

Questions and Answers/December 3, 2008, Webinar

1. How will we know if our school district is participating in the National Assessment of Educational Progress (NAEP) exam?

Answer: Superintendents were notified in May 2008 by the commissioner of education, D. Kent King.

2. What kind of certification does a special education teacher need when working with regular education students in Response to Intervention (RtI) or Early Intervening Services (EIS)?

Answer: It appears you may be concerned about the NCLB Highly Qualified issue; if so, keep in mind that secondary and tertiary levels of Response to Intervention involve supplementary instruction. The special education teacher providing this supplementary instruction would not need any additional certification.

3. If an IEP student who has been long-term suspended or expelled is placed on homebound to receive continued services, does the school district have to award credit? Is this an IEP team decision?

Answer: This is NOT an IEP team decision, but rather is left up to the school district's administration. IDEA does not require credit or prohibit credit in such a situation. IDEA only requires the continued services. Whether to award credit is a decision to be made by the district; it is recommended the school district consult with their lawyer on this issue as there has been at least one Missouri court decision on the awarding of credit to a student suspended (he was not special education).

4. What are the federal and state requirements regarding a qualified examiner - someone who can administer an individual achievement test/standardized assessment?

Answer: To test IQ, graduate level course in administration of an IQ test is required, or being qualified by the publisher of the test. For other tests, the publisher provides guidelines on who is considered qualified.

5. Did I understand that you said professional judgment could not be used with MR?

Answer: Correct, no professional judgment can be used for MR. The eligibility criteria, in our state regulations for MR, does not permit the use of professional judgment for initial evaluations or reevaluations. This can be found in our Standards and Indicators document at 100.10-100.30.

6. So a student must meet "the numbers" each time they are reevaluated?? Once determined eligible can't a student be continued at reevaluation even if new assessments do not support earlier decision?

Answer: It is not required that the child meet initial eligibility criteria; however, the team must determine that the child continues to show evidence of the disability indicated in the initial or most recent reevaluation. 200.340a in the Standards and Indicators, which aligns to 34 CFR 300.305(a)(2) in the federal regulations, states that documentation is present on the basis of the review of existing evaluation data and input from the child's parent, the IEP team made a determination of what additional data, if any, is needed to determine (1) whether the child continues to have the disability identified at the initial or most recent reevaluation.

7. What about Special Educators and the Retirement session? What is the latest information that is available?

Answer: DESE has no authority over this issue and is not involved in the decision-making process. All inquiries regarding this topic can be made with the state's Office of Administration (OA), as OA is working with the Social Security Administration and PSRS to try to resolve the issues. You can call Vandee DeVore at 573-751-3289.

8. If a student is deemed to be ineligible for services based on an initial evaluation whether a parent or staff referral, the district needs to complete a Notice of Action. We are unsure when completing the Notice if we mark 'Ineligibility for Services' whether this is a 'proposed' or a 'refused' action or is it more appropriate to state 'Refused' action for 'Initial placement/services'?

Answer: It does not matter. The requirement is met by providing the written notice with the required components. What you call the notice is not material. With that said, I would probably use "refused" in response to a parent referral and "proposed" for a school district referral.

9. If a student was initially diagnosed MR, then reevaluated and adaptive behavior scores are now above expectancy but the team thinks the child continues to require services, can we grandfather them in?

Answer: See answer to #6 above.

10. With the Missouri Department of Mental Health/Division of MRDD dropping the term of "MR" will DESE consider eliminating this term as well?

Answer: No. We use the term in the regulations because IDEA uses the term. I do not anticipate changing that unless and until IDEA eliminates the term. We do now provide the option of using "intellectual disability" if that is preferred.

11. Did I miss the answer to the question regarding when the District Special Education Profiles will be updated?

Answer: These are updated and posted on the general school data and statistics website.

12. Is it correct that we have the choice to use either Mental Retardation or Intellectual Disability title for these disabilities?

Answer: yes

13. Please repeat what you said about a Notice of Action not required for something.... I was distracted by a student.

Answer: When a parent requests their child be exited from special education, under the new federal regulations, the school district must comply with the request and must provide a written notice of discontinuation of services/exiting.

14. Would these students be coded as "return to regular education" exit code if parent exits the child?

Answer: You would code these kids as you would any other student who you exit.

15. When does the parent removal of their child from special education services go into effect?

Answer: It seems to me that since a written notice of the discontinuation is required and a written notice must be a "prior" notice, that the change is subject to the usual 10 day prior notice provision in Missouri (which can be waived with parent agreement). As far as how fast the written notice must be provided, there is no timeline, so I think a "reasonable" time is the standard.

16. If a parent chooses to exit their child from special education, then are they deemed ineligible for special education at that time or do we have to conduct a reevaluation or review of existing data?

Answer: No reevaluation/review of existing data is conducted. The parent makes the decision to "revoke consent" for services and the district exits the child from special education with a written notice of action.

17. When using an interpreter for evaluations of ELL students, do we need a separate release signed by the parent or is the Notice of Action to evaluate sufficient?

Answer: No.

18. Are there changes in caseload requirements?

Answer: There are no caseload requirements except for Early Childhood Special Education (ECSE) which are tied to funding. There are caseload guidelines/recommendations in the state regulations implementing IDEA.

19. If a parent pulls a child from special education, do we have to go through the whole process again if they change their minds?

Answer: Yes.

20. Has there been any more work done on the possible implementation of a statewide Special Education IEP/Evaluation Management System?

Answer: Yes. On December 10 and 11, the Statewide Electronic IEP System Advisory Committee will meet with potential vendors. Each potential vendor will present to the committee for an hour, allowing for questions. This will enable the committee to further explore the options; then a decision will be made as to whether to move forward with development of a Request for Proposals to obtain bids on a state contract. That is a very long process, usually six to nine months.

21. Can start up money also be used for PT and OT?

Answer: Yes!! A Special Education Start-Up Grant can be used to form a cooperative so that school districts in the cooperative can share an OT and/or PT.

22. What testing can be used or how does listening and oral expression relate to RtI and where can more information regarding listening and oral expression be found?

Answer: Please contact me directly with more information/explanation of what you are asking about.