy Management Services**

Policy IGBA-1: SPECIAL EDUCATION

Status: ADOPTED

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It is the policy of the board of education to provide a free and appropriate public education (FAPE) for students with disabilities who are in need of special education and related services in accordance with the Individuals with Disabilities Education Act (IDEA), the Missouri State Plan for Special Education (State Plan), the district's local compliance plan, and applicable state and federal laws.

Child Find

The district has an obligation to locate, identify, and evaluate children in the district between the ages of 3 and 21 who may need special education and related services, including children who are wards of the state, are homeless, or attend private schools located within the boundaries of the school district. Any individual who knows or believes that a student has a disability and is in need of accommodation or special education should contact the school's principal or the district's special education director immediately.

The district will notify all parents/guardians and students of its obligations under this policy and the law. The district will also utilize public media and other postings to notify the public of the district's legal obligations as required by law.

Evaluation and Identification

The special education director will arrange for district students and children who are not enrolled in the district but who may need special education services to be evaluated to determine their eligibility for special education services in accordance with the law and state and local plans.

Specific Learning Disabilities

The board authorizes the special education director to use a discrepancy model, including the use of professional judgment or a response to intervention (RTI) model, for identifying students with specific learning disabilities (SLD).

Children Three to Five Years of Age

The district will identify for special education services children who are three to five years old and not yet eligible for kindergarten. To do so, the district will use the available identification categories included in the Missouri State Plan for Special Education (State Plan), including the category of "Young Child with a Developmental Delay" (YCDD). Every child who has been identified for special education services will

remain eligible for special education services after becoming age-eligible for kindergarten. The district will comply with the requirements of the State Plan.

Independent Evaluations

If a student is evaluated for special education services and the parents/guardians disagree with the evaluation, the parents/guardians may obtain an independent educational evaluation (IEE) at the district's expense, as allowed by the IDEA. Applicable procedures, evaluator criteria, and location and cost limitations governing the IEE process are available through the district's special education director. The board delegates to the superintendent or designee the authority to make changes to these procedures, evaluator criteria, and cost guidelines. These items will adhere to rules published in the Missouri State Plan and the local plan for compliance with the law.

Services for Students with Visual Impairments

As required by law, and unless the individualized education program (IEP) team determines that such instruction is not appropriate, each student who is blind or visually impaired will receive instruction in:

1. Braille reading and writing;
2. Assistive technology;
3. Expanded core curriculum; and
4. Orientation and mobility.

No student will be denied such instruction solely because the student has some remaining vision.

Students Placed in Private Schools by Their Parents/Guardians

For the purpose of this policy, a "private school" is defined to include home schools and religious/parochial schools.

In general, the district has no obligation to provide FAPE or special education and related services to individual students enrolled in a private school by their parents/guardians. The district will expend a proportionate amount of its IDEA Part B funds on the group of privately placed students as a whole, as required by law.

The district will work with private schools located within its boundaries to identify and evaluate students attending the private schools who may be eligible for special education services. When a student is determined eligible, the district will offer to enroll the student and provide the student special education and related services in the district.

Parents/Guardians of a student previously enrolled in the district who choose to unilaterally place the student in a private school without district consent due to a dispute regarding FAPE will not be reimbursed for tuition costs except as required by law.

Extended School Year

Extended school year (ESY) services may be necessary to provide a child with a disability FAPE pursuant to law. The IEP team will consider ESY services for all special education students eligible for services under the IDEA, but ESY services will be provided only if the student is found eligible in accordance with this policy.

A student will be eligible for ESY services if, based on the available data, the student needs services beyond the regular school day or term to avoid regression that will interfere with the student's ability to continue to progress in the curriculum. This determination will be based on consideration of the following:

1. The nature and severity of the student's disability.
2. The areas of learning crucial to the child's attainment of self-sufficiency and independence.
3. The student's progress.
4. The student's behavioral and physical needs.
5. Opportunities the student will have to practice skills outside the formal classroom setting without ESY services.
6. Availability of alternative resources.
7. Areas of the student's curriculum that need continuous attention.
8. Ability of the student's parents/guardians to provide educational structure.
9. Particular curricular or vocational needs of the student.
10. Opportunity for the student to interact with nondisabled children.

The length, nature, and type of ESY services will be determined by the IEP team and addressed in each student's IEP. If it is unreasonable to predict eligibility for ESY services at the time the IEP is developed, the IEP team will meet after sufficient time has passed for the team to make an informed decision about ESY services, but not later than the last calendar day of the regular school term.

Mediation

The board of education authorizes the special education director to legally bind the school district to a mediation agreement developed in accordance with the IDEA and Missouri law and further authorizes the

special education director to contact an attorney for legal advice prior to making any decisions. In the absence of the special education director, the special education process coordinator is authorized to perform the duties under this section.

Resolution

The board of education designates the special education director to represent the school district in resolution meetings and gives the special education director decision-making authority on behalf of the district. The special education director has the authority to sign and legally bind the district to a settlement agreement reached at the resolution meeting. In the absence of the special education director, the special education process coordinator is authorized to perform the duties under this section. All other settlement agreements must be approved by the board.

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Dent-Phelps R-III School District, Salem, Missouri

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
§ 161.396, RSMo.	State Statute
§ 161.850, RSMo.	State Statute
§ 162.670-.999, RSMo.	State Statute
§ 167.225, RSMo.	State Statute
MISSOURI STATE PLAN FOR SPECIAL EDUCATION	State Regulation
Federal	Description
20 U.S.C. § 1400-1417	Individuals with Disabilities Education Act
29 U.S.C. § 794	Section 504 of the Rehabilitation Act of 1973
34 C.F.R Part 104	Section 504 of the Rehabilitation Act of 1973
34 C.F.R Part 300	Individuals with Disabilities Education Act
42 U.S.C. §§ 12101-12213	Americans with Disabilities Act

Cross References

Code	Description
AC	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION</u>
AC-AF(1)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Notice of Nondiscrimination)</u>
AC-AF(2)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Grievance Form)</u>
AC-AF(3)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Level I Grievance Report)</u>
AC-AF(4)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Level II Grievance Report)</u>
AC-AF(5)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Level III Grievance Report)</u>
AC-AF(6)	<u>PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION - (Appeal Form)</u>
DGA-1	<u>AUTHORIZED SIGNATURES</u>
ECG	<u>ANIMALS ON DISTRICT PROPERTY</u>
EHBC	<u>DATA GOVERNANCE AND SECURITY</u>
EHBC-AP(1)	<u>DATA GOVERNANCE AND SECURITY - (Incident and Data Breach Response Plan)</u>
EHBC-AP(2)	<u>DATA GOVERNANCE AND SECURITY - (Data Management)</u>
EHBC-AP(3)	<u>DATA GOVERNANCE AND SECURITY - (Account Management)</u>
EHBC-AP(4)	<u>DATA GOVERNANCE AND SECURITY - (Security Controls)</u>
EHBC-AF(1)	<u>DATA GOVERNANCE AND SECURITY - (Confidentiality and Security Agreement for Employees and Volunteers)</u>
JCB	<u>TRANSFERS WITHIN THE DISTRICT</u>
JCB-AP(1)	<u>TRANSFERS WITHIN THE DISTRICT - (Transfers under Federal Law)</u>
JCB-AF(1)	<u>TRANSFERS WITHIN THE DISTRICT - (Application for Change in School Assignment)</u>

JCC-1	<u>TRANSFERS OUTSIDE THE DISTRICT</u>
JCC-2	<u>TRANSFERS OUTSIDE THE DISTRICT</u>
JEC-AF(1)	<u>SCHOOL ADMISSIONS - (Enrollment Form)</u>
JEC-1	<u>SCHOOL ADMISSIONS</u>
JEC-2	<u>SCHOOL ADMISSIONS</u>
JECC-1	<u>ASSIGNMENT OF STUDENTS TO GRADE LEVELS/CLASSES</u>
JECC-2	<u>ASSIGNMENT OF STUDENTS TO GRADE LEVELS/CLASSES</u>
JGE	<u>DISCIPLINE OF STUDENTS WITH DISABILITIES</u>
JGE-AP(1)	<u>DISCIPLINE OF STUDENTS WITH DISABILITIES - (Students Eligible for Special Education Services)</u>
JGE-AP(2)	<u>DISCIPLINE OF STUDENTS WITH DISABILITIES - (Students Receiving Accommodations under Section 504 but Not Special Education Services)</u>
JHCF	<u>STUDENT ALLERGY PREVENTION AND RESPONSE</u>
JHCF-AP(1)	<u>STUDENT ALLERGY PREVENTION AND RESPONSE</u>
JHDA	<u>SURVEYING, ANALYZING OR EVALUATING STUDENTS</u>
JO-AP(2)	<u>STUDENT RECORDS - (Disclosure of Photographs, Images and Recordings Maintained by the District)</u>
JO-AF(1)	<u>STUDENT RECORDS - (FERPA Release)</u>
JO-AF(2)	<u>STUDENT RECORDS - (Record of Requests for Information)</u>
JO-AF(3)	<u>STUDENT RECORDS - (Request to Amend Education Records and Request for a Hearing)</u>
JO-AF(4)	<u>STUDENT RECORDS - (Response to Hearing)</u>
JO-AF(5)	<u>STUDENT RECORDS - (Request for Education Records)</u>
JO-AF(6)	<u>STUDENT RECORDS - (Transfer of Records to School Student is Currently or Prospectively Attending)</u>
JO-AF(7)	<u>STUDENT RECORDS - (Conditions for Disclosure of Student Records to Officials and Authorities of the State Juvenile Justice System)</u>
JO-AF(8)	<u>STUDENT RECORDS - (Letter to Parent Regarding Receipt of a Subpoena)</u>

JO-AF(9)	<u>STUDENT RECORDS - (Nondisclosure Agreement)</u>
JO-1	<u>STUDENT RECORDS</u>
JO-1-AP(1)	<u>STUDENT RECORDS - (K-12 Districts)</u>
JO-2	<u>STUDENT RECORDS</u>
JO-2-AP(1)	<u>STUDENT RECORDS - (K-8 Districts)</u>
KKB	<u>AUDIO AND VISUAL RECORDING</u>