

Questions and Answers/April 1, 2009, Webinar

1. Can a regular education teacher implement an IEP at an alternative school if there is a consultation with special education teacher daily when this is an alternative school that is housed at a local girl's group home?

Answer: Only if the minutes that the regular education teacher is implementing are regular education minutes; implementation of the special education minutes requires a teacher with a special education certificate.

2. Does the Triennial Evaluation Document form indicating that tri reevaluation is unnecessary, need to have a WRITTEN signature or can there be agreement via telephone or email between the LEA and the parent?

Answer: No written signature is required. The Triennial Evaluation Document form serves as a means for documenting the required triennial evaluation process has taken place for the student. It confirms the parent was consulted and it has determined no triennial evaluation was necessary. The only requirement is that the parent is involved in this decision which may be by telephone, email, or in person.

3. Is there a liability issue if a student is working in a private business and requires the school to transport them there and has a personal aid with the student?

Answer: There may be some potential liability issues on the part of the school and/or the business, but it is highly unusual to see litigation in connection to such arrangements; use common sense, ensure supervision, and bottom-line: do what is good for kids.

4. The new guidance states that costs are allowable beginning February 17, 2009, the effective date of the grant. Comments?

Answer: Not sure what you are asking? If the question has to do with the timing of the allocation, the allocation will be considered to be FY10, and monies will not be available to districts until July 1; additionally, all stimulus monies must be obligated by September 30, 2011, and spent within 90 days of that date. If you have a specific concern, e-mail me.

5. When can districts expect to receive proposed stimulus amounts?

Answer: The monies will be available beginning July 1.

6. Is it possible to build a building with the stimulus money if that building will only be used for special education programs?

Answer: Theoretically, IDEA monies can be used for this, but require special approval and a bunch of hoops to jump through. If this is something you really need to do, contact us to discuss in detail.

7. Transition question: We have high school students participating in a work program at our local hospital. This program is only offered to students with disabilities and a special education teacher or paraprofessional is onsite everyday for any job coaching needs as they arise. Are these considered special education minutes or general education minutes?

Answer: These are considered special education minutes.

8. Same scenario with transition - if the special education staff is not on site on a daily basis, how are minutes counted?

Answer: These would then be regular education minutes.

What if a paraprofessional is sent to the work site?

Answer: That depends on whether the paraprofessional service is being provided as an IEP service or whether it is a support put in place in a general education setting by administrators.

Please note: there are several approved programs in which students with disabilities may participate. Some of these programs are for all students and are considered regular education, unless the student's IEP team has determined they need special education or related services in order to be able to participate in the program. Please review the publication "Graduation Requirements for Students in Missouri's Public Schools" Appendix D, page 22-25 for a description of various off-campus, work experience programs in which students with disabilities may participate at <http://dese.mo.gov/divimprove/sia/graduationhandbook.pdf>.

9. You were going to discuss more stimulus dollar ideas for use?

Answer: I identified several ideas in the discussion portion part of the webinar. These included: formation of special education cooperatives so that several districts can pool their resources particularly around Deaf Education or Visually Impaired programs or programs for students who are Autistic; identification and training of in-district autism consultants (IDACs) through the Project Access program so you can grow your own in-district autism consultants, or contracting with Missouri Autism Consultants (MACs) through Project Access so you can bring in expertise to train and consult with your team in-house and develop in-house expertise and local capacity; hiring of additional paraprofessionals to help in classrooms with students with disabilities to lighten the load on teachers; purchase of assistive technology devices; purchase or maintain electronic IEP systems; purchase progress monitoring tools to use with students with disabilities; and/or professional development for staff who work with students with disabilities particularly on evidenced-based practices and instruction.

10. Is there a guideline for the number of times a student can have a reevaluation with no additional data, even if they are LD?

Answer: No.

11. Did you say that all stimulus money must be obligated by September 30, 2011? This seems that the money will be spent over two school years.

Answer: Correct.

12. Earlier, I think you said if a teacher is both special education and general education certified and teaching in a general education classroom, that teacher could provide the special education services; however, if the student was receiving those services in a regular education classroom, that would not be considered special education services, would it?

Answer: While a student is in the general education classroom, receiving their regular education minutes, the fact that their teacher has dual certification would not make that time count as special education minutes.

13. Is it correct that consultation with nonpublic schools on use of ARRA funds is one of the existing requirements that applies to the stimulus funds?

Answer: Correct. The stimulus IDEA monies must be spent exactly like “normal” IDEA allocation; therefore, the proportionate share requirement would reflect the increased IDEA allocation.

14. The Q & A talks about possibly using the ARRA money for private school over 2 school terms.

Answer: Yes, there are certain conditions that would allow for that. Please read the FAQ document from the feds on use of IDEA monies carefully. There is a section on this topic.

15. Please review what you said about using review of existing data/standardized test scores as a reevaluation when there is reason to believe there would be no change of services/placement.

Answer: Whether a reevaluation requires additional testing is an individualized decision; review of existing data without additional testing is certainly permissible regardless of whether a change in services or placement is being considered as long as the IEP team feels it has sufficient information.

16. If all the stimulus money is allocated during FY 10, do we use the entire sum to figure our proportionate share for the FY 10 or do we use 50% of the stimulus money in FY 10 to figure proportionate share and then the other 50% for FY 11 to figure proportionate share?

Answer: The stimulus money will be added to your FY10 IDEA allocation, and the desire is for you to spend it all during that fiscal year. The proportionate share calculation is based on that FY10 allocation which includes stimulus monies.

17. We were told previously that if a child receives speech/language therapy and was later referred for a suspected disability in a different area, the new evaluation was considered an initial. Can you please clarify again?

Answer: If a child is already on an IEP and you are conducting an evaluation to consider eligibility under a different category, it is a reevaluation; however, the child would need to meet the eligibility criteria of that other category in order to change his/her identification category – so in that way, you are meeting “initial” eligibility criteria but it is still a “reevaluation.”

18. Is sensory integration disorder an option for OHI?

Answer: I would be surprised to see this disorder result in eligibility under OHI by itself. However, there is nothing that would prohibit this specifically. The evaluation team should look very carefully at the eligibility criteria for OHI listed in our Special Education Compliance Program Review Standards and Indicators to ensure the requirements stated in 1300.10 and 1300.20 are met and documented in the evaluation report.

19. When you have a short term suspension (five days) where the team finds a pattern - so a manifestation is completed - the team finds the behavior not related. Does a Notice of Action for change of placement need to be done for those five days and subsequently - each day of OSS that follows if an MD is held?

Answer: First, keep in mind that it takes a lot of suspensions before a pattern of suspension results. Assuming you have had a series of short-term suspensions and that the proposed suspension of an additional five days would result in the series being viewed as a pattern of suspension and that the five day suspension, if implemented, would then result in a long-term suspension, and the manifestation determination results in a determination that of non-relatedness, then yes, you would do a Notice of Change of Placement for that five day suspension. As for whether additional suspensions in the year are also considered part of the pattern, it depends; an analysis would need to be done of the factors.

20. I have heard that if you are giving a student a regular diploma they have to take End of Course exams even if they have always taken MAP-A in the past, is this true?

Answer: At the High School Level, students who have taken the MAP-A, will continue to take the MAP-A regardless of whether they will be getting a regular diploma.

21. Is purchasing a handicapped accessible bus an allowable expenditure of your ARRA money? We have watched the AASA webinars and they have said "no", but on yesterday's MSBA webinar they said "yes."

Answer: If you are purchasing a wheelchair accessible bus for a child who needs it, you can use IDEA monies (ARRA or "regular" IDEA monies). Perhaps the answer on other webinars of "no" was in response to whether you can just go out and buy accessible buses?

22. Is the stimulus money a one year allocation (2009-10) or for two years (2009-10 & 2010-11)? If it is two years, then can we expect the same increase in 2010-11 as we get in the 2009-10?

Answer: The stimulus money will be paid with the FY10 IDEA allocation. While you have two years to spend it, it is desired you spend it in the one year it is allocated (FY10). NO, you will not receive another payment in FY11.

23. Should MAP-A students get a regular diploma or a certificate of completion?

Answer: The State Board guidelines indicate students with disabilities should receive a regular diploma if they meet the district graduation credit requirements OR if they meet the goals of their IEP and the IEP team determines they are ready to graduate. Students who "age out" at age 21, would get a certificate of completion in most cases.

24. One of my teachers pointed out that on the Review of Existing Form, the Team Conclusions and Decisions page, lists the word DIAGNOSIS several times. I have stressed to them many times that we are to use the word IDENTIFICATION now. So will this particular sheet need to be revised now to remove that terminology? This word is also used on the last page of this document - Parent Notification Regarding Results, etc.

Answer: Thank you for pointing this out; we have made the corrections! I appreciate your help on this issue. I think it is so important.

25. Transition: State Performance Plan Indicator 14 change – We will have to look at drop-out follow-ups and much more detailed information about graduates; this data will have to be reported to the feds by DESE. We need districts to collect better and more follow-up contact information on students dropping out and graduating this current school year, as next year we will have to report on it. See the difference in data we will have to report to the feds in our Annual Performance Report, posted on our website at:
<http://dese.mo.gov/divspeced/DataCoord/documents/Indicator14changes.pdf>.

26. Who is responsible for completing the ECO's on ECSE children who receive their services in a district other than their district of residence?

Answer: The district serving the child will likely complete this, but ultimately we are looking at the district of residence to ensure it is completed.

27. Please list persons and roles required to attend or participate in eligibility or continued eligibility staffings or ROED's for students other than SLD.

Answer: A group of qualified professionals and the parent (see page 35 of the state regulations aka State Plan). For SLD, there are additional members, see page 38 of the state plan.

28. Could you give us guidance on the specifics we should request from doctor offices regarding “comprehensive reports” for students we suspect may be OHI?

Answer: The district makes the determination of what constitutes a comprehensive health evaluation report and whether it meets the requirement to determine eligibility. Make sure you know and understand the criteria for the category. That will help you determine if the report is sufficient. If you need help on a particular situation, call one of our compliance supervisors.

29. An ECSE parent has consented for initial services and placement. Then, the parent wants to reduce the decision of the IEP team from four days per week to two days per week before the IEP has actually been implemented (due to not turning three yet). How does the team determine if the reduction in days per week is a failure to provide FAPE? Is there a guideline or checklist to refer to that will help us ensure we are providing FAPE to children?

Answer: There is no guideline or checklist. A free appropriate public education is one designed to confer educational benefit.

30. I overheard a director state that for reevaluations, you only have to do the Review of Data before the three year reevaluation date and not necessarily have the reevaluation completed. Can you please confirm or deny this?

Answer: The reevaluation must be completed by the three year date. Review of existing data is only a portion of the reevaluation process. The entire process must be complete by the timeline.

31. We have a special education student that has been suspended. We are continuing his services through homebound instruction. Can we count attendance on him?

Answer: Homebound services of five hours per week or more will enable you to count the student as attending school.

32. A student has been dismissed from special education and several months later regresses and requires special education services again. What would be the proper procedure for reinstating him in special education?

Answer: Once the student has been exited, you would need to begin the process from the start to consider him for special education identification. An initial evaluation would take place.

33. If we are using a Speech Implementer Model, how long do we need to advertise for a SLP for the next year?

Answer: An annual recruitment is required; however, to show good faith, we recommend you continue to attempt to locate an SLP to hire and document your attempts.

34. I have a question regarding district-wide assessments. We give the Dibels and YPP progress monitoring assessments to all elementary students. Do those need to be listed as district-wide assessments on the IEP? I know we list the PLAN test and ASVAB for high school students but was unsure about the elementary assessments.

Answer: Progress monitoring like Dibels are not district-wide assessments. These are screening measures designed to identify red flags and not intended as diagnostic or intended to inform instruction.

35. I could not hear much of the webinar yesterday (technical difficulties). Will Heidi go over the stimulus money and recommendations for allowable activities in detail? Also, how does funding look for SIGs, PLC, three tiered interventions, etc.? Will there be any SIG and RPDC funding or will districts need to use their funds/allotments for the entire endeavors?

Answer: See answer to #9 above for information on spending stimulus money. We anticipate offering special education school improvement grants again next year and would encourage applicants to propose systems change, including School-Wide Positive Behavior Supports, Professional Learning Communities, or Response to Intervention. RPDC funding is at risk right now in the legislature; the critical funds appropriation controls this and funding of this is up in the air. Our fingers are crossed. The funding of PBS consultants, special education improvement consultants, and special education compliance consultants is not at risk as we fund these out of IDEA monies through the Division of Special Education.