# Questions from the Field

## March 24th, 2022

**1) Services vs Eligibility: When a student is identified as OHI, ID, ED, etc., and does not show academic impact in all academic areas, is it correct that services are only provided in the identified areas and that a re-evaluation would be necessary to add a service area?**

The eligibility categories of Other Health Impairment (OHI), Intellectual Disability (ID), and Emotional Disturbance (ED) (as well as others) do not include sub-categories as are found in the criteria for Specific Learning Disabilities. The comprehensive educational evaluation should document all adverse educational impact created by the child’s disabling condition. The description of adverse impact helps identify all of the child’s educational needs. The Present Levels of Academic Achievement and Functional Performance (PLAAFP) should further document those educational needs so the IEP team can determine what goals and services are required.

For students who are already identified as requiring special education services under those eligibility categories not requiring a sub-category it is possible ,over time, additional needs will develop which can be attributed to the current educational disability. These needs would not change eligibility and would not require a re-evaluation, as long as the IEP team has enough information to write an appropriate IEP. The PLAAFP should clearly explain and document those new and existing educational needs. The identified needs from the current PLAAFP would guide the IEP team in determining appropriate goals and services.

Some of these new educational needs may be addressed when describing the child’s functional performance in the PLAAFP. Functional performance should be addressed in every student’s IEP, regardless of the special education eligibility category. The term functional performance refers to areas such as: general ability, problem solving, attention and organization, communication, social skills, behavior, independent living, self -advocacy, learning style, vocational interests, and employment. Goals can then be written and services provided for those needs which have been outlined in the PLAAFP in accordance with Indicator 200.810.d which states that the IEP includes goals that “Address the child’s other educational needs resulting from her/his disability”.

**2) Assessment: If a student has *scribe* marked as an accommodation in the student’s IEP and does not meet the current MAP requirements (**[**Physical injury prior to testing or student with Physical disabilities**](https://dese.mo.gov/media/pdf/map-grade-level-assessment-tools-and-accommodations)**) for a scribe, can we remove that accommodation from Form D without holding an IEP meeting? What steps should we take?**

Currently, the use of a scribe on the MAP Assessments is noted as a universal tool in the test administration guide. However, the test administration guide indicates students who obtain a physical injury prior to testing that prevents them from responding may dictate their responses to a scribe, or students with physical disabilities that may prevent them from responding themselves may dictate their responses to a scribe. A representative from the Office of College and Career Readiness: Assessment section provided information regarding the description in the administration guide, indicating they will update the assessment guide to remove the word *physical* so that this may encompass students with any disability that impacts the ability to express themselves in writing. Districts who have students whose IEPs including a scribe can use it this year, and the wording will be updated for next year.

Remember, an IEP amendment or an annual IEP meeting is necessary when making a change to the IEP to remove or add an accommodation (not a universal tool) from Form D or Form F.

**3) Assessment: If they use speech-to-text does that need to be listed under assistive technology? What computer apps are needed to use speech to text on the MAP test?**

In terms of speech-to-text, currently the vendors used by the DESE must attempt to work with speech-to-text software, but they are not required to support it. A representative from the Office of College and Career Readiness: Assessment section has indicated they are considering changing the vendor requirements in their next Request for Proposal from the vendors. Speech-to-text is not currently supported in the MAP platform, information from the Office of College and Career Readiness: Assessment section says that students could use a second device to assist with speech to text as long as the second device does not have internet access. The student’s answer on the second device would either need to be scribed or typed by the examiner directly into the MAP platform.

**4) Young Child with Developmental Delay (YCDD): Must there be academic services and not just related services for a student served under YCDD eligibility?**

As with IEP services for the K-12 population, ECSE students, no matter their eligibility category, cannot have an IEP which lists only related services. All IEP’s must have at least one special education service listed. For children receiving early childhood special education, “academic” services are not required because their IEPs are focused on closing developmental delay gaps. If a child’s eligibility for YCDD happens to be in the physical area, their special education services will involve specially designed instruction focused on motor development and will include goals that may primarily be addressed by a physical or occupational therapist. However, those same goals may also be co-implemented by a teacher. Goals for children who qualify in the social-emotional area may involve specially designed instruction in behavior or social skills. In addition, all of the sub-areas of eligibility for YCDD (physical development, cognitive development, communication development, or social or emotional development) can be served as specially designed instruction in “school readiness skills” since any skill being addressed would have that objective in most service models.

**5) Transfer: How should we be handling students that transfer in from home school or private school as first grade or higher and were previously eligible as YCDD but never dismissed because they did not enroll in public school kindergarten and are not a student that was ours from ECSE so we aren't tracking them. Are we correct in thinking we treat them as a student that is still in special education and open a reevaluation to determine whether they are eligible for a categorical disability or are doing something else? Provide comparable services based on the most recent IEP?**

It is best to follow the IDEA transfer process when students previously identified as eligible for special education using YCDD enroll in your school after age six. In some cases, the eligibility report and most recent IEP may actually be from your own district. The LEA, in consultation with the parents, must determine what comparable services are required while the student is being re-evaluated to determine if they meet eligibility for one of the K-12 categorical eligibility areas. For further information visit the [In-State Transfer Process.](https://dese.mo.gov/media/pdf/transfer-students-state)

**6) OHI: For OHI eligibility, you have to document the health impairment results in limited strength, vitality, OR alertness, including a heightened alertness - not necessarily ALL of those, but just whichever applies to that student, correct? I've seen wording before that makes it seem like ALL of those are present, but I just wanted to make sure that if we may only see limited alertness, that it would still apply.**

The Standards and Indicators say, "Documentation indicates that the health impairment results in limited strength, vitality, OR alertness, including a heightened alertness to environmental stimuli." The word OR implies that the health impairment affects one or more of those areas. The evaluation report needs to clearly specify which of those apply and how it adversely impacts their education.

[Video: Other Health Impaired](https://www.youtube.com/watch?v=E6fZSI4CDlU)
[PowerPoint: Other Health Impaired](https://dese.mo.gov/media/file/ohi-zoom-1292021)
[Other Health Impaired FAQ](https://dese.mo.gov/media/file/other-health-impaired-questions-and-answers)
[Dec 2021 Myth of the Month: Other Health Impaired](https://dese.mo.gov/media/pdf/december-2021-mom)

**7) Section 504/OCR: Can a 504 give related services?**

All Section 504 Questions should be directed to:

Kansas City Office/Office for Civil Rights (OCR) - U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550

Email: OCR.KansasCity@ed.gov

OCR offers a [504 Resource Guide](https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf) to provide answers to questions that OCR has received and to increase understanding among parents and members of the school community of the Federal civil rights laws that protect students with disabilities in public schools, and in particular, Section 504 of the Rehabilitation Act of 1973.

**8) Adaptive Physical Education (APE): Would you consider a student with a physical impairment that only needs APE an IEP student? Does that change if he completes the required PE credit?**

IDEA eligibility is based on identifying the existence of an educational disability that adversely impacts learning and requires specially designed instruction. IDEA eligibility should not be based on the need for support in one course. It is quite possible that this child meets criteria for having a disability under Section 504 and a 504 plan could meet the child’s needs through accommodations or modifications made to the regular physical education class. It is also possible for a child who qualifies for protection under Section 504 to have specially designed instruction in the form of an APE class listed as one of the accommodations/modifications on the 504 plan. It is not required that a child be found eligible as a student with a disability under IDEA for physical education needs to be met. For more information visit the [FAQ on Adaptive Physical Education (APE)](https://dese.mo.gov/faq-categorization/adapted-physical-education).

**9) Adaptive Physical Education (APE): My understanding was that APE was always a special education service taught by a teacher, is that not correct?**

The APE services listed on an IEP may be provided by a physical education teacher or a special education teacher. This is one circumstance in which it is not necessary that the specialized instruction be provided by a teacher certificated in special education. For more information visit the [FAQ on Adaptive Physical Education (APE)](https://dese.mo.gov/special-education/compliance/adapted-physical-education)**.**

**10) Services: When a student meets graduation requirements (math for example), what happens to the need for specialized instruction in math if that is the only service in the IEP? With that being said, should the goal be changed to support transition goals?**

The need for specially designed instruction (services) is determined by the student’s area of eligibility and the adverse educational impact created by that area of need, not the student’s course of study. Consider if the student can be successful in other classes in which they are enrolled, such a chemistry, cooking, construction, or personal finance, without specially designed instruction through an IEP. If the IEP team is questioning the need for services, start a re-evaluation. A review of existing data should be held and the adverse educational impact and need for services should be fully discussed. If, after a review of comprehensive evaluation information, the team determines there is no adverse impact noted for this student, including in planning for post-secondary goals, then the student is no longer eligible for special education services and should be dismissed. If, however, the team does determine that in order to meet post-secondary goals, the student does need continued support, appropriate IEP goals related to the educational needs described in the PLAAFP should be written and services should be provided in a way that will enable the student to make progress on those IEP goals.

**11) General Guidance: Can you tell me where the Myths of the Month are again?**

All Myths of the Month as well as the Monthly To-Do Lists and other general guidance can be found on [DESE Special Education Compliance- General Guidance Page](https://dese.mo.gov/special-education/compliance/general-guidance).

**12) Upcoming Trainings:**

[Project ACCESS New FBA Consult and Training Model](https://education.missouristate.edu/access/training/events/) - Project ACCESS is excited to announce a new consult and training model. This new consultative model consists of 12 intensive and collaborative phases where Project ACCESS trains your staff to conduct thorough Functional Behavior Assessments (FBAs) while completing the assessment alongside them. This process will be completed through a hybrid in-person and e-coaching model. By following the model above, your staff will be trained on all components of the FBA process including indirect assessment, direct assessment and observation, data graphing and analysis, function of behavior, and development of the Behavior Intervention Plan (BIP).

[Pathways for Paras](https://education.missouristate.edu/SpEd/pathways-for-paraprofessionals.htm): For more information or to apply for participation, contact Dr. Reesha Adamson at radamson@missouristate.edu or 417-836-6284.

The [Transition Training Institute](https://dese.mo.gov/special-education/effective-practices/postsecondary-transition) is scheduled for June 27-29 in Columbia, MO with compliance presenting on the afternoon of June 27.

MPACT is offering a FREE workshop that provides an overview of the [McKinney-Vento Homeless Assistance Act](https://www.missouriparentsact.org/event/mckinney-vento-overview-2/?instance_id=158) and its intersection with IDEA on April 19, 2022 @ 9:00 am – 9:30 am. This act focuses on ensuring that highly mobile children and youths have the same education options as their peers. In addition to protecting individuals considered homeless, the needs of those waiting for a foster care placement are also addressed.

Save the date: The virtual **Special Education Director Academy (SEDA)** July 25-29 from nine to noon daily. Registration will open at the End of April.