

Vision: The Mountain View-Birch Tree School District is two communities working as one to develop caring and responsible citizens.



Mission: Our mission is to empower and inspire all students to be successful before and after graduation. We strive to improve the quality of life through rigor, relevance, and relationships.

Mountain View-Birch Tree R-III School District

1054 Old Highway 60 Mountain View, MO 65548

417-934-5408

Fax 417-934-5404

To: Board of Education Members

From: Dr. Don Christensen, Superintendent

Re: Board Meeting Materials

Date Printed: August 11, 2022

Board Meeting Date: August 18, 2022

Enclosed please find the following Board packet information:

1. School Board Meeting Agenda
2. Explanation of School Board Meeting Agenda Items
3. Minutes of Previous Meeting
4. Copy of Monthly Bills
5. Monthly Financial Report
6. Tax Rate Pro-Formas
7. Tax Rate Info—Frequently Asked Questions
8. Estimate of Required Local Taxes
9. Notice of Tax Rate Hearing
10. Safe Return to In-Person Instruction & Continuity of Services Plan
11. Special Education Local Compliance Plan (DESE Model)
12. MSBA Recommended School Board Policies and Forms
13. Administrative Reports

SUPERINTENDENT'S OFFICE

Dr. Don Christensen - Superintendent
Lanna Tharp - Asst. Superintendent
Susan Smotherman - Supt. Secretary
Tressa Henry - Accountant
Rhonda Henry - Bookkeeper
(417) 934-5408/5409

LIBERTY HIGH SCHOOL

John Daniels - Principal
Tammy Heiney - Asst. Principal
Eli Ernst - Athletic Director
(417) 934-2020

LIBERTY MIDDLE SCHOOL

Ryan Chowning - Principal 6-8
Eli Ernst - Asst. Principal
(417) 934-5412

SPECIAL SERVICES

Barbara Medina- Director
(417) 934-2020

MTN VIEW ELEMENTARY

Angie Jester - Principal
Wade Marriott - Asst. Principal
(417)934-2550

BIRCH TREE ELEMENTARY

Paula Renshaw - Principal
(573) 292-3106

**MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT
TAX RATE HEARING
Thursday, August 18, 2022, 6:00 p.m.
Liberty Middle Schools Media Center**

Tax Rate Hearing—6:00 p.m.

- I. Call Meeting to Order**
- II. Presentation/Overview of Tax Rates**
- III. Public Comment:** The Board will listen to the statement of any person speaking his/her opinion on the school tax rate
- IV. Adjourn**

MOUNTAIN VIEW-BIRCH TREE R-III TAX RATE HEARING
Explanation of Agenda Items
Tax Rate Hearing
Thursday, August 18, 2022
Liberty Middle School Media Center

The information found on the following pages is provided for the Board Members to have advanced preparation to assist in making decisions and voting on issues relating to the publicly posted School Board Agenda. Information regarding state law and board policy have been included, as applicable, as well as an explanation of agenda items and the superintendent's recommendation for the agenda items.

Tax Rate Hearing—6:00 p.m.

Board Policy DC: TAXING AND BORROWING AUTHORITY/LIMITATIONS states that The Board is responsible for levying ad valorem property taxes as necessary to operate the Mountain View-Birch Tree R-III School District in a manner that promotes achievement for all students. Taxes will be levied in accordance with law.

The Mountain View-Birch Tree R-III School District will annually set the tax rate after first notifying the public and conducting at least one (1) public hearing.

The tax levy hearing notice shall include the following information:

1. Date, time and place of the hearing.
2. Assessed valuation by category of real, personal and other tangible property in the district for the fiscal year for which the tax is to be levied and the preceding tax year.
3. Amount of revenue required to be provided from the property tax as set forth in the adopted annual budget for each rate levied.
4. Tax rates proposed to be set for the various purposes of taxation.
5. Increase in tax revenue due to an increase in assessed value as a result of new construction and improvement.
6. Increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.

I. Call Meeting To Order

II. Presentation/Overview of Tax Rates

Dr. Christensen will present information regarding the school tax rates and how they are calculated. This presentation is "informational only" with no votes taken because according to board policy the "The Board will set the tax rate after the hearing."

1. Dr. C will present and explain the information contained on the tax rate hearing notice. The notice was placed in four area newspapers and was posted on the school district website.
2. Dr. C will review the information contained on the "Frequently Asked Questions" sheet.

III. Public Comment

The Board will listen to the statement of any person speaking his/her opinion on the school tax rate.

1. According to school board policy, "The tax rate hearing will include an opportunity for citizens to speak before the Board."

IV. Adjourn

**MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT
REGULAR SCHOOL BOARD MEETING
Thursday, August 18, 2022, Following Tax Rate Hearing
Liberty Middle School Media Center**

- I. Determination of Quorum/Call Meeting to Order**
- II. Pledge of Allegiance:** Mr. Chowning
- III. Public Comment:** The Board will listen to the statement of any person speaking his/her opinion on any given agenda item.

- IV. Approval of Consent Agenda Items**
 - A. Minutes of Previous Meeting: Approval of last month's board meeting minutes
 - B. Approval of Payment of Monthly Bills
 - C. Monthly Administrative/Principal Reports
- V. Adoption of Agenda**
- VI. Student Time**
 - A. None
- VII. Committee Reports**
 - A. MSBA Delegate Report/Training and Meetings - - MSBA Board Delegate
- VIII. Old Business**
 - A. Construction Update

- IX. New Business**
 - A. Items extracted from consent agenda
 - B. Exceptions to monthly bills: Payment related to individuals related to Board members
 - C. Monthly Financial Report
 - D. Set Tax Rates for 2022-2023 School Year
 - E. CSIP Updates
 - F. School Re-Opening Plan for 2022-2023 School Year
 - G. Special Education Local Compliance Plan Approval
 - H. MSBA School Board Policy Updates

- X. Other Business**
 - A. None
- XI. Monthly Program Report/Review**
 - A. None
- XII. Administrators' Reports**
 - A. Principals report on each of their building
- XIII. Move To Closed Session, Closed Vote, Closed Record**

The Board hereby gives notice to meeting in Closed Session to consider the following items pursuant to RSMo 610.021 (3), (13), (14)

- XIV. Return to regular session**
- XV. Adjourn**

MOUNTAIN VIEW-BIRCH TREE R-III BOARD OF EDUCATION MEETING

Explanation of Agenda Items

REGULAR SESSION

Thursday, August 18, 2022

Following Tax Rate Hearing

Liberty Middle School Media Center

The information found on the following pages is provided for the Board Members to have advanced preparation to assist in making decisions and voting on issues relating to the publicly posted School Board Agenda. Information regarding state law and board policy have been included, as applicable, as well as an explanation of agenda items and the superintendent's recommendation for the agenda items.

I. Determination of Quorum/Call Meeting To Order

II. Pledge of Allegiance

- a. Mr. Chowning will lead the pledge

III. Public Comment

According to Board policy BDDH: "A specifically designated time will be set aside for public comments at regular meetings of the Board of Education. The following rules will be applied to the public comment portion of the meeting:

- The Board will establish a time limit for the public comment period.*
- No individual will be permitted to speak more than once during this period.*
- The individual must reside in the district or be a landowner of the district.*
- The Board will establish a uniform time limit for each speaker.*
- Only items from the posted agenda may be discussed."*

IV. Approval of Consent Agenda Items

"The consent agenda allows members to vote on a group of items (en bloc) without discussion. This is a good way to dispose of business that is noncontroversial. "The presentation of the consent agenda is established by a special rule of order and should be taken up before committee reports.....If the consent agenda includes the approval of the minutes, then it should be taken up before any business is transacted."

Consent Agenda Items include:

Minutes of previous meeting

Monthly bills- - Identify and remove bills that must be approved individually

Monthly Administrative/Principal Reports'

V. Adoption of Agenda

"The agenda shouldn't tie the hands of the assembly, prevent members from bringing up business, or enable a small group to railroad through their pet projects." "Agendas should have flexibility to provide for unseen things that may come up in a meeting."

VI. Student Time

- a. None

VII. Committee Reports

"If a committee report includes a recommendation of action that it wants the organization to take, its report should include a motion at the end of the report by the committee chairperson." "A motion from a committee of more than one does not need a second....."

- a. MSBA delegate report regarding meetings or issues related to MSBA

VIII. Old Business

Discuss items tabled from previous school board meetings or issues ongoing from meeting to meeting.

a. Construction Update

I will give a report on where we stand with our construction projects.

IX. New Business

a. Items extracted from consent agenda

Exceptions to monthly bills and any other item that was extracted from the consent agenda

b. Exceptions to monthly bills

This is where bill payment is approved for individuals related to board members. Additionally, any bill paid to an entity where a board member or a board member's relative is at least a part-owner should be paid here.

c. Monthly Financial Report

Month ending July 2022

Balances: Incidental Fund (Fund 1): \$6,173,998.99
Teacher's Fund (Fund 2): \$547,456.39
Debt Service Fund (Fund 3): \$0
Capital Projects Fund (Fund 4): \$1,890,183.07

Total (All Funds): \$8,611,638.45
Previous Year's Total (All Funds): \$7,145,271.43

The annual secretary of the board report will be submitted soon. It is due to the state in early September. Our yearly audit has been completed so we know exactly where we stand financially to start the year.

d. Set Tax Rates for 2022-2023 School Year

State statutes 67.110 & 164.011 require a public hearing with tax rates submitted to the county clerks no later than September 1, of each year. Our assessed valuation changes every day because personal property assessments are added throughout the year in each county. However, each July, the county clerk of each county must certify the assessed valuation of the real and personal property within the boundaries of the school district. These certified valuations are used to calculate the tax levy for school purposes.

Our district has two separate school tax levies—one permanent and one temporary. Our temporary operating tax levy will be \$.8467 (last year it was \$.8449). Our permanent levy was calculated to be \$2.7771 (last year it was \$2.7493). Our combined levy will be \$3.6238. Last school year, our combined levy was \$3.5942. As you can see, our tax rate actually increased by almost three cents. Our assessed valuation in the district increased by almost 23%—almost all of which can be attributed to increases in personal property. The "taxing" formula adjusts for an increase in assessed valuation by lowering our tax rate. That said, we will still receive more local taxes than we did last year—almost \$250,000 more.

For the fifth year in a row we will allocate all of our temporary levy revenue fully into Fund 4 so we can continue to make improvements to our school facilities. We can't make monetary decisions (like raises, etc.) based upon having that money beyond that time. That money can only be used to make one-time purchases—like renovations.

Recommendation: Approve the calculated operating tax levies totaling \$3.6238 with \$2.7771 allocated to the Incidental Fund and \$.8467 allocated to the Capital Outlay Fund. These rates will be in compliance with RSMo 67.110 & 164.011.

e. CSIP Update

Mrs. Tharp will give an update regarding what we are doing to revise our CSIP and prepare for MSIP 6.

f. School Re-Opening Plan for 2022-2023 School Year

The school re-opening plan has been on the school website and we have asked for input on this from parents, students, staff and the community (Back-To-School Kick-Off). We will maintain the same wording in the plan as what we ended the school year with.

Recommendation: Approve the 2022-2023 School Reopening Plan Manual as presented.

g. Special Education Local Compliance Plan Approval

Every year, the district must approve the plan we will use to serve special needs students. DESE provides a model plan for school districts to use. We have always used this DESE model plan as it does keep us in compliance with the law. This plan has been included in the board packet.

Recommendation: I recommend that we approve the Local Compliance Plan as presented.

h. MSBA School Board Policy Updates

MSBA is recommending the following updates for school board policies and forms that accompany them:

Forms: GBBDA-AF1 and GCBDA- AF2: Staff Leaves (Employee Acknowledgement of Available Leave) and Professional Staff Short Term Leaves (Employee Acknowledgement of available Leave)

New laws require school districts to provide existing staff members and new employees notice of their right to leave under the "Victims' Economic Safety and Security Act (VESSA)" These forms are the same for each policy and will be used to comply with the law.

Form: JGGA- AF1: Seclusion and Restraint Reporting

This form is to be used to comply with the law regarding the school's requirement to notify parents if seclusion or restraint is ever used on a student.

Policy EBBC: Lactation Support

House Bill 432 now requires districts to adopt written policies to provide accommodations to lactating employees and students

Policy GBCDA: Professional Staff Short-Term Leaves

House Bill 432 requires leave to be made available for victims of domestic or sexual violence. This policy and the associated forms allow us to stay in compliance with the law.

Policy GDBDA: Support staff Leaves

House Bill 432 requires leave to be made available for victims of domestic or sexual violence. This policy and the associated forms allow us to stay in compliance with the law.

Policy JGA: Corporal Punishment

House Bill 681 now requires the school to get written permission from a parent or guardian before corporal punishment can be administered. MSBA suggests that districts obtain written permission during the enrollment process and that the school contact the parent prior to administering corporal punishment.

Policy JGGA: Seclusion and Restraint

House Bill 432 requires many changes in board policy regarding seclusion and restraint. This policy has been modified to reflect the necessary changes.

Recommendation: I recommend that we approve all new and revised policies, procedures and forms as recommended by MSBA

X. Other Business

XI. Monthly Program Report/Review

- a. None

XII. Administrators' Reports

Administrators' Reports are enclosed in board packet. Additions or questions regarding Administrators' Reports should be discussed at this time

- a. Each administrator will report on things occurring at their school.

XIII. Move To Closed Session, Closed Vote, Closed Record

"I make a motion to go into closed session for the purpose of consideration of agenda items as authorized in RSMo Section 610-021 (3), (13), & (14)

Recommendation - - Move to go into Closed Session, Closed Record, Closed Vote pursuant to RSMo 610.021 (3), (13), (14).

XIV. Return to regular session

XV. Adjourn



**Mountain View – Birch Tree R-III
School District**
1054 Old Hwy 60
Mountain View, MO 65548
Phone (417) 934-5408 Fax (417) 934-5404

MINUTES OF BOARD MEETING

Meeting Place: Liberty Middle School Media Center
Type of Meeting: Regular Meeting
Time and Date: 6:00 p.m. July 21, 2022

Present	Members	Absent
_____	Jennifer Foster	_____
Board President		
Eric Wells, Presiding		_____
Board Vice-President		
Shelly Mantel		_____
Board Delegate		
Beverly Denton		_____
Mikael Orchard		_____
Josh Roberts		_____
_____	Keith Tharp	_____
Don Christensen		_____
Superintendent of Schools		
Rhonda Henry		_____
Board Secretary/Treasurer		

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**Mountain View – Birch Tree R-III
School District
1054 Old Hwy 60
Mountain View, MO 65548
Phone (417) 934-5408 Fax (417) 934-5404**

Continuation of regular district board meeting held on July 21, 2022

I. Determination of Quorum

The Mountain View-Birch Tree R-III Board of Education met in regular session at 6:00 p.m. on July 21, 2022, in the Liberty Middle School Media Center. A quorum was present with Beverly Denton, Shelly Mantel, Mikael Orchard, Josh Roberts and Eric Wells in attendance. Jennifer Foster and Keith Tharp were absent.

II. Pledge of Allegiance

Eric Wells led the Pledge of Allegiance.

III. Public Comment

There were no requests for public comment.

IV. Consent Agenda

Shelly Mantel made a motion, seconded by Mikael Orchard, to approve the following items on the consent agenda. The motion passed unanimously.

- A. Minutes of the June 16 Regular Board meeting
- B. Payment of bills in the amount of \$597,943.59
- C. Monthly Administrative/Principal Reports

V. Adoption of Agenda

Beverly Denton made a motion, seconded by Josh Roberts, to approve the Adoption of Agenda. The motion passed unanimously.

VI. Student Time

- A. None

VII. Committee Reports

- A. Shelly Mantel gave a MSBA Delegate report.

VIII. Old Business

- A. None



Mountain View – Birch Tree R-III School District

**1054 Old Hwy 60
Mountain View, MO 65548**
Phone (417) 934-5408 Fax (417) 934-5404

Continuation of regular district board meeting held on July 21, 2022

IX. New Business

A. There were no items extracted from the Consent Agenda.

B. Josh Roberts made a motion, seconded by Mikael Orchard, to approve payment of \$88.00 to Angel Garden for supply. The motion passed with four members in favor. Shelly Mantel abstained.

Shelly Mantel made a motion, seconded by Josh Roberts, to approve payment of \$210.83 to Brown's Farm & Garden for OM Supply. The motion passed with four members in favor. Mikael Orchard abstained.

Josh Roberts made a motion, seconded by Mikael Orchard, to approve payment of \$104.00 to Foster's Small Engines for OM supply. The motion passed unanimously.

C. Dr. Christensen presented the June 2022 financial report. The balance in all funds was \$8,228,971.70.

D. Mikael Orchard made a motion, seconded by Shelly Mantel, to approve the year end budget amendments for 2021-2022 school year as presented as well as any other amendments and transfers recommended by our auditor. The motion passed unanimously.

E. Mikael Orchard made a motion, seconded by Josh Roberts, to approve the budget as presented for 2022-2023 school year. The motion passed unanimously.

F. Dr. Christensen presented the goals for the school district for 2022-2023 school year.

G. Mikael Orchard made a motion, seconded by Beverly Denton, to set the non-resident tuition rate at \$7,000.00 for all non-resident students for the 2022-2023 school year. The motion passed unanimously.

H. Josh Roberts made a motion, seconded by Shelly Mantel, to set the Tax Rate Hearing for August 18, 2022 at 6:00 p.m. with the regular board meeting immediately to follow. The motion passed unanimously.

I. Josh Roberts made a motion, seconded by Beverly Denton, to approve the Bus Transportation Manual as presented. The motion passed unanimously.

J. Mrs. Tharp discussed the CSIP Plan.



**Mountain View – Birch Tree R-III
School District**
1054 Old Hwy 60
Mountain View, MO 65548
Phone (417) 934-5408 Fax (417) 934-5404

Continuation of regular district board meeting held on July 21, 2022

- K. Dr. Christensen and Mrs. Tharp discussed the District Safety and Security Plan.
- L. Dr. Christensen and Mrs. Tharp discussed the Eagle Time plan at Mountain View Elementary for the 2022-23 school year.
- M. Mikael Orchard made a motion, seconded by Beverly Denton, to accept the propane bid for the 2022-2023 school year from Ferrell Gas as presented \$1.71 per gallon for Transport, \$1.89 per gallon for Bobtail. The motion passed unanimously.
- X. Other Business
 - A. None
- XI. Monthly Program Report/Review
 - A. None
- XII. Administrators' Report
 - A. Mrs. Tharp and Dr. Christensen gave administrative reports.

Adjournment to Closed Session

Josh Roberts made a motion at approximately 7:58 p.m., seconded by Beverly Denton, to go into closed session for the purpose of consideration of agenda items as authorized in RSMo Section 610.021 (3) (13)(14). The motion passed as follows:

Beverly-yea

Shelly-yea
Mikael-yea

Josh-yea
Eric-yea



**Mountain View – Birch Tree R-III
School District**
1054 Old Hwy 60
Mountain View, MO 65548
Phone (417) 934-5408 Fax (417) 934-5404

Continuation of regular district board meeting held on July 21, 2022

CLOSED SESSION

Josh Roberts made a motion, seconded by Beverly Denton, to employ Roger Gastineau, PT Driver. The motion passed as follows:

Beverly-yea	Shelly-yea	Josh-yea
	Mikael-yea	Eric-yea

Shelly Mantel made a motion, seconded by Mikael Orchard, to add Sarah Smith to the non-certified substitute list. The motion passed as follows:

Beverly-yea	Shelly-yea	Josh-yea
	Mikael-yea	Eric-yea

Beverly Denton made a motion, seconded by Shelly Mantel, to employ Sarah Smith, Custodian effective August 1, 2022. The motion passed as follows:

Beverly-yea	Shelly-yea	Josh-yea
	Mikael-yea	Eric-yea

Mikael Orchard made a motion, seconded by Josh Roberts, to accept the resignation from Jacob Shockley, MVE ISS for the 2022-23 school year. The motion passed as follows:

Beverly-yea	Shelly-yea	Josh-yea
	Mikael-yea	Eric-yea

Josh Roberts made a motion, seconded by Mikael Orchard, to return to Open Session. The motion passed as follows:

Beverly-yea	Shelly-yea	Josh-yea
	Mikael-yea	Eric-yea

Jennifer Foster, Board President

Rhonda Henry, Board Secretary



Mountain View – Birch Tree R-III

School District

1054 Old Hwy 60

Mountain View, MO 65548

Phone (417) 934-5408 Fax (417) 934-5404

Continuation of regular district board meeting held on July 21, 2022

Josh Roberts made a motion at approximately 8:06 p.m., seconded by Beverly Denton, to adjourn the meeting. The motion passed as follows:

Beverly-yea

Shelly-yea

Josh-yea

Mikael-yea

Eric-yea

Jennifer Foster, Board President

Rhonda Henry, Board Secretary

MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT

MONTHLY FINANCIAL REPORT

MONTH ENDING JULY 2022

FUND	OPENING BALANCE	RECEIPTS	TRANSFER RECEIPTS	EXPENDITURES	TRANSFER EXPENDITURES	CLOSING BALANCE
INCIDENTAL	\$ 6,109,710.88	\$ 306,904.37		\$ (242,616.26)		\$ 6,173,998.99
TEACHERS	\$ -	\$ 608,569.15		\$ (61,112.76)		\$ 547,456.39
DEBT SERVICE						
CAPITAL PROJ	\$ 2,119,260.82	\$ 46,220.25		\$ (275,298.00)		\$ 1,890,183.07
TOTAL	\$ 8,228,971.70	\$ 961,693.77		\$ (579,027.02)		\$ 8,611,638.45

PREVIOUS YEAR	\$ 7,713,311.69	\$ 1,785,245.42	\$ (2,353,285.68)	\$ 7,145,271.43
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DEPOSITS

SIMMONS BANK OF MV	\$ 2,221,472.23
SIMMONS BANK OF BT	\$ -
ALTON BANK	\$ 7,107,218.54
ALTON BANK SENIOR	\$ 106,390.52
TOTAL	\$ 9,435,081.29
PREVIOUS YEAR	

RECONCILIATION

BANK BALANCE	\$ 9,435,081.29
OUTSTANDING CHECKS	\$ (823,442.84)
OUTSTANDING DEPOSITS	\$ -
ENDING BALANCE	\$ 8,611,638.45

Mountain View-Birch Tree R-III
1054 Old Highway 60
Mountain View, MO 65548

CHECK REGISTER (summary)

Dated: 8/12/2022

Page No: 1 of 1

Period: Aug

Year: 2022-2023

Selection Criteria : Check Number Value = 155263 |

Check No.	Date	Description	Check Amount	Void Amount	Month
<u>Account Number:</u>	510899	ALTON BANK			
155263	08/19/22	BROWNS FARM & GARDEN	19.98	0.00	8
		Total Amount:	19.98	0.00	
TOTAL NUMBER OF CHECKS: 1			Total Amount (All Accounts): 19.98	0.00	
			GRAND TOTAL: 19.98		

Mountain View-Birch Tree R-III
1054 Old Highway 60
Mountain View, MO 65548

CHECK REGISTER (summary)

Dated: 8/12/2022

Page No: 1 of 2

Period: Aug

Year: 2022-2023

Selection Criteria: Check Number Range From 155211 To 155262 | Check Number Range From 155202 To 155208 |

Check No.	Date	Description	Check Amount	Void Amount	Month
Account Number:	510899	ALTON BANK			
155202	08/09/22	90 DEGREE BENEFITS	18,460.00	0.00	8
155203	08/09/22	BOON-CHAPMAN, LTD	2,164.09	0.00	8
155204	08/09/22	MASA GLOBAL	54.00	0.00	8
155205	08/09/22	MID ATLANTIC TRUST CO	175.00	0.00	8
155206	08/09/22	TEXAS LIFE INSURANCE CO	292.45	0.00	8
155207	08/09/22	WAGEWORKS, INC.	4.00	0.00	8
155208	08/09/22	WAGEWORKS, INC.	429.15	0.00	8
155211	08/10/22	BIG RIVER COMMUNICATIONS	390.67	0.00	8
155212	08/10/22	CITY OF BIRCH TREE	423.39	0.00	8
155213	08/10/22	CITY OF MOUNTAIN VIEW	11,161.96	0.00	8
155214	08/10/22	MCI	94.89	0.00	8
155215	08/10/22	RICOH USA INC	881.83	0.00	8
155216	08/10/22	SMOKIN SAM'S	191.00	0.00	8
155217	08/10/22	SPECTRUM RESEARCH INC	34.70	0.00	8
155218	08/10/22	WALMART	190.00	0.00	8
155219	08/11/22	AMAZON	4,479.23	0.00	8
155220	08/11/22	CENTURY LINK	719.12	0.00	8
155221	08/19/22	ALL PEST & TERMITE	2,120.00	0.00	8
155222	08/19/22	APPLE MARKET	327.31	0.00	8
155223	08/19/22	BLICK ART MATERIALS	209.99	0.00	8
155224	08/19/22	BSN SPORTS LLC	1,208.40	0.00	8
155225	08/19/22	BURO LLC	329.70	0.00	8
155226	08/19/22	BUSHONG CHRIS	139.98	0.00	8
155227	08/19/22	CAPLINGER TABITHA	234.00	0.00	8
155228	08/19/22	CARE TO LEARN	1,000.00	0.00	8
155229	08/19/22	CENTRAL SECURITY ALARMS LLC	625.00	0.00	8
155230	08/19/22	COMPANION CORP	2,172.00	0.00	8
155231	08/19/22	HOWELL COUNTY NEWS	77.76	0.00	8
155232	08/19/22	J.W. PEPPER & SON INC	452.99	0.00	8
155233	08/19/22	MCGRAW HILL LLC	2,345.78	0.00	8
155234	08/19/22	MCKINSTRY	832,868.00	0.00	8
155235	08/19/22	METALWELD INC	44.55	0.00	8
155236	08/19/22	MIDWEST COMPUTECH	4,254.53	0.00	8
155237	08/19/22	MO POLICE CHIEFS ASSOC	350.00	0.00	8
155238	08/19/22	MVATA	460.00	0.00	8
155239	08/19/22	MV-BT PETTY CASH	63.76	0.00	8
155240	08/19/22	NEWTON TYLER	487.50	0.00	8

Mountain View-Birch Tree R-III
1054 Old Highway 60
Mountain View, MO 65548

CHECK REGISTER (summary)

Dated: 8/12/2022

Page No: 2 of 2

Period: Aug

Year: 2022-2023

Selection Criteria : Check Number Range From 155211 To 155262 | Check Number Range From 155202 To 155208 |

Check No.	Date	Description	Check Amount	Void Amount	Month
155241	08/19/22	NWEA	387.00	0.00	8
155242	08/19/22	ON DECK SPORTS	1,165.77	0.00	8
155243	08/19/22	OZARKS MEDICAL CENTER	2,068.93	0.00	8
155244	08/19/22	PERMA BOUND BOOKS	333.48	0.00	8
155245	08/19/22	QUILL CORPORATION	271.24	0.00	8
155246	08/19/22	RIDDELL	4,314.95	0.00	8
155247	08/19/22	RUSTY GATE	650.00	0.00	8
155248	08/19/22	SCHOLASTIC INC	632.55	0.00	8
155249	08/19/22	SCHOOL HEALTH	39.93	0.00	8
155250	08/19/22	SCHOOL SPECIALTY LLC	204.89	0.00	8
155251	08/19/22	SCHULTZ WOOD & RAPP PC	6,250.00	0.00	8
155252	08/19/22	SIZEMORE LISA	104.25	0.00	8
155253	08/19/22	STAPLES	92.01	0.00	8
155254	08/19/22	TEACHER DIRECT	1,348.76	0.00	8
155255	08/19/22	THE LIBRARY STORE	261.39	0.00	8
155256	08/19/22	TYLER TECHNOLOGIES INC	420.00	0.00	8
155257	08/19/22	USI EDUC & GOV SALES	95.34	0.00	8
155258	08/19/22	WEBSTER COUNTY CITIZEN	936.00	0.00	8
155259	08/19/22	WEST PLAINS DAILY QUILL	54.00	0.00	8
155260	08/19/22	WILBANKS, TRAVIS M	207.34	0.00	8
155261	08/19/22	YOUNGS HARDWARE LLC	16.99	0.00	8
155262	08/19/22	COMMERCE BANK	10,403.05	0.00	8
Total Amount:			920,174.60	0.00	

TOTAL NUMBER OF CHECKS: 59 Total Amount (All Accounts): 920,174.60 0.00

GRAND TOTAL: 920,174.60



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Summary Page

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Schools

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use
in Calculating
its Tax Rate

- A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year) 2.7711
- B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 22) 2.7771
- C. **Amount of rate increase authorized by voters** if same purpose (Form B, Line 8)
OR
Increase to the total operating levy up to \$2.75 per Amendment 2, if applicable
Date the School Board decided to use Amendment 2 (if using) _____
- D. **Rate to compare to maximum authorized levy to determine tax rate ceiling**
(Line B if no election, otherwise Line C) 2.7771
- E. **Maximum authorized levy** greater of the 1984 rate or most recent voter approved rate 3.7000
- F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws
Political subdivisions tax rate (Lower of Line D or E) 2.7771
- G1. **Less required Proposition C (sales tax) reduction** taken from tax rate ceiling (Line F), if applicable
Circle the type of waiver your district has Full Partial No
Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.
- G2. **Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F) _____
- H. **Less voluntary reduction by school district** taken from tax rate ceiling (Line F)
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.
- I. **Plus allowable recoupment rate** added to the tax rate ceiling (Line F) If applicable, attach Form G or H.
- J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I) 2.7771
- AA. **Rate to be levied for debt service**, if applicable (Form C, Line 12) _____
- BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set (Form B, Line 8 if a different purpose) _____

Certification

I, the undersigned, Superintendent (Office) of Mtn. View-Birch Tree R-III (School District) levying a rate in HWL/SHN/TX (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief. Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

8/4/2022 (Date) Don Christensen (Signature) Don Christensen (Print Name) 417-934-5408 (Telephone)

Proposed rate to be entered on tax books by the county clerk

based on the certification from the political subdivision: Lines J 2.7771 AA 0.0000 BB 0.0000

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date) (County Clerk's Signature) (County) (Telephone)

001



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Form A

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Schools

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. (2022) Current year assessed valuation

Include the current locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

(a)	55,706,480	+	(b)	30,350,597	=	86,057,077
	(Real Estate)			(Personal Property)		(Total)

2. Assessed valuation of new construction & improvements

2(a) - Obtained from the county clerk or county assessor

2(b) - Increase in personal property, use the formula listed under Line 2(b)

(a)	624,010	+	(b)	5,832,775	=	6,456,785
	(Real Estate)			Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)		(Total)
				If Line 2b is negative, enter zero		

3. Assessed value of newly added territory

obtained from the county clerk or county assessor

(a)	284,550	+	(b)	0	=	284,550
	(Real Estate)			(Personal Property)		(Total)

4. Adjusted current year assessed valuation

(Line 1 total - Line 2 total - Line 3 total)

79,315,742

5. (2021) Prior year assessed valuation

Include prior year locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

(a)	54,969,000	+	(b)	24,517,822	=	79,486,822
	(Real Estate)			(Personal Property)		(Total)

6. Assessed value of newly separated territory

obtained from the county clerk or county assessor

(a)	0	+	(b)	0	=	0
	(Real Estate)			(Personal Property)		(Total)

7. Assessed value of property locally assessed in prior year, but state assessed in current year

obtained from the county clerk or county assessor

(a)	0	+	(b)	0	=	0
	(Real Estate)			(Personal Property)		(Total)

8. Adjusted prior year assessed valuation

(Line 5 total - Line 6 total - Line 7 total)

79,486,822



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Form A

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD	30-046-0130	Operating Funds-Schools
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form **MUST** be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its
Tax Rate

9. Percentage increase in adjusted valuation of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	-0.2152%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	7.0000%
11. Adjusted prior year assessed valuation (Line 8)	79,486,822
12. (2021) Tax rate ceiling from prior year (Summary Page, Line A)	2.7711
13. Maximum prior year adjusted revenue from locally assessed property that existed in both years (Line 11 x Line 12 / 100)	2,202,659
14. Maximum prior year revenue from state assessed property before reductions, provided by the Department of Elementary & Secondary Education (DESE)	118,687
15. Total adjusted prior year revenue (Line 13 + Line 14)	2,321,346
16. Permitted reassessment revenue growth The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0 or more than 5%.	0.0000
17. Additional revenue permitted (Line 15 x Line 16)	0
18. Total revenue permitted in current year from property that existed in both years (Line 15 + Line 17)	2,321,346
19. Estimated current year revenue from state assessed property before reductions The school district should use its best estimate. (i.e. same amount as Line 14, current year's Line 14 multiplied by the percentage increase in state assessed valuation per the State Tax Commission, or using the best educated guess) If this amount declines substantially from the amount on Line 14, please provide written documentation to explain the reasons for such difference.	118,687
19a. New construction and improvements (Line 19 - Line 14, if negative enter 0)	0
19b. Adjusted estimated current year revenue from state assessed property before reductions (Line 19 - Line 19a)	118,687
20. Total revenue permitted in current year from existing locally assessed property * (Line 18 - Line 19b)	2,202,659
21. Adjusted current year assessed valuation (Line 4)	79,315,742
22. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo (Line 20 / Line 21 x 100) Round a fraction to the nearest one/one hundredth of a cent. Enter this rate on the Summary Page, Line B.	2.7771

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 22 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Summary Page

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Temp

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political Subdivision Use in Calculating its Tax Rate

A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)

0.8449

B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 22)

0.8467

C. **Amount of rate increase authorized by voters** if same purpose (Form B, Line 8)
OR

Increase to the total operating levy up to \$2.75 per Amendment 2, if applicable
Date the School Board decided to use Amendment 2 (if using) _____

D. **Rate to compare to maximum authorized levy to determine tax rate ceiling**
(Line B if no election, otherwise Line C)

0.8467

E. **Maximum authorized levy** greater of the 1984 rate or most recent voter approved rate

0.8607

F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws
Political subdivisions tax rate (Lower of Line D or E)

0.8467

G1. **Less required Proposition C (sales tax) reduction** taken from tax rate ceiling (Line F), if applicable
Circle the type of waiver your district has Full Partial No
Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.

G2. **Less 20% required reduction 1st class charter county school district NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)

H. **Less voluntary reduction by school district** taken from tax rate ceiling (Line F)

WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.

I. **Plus allowable recoupment rate** added to the tax rate ceiling (Line F) If applicable, attach Form G or H.

J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)

.8467

AA. **Rate to be levied for debt service**, if applicable (Form C, Line 12)

BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set (Form B, Line 8 if a different purpose)

Certification

I, the undersigned, Superintendent (Office) of Mtn. View-Birch Tree R-III (School District) levying a rate in HOWARD TX (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief. Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

8/4/2022

(Date)

Don Christensen

(Signature)

Don Christensen

(Print Name)

417-934-5408

(Telephone)

Proposed rate to be entered on tax books by the county clerk

based on the certification from the political subdivision: Lines

J .8467

AA

BB

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)

(County Clerk's Signature)

(County)

(Telephone)

004



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Form A

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD 30-046-0130 Operating Funds-Temp
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. (2022) Current year assessed valuation

Include the current locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

(a) 55,706,480 + (b) 30,350,597 = 86,057,077
(Real Estate) (Personal Property) (Total)

2. Assessed valuation of new construction & improvements

2(a) - Obtained from the county clerk or county assessor

2(b) - Increase in personal property, use the formula listed under Line 2(b)

(a) 624,010 + (b) 5,832,775 = 6,456,785
(Real Estate) Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)
If Line 2b is negative, enter zero (Total)

3. Assessed value of newly added territory

obtained from the county clerk or county assessor

(a) 284,550 + (b) 0 = 284,550
(Real Estate) (Personal Property) (Total)

4. Adjusted current year assessed valuation

(Line 1 total - Line 2 total - Line 3 total)

79,315,742

5. (2021) Prior year assessed valuation

Include prior year locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

(a) 54,969,000 + (b) 24,517,822 = 79,486,822
(Real Estate) (Personal Property) (Total)

6. Assessed value of newly separated territory

obtained from the county clerk or county assessor

(a) 0 + (b) 0 = 0
(Real Estate) (Personal Property) (Total)

7. Assessed value of property locally assessed in prior year, but state assessed in current year

obtained from the county clerk or county assessor

(a) 0 + (b) 0 = 0
(Real Estate) (Personal Property) (Total)

8. Adjusted prior year assessed valuation

(Line 5 total - Line 6 total - Line 7 total)

79,486,822



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Form A

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Temp

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its
Tax Rate

9. Percentage increase in adjusted valuation of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	-0.2152%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	7.0000%
11. Adjusted prior year assessed valuation (Line 8)	79,486,822
12. (2021) Tax rate ceiling from prior year (Summary Page, Line A)	0.8449
13. Maximum prior year adjusted revenue from locally assessed property that existed in both years (Line 11 x Line 12 / 100)	671,584
14. Maximum prior year revenue from state assessed property before reductions, provided by the Department of Elementary & Secondary Education (DESE)	0
15. Total adjusted prior year revenue (Line 13 + Line 14)	671,584
16. Permitted reassessment revenue growth The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0 or more than 5%.	0.0000
17. Additional revenue permitted (Line 15 x Line 16)	0
18. Total revenue permitted in current year from property that existed in both years (Line 15 + Line 17)	671,584
19. Estimated current year revenue from state assessed property before reductions The school district should use its best estimate. (i.e. same amount as Line 14, current year's Line 14 multiplied by the percentage increase in state assessed valuation per the State Tax Commission, or using the best educated guess) If this amount declines substantially from the amount on Line 14, please provide written documentation to explain the reasons for such difference.	0
19a. New construction and improvements (Line 19 - Line 14, if negative enter 0)	0
19b. Adjusted estimated current year revenue from state assessed property before reductions (Line 19 - Line 19a)	0
20. Total revenue permitted in current year from existing locally assessed property * (Line 18 - Line 19b)	671,584
21. Adjusted current year assessed valuation (Line 4)	79,315,742
22. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo (Line 20 / Line 21 x 100) Round a fraction to the nearest one/one hundredth of a cent. Enter this rate on the Summary Page, Line B.	0.8467

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 22 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Informational Data

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Schools

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior
Year Tax Rate
Ceiling as if No
Voluntary
Reductions
were Taken

Informational Summary Page

A. Prior year tax rate ceiling (Prior year Informational Summary Page, Line F)	2.7711
B. Current year rate computed (Informational Form A, Line 22 below)	2.7771
C. Amount of increase authorized by voters for current year (Informational Form B, Line 8 below)	
D. Rate to compare to maximum authorized levy (Line B if no election, otherwise Line C)	2.7771
E. Maximum authorized levy Greater of the 1984 rate or most recent voter approved rate	3.7000
F. Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year (Lower of Line D or E)	2.7771

Informational Form A

9. Percentage increase in adjusted valuation (Form A, Line 4 - Line 8 / Line 8 x 100)	-0.2152%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	7.0000%
11. Adjusted prior year assessed valuation (Form A, Line 8)	79,486,822
12. (2021) Tax rate ceiling from prior year (Informational Summary Page, Line A from above)	2.7711
13. Maximum prior year adjusted revenue from locally assessed property that existed in both years (Line 11 x Line 12 / 100)	2,202,659
14. Maximum prior year adjusted revenue from state assessed property before reductions, provided by DESE	118,687
15. Total adjusted prior year revenue (Line 13 + Line 14)	2,321,346
16. Permitted reassessment revenue growth The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0, nor more than 5%.	0.0000
17. Additional reassessment revenue permitted (Line 15 x Line 16)	0
18. Total revenue permitted in current year from property that existed in both years (Line 15 + Line 17)	2,321,346
19. Estimated current year revenue from state assessed property before reductions, estimated by school district	118,687
19a New construction and improvements (Line 19 - Line 14, if negative enter 0)	0
19b Adjusted estimated current year revenue from state assessed property before reductions (Line 19 - Line 19a)	118,687
20. Revenue permitted from existing locally assessed property (Line 18 - Line 19b)	2,202,659
21. Adjusted current year assessed valuation (Form A, Line 4)	79,315,742
22. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo, if no voluntary reduction was taken (Line 20 / Line 21 x 100)	2.7771

Informational Form B

- Prior year tax rate ceiling to apply voter approved increase to
(Informational Summary Page, Line A if increase to an existing rate, otherwise 0)
- Voter approved increased tax rate to adjust
(If an "increase of/by" ballot, Form B, Line 6a + Line 7, if an "increase to" ballot, Form B, Line 6b)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/3/2022

Informational Data

(2022)

For School Districts Levying a Single Rate on All Property

Mountain View-Birch Tree R-III SD

30-046-0130

Operating Funds-Temp

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

- Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
- Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior
Year Tax Rate
Ceiling as if No
Voluntary
Reductions
were Taken

Informational Summary Page

A. Prior year tax rate ceiling (Prior year Informational Summary Page, Line F)	0.8449
B. Current year rate computed (Informational Form A, Line 22 below)	0.8467
C. Amount of increase authorized by voters for current year (Informational Form B, Line 8 below)	
D. Rate to compare to maximum authorized levy (Line B if no election, otherwise Line C)	0.8467
E. Maximum authorized levy Greater of the 1984 rate or most recent voter approved rate	0.8607
F. Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year (Lower of Line D or E)	0.8467

Informational Form A

9. Percentage increase in adjusted valuation (Form A, Line 4 - Line 8 / Line 8 x 100)	-0.2152%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	7.0000%
11. Adjusted prior year assessed valuation (Form A, Line 8)	79,486,822
12. (2021) Tax rate ceiling from prior year (Informational Summary Page, Line A from above)	0.8449
13. Maximum prior year adjusted revenue from locally assessed property that existed in both years (Line 11 x Line 12 / 100)	671,584
14. Maximum prior year adjusted revenue from state assessed property before reductions, provided by DESE	0
15. Total adjusted prior year revenue (Line 13 + Line 14)	671,584
16. Permitted reassessment revenue growth The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 16 purposes. Do not enter less than 0, nor more than 5%.	0.0000
17. Additional reassessment revenue permitted (Line 15 x Line 16)	0
18. Total revenue permitted in current year from property that existed in both years (Line 15 + Line 17)	671,584
19. Estimated current year revenue from state assessed property before reductions, estimated by school district	0
19a New construction and improvements (Line 19 - Line 14, if negative enter 0)	0
19b Adjusted estimated current year revenue from state assessed property before reductions (Line 19 - Line 19a)	0
20. Revenue permitted from existing locally assessed property (Line 18 - Line 19b)	671,584
21. Adjusted current year assessed valuation (Form A, Line 4)	79,315,742
22. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo, if no voluntary reduction was taken (Line 20 / Line 21 x 100)	0.8467

Informational Form B

7. Prior year tax rate ceiling to apply voter approved increase to (Informational Summary Page, Line A if increase to an existing rate, otherwise 0)	
8. Voter approved increased tax rate to adjust (If an "increase off/by" ballot, Form B, Line 6a + Line 7, if an "increase to" ballot, Form B, Line 6b)	

Frequently Asked Questions and Answers

When is my property reassessed?

State law requires all real property to be reassessed each odd numbered year. Reassessment does not necessarily mean the value of property will increase or decrease. Information and data pertaining to real estate values and costs are collected by the Assessor's Office. Analysis and studies are performed to determine how the real estate market has changed and how it has affected assessed values. The conclusions determined from the data collected are used to determine if any changes are made to real estate values of the current reassessment year.

Is all property taxed?

No. Some personal property is exempt, including household goods, inventories, wearing apparel and items of personal use and adornment. Exempt real estate includes property owned by governments, and property used as non-profit cemeteries, exclusively for religious worship, for schools and colleges, and for purely charitable purposes. In addition, there are about 50 economic development zones in the state, located in places where there is blight, unemployment, etc. To attract employers, or encourage employers to expand in those areas, some property improvements may be given tax abatements for a period of years.

What is market value and assessed value?

A simple definition of market value is the price the property would bring when offered for sale by a person who is willing but not obligated to sell it, and is bought by a person who is willing to purchase it but who is not forced to do so. Assessed value is a percentage of the market value based upon the classification, which is determined by the type of property or how it is used. By state statute the Missouri Legislature has set three classifications of real property and the assessment level for each. The classifications and assessment levels for each are: Commercial real property at 32%, Residential real property at 19% and Agricultural real property at 12%. Personal property is assessed at the following rates: Historic Autos: 5%, Farm Equipment & Livestock: 12%, Grain: .5 %, Cars/Boats/Other: 33.33%.

Example: \$100,000 market value X 19% residential assessment level = \$19,000 assessed value

How can I know what to expect to pay in property taxes each year?

The amount of taxes a person pays each year is based on the tax rate established by each taxing entity and the assessed value of property that a person owns. School taxes are based on a percentage of the assessed value divided by 100 (or multiplied by .01). The school tax rate does fluctuate minimally each year based upon the assessed valuation of the district. Last school year (20-21) the school tax rate was \$3.5942 per \$100 of assessed valuation. This year, our school tax rate will be \$3.6238. The complicated formula for calculating the tax rate takes into consideration increases and decreases in assessed valuation in the district. The tax rate formula attempts to maintain "level" local tax revenue for the school year after year. As assessed valuation increases, our tax rate goes down. As assessed valuation decreases, our tax rate goes up. Any tax rate changes are usually very small from year to year.

The tax rate percentage changes based upon the classification or use of the property: Commercial real property at 32%, Residential real property at 19% and Agricultural real property at 12%. The total tax rate for the Mountain View-Birch Tree R-III School District for the 2022-2023 school year is approximately \$3.6238 per \$100 of assessed value (.036238). This year's tax rate (.036238) multiplied by the assessed value (not market value) of property owned determines an individual's property tax.

Examples: Residential home with a market value of \$100,000:

$$\$100,000 \times 19\% (.19) \times .036238 = \$688.52$$

Agricultural property with a market value of \$100,000:

$$\$100,000 \times 12\% (.12) \times .036238 = \$434.86$$

Commercial property with a market value of \$100,000:

$$\$100,000 \times 32\% (.32) \times .036238 = \$1,159.62$$

Car with a market value of \$10,000:

$$\$10,000 \times 33.33\% (.3333) \times .036238 = \$120.78$$



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
DIVISION OF ADMINISTRATIVE AND FINANCIAL SERVICES - SCHOOL FINANCE SECTION
ESTIMATE OF REQUIRED LOCAL TAXES

(Submit to county clerk of each county where district has assessed valuation on or before September 1)

To County Clerk (Name): **Peggy Seyller**

Name of County: **Texas**

County District Code: **046-130** District Name: **Mountain View-Birch Tree R-III**

Mailing Address: **1054 Old Hwy. 60
Mountain View, Missouri 65548**

Telephone Number: **(417) 934-5408**

Fax Number: **(417) 934-5404**

In compliance with Section 164.011, RSMo, we the undersigned, hereby submit an estimate of the amount of school money necessary to maintain the public school for a term of **12** months, and certify that the data shown are correct.

Name of President of Board of Education: **Jennifer Foster**

Signature of President of Board of Education:

Date

8/18/2022

Name of Secretary of Board of Education: **Rhonda Henry**

Signature of Secretary of Board of Education:

Date

8/18/2022

Assessed Valuation in this county as certified in accordance with Section 137.245, RSMo, or amended prior to September 1. **\$ 1,556,207**

Year Beginning **July 1, 2022**

Year Ending **June 30, 2023**

Length of school term authorized is: Number of days **157** and **1,117.62** hours in session.

A separate vote was cast in accordance with Sections 164.121, 164.131, 164.141, 164.151, RSMo, to provide for a bond issue (where applicable).

Yes	No
	X

Tax Rate^a

Fund	Unadjusted Levy ^b			Adjusted Levy ^c			Amount of Taxes Levied
1. Incidental	\$	2.7771	277.71 ¢	\$	2.7771	277.71 ¢	\$ 43,217.42
2. Teachers	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
3. Debt Service ^d	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
4. Capital Projects ^d	\$	0.8467	84.67 ¢	\$	0.8467	84.67 ¢	\$ 13,176.40
Totals		\$3.6238	362.38 ¢		\$3.6238	362.38 ¢	\$ 56,393.83

a. Pursuant to Section 137.073, RSMo.

b. Tax Rate Ceiling minus voluntary rollback plus debt service levy minus voluntary rollback.

c. Adjusted levy - Reduced by Proposition C, Section 164.013, RSMo.

d. Unadjusted levy must equal adjusted levy and is not reduced for Proposition C Rollback.

Estimated Revenue from M & M Surcharge Tax in this county: **\$ 124**

Estimated Revenue from State Assessed Railroad and Utilities in this county: **\$ 9,842**

Article X, Section 11(C), Constitution of Missouri provides that in any school district where the Board of Education is not proposing a higher tax rate for school purposes, the last tax rate approved shall continue and the tax rate need not be submitted to the voters.



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
DIVISION OF ADMINISTRATIVE AND FINANCIAL SERVICES - SCHOOL FINANCE SECTION
ESTIMATE OF REQUIRED LOCAL TAXES

(Submit to county clerk of each county where district has assessed valuation on or before September 1)

To County Clerk (Name): **Shelly Bland**

Name of County: **Shannon**

County District Code: **046-130** District Name: **Mountain View-Birch Tree R-III**

Mailing Address: **1054 Old Hwy. 60
Mountain View, Missouri 65548**

Telephone Number: **(417) 934-5408**

Fax Number: **(417) 934-5404**

In compliance with Section 164.011, RSMo, we the undersigned, hereby submit an estimate of the amount of school money necessary to maintain the public school for a term of **12** months, and certify that the data shown are correct.

Name of President of Board of Education: **Jennifer Foster**

Signature of President of Board of Education:

Date

8/18/2022

Name of Secretary of Board of Education: **Rhonda Henry**

Signature of Secretary of Board of Education:

Date

8/18/2022

Assessed Valuation in this county as certified in accordance with Section 137.245, RSMo, or amended prior to September 1. **\$ 23,844,915**

Year Beginning **July 1, 2022**

Year Ending **June 30, 2022**

Length of school term authorized is: Number of days **159** and **1,117.62** hours in session.

A separate vote was cast in accordance with Sections 164.121, 164.131, 164.141, 164.151, RSMo, to provide for a bond issue (where applicable).

Yes	No
	X

Tax Rate^a

Fund	Unadjusted Levy ^b			Adjusted Levy ^c			Amount of Taxes Levied
1. Incidental	\$	2.7771	277.71 ¢	\$	2.7771	277.71 ¢	\$ 662,197.13
2. Teachers	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
3. Debt Service ^d	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
4. Capital Projects ^d	\$	0.8467	84.67 ¢	\$	0.8467	84.67 ¢	\$ 201,894.90
Totals		\$3.6238	362.38 ¢		\$3.6238	362.38 ¢	\$ 864,092.03

a. Pursuant to Section 137.073, RSMo.

b. Tax Rate Ceiling minus voluntary rollback plus debt service levy minus voluntary rollback.

c. Adjusted levy - Reduced by Proposition C, Section 164.013, RSMo.

d. Unadjusted levy must equal adjusted levy and is not reduced for Proposition C Rollback.

Estimated Revenue from M & M Surcharge Tax in this county: **\$ 5,108**

Estimated Revenue from State Assessed Railroad and Utilities in this county: **\$ 17,452**

Article X, Section 11(C), Constitution of Missouri provides that in any school district where the Board of Education is not proposing a higher tax rate for school purposes, the last tax rate approved shall continue and the tax rate need not be submitted to the voters.



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
DIVISION OF ADMINISTRATIVE AND FINANCIAL SERVICES - SCHOOL FINANCE SECTION
ESTIMATE OF REQUIRED LOCAL TAXES

(Submit to county clerk of each county where district has assessed valuation on or before September 1)

To County Clerk (Name): **Kelly Waggoner**

Name of County: **Howell**

County District Code: **046-130** District Name: **Mountain View-Birch Tree R-III**

Mailing Address: **1054 Old Hwy. 60
Mountain View, Missouri 65548**

Telephone Number: **(417) 934-5408**

Fax Number: **(417) 934-5404**

In compliance with Section 164.011, RSMo, we the undersigned, hereby submit an estimate of the amount of school money necessary to maintain the public school for a term of **12** months, and certify that the data shown are correct.

Name of President of Board of Education: **Jennifer Foster**

Signature of President of Board of Education:

Date

8/18/2022

Name of Secretary of Board of Education: **Rhonda Henry**

Signature of Secretary of Board of Education:

Date

8/19/2022

Assessed Valuation in this county as certified in accordance with Section 137.245, RSMo, or amended prior to September 1. **\$ 60,615,955**

Year Beginning **July 1, 2022**

Year Ending **June 30, 2023**

Length of school term authorized is: Number of days **159** and **1,117.62** hours in session.

A separate vote was cast in accordance with Sections 164.121, 164.131, 164.141, 164.151, RSMo, to provide for a bond issue (where applicable).

Yes	No
	X

Tax Rate ^a

Fund	Unadjusted Levy ^b			Adjusted Levy ^c			Amount of Taxes Levied
1. Incidental	\$	2.7771	277.71 ¢	\$	2.7771	277.71 ¢	\$ 1,683,365.69
2. Teachers	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
3. Debt Service ^d	\$	-	0.00 ¢	\$	-	0.00 ¢	\$ -
4. Capital Projects ^d	\$	0.8467	84.67 ¢	\$	0.8467	84.67 ¢	\$ 513,235.29
Totals		\$3.6238	362.38 ¢		\$3.6238	362.38 ¢	\$ 2,196,600.98

a. Pursuant to Section 137.073, RSMo.

b. Tax Rate Ceiling minus voluntary rollback plus debt service levy minus voluntary rollback.

c. Adjusted levy - Reduced by Proposition C, Section 164.013, RSMo.

d. Unadjusted levy must equal adjusted levy and is not reduced for Proposition C Rollback.

Estimated Revenue from M & M Surcharge Tax in this county: **\$ 24,096**

Estimated Revenue from State Assessed Railroad and Utilities in this county: **\$ 102,720**

Article X, Section 11(C), Constitution of Missouri provides that in any school district where the Board of Education is not proposing a higher tax rate for school purposes, the last tax rate approved shall continue and the tax rate need not be submitted to the voters.

MOUNTAIN VIEW-BIRCH TREE R-III SCHOOL DISTRICT
NOTICE OF PUBLIC HEARING
PROPOSED TAX RATE
FISCAL YEAR BEGINNING
July 1, 2022

A hearing will be held Thursday, August 18, 2022 at 6:00 p.m. in the Liberty Middle School Media Center at which time citizens may be heard on the property tax rates proposed to be set by the Mountain View-Birch Tree R-III School District. The tax rates are set to produce the revenues which the budget for the fiscal year beginning July 1, 2022 shows to be required from property taxes. Each tax rate is determined by dividing the amount of revenue needed by the current assessed valuation. The result is multiplied by 100 so the tax rate will be expressed in cents per \$100 valuation.

Assessed Valuation Categories	Prior Tax Year 2021	Current Tax Year 2022
<u>Real Estate</u>		
Texas County	\$1,107,490	\$1,146,130
Shannon County	\$13,508,430	\$13,855,320
Howell County	<u>\$40,353,480</u>	<u>\$40,705,030</u>
Total Real Estate:	\$54,969,400	\$55,706,480
<u>Personal Property</u>		
Texas County	\$339,415	\$410,077
Shannon County	\$8,347,460	\$10,029,595
Howell County	<u>\$15,830,947</u>	<u>\$19,910,925</u>
Total Personal Property:	\$24,517,822	\$30,350,597
Total Assessed Valuation Combined	\$79,487,222	\$86,057,077

PROPOSED TAX RATES: Calculated Tax Rate Ceiling (Combined Total): \$3.6238*

- Normal Operating Fund: \$2.7771*
- Temporary Operating Fund: .8467*

FUND	ACTUAL TAX RATE ESTIMATES (per \$100)	PROPERTY TAX REVENUE ESTIMATES
Incidental	\$2.7771	\$2,389,891
Teachers	-0-	-0-
Debt Service	-0-	-0-
Capital Outlay	<u>\$0.8467</u>	<u>\$728,645</u>
Totals	\$3.6238	\$3,118,536**

*Increase/decrease in assessed valuation in district: ($\$86,057,077 - \$79,487,222$) = \$6,569,855	\$6,569,855
*Increase/decrease in revenue to district due to change in assessed valuation: $\$6,569,855 \times .036238$ = \$238,078	\$238,078
*Percentage increase/decrease of revenue due to changes in assessed valuation: $\$238,078 / \$3,118,536$ = .076342	7.6342%
*New construction and improvements (real estate) valuation in district:	\$624,010
*Increase in revenue due to new construction and improvements valuation: ($\$624,010 \times .036238$) = \$22,613	\$22,613

* Estimated--Subject to adjustment until September of 2022, after Board of Equalization adjustments are complete in each county.

** Estimated--Minus delinquent taxes, collection fees, & uncollectables

Mountain View-Birch Tree Schools



Safe Return to In-Person Instruction & Continuity of Services Plan 2022-2023 School Year

School Board Approval: August 18, 2022

Introduction

The global Coronavirus pandemic has introduced a new level of risk for in-person instruction and in-person gatherings. The Mountain View-Birch Tree School District has successfully dealt with these challenges for one full year and will continue to make reasonable best efforts to minimize risk to students and staff. However, attending any school in-person will introduce a greater risk of exposure. Our schools are designed to educate students through social, face-to-face interactions, in relatively close spaces and in large groups. The benefits of this approach to education are well accepted. We have heard from our community and access to school is important. We also know our community prioritizes student and staff safety and expects a thoughtful re-entry plan.

As we plan for another school year, which will continue to be somewhat impacted by the COVID-19 pandemic, the priorities we hold are:

- Providing environments that are as safe as possible for students and staff;
- Providing equitable, guaranteed, and viable education.

The Mountain View-Birch Tree School District will always strive to adhere to the most recent recommendations from the Centers for Disease Control (CDC), the Missouri Department of Elementary and Secondary Education (DESE) as well as the Howell, Shannon, and Texas County Health Departments. Questions and/or concerns should be addressed to the building principals or the superintendent of schools. Knowledge and understanding of the contents of this plan is the responsibility of each staff member. This plan will be reviewed at least every six months and will be updated based upon the review process utilizing feedback received from parents, patrons, students and staff. A revised version of this plan was approved by the school board at the board meeting in August, after receiving public feedback at the Back-To-School Kickoff on August 16.

Copies of this plan are available in languages other than English. If you would like to receive a copy of this plan in a language other than English, please contact the superintendent's office at (417) 934-5408.

Safety and Well Being

Pandemic Period/Response Activities

In the event there is evidence of district-wide transmission of COVID-19, or if there is wide-spread human-to-human transmission within the Mountain View-Birch Tree School District, the district will enter the highest level of alert, which may include restrictions on access to buildings, if recommended by public health authorities.

In order for Mountain View-Birch Tree School employees and the general public to best understand access rules, Mountain View-Birch Tree Schools will use a Level Indicator:

Mountain View-Birch Tree R-III Level Indicator Definitions

Level 1: Traditional School (Pre-Pandemic School): All classes will take place in school buildings. There are no restrictions on visitors and volunteers in the building.

Level 2: Seated School with Health Precautions: All classes will take place in school buildings. Extra cleaning and safety protocols for staff and students will be followed. There are restrictions on parents, visitors, and volunteers in the building.

Level 3: Blended Instruction—Combination of AMI/Distance Learning and Seated School (Short Term School Closure): Classes will take place for a majority of students by an Alternative Method of Instruction (AMI) or distance learning. Small groups of students who have no internet or Wi-Fi access may be transported to school for seated instruction. Educational packet may also be used at the discretion of the building principal.

Level 4: Remote Instruction—AMI/Distance Learning (Extended School Closure): All students will be offered online instruction. All staff will be on campus unless otherwise directed. The district will strive to accommodate students who have no internet access by offering packets of instruction with phone, text, email, or limited person to person meetings where Personal Protective Equipment is utilized.

At this time, the Mountain View-Birch Tree School District is under Level 2 Precautions.

Health and Safety Guidelines

Parent Expectations:

- Educate your child on viruses and the signs of illness.
- Screen your child for temperature each day before sending them to school and keep them home if they have an elevated temperature—100.4 degrees or higher.
- It is recommended that parents screen their child for additional symptoms including: shortness of breath or difficulty breathing, coughing, fatigue, muscle or body aches, headache, new loss of taste or smell, or sore throat. Children exhibiting these symptoms, that cannot be otherwise explained, should be kept home from school.
- Teach appropriate hand washing, good hygiene and social distancing.
- Help explain to your child why “material sharing” will be limited right now.
- Teach your child how to wipe down surfaces at home as they will also use disinfectants provided by the school district on the desk at school.
- Teach your child how to appropriately wear a mask and when to use them (if desired).
- Parents of students with health conditions that may put them at greater risk (i.e. chronic kidney disease, weakened immune systems, obesity, serious heart conditions, diabetes, etc.) should consult your family doctor for specific guidelines to be followed if your child attends school. Please communicate this information to the school nurses’ office.

Home Screening:

- Families are recommended to monitor temperatures daily before leaving their home.
- Anyone with a fever of 100.4 degrees or higher should not come on campus. Students should be fever-free for 48 hours without fever-reducing medication(s).
- It is recommended to also screen for additional symptoms including: shortness of breath or difficulty breathing, coughing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, nausea or vomiting and diarrhea. Students and staff experiencing any of these symptoms should stay at home and consult their healthcare provider.

Teacher Expectations:

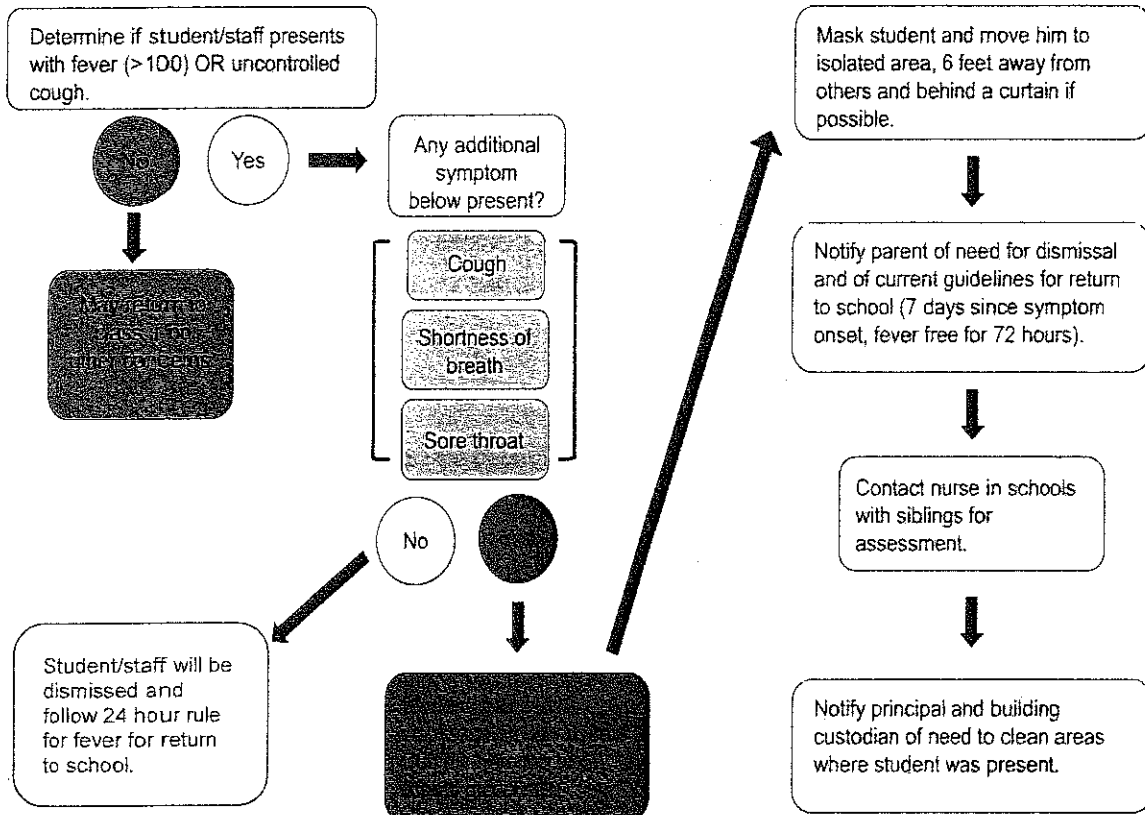
- Take your temperature at home prior to arriving at school. Temperatures of 100.4 or higher are considered significant. If you are experiencing an elevated temperature and other symptoms such as shortness of breath, chills, a consistent cough, or a sore throat, please contact your principal and do not report for work.
- Educate your students on viruses and the signs of illness.
- If desired, take the temperatures of the students in your class with the thermometer provided by the school.
- Make time in the day for good hand-washing.
- Train students to use hand-sanitizer each time they enter or leave the classroom.
- Have students maintain personal supplies vs. communal classroom supplies.
- Have students wipe down desks multiple times a day (i.e. at the start of class, after leaving the classroom for any reason, etc.)
- Teach student how to maintain social distancing.
- Teach your students how and when to appropriately wear a mask (if desired).
- Do not allow students to congregate outside of the classroom before or after school is dismissed.
- Develop and communicate clear expectations that all student's personal items will be taken from the classroom each day so that proper sanitizing can be done.
- Develop and use seating charts that are accurate and submit to the building office. These charts are not to be changed without prior approval from the building administrator. All seating charts are to have the students facing in the same direction as "distanced" as possible from each other.
- Ensure that Chromebooks and desktop computer monitors and keyboards are wiped down after each use.
- Teach students how to safely and appropriately cough or sneeze (using Kleenex, distance yourself from others, use elbow, cover mouth, etc.) and how to practice appropriate respiratory etiquette.

Health and Safety Guidelines: General School

- The district will encourage “wash-in/wash-out” with both students and staff. They will be encouraged to wash hands immediately upon arrival at school and again at the conclusion of the day. In addition to wash-in/wash-out, breaks will be provided during the day to both wash and sanitize hands.
- Health Service staff will continue to keep a record of all persons seen in the nurse’s office. Due to student privacy, these records are not public, however, information may be shared with County Health Departments, as appropriate.
- The County Health Department will provide the district guidance on students and staff who have had contact with people who are suspected COVID-19 positive.
- We will strive to follow safe social distancing practices by class.
- Temperatures of everyone entering the building may be checked-- as feasible.
- For health and safety concerns, outside visitors, volunteers and parents may have restricted access to the school grounds. This includes visits during breakfast and lunch.
- Water fountains may be restricted. Students are encouraged to bring their own water bottle/containers to school each day.
- The district has installed water bottle filling stations in each building.
- Nurses will be available to all students and staff in each building.
- Students/staff that are running a fever >100.4 (and do not exhibit COVID-19 symptoms) will be dismissed from campus and should not return to school until they are fever free for 24 hours without taking fever reduction medication.
- Students may choose to wear masks or PPE, but they are not required at school.
- Staff members may wear masks or PPE, but they are not required to do so.
- For elementary music and choir classes, students may be asked to wear face shields while singing to help avoid “droplet” transmittal.
- If a teacher is immune-compromised, students in that class may be asked to wear PPE including masks and/or face shields.
- The district will maintain adequate supplies of personal protective equipment, soap, paper towels, hand sanitizer, and other cleaning materials throughout each school.
- The district will clean frequently-touched surfaces and objects (e.g., tables, water fountains, and doorknobs) with district-supplied cleaning and disinfectant products.
- Classrooms will be cleaned and sanitized daily with cleaning supplies used on desks, tables, and other materials throughout the day by custodial staff, teachers and students
- Playground equipment may be used by students during the day, but all areas and/or items used by students will be sanitized after use.

Surveillance, Screening, and Triage:

In the event that a student or staff member is feeling unwell, they will visit the nurse's office on campus and the following protocols will be followed:



Screening, Contact Tracing & Exclusion Specifics

Contact tracing in combination with isolation and possible quarantine and/or self quarantine

Core principle for contact tracing: The school district will collaborate with the health department, to the extent allowable by privacy laws and other applicable laws, to confidentially provide information about people diagnosed with or exposed to COVID-19. Students, teachers, and staff with positive test results should isolate, and close contacts should quarantine based upon the recommendation of county health officials. Upon request of county health department personnel, school officials will work with said county health department officials to identify close contacts of individuals who have tested positive for COVID-19. However, the school district is not responsible for contact-tracing or notification of those who are considered to be a "close contact" of someone who has tested positive for COVID-19. Contact tracing will not take place by school personnel nor will it be initiated by school personnel unless requested by county health department officials.

Staying home when appropriate: Students, teachers, and staff who have symptoms should stay home and be referred to their healthcare provider for testing and care. Isolation will be used to separate people diagnosed with COVID-19 from those who are not infected. Students, teachers, and staff who are in isolation should stay home and follow the recommendations of local, state and federal public health authorities about when it is safe for them to be around others.

Case investigation and contact tracing: Our school district will work with the county health departments to facilitate, to the extent allowable by applicable laws, systematic case investigation and contact tracing of infected students, teachers, and staff.

The county health department officials will communicate with school officials to determine the specific criteria which might prompt the need for contact tracing to be done by county health officials.

Students and staff who test positive for COVID-19 will need to follow the county, state, and/or federal recommendations established for quarantine. If teachers or staff members have written notification from the county health department or their health provider that they need to be quarantined, then they will be given the option of staying at home under quarantine or returning to work but socially distancing from others at school for the duration of the quarantine as specified in the written notification.

Students and employees will be excluded from school if they test positive for COVID-19 or exhibit one or more of the symptoms of COVID-19 based upon CDC guidance that is not otherwise explained.

Symptoms:

- A fever of 100.4 degrees or higher
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Additional criteria for exclusion may be provided by the county or state health departments at the time of exclusion based upon the most current CDC guidelines.

CDC-Recommended Quarantine Guidelines

- If You Test Positive for COVID-19 (Isolate)

Everyone, regardless of vaccination status.

- Stay home for 5 days.
- If you have no symptoms or your symptoms are resolving after 5 days, you can leave your house.
- Continue to wear a mask around others for 5 additional days.

If you have a fever, continue to stay home until your fever resolves

- If You Were Exposed to Someone with COVID-19 (Quarantine)

If you:

Have been boosted

OR

Completed the primary series of Pfizer or Moderna vaccine within the last 6 months

OR

Completed the primary series of J&J vaccine within the last 2 months

- Wear a mask around others for 10 days.
- Test on day 5, if possible.

If you develop symptoms get a test and stay home.

If you:

Completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted

OR

Completed the primary series of J&J over 2 months ago and are not boosted

OR

Are unvaccinated

- Stay home for 5 days. After that continue to wear a mask around others for 5 additional days.
- If you can't quarantine you must wear a mask for 10 days.
- Test on day 5 if possible.

If you develop symptoms get a test and stay home

Calculating Isolation

Day 0 is your first day of symptoms or a positive viral test. Day 1 is the first full day after your symptoms developed or your test specimen was collected. If you have COVID-19 or have symptoms, isolate for at least 5 days.

Quarantine

Quarantine is a strategy used to prevent transmission of COVID-19 by keeping people who have been in close contact with someone with COVID-19 apart from others.

What to do for quarantine

- Stay home and away from other people for at least 5 days (day 0 through day 5) after your last contact with a person who has COVID-19. The date of your exposure is considered day 0. Wear a well-fitting mask when around others at home, if possible.
- For 10 days after your last close contact with someone with COVID-19, watch for fever (100.4°F or greater), cough, shortness of breath, or other COVID-19 symptoms.
- If you develop symptoms, get tested immediately and isolate until you receive your test results. If you test positive, follow isolation recommendations.
- If you do not develop symptoms, get tested at least 5 days after you last had close contact with someone with COVID-19.
 - If you test negative, you can leave your home, but continue to wear a well-fitting mask when around others at home and in public until 10 days after your last close contact with someone with COVID-19.

- If you test positive, you should isolate for at least 5 days from the date of your positive test (if you do not have symptoms). If you do develop COVID-19 symptoms, isolate for at least 5 days from the date your symptoms began (the date the symptoms started is day 0). Follow recommendations in the isolation section below.
- If you are unable to get a test 5 days after last close contact with someone with COVID-19, you can leave your home after day 5 if you have been without COVID-19 symptoms throughout the 5-day period. Wear a well-fitting mask for 10 days after your date of last close contact when around others at home and in public.
- Avoid people who are have weakened immune systems or are more likely to get very sick from COVID-19, and nursing homes and other high-risk settings, until after at least 10 days.
- If possible, stay away from people you live with, especially people who are at higher risk for getting very sick from COVID-19, as well as others outside your home throughout the full 10 days after your last close contact with someone with COVID-19.
- If you are unable to quarantine, you should wear a well-fitting mask for 10 days when around others at home and in public.
- If you are unable to wear a mask when around others, you should continue to quarantine for 10 days. Avoid people who have weakened immune systems or are more likely to get very sick from COVID-19, and nursing homes and other high-risk settings, until after at least 10 days.
- See additional information about travel.
- Do not go to places where you are unable to wear a mask, such as restaurants and some gyms, and avoid eating around others at home and at work until after 10 days after your last close contact with someone with COVID-19.

After quarantine

- Watch for symptoms until 10 days after your last close contact with someone with COVID-19.
- If you have symptoms, isolate immediately and get tested.

Separation While in School:

A separate room or space will be available where students who are symptomatic or have an elevated temperature will wait for pickup. Students will be given a mask to wear while waiting if **desired**. Only essential staff (nurse) or other symptomatic students assigned to the room may enter. The room will be disinfected several times throughout the day. Strict social distancing must be maintained while in this room and staff must wear appropriate PPE while interacting with these individuals. Students will be walked out of the building to their parents so they will not come into contact with other students or staff members.

Considerations For Fully Vaccinated Individuals

Staff members and students who are considered to be a close contact of a positive or presumed positive case but who are vaccinated, can remain at school without social distancing protocols in place. However, if the student or staff member begins showing and otherwise unexplained signs or symptoms (listed above), they will be considered a presumed positive case and will need to quarantine at home for the recommended duration established by county, state and federal health guidelines.

The time needed for schools to make systems and policy adjustments:

Systems and policy adjustments may be required for schools to change health and safety protocols for students and staff while continuing to ensure the safety of vaccinated and unvaccinated populations.

CDC will update its guidance for schools periodically. Updated guidance can inform school planning for the 2022-2023 academic year.

Communication

- Regular updates to the Board of Education, community members, and parents/guardians will be provided, as determined by school administration.
- It is imperative that schools have up-to-date contact information. Teachers will share valuable information as well as provide feedback to students during all virtual learning experiences. Please make sure all of your contact information is up-to-date with your child's respective office.

Student Transportation

Due to COVID-19 social distancing recommendations, it is highly recommended that students or their parents provide their own transportation if possible as it is not feasible to appropriately "socially distance" on a bus. If parents decide to have students utilize school transportation, every effort will be made to provide a safe and clean environment on the bus.

Before Boarding Bus:

- Parents are expected to screen their child for temperature each day before allowing them to board a school bus and to keep the child home if he/she has an elevated temperature of 100.4 or higher, or exhibit other COVID-19 related symptoms that cannot be otherwise explained.
- Students are highly encouraged to practice physical distancing while waiting for the bus at their designated bus stop.

Bus Protocols:

- All students riding a school bus, for any distance, will have an assigned bus and an assigned seat on that bus. Students may not ride a bus to which they have not been assigned.
- Bus drivers will watch for continued coughing or other COVID-19 symptoms and may request a student sit in a designated area on the bus and will immediately alert the school administration upon arrival.
- Drivers will sanitize the rail frequently with an EPA approved disinfectant.
- The seat directly behind the bus driver should be left vacant if at all possible.
- Buses will be sanitized between use with an approved disinfectant.
- Bus drivers will not work if they are sick.
- Drivers will assign seats for all riders and maintain accurate seating records.
 - Each bus's list of assigned seating will be maintained so it can be provided to the Health Department for contact tracing, if needed.
- Students within the same household (or students who are considered in each other's stable group) may be assigned seats together or in seats across from, in front of, or behind each other.
- Bus windows will be opened (weather permitting) to increase fresh air circulation.

Bus Unloading:

Efforts should be made to avoid congestion as the students unload buses. Stagger the unloading of buses to every extent possible.

Breakfast and Lunch

Every effort will be made to ensure social distancing during breakfast and lunch. Students who bring their own lunch will need to make sure that it is secure in a lunch bag and not handled by other students. All students will be seated in the same direction, not facing other students.

Elementary Schools

Elementary students will go directly to their classroom when they enter school. Elementary students in grades 3-5 have a choice of eating a "grab and go" breakfasts in their classroom or a hot breakfast in the cafeteria. Younger students can choose a hot or cold breakfast option, but it will be eaten in the cafeteria. Lunch periods will be staggered to every extent possible to reduce the number of students in the cafeteria at any one time. Students will only sit on one side of the lunch tables so they do not face each other while eating.

Middle School:

Middle school students will continue to eat both breakfast and lunch in the cafeteria using the one-sided tables which will not allow the students to face each other while eating.

High School:

High school students will continue to eat both breakfast and lunch in the cafeteria using the one-sided tables which will not allow the students to face each other while eating.

Mountain View-Birch Tree Pandemic Period/Response Activities (School Building Closure)

The decision to close Mountain View-Birch Tree R-III Schools may be made as a means to prevent further spread of an epidemic, or in response to high student and/or staff absenteeism. The Superintendent will make school closure decisions in consultation with the County Health Departments and neighboring school district superintendents. Current CDC recommendations will help guide closure decisions.

Possible School Closure Trigger Points:

- Student absenteeism
- Teacher/Staff absenteeism
 - When the number of staff available to supervise and instruct students drops below what is necessary to maintain a safe learning environment.
- Confirmed case(s) of COVID-19.
- To protect public health and safety
 - When advised to close by the Governor or state and local health authorities.
- The Superintendent may cancel all activities on district property by outside groups, even if some schools in the district remain open. When a school is closed, activities scheduled at that school, including use by community groups, may be canceled. Activities held at another location that involve students and staff from a closed school may cancel at the discretion of the building principal, in consultation with local health authorities.
- Schools may be closed to all staff and students, or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave unless otherwise directed.

Schools may close if absenteeism is in the range of 30 percent to 40 percent for several consecutive days. Instruction would then transition to virtual/distance learning.

Student Services

Early Childhood Program Pre-K

In-Person Classes

- Students will be selected to attend our half-day programs.
 - Class sizes will not exceed 15 students in a classroom.
 - A waiting list will be maintained and adjustments made to class sizes based on health department guidelines and recommendations.
 - Student attendance will be closely monitored. Students failing to maintain consistent attendance will be contacted.
- In Pre-K classrooms, best effort will be made to maintain stable groups (children will remain in one classroom for learning).
- Large gatherings (such as all-school assemblies and school-wide celebrations) may be modified or canceled.
- Classroom protocols will include assigned seating and other measures to minimize contact.
- Schools will make reasonable best efforts to minimize risk, however, increased in-person interaction will introduce a greater risk of exposure.

Elementary (Kindergarten - Fifth Grade)

- Schools will make reasonable best efforts to minimize risks, however, increased in-person interaction will introduce a greater risk of exposure.
- In the event of a school closure, students' education will continue online through virtual formats and/or the use of learning packet materials.
- It is imperative that the school have up-to-date contact information. Teachers will share valuable information as well as provide feedback to students during this virtual learning experience. Please make sure all of your contact information is up-to-date with your child's respective office.
- K-5 grading practices will follow normal standards based grading practices.
- In K-5 classrooms, every effort will be made to maintain stable groups.
 - A stable group is an individual's personal collection of people who have been in their 6-foot perimeter (these are the people who they usually interact with).
 - Classroom protocols will include assigned seating and other measures to minimize contact.
- Large gatherings will be limited. This may result in cancellation or modification of celebrations, gatherings, meetings or assemblies.
- Students will continue having recess. Equipment will be cleaned after use.
- K-5 students will have access to PE, Art, Music, Library, Special Education, Title, and intervention, regardless of in-person or online education.

Secondary (Middle School and High School)

- While principals hire teachers to work in specific schools, all teachers are hired to work for Mountain View-Birch Tree R-III School District. Therefore, for the 2022-23 school year, it is possible teacher assignments could be changed based on enrollment. District administration would work with teachers and principals should this be necessary.
- Due to COVID-19 social distancing recommendations, it is highly recommended students provide their own transportation when possible.
 - In order to maintain adequate transportation records, requests to ride an alternate bus must be submitted to the office no later than 2:00 p.m.
- 6-12 students will retain a “normal” schedule, but interactions outside the classroom may be limited.
 - The school will make an effort, when possible, to assign seats so students are sitting with the same peers.
- 6-12 students will be given feedback through the A-F (traditional) grading system.
- Large gatherings will be limited. This may result in:
 - Students reporting to a classroom upon arrival, instead of large gatherings
 - Altered cafeteria procedures
 - Limited attendance and/or guidelines at sporting or other events
 - Concerts and performances in small groups
 - Modified bus loading and unloading procedures
 - Cancellation or modification of celebrations, meetings, gatherings, or assemblies
- Classroom protocols will include assigned seating and other measures to minimize the expansion of close contact and aid in contact tracing.
- Schools will make reasonable best efforts to minimize risk, however, increased in-person interaction will introduce a greater risk of exposure.
- CTE (Vocational Career and Technical Education) Classes will be available for students.
 - The Career Center may have different established guidelines than those created by the Mountain View-Birch Tree School District.
 - Students will be required to comply with the guidelines established wherever they attend school.
- Performing Arts (Band, Choir, Performing Arts)
 - Classes may be reorganized to emphasize social distancing. This will potentially include alterations to traditional class expectations. Playing instruments, singing, or acting scenes may only happen in small groups while other students complete virtual course activities and work on other curricular expectations until they can meet with the instructor (similar to centers).
 - Students may be asked to wear PPE (face masks or face shields while participating in these activities).
 - We will utilize all available digital tools and classroom resources for sectionals or group rehearsals where social distancing is achievable.

- Students will use their own equipment to avoid sharing. When this is not possible appropriate cleaning and sanitizing will take place.
- If the district has to close a school or the district closes due to health concerns, some students may be allowed limited access to instruments or practice spaces that can not be achieved at home (e.g., Percussion students accessing large percussion equipment for practice and skill advancement).
- Visual Arts
- Visual art classes within the Fine Arts Department will continue with enrolled students. Appropriate accommodations will be implemented.
 - Classes may be reorganized to emphasize social distancing.
 - We will utilize all available digital tools and classroom resources to maximize student learning.
 - Students will use their own equipment to avoid sharing. When this is not possible appropriate cleaning and sanitizing will take place. Teachers will demonstrate proper hand washing and cleaning of tools, equipment, and media so that students can properly clean shared items when appropriate. Students will follow teacher demonstration and expectations.
- Physical Education
 - Classes will engage in outdoor activities as much as possible.
 - Social distancing will be managed as much as possible.
 - Students will be provided with their own equipment for class when possible and equipment will be regularly disinfected.
 - Handwashing before and after physical activity will be expected.
 - When possible, activities will be used which limits close contact with others.
 - Students' access to locker rooms/lockers may be modified.
- Library Media Services
 - All students will have access to print and digital materials available through the Mountain View-Birch Tree Library Media program.
 - All students will be instructionally supported by Middle School/High School media specialists both online and in-person.
 - Access to Mountain View-Birch Tree media centers may be limited to individual and small groups of students. Social distancing guidelines will be encouraged.
 - Safety measures will be enacted to clean and sanitize circulated materials.

Serving Students with Special Needs:

- School counselors, social workers, qualified mental health providers, nurses, teachers, and administrators will promote positive mental health by educating staff, parents, and students about symptoms of and help for mental health problems, social and emotional competency, and resiliency. The district will ensure a positive, safe school environment and will teach and reinforce positive behaviors and decision making. Problem-solving teams will be used to identify struggling students early so an intervention plan can be developed and implemented. Staff will be educated on strategies to address students' social-emotional needs.
- Appropriate accommodations for children with disabilities will be provided through IEP and 504 plans. The IEP or 504 Plan will serve as the guidance for interruptions i.e., quarantines, isolation, etc. For long term closures, virtual learning will be utilized if deemed appropriate by the Multidisciplinary Team as outlined in each child's IEP.

Mountain View-Birch Tree Virtual Education Options

The district will continue to offer the district-provided virtual "Acellus" educational curriculum for those students who have special medical and/or physical needs as recommended by a doctor. It is also possible for students to access the virtual Acellus program if someone in the student's household has special medical and/or physical needs (such as a compromised immune system). Any student wanting to access our district's virtual Acellus curricular offerings or any other virtual MOCAP courses will need to fill out the Virtual Instruction Application form, which can be found on the school district's website. The building principal will then review each application to determine whether virtual instruction is in the best interest of the student.

It will be highly unlikely that a student will be permitted to complete virtual instructional courses if they were previously enrolled in virtual classes but did not successfully complete the class in the time allotted.

- Student approved to take virtual courses will engage academically primarily through the Acellus educational program which accesses content-specific video lessons and requires students to test-out of each lesson at a high level of competency.
- All students who choose the virtual option will have school employees contact them personally each week through Zoom, video conference, Google Classroom, email, or phone calls.
- If students fail to respond to the teacher's weekly contacts, they will not be allowed to continue with the online virtual education platform.

- Students accessing virtual instruction/learning must show that they have adequate internet access—both upload and download speeds.
- All students who elect to take courses online (Virtual) will be expected to continue to take the course virtually until the end of the semester.
- All students who are quarantined for an extended period of time will be instructed using distance learning for just that quarantine period. This will involve accessing the in-class instruction taking place in their usual classroom or educational work packets sent home with students.

Parents who choose to have their child educated using a virtual option for the first semester must notify their child's building principal by Friday, August 19, 2022. Parents who choose to have their child educated using a virtual option for the second semester must notify their child's building principal by Friday, January 6, 2023. . The principal will then ask to meet with parents personally and the parents will need to fill out a form stating their specific need to have their child educated virtually rather than in-person. Parents will also need to show that the student will have an appropriate educational device (Chromebook, laptop, etc.) to receive virtual education as well as stable and adequate internet access in the students home.

Extra-Curricular Activity Eligibility and Participation

- Students enrolled in either virtual or distance learning options will **NOT** be eligible to participate in extra-curricular events or activities while they are being educated outside of the in-person classroom. Only students being educated "in-person" in district classrooms are eligible to participate in extra-curricular activities.
- At this time, the Missouri State High School Activities Association (MSHSAA) has not cancelled or restricted sport-specific participation in the state for any season.
- If the district were to stop offering "in-person" classes and only offered virtual or distance educational options, then the district would look to MSHSAA for eligibility guidance if extra-curricular seasons are not cancelled or postponed.



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF SPECIAL EDUCATION-COMPLIANCE

LOCAL COMPLIANCE PLAN CERTIFICATION STATEMENT

SCHOOL DISTRICT NAME Mountain View-Birch Tree R-III		COUNTY-DISTRICT CODE 046130
DISTRICT CONTACT Barbara Medina	DISTRICT PHONE NUMBER (417) 934-2020	DISTRICT FAX NUMBER (417) 934-5404

INSTRUCTIONS

Complete the Adoption and Certification sections below. The form must be signed by the Board President, Superintendent, and Compliance Plan Contact.

Submit form via MAIL or FAX to:

Special Education Compliance
Missouri Department of Elementary and Secondary Education
PO Box 480
Jefferson City, MO 65102 or Fax 573-751-3910

QUESTIONS: Contact Special Education Compliance at 573-751-0699 or secompliance@dese.mo.gov

ADOPTION

The Responsible Public Agency has chosen the following (check only one) in regard to adoption of a local plan for compliance with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA):

- ☒ Option A: Adopt the Model Compliance Plan made available by the Department of Elementary and Secondary Education (DESE).
- ☐ Option B: Adapt the Model Compliance Plan made available by the Department with agency revisions. All pages on which revisions have been made to the Model Compliance Plan with highlighted revisions are enclosed. These revisions must be approved by DESE before the agency's plan becomes final.
- ☐ Option C: Agency developed Compliance Plan (plan enclosed for DESE's approval).

CERTIFICATION

The Responsible Public Agency assures that the agency's Compliance Plan and applicable state and federal regulations constitute the basis for operation and administration of the activities to be carried out in the agency under Part B of the IDEA, to provide special education services for all children with disabilities between the ages of three (3) and twenty-one (21) who meet the eligibility criteria as stated in this plan and under the jurisdiction of the agency.

The Responsible Public Agency assures that programs administered under Part B of the IDEA are in accordance with the assurances provided in 34 CFR 76.301 of the General Education Provision Act (GEPA) and that federal funds made available under Part B of the IDEA are used in accordance with the excess cost and maintenance of fiscal effort and comparable services requirements of 34 CFR Sections 300.202 - 300.205 of the federal regulations governing the IDEA.

The local compliance plan was adopted by the Governing Board of the agency on _____ (mm/dd/yy).

SIGNATURE OF BOARD PRESIDENT	DATE
SIGNATURE OF SUPERINTENDENT	DATE
SIGNATURE OF COMPLIANCE PLAN CONTACT PERSON	DATE

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, religion, gender, gender identity, sexual orientation, national origin, age, veteran status, mental or physical disability, or any other basis prohibited by statute in its programs and activities. Inquiries related to department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Director of Civil Rights Compliance and MOA Coordinator (Title VI/Title VII/Title IX/504/ADA/ADAAA/Age Act/GINA/USDA Title VI), 5th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email civilrights@dese.mo.gov.

Local Plan for Compliance With State Regulations

Implementing Part B of the
Individuals with Disabilities Education Act

LOCAL PLAN FOR COMPLIANCE WITH STATE REGULATIONS
IMPLEMENTING PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

TABLE OF CONTENTS

I. GENERAL PROVISIONS

Definitions.....	1
------------------	---

II. CONFIDENTIALITY

Confidentiality of Personally Identifiable Information.....	11
---	----

III. IDENTIFICATION AND EVALUATION

1. Child Find	16
2. Definitions and Criteria For Determination of Eligibility	17
A. Autism.....	18
B. Deaf/Blindness.....	19
C. Emotional Disturbance.....	19
D. Hearing Impaired and Deafness.....	20
E. Intellectual Disability.....	21
F. Multiple Disabilities.....	21
G. Orthopedic Impairment.....	21
H. Other Health Impairment.....	22
I. Specific Learning Disability.....	22
J. Speech or Language Impairment.....	23
K. Traumatic Brain Injury.....	26
L. Visual Impairment/Blind.....	27
M. Young Child with a Developmental Delay.....	27
3. Procedures For Evaluation and Determination of Eligibility	28

IV. FAPE/IEP/LRE

1. Free Appropriate Public Education.....	37
2. Individualized Education Programs.....	39
3. Least Restrictive Environment (LRE)	48
4. Transition of Children From Part C Services to Part B Services.....	51

V. PROCEDURAL SAFEGUARDS/DISCIPLINE

1. Opportunity to Examine Education Records/Parent Participation in Meetings.....	54
2. Independent Educational Evaluation (IEE)	54
3. Written Notice.....	56
4. Procedural Safeguards Notice.....	57
5. Parental Consent	57
6. Administrative Hearing Rights	60
7. Educational Surrogates	71
8. Transfer of Parental Rights at the Age of Majority	76
9. Disciplinary Actions/Removals/Expedited Hearings	76

VI. PUBLIC AGENCY ELIGIBILITY

A. General Requirements

1. Subgrants to Public Agencies	83
2. Condition of Assistance	83
3. Consistency with State Policies	83
4. Information for SEA	83
5. Hearings Related to Public Agency Eligibility.....	84
6. Failure to Provide Free Appropriate Public Education (FAPE)	84

B. Fiscal Requirements

1. Use of Amounts	85
2. Permissive Use of Funds.....	85
3. Accounting and Payment Procedures	86
4. Excess Cost.....	87
5. Maintenance of Effort.....	87
6. Withholding of Payments	90
7. Early Childhood Special Education (ECSE) Expenditure Requirements.....	91

C. Compliance Requirements

1. Disproportionality.....	93
2. Purchase of Instructional Materials	94
3. Records Regarding Migratory Children with Disabilities	95
4. Personnel.....	95
5. Class Size and Caseloads.....	95

VII. PRIVATE SCHOOLS AND AGENCIES

1. Children Placed in Approved Private Agencies by Public Agencies	98
2. Children Enrolled by their Parents in Private School when FAPE is at Issue.....	98
3. Children With Disabilities Enrolled by their Parents in Private Schools-Child Find.....	100
4. Public Agency Requirements to Provide Services for Parentally-Placed Private School Children with Disabilities	100

VIII. STATE OPERATED PROGRAMS

1. State Educational Agency (SEA)	107
2. Missouri Schools for the Severely Disabled (MSSD)	107
3. Transfer of Students Enrolled in MSSD	110
4. Missouri School for the Blind (MSB) and Missouri School for the Deaf (MSD)	112

I. GENERAL PROVISIONS

1. APPLICABILITY

These regulations are applicable to all public agencies within the State of Missouri responsible for providing special education and related services for students with disabilities. This includes state agencies, local educational agencies, charter schools, and state and local juvenile and adult correctional facilities. Any exceptions for specific public agencies are noted in relevant sections.

2. AMENDMENTS

Any proposed changes in these regulations shall be in accordance with the provisions of the Administrative Procedures Act.

3. DEFINITIONS

The terms defined below are found throughout these regulations. All of the following definitions are cited in the Individuals with Disabilities Education Act (IDEA) unless otherwise noted.

Act

Act means the Individuals with Disabilities Education Act, as amended.

Agree or Agreement

The terms "agree" or "agreement" refer to an understanding between the parent and the public agency about a particular question or issue, which may be in writing, depending on the context.

Assistive technology device

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device.

Assistive technology service

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

The term includes:

- A. the evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- B. purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

- C. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
- D. coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E. training or technical assistance for a child with a disability, or if appropriate, that child's family; and
- F. training or technical assistance for professionals (including individuals providing education or rehabilitation service), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of children with disabilities.

Charter school

Charter school has the meaning given the term in section 5210(1) of the Elementary and Secondary School Act of 1965.

Child with a disability

The Individuals with Disabilities Education Act (IDEA) defines students with disabilities as those children, ages three (3) to twenty-one (21), who have been properly evaluated as having Intellectual Disability, Hearing Impairments and Deafness, Speech or Language Impairments, Visual Impairments including Blindness, Emotional Disturbance, Orthopedic Impairments, Autism, Traumatic Brain Injury, Other Health Impairments, a Specific Learning Disability, Deaf Blindness, or Multiple Disabilities and, who because of that disability, require special education and related services. As allowed under 34 CFR 300.87 implementing IDEA, the State of Missouri also defines a child with a disability to include ages three (3) through five (5) who have been properly identified as a young child with a developmental delay.

Consent

Consent means that the parent:

- A. has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;
- B. understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- C. the parent understands that the consent is voluntary on the part of the parent and may be revoked at any time and, if the parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Day; business day; school day

Day means calendar day unless otherwise indicated as business day or school day.

Business day means Monday through Friday, except for Federal and State holidays.

School day means any day, including a partial day that children are in attendance at school for instructional purposes.

Elementary school

Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education (Kindergarten through eighth grade).

English Learner

English learner means an individual who is aged 3 through 21; who is enrolled or preparing to enroll in an elementary or secondary school; who was not born in the United States or whose native language is a language other than English; who is a Native American or Alaska Native or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency or who is migratory, whose native language is a language other than English and who comes from an environment where a language other than English is dominant; and, whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the challenging State academic standards; the ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society.

Evaluation

Evaluation means that procedures are used to determine whether a student is disabled and provide information for use by the IEP team to determine the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class unless, before administration of that test or evaluation, consent is required of parents of all children.

Excess costs

Excess costs means those costs that are in excess of the average annual per-student expenditure in a local education agency (LEA) during the preceding school year for an elementary school or secondary school student, as may be appropriate, and that must be computed after deducting amounts received (1) under Part B of the Act; (2) under Part A of title I of the ESEA; and, (3) under Parts A and B of title III of the ESEA and, any State or local funds expended for programs that would qualify for assistance under any of the parts described above, but excluding any amounts for capital outlay or debt service.

Free appropriate public education (FAPE)

A free appropriate public education (FAPE) is defined to include regular and special education and related services which:

- A. are provided at public expense, under public supervision and direction, and without charge to the parent;
- B. meet the educational standards of the State Education Agency pertaining to the education of students with disabilities;
- C. includes preschool, elementary school, and secondary school education; and
- D. are provided in conformity with the individualized education program (IEP).

Homeless children

Homeless children has the meaning given the term homeless children and youths in section 725(42 U.S.C. 11434a) of the McKinney-Vento-Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq.

Individualized education program (IEP)

Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR 300.320 through 300.324.

Individualized education program (IEP) team

Individualized education program team or IEP team means a group of individuals described in 34 CFR 300.321 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

Local educational agency (LEA)

A public board of education or other public authority legally constituted in Missouri for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision, or a combination of school districts or counties recognized by the State as an administrative agency for its public elementary schools or secondary schools.

Native language

Native language, when used with respect to an individual who is an English Learner, means the following:

The language normally used by that individual or, in the case of a child, the language normally used by the parents of the child.

In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For an individual with deafness or blindness or, for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

Parent

The term "parent" means a biological, adoptive, or foster parent of a child or a guardian generally authorized to make educational decisions for the child (but not the State if the child is a ward of the State), a person acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed.

Parent training and information center

Parent training and information center means a center assisted under sections 671 or 672 of the Act.

Personally identifiable

Personally identifiable means information that contains:

- A. the name of the child, the child's parents, or other family member;
- B. the address of the child;
- C. a personal identifier, such as the child's social security number or student number; or
- D. a list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

Private or parochial school

Any nonpublic not for profit private school, home school, or religious/parochial school.

Public agency

Public agency includes the state education agency (SEA), other state agencies, LEAs, public charter schools that are not otherwise included as LEAs and are not a school of an LEA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

Related services

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education and includes speech pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services, school nurse services, social work services in schools, and parent counseling and training.

Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g. mapping), maintenance of that device, or the replacement of that device.

However, nothing limits the right of a child with a surgically implanted device (e.g. cochlear implant) to receive related services (as listed above), that are determined by the IEP team to be necessary for the child to receive FAPE, or limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school or prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly as required in 34 CFR 300.113(b).

Individual related services are defined as follows:

- A. Audiology includes identification of children with hearing loss, determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; creation and administration of programs for prevention of hearing loss; counseling and guidance of children, parents, and teachers regarding hearing loss; and determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- B. Counseling services means services provided by qualified social workers, psychologists, school counselors, or other qualified personnel.
- C. Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- D. Interpreting services includes the following, when used with respect to children who are deaf or hard of hearing: oral transliteration services, cued language transliteration services; sign language transliteration and interpreting services; and transcription services, such as communication access real-time translation (CART), C-Print and TypeWell, and special interpreting services for children who are deaf-blind.
- E. Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.
- F. Occupational therapy means services provided by a qualified occupational therapist, and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation, improving ability to perform tasks for independent functioning if functions are impaired or lost, and preventing, through early intervention, initial or further impairment, or loss of function. In Missouri, this definition includes licensed occupational therapist assistants practicing under the supervision of a licensed occupational therapist.
- G. Orientation and mobility services means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school,

home, and community; and includes teaching students the following, as appropriate:

- 1) spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
- 2) to use long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- 3) to understand and use remaining vision and distance low vision aids; and
- 4) other concepts, techniques, and tools.

- H. Parent counseling and training means assisting parents in understanding the special needs of their child; providing parents with information about child development; and, helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.
- I. Physical therapy means services provided by a qualified physical therapist. In Missouri, this definition includes physical therapy assistants practicing under the supervision of a licensed physical therapist.
- J. Psychological services includes administering psychological and educational tests and other assessment procedures, interpreting assessment results, obtaining, integrating, and interpreting information about child behavior and conditions relating to learning, consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations, planning and managing a program of psychological services, including psychological counseling for children and parents, and assisting in developing positive behavioral intervention strategies.
- K. Recreation includes assessment of leisure function, therapeutic recreation services; recreation programs in schools and community agencies; and, leisure education.
- L. Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
- M. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.
- N. Social work services in schools includes preparing a social or developmental history on a child with a disability, group and individual counseling with the child and family, working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school, mobilizing school and community resources to enable the

child to learn as effectively as possible in his or her educational program, and assisting in developing positive behavioral intervention strategies.

- O. Speech-language pathology services includes identification of children with speech or language impairments, diagnosis and appraisal of specific speech or language impairments, referral for medical or other professional attention necessary for the habilitation of speech or language impairments, provision of speech and language services for the habilitation or prevention of communicative impairments, and counseling and guidance of parents, children, and teachers regarding speech and language impairments.
- P. Transportation includes travel to and from school and between schools; travel in and around school buildings; and, specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Scientifically based research

Scientifically based research means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. It includes research that:

- A. employs systematic, empirical methods that draw on observation or experiment;
- B. involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- C. relies on measurements or observational method that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- D. is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assigned experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- E. ensures experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- F. has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective, and scientific review.

Secondary school

Secondary school means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education between the grades of 9 and 12.

Secretary

Secretary means the Secretary of Education.

Services plan

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.

Special education

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. The term includes each of the following, if the services otherwise meet the definition of specially designed instruction:

- A. speech-language pathology services or any other related service if the service is considered special education rather than a related service under State standards;
- B. travel training; and
- C. vocational education.

“No cost” means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

“Physical education” means the development of physical and motor fitness, fundamental motor skills and patterns, and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports), and includes special physical education, adapted physical education, movement education, and motor development.

“Specially designed instruction” means adapting, as appropriate, to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability, and to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

“Travel training” means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live, and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

“Vocational education” means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for

additional preparation for a career requiring other than a baccalaureate or advanced degree.

State educational agency

State educational agency or SEA means the State Board of Education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools.

Supplementary aids and services

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children.

Transition services

Transition services means a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's strengths, preferences, and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services for students with disabilities may be special education if provided as specially designed instruction, or related services if required to assist a student with a disability to benefit from special education.

Universal design

Universal design has the meaning given the term in Section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.

Ward of the State

Ward of the State means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency, except that the term does not include a foster child who has a foster parent who meets the definition of a parent.

II. CONFIDENTIALITY

1. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

This public agency ensures the confidentiality of all such information consistent with the specific procedures established in this section.

Definitions

"Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

"Educational records" means records maintained by a public agency responsible for the provision of general education or special education and related services that pertain to the special education and related services provided to a student with a disability. The term includes medical, psychological, and educational reports but does not include records of instructional, educational, ancillary, supervisory, and administrative personnel which are the sole possession of the maker and which are not accessible or revealed to any other personnel, except another person who performs on a temporary basis the duties of the individual who made the record. The term includes test instruments or protocols/score sheets and a record of the test results. Copies of test protocols will only be provided if the failure to do so would effectively prevent the parent or student from exercising the right to inspect and review the educational records. The term does not include certain records maintained by a law enforcement unit of a public agency or records maintained about a student with a disability as an employee of the public agency.

"Participating agency" means any agency or institution that collects, maintains, or uses personally identifiable information or from which information is obtained under Part B of IDEA.

Notice to Parents (34 CFR 300.612)

DESE requires each public agency to give adequate notice to fully inform parents about public agency's responsibility to protect the confidentiality of any personally identifiable information collected, used, or maintained for IDEA purposes. The notice will be provided in the native language of the parent. The notice shall include:

- A. the different languages the notice is available in;
- B. a description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the public agency intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- C. a summary of the policies and procedures which the public agency must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

- D. a description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in 34 CFR part 99.

Before any major identification, location, or evaluation activity is initiated, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the public agency of the activity.

Access Rights (34 CFR 300.613)

Each local school district/public agency shall permit parents to inspect and review any educational records relating to their children that are collected, maintained, and used by the local school district/public agency regarding their student without unnecessary delay and before any meeting regarding an IEP, hearing relating to the identification, evaluation, placement or provision of FAPE, or resolution session and, in no case, more than 45 days after the request has been made. The right to review and inspect records includes:

- A. the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- B. the right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- C. the right to have a representative of the parent inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to his/her child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

Record of Access (34 CFR 300.614)

Each participating agency shall maintain a record of all parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency) including electronic records. The record will include:

- A. name(s) of party;
- B. the date access was given; and
- C. purpose for which the party is authorized to use the records.

The record of access shall be maintained in each file of each student that contains confidential information. The agency is required to maintain a list of those employees who have access to educational records and maintain the list in a central location. Only employees of the agency who have a legitimate need to access education records shall be included on the list.

Records of More Than One Student (34 CFR 300.615)

If any education record includes information on more than one (1) student, the agency shall allow parents to inspect and review only the information relating to their child or to be informed of the specific information.

List of Types and Location of Information (34 CFR 300.616)

Each participating agency shall provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the agency.

Fees (34 CFR 300.617)

Each participating agency may charge a fee for copies of records which are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under this part.

Amendment of Records at Parent Request and Hearing Rights (34 CFR 300.618)

A parent who believes that information in the educational records collected, maintained, or used under this part is inaccurate, misleading, or violates the privacy or other rights of his/her child may request the participating agency that maintains the information to amend the information.

The school district/public agency shall reach a decision regarding the request within a reasonable period of time, but no more than 45 calendar days after receipt of the request. If the agency agrees to the requested amendment, the records in question shall be amended as agreed to. If the agency denies the request for an amendment, the agency shall:

- A. inform the parent of the denial and advise the parent of their right to a hearing; and
- B. advise the parent/guardian that they have a right to request a hearing, before an official of the district or agency, if they desire to further challenge the data contained within the student's file. This hearing shall be held in conformity with the requirements outlined in Section 99.22 of the Family Educational Rights and Privacy Act regulations.

If, as a result of the hearing, the public agency decides the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency shall amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, the public agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the agency shall inform the student's parent of the right to place in the records

it maintains on the student a statement commenting on the information or setting forth any reason for disagreeing with the decisions of the public agency. Any explanation placed in the records of the student must be maintained by the public agency as a part of the student's records as long as the record or contested portion is maintained by the public agency. If the record of the student or the contested portion is disclosed by the public agency to any party, the explanation must also be disclosed to the party.

Consent (34 CFR 300.622)

Parental consent must be obtained before personally identifiable information is disclosed to third parties, unless the information is contained in the educational records, and the disclosure is authorized without parental consent under 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

Parental consent, or the consent of an eligible student who has reached the age of 18, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with an IEP.

If a student is enrolled or going to enroll in a private school that is not located in the public agency of the parent's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the public agency where the private school is located and officials in the public agency of the parent's residence.

Safeguards (34 CFR 300.623)

Each public agency shall protect the confidentiality of personally identifiable information of collection, storage, disclosure, and destruction stages. To assure protection, the public agency shall:

- A. appoint one (1) official at each public agency to be responsible for ensuring the confidentiality of any personally identifiable information;
- B. provide training or information to all persons collecting or using personally identifiable information in the state's policies and procedures governing such information; and
- C. maintain, for public inspection, a current list of the names and positions of those employees within the public agency who may have access to personally identifiable data.

Destruction of Information (34 CFR 300.624)

The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to his/her child. The information must be destroyed at the request of the parent subject to the federal requirement that records be maintained for a minimum of three

(3) years from the date the child no longer receives special education and related services. However, a permanent record containing the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be retained without time limitation.

Students' Rights (34 CFR 300.625)

All rights of privacy and educational records indicated herein with regard to parents shall pass to the student upon reaching age 18, or when the student is otherwise emancipated under state law, except in the case of a student with a disability who is legally determined to be incompetent to make such decisions for himself/herself and for whom legal guardianship or conservatorship is required beyond the age of 18. In those instances, the legally established guardian or conservator shall maintain the rights to privacy as outlined in this section.

Parents of students who reach age 18 but who are still dependents, as defined in Section 152 of the Internal Revenue Service Code of 1954, may inspect and review the student's educational record at the discretion of the public agency.

III. IDENTIFICATION AND EVALUATION

1. CHILD FIND

It is the policy or responsibility of this agency that all students with disabilities, residing in the district, including students with disabilities who are homeless students or are wards of the state, and students with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to highly mobile students with disabilities (such as migrant and homeless students) and students who are suspected of being a student with a disability and in need of special education even though they are advancing from grade to grade. This agency also ensures that it has procedures in place to determine which students are receiving needed special education and related services.

The Department of Elementary and Secondary Education (DESE) is the agency responsible for coordinating the planning and implementation of the Child Find activities for children/students birth to twenty-one (21).

The following state agencies participate in the planning and implementation of Child Find activities as stated:

Department of Mental Health assists in identification and location of infants, toddlers, and students with suspected disabilities through its Regional Centers for the Developmentally Disabled, State Habilitation Centers, and State Hospitals. Referrals are made to local public agencies and the Part C system.

Department of Health and Senior Services assists in identification and location of infants, toddlers, and students with suspected disabilities through its Title V and Head Injury Programs. Referrals are made to local public agencies and to the Part C system.

Department of Social Services

- A. The Children's Division assists in the identification of infants, toddlers and students with suspected disabilities. Referrals are made to local public agencies and to the Part C system.
- B. Rehabilitation Services for the Blind identifies, locates, and refers infants, toddlers, and students who have visual problems. Referrals are made to either local public agencies or to the Part C system.
- C. The Division of Youth Services identifies students with disabilities who are placed within the care and custody of the Missouri Division of Youth Services. Special education services are provided for these students within the Division's facilities.

Department of Corrections provides for the identification of and special education services to inmates with disabilities under age twenty-one (21) years, who are placed within its jurisdiction.

DESE requires local education agencies (LEAs) to annually assist in Child Find by conducting the following activities prior to November 1 each year:

- A. Publishing one (1) public notice in local newspapers or on the public agency website that describes the public agency's responsibility to provide special education and related services to students ages three (3) to twenty-one (21). The notice must also describe this agency's responsibility to refer infants and toddlers suspected of having a disability to the state Part C early intervention system.
- B. Airing one (1) public notice on local radio and/or television stations, during general viewing/listening hours, which describe this agency's responsibility to provide special education and related services to students ages three (3) to twenty-one (21).
- C. Placing posters/notices in all administrative offices of each building operated by this agency that describes the public agency's responsibility to provide special education and related services to students ages three (3) to twenty-one (21).
- D. Providing written information through general distribution to the parents/guardians of students enrolled in the public agency which describes the public agency's responsibility to provide special education and related services to students ages three (3) to twenty-one (21).

This public agency is also required to conduct Child Find in private schools as outlined in Regulation XIII of the Missouri State Plan for Special Education.

2. DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY

The Individuals with Disabilities Education Act (IDEA) defines students with disabilities as those students, ages three (3) to twenty-one (21), who have been properly evaluated as having Intellectual Disability, Hearing Impairments and Deafness, Speech or Language Impairments, Visual Impairments, including Blindness, Emotional Disturbance, Orthopedic Impairments, Autism, Traumatic Brain Injury, Other Health Impairments, a Specific Learning Disability, Deaf Blindness, or Multiple Disabilities and who because of that disability, require special education and related services. As allowed under 34 CFR 300.8 implementing IDEA, the State of Missouri also defines a child with a disability to include students ages three (3) through five (5) who have been properly identified as a young child with a developmental delay.

No student may be determined to be eligible if the determinant factor for that eligibility determination is lack of appropriate instruction in reading, including the essential components of comprehensive literacy (as defined in section 2221(b)(1) of the ESEA), or lack of appropriate instruction in math, or limited English proficiency 34 CFR 300.306(b)(1).

Several conditions may be diagnosed by other professionals such as physicians, psychologists, etc. that are not specified by IDEA. These may include such conditions as Tourette syndrome, diabetes, sickle cell anemia, leukemia, dyslexia, central auditory processing disorder, etc. Students who present significant learning problems by virtue of the condition may demonstrate eligibility for special education under one or more of the disabilities identified above.

Disability Categories, Definitions, and Criteria in alphabetical order:

- A. Autism
- B. Deaf/Blindness
- C. Emotional Disturbance
- D. Hearing Impairment and Deafness

- E. Intellectual Disability
- F. Multiple Disabilities
- G. Orthopedic Impairment
- H. Other Health Impairments
- I. Specific Learning Disabilities
- J. Speech or Language Impairment
- K. Traumatic Brain Injury (TBI)
- L. Visual Impairment/Blind
- M. Young Child with a Developmental Delay

Autism Definition

“Autism” means a developmental disability significantly affecting verbal or nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disability as defined in this document.

A student who manifests the characteristics of autism after age three could be identified as having autism if the criteria above are satisfied.

Criteria for Initial Determination of Eligibility

A student displays autism when:

- A. Through evaluation that includes a review of medical records, observation of the student’s behavior across multiple environments, and an in-depth social history, the following behaviors are documented:
 - 1. Disturbances of speech, language-cognitive, and nonverbal communication: The student displays abnormalities that extend beyond speech to many aspects of the communication process. Communicative language may be absent or, if present, language may lack communicative intent. Characteristics may involve both deviance and delay. There is a deficit in the capacity to use language for social communication, both receptively and expressively.
 - 2. Disturbance of the capacity to relate appropriately to people, events, or objects: The student displays abnormalities in relating to people, objects, and events. There is a deficit in the capacity to form relationships with people. The capacity to use objects in an age appropriate or functional manner may be absent, arrested, or delayed. The student may seek consistency in environmental events to the point of exhibiting rigidity in routines.
- B. The condition adversely affects the student’s educational performance.
- C. The autism is not a result of an emotional disability as defined in this document.

Other Behaviors Which the Student May Exhibit Include:

- A. Disturbance of developmental rates and sequences: The student may also exhibit delays, arrests, or regressions in physical, social, or learning skills. Areas of precocious skill development may also be present, while other skills may develop at normal or extremely depressed rates. The order of skill acquisition frequently does not follow normal developmental patterns.
- B. Disturbances of responses to sensory stimuli: The student's behavior may also range from being hyperactive to being unresponsive to people and objects in their environment and can alternate between these two (2) states over periods ranging from hours to months. Disturbances may be apparent in auditory, visual, olfactory, gustatory, tactile, and kinesthetic responses. The student may respond to stimulation inappropriately and in repetitive or nonmeaningful ways.

Deaf/Blindness Definition

"Deaf/Blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

Criteria for Initial Determination of Eligibility

A student is deaf/blind when:

- A. both visual and hearing impairments are present as described in the criteria for Hearing Impairment/Deafness and Visual Impairment/Blindness, and
- B. the impairments together cause severe communication, developmental, and educational needs.

Emotional Disturbance Definition

"Emotional Disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

- A. an inability to learn that cannot be explained by intellectual, sensory or health factors;
- B. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- C. inappropriate types of behavior or feelings under normal circumstances;
- D. a general pervasive mood of unhappiness or depression; and
- E. a tendency to develop physical symptoms or fears associated with personal or social problems.

The term includes schizophrenia, but does not apply to students who are socially maladjusted unless it is determined they have an emotional disturbance.

Criteria for Initial Determination of Eligibility

A student displays an emotional disturbance when:

- A. through evaluation procedures that must include observation of behavior in different environments, and an in-depth social history the student displays one of the following characteristics:
 - 1. an inability to learn that cannot be explained by intellectual, sensory or health factors;
 - 2. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - 3. inappropriate types of behavior or feelings under normal circumstances;
 - 4. a general pervasive mood of unhappiness or depression; and
 - 5. a tendency to develop physical symptoms or fears associated with personal or social problems.
- B. the characteristic(s) must have existed to a marked degree and over an extended period of time. In most cases, an extended period of time would be a range from two (2) through nine (9) months depending upon the age of the student and the type of behavior occurring. For example, a shorter duration of disturbance that interrupts the learning process in a younger student might constitute an extended period of time. Difficulties may have occurred prior to the referral for evaluation; and
- C. the emotional disturbance adversely affects the student's educational performance.

NOTE: Manifestations of an emotional disturbance can be observed along a continuum ranging from normal behavior to severely disordered behavior. Students who experience and demonstrate problems of everyday living and/or those who develop transient symptoms due to a specific crisis or stressful experience are not considered to have an emotional disturbance.

Hearing Impairment and Deafness Definition

"Hearing Impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but is not included in the following definition for deafness.

"Deafness" means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance.

Criteria for Initial Determination of Eligibility

A student displays a Hearing Impairment/Deafness when:

- A. a hearing impairment has been diagnosed by an audiologist; and
- B. the hearing impairment adversely affects the student's educational performance.

Intellectual Disability Definition

“Intellectual Disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period that adversely affects a student’s educational performance.

Criteria for Initial Determination of Eligibility

A student displays intellectual disability when:

- A. the student performs 2.0 Standard Deviations below their peers of equivalent age, ethnic, and cultural background when measured by a standardized instrument of cognitive ability;
- B. adaptive behavior refers to the effectiveness with which a student meets the standards of personal independence and social responsibility expected of his/her age and cultural group. Adaptive behavior assessments should be completed by two or more adults who are familiar with the child’s functional performance, including a parent or guardian when possible. The student displays significant deficits in adaptive behavior functioning when results from two raters using a standardized adaptive behavior instrument produce composite scores 2.0 Standard Deviations below the mean. When the criterion is met on one composite score, a second score allowing for the standard error of measurement may be accepted. There should be a significant positive correlation between the student’s intellectual ability and adaptive behavior; and
- C. the disability adversely affects the student’s educational performance. The description of adverse educational impact is supported by information gained through a comprehensive evaluation including observation of the student’s academic and functional performance completed in a variety of educational settings.

Multiple Disabilities Definition

“Multiple Disabilities” means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blindness.

Criteria for Initial Determination of Eligibility

A student displays multiple disabilities when:

- A. concomitant impairments occur; and
- B. the impairments together cause severe educational needs.

Orthopedic Impairment Definition

“Orthopedic Impairment” means a severe orthopedic impairment that adversely affects a student’s educational performance. The term includes impairments caused by congenital anomaly (e.g., club foot, absence of some member, etc.), impairments caused by disease

(poliomyelitis, bone tuberculosis, etc), and impairments from other causes (e.g., cerebral palsy, amputations and fractures or burns that cause contractures).

Criteria for Initial Determination of Eligibility

A student displays a physical impairment when:

- A. an orthopedic impairment has been diagnosed by a licensed physician; and
- B. the physical impairment adversely affects the student's educational performance.

Other Health Impairment Definition

"Other Health Impairment" means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems, such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome, and adversely affects a student's educational performance.

Criteria for Initial Determination of Eligibility

A student displays a Health Impairment when:

- A. a health impairment has been diagnosed by a licensed physician, licensed assistant physician, Missouri State Board of Nursing recognized advance practice registered nurse, licensed psychologist, licensed professional counselor, or licensed clinical social worker or school psychologist, and
- B. the health impairment adversely affects the student's educational performance. The description of adverse educational impact is supported by information gained through a comprehensive evaluation including observation of the student's academic and functional performance completed in a variety of educational settings.

Specific Learning Disability Definition

"Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

Criteria for Initial Determination of Eligibility

A student has a specific learning disability when:

- A. The student does not achieve adequately for the student's age or to meet state approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or state approved grade-level standards:

Oral Expression
Written Expression
Reading Fluency Skills
Mathematics calculation

Listening Comprehension
Basic Reading Skill
Reading Comprehension
Mathematics Problem Solving; and

- B. The student does not make sufficient progress to meet age or state approved grade-level standards in one or more of the areas identified in A above when using a process based on the student's response to scientific, research-based intervention; or

The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CRF 300.304-307.300.311. A pattern of strengths and weaknesses is defined as a severe discrepancy between achievement and intellectual ability of at least 1.5 standard deviations; and

- C. The group determines that its findings under this section are not primarily the result of:

- 1) A visual, hearing, or motor disability;
- 2) Intellectual disability;
- 3) Emotional disturbance;
- 4) Cultural factors;
- 5) Environmental or economic disadvantage;
- 6) Limited English Proficiency;
- 7) Lack of appropriate instruction in reading, including the essential components of comprehensive literacy instruction (as defined in section 2221(b)(1) of the ESEA);
- 8) Lack of appropriate instruction in math; and

- D. To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:

- 1) Data that demonstrates that prior to or as part of the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel, and
- 2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

Professional Judgment

If this agency uses a severe discrepancy method: A student who does not display a discrepancy of at least 1.5 standard deviations as defined above, may nonetheless be deemed to have a specific learning disability if 1) the student meets the other criteria of this rule; and 2) based upon professional judgment and review of formal and informal assessments, the evaluation team concludes that a severe discrepancy exists. In such cases, sufficient data must be presented in the evaluation report to document the existence of a specific learning disability.

It is the policy of the state of Missouri that any agency using a Response to Intervention model for the identification of Specific Learning Disability, must have written procedures

for implementing that, at a minimum, incorporate guidelines developed by SEA which are found on the Department website.

Speech or Language Impairment Definition

“Speech or Language Impairment” means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a student’s educational performance.

A. Criteria for Initial Determination of Eligibility – Language Impairment

A language impairment is present when a comprehensive communication assessment documents all of the following:

- 1) the language impairment adversely affects the student’s educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum;
- 2) the student’s overall language functioning is significantly below age expectations as measured by two or more composite standard scores on standardized language assessments. The composite language score reflects both receptive and expressive language function in a single standard score. Significantly below is defined as 1.75 standard deviations or more below the mean for students who are kindergarten age eligible and older. A public agency may accept a second composite score allowing for the standard error of measurement when the criterion is met on the other composite score. The agency may adopt written procedures for utilization of reasonable variances that enable a student to meet the standard score criterion in highly unique situations such as English Learners;
- 3) young child with a developmental disability criteria (communication area) shall be used for eligibility determinations for children who are three (3) to five (5) years of age but not yet kindergarten eligible;
- 4) the student consistently displays inappropriate or inadequate language that impairs communication in the student’s educational environment as documented by structured qualitative procedures such as a formal language sample, classroom observations, curriculum based assessments, teacher/parent checklists/interviews, or other clinical tasks; and
- 5) the language impairment is not a result of dialectal differences or second language influence.

B. Criteria for Determination of Initial Eligibility - Sound System Disorder

A Sound System Disorder, which includes articulation and/or phonology, is present when:

- 1) the Sound System Disorder adversely affects the student's educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum;
- 2) the student exhibits a significant delay of at least one year in correct sound production based on the state designated normative data in the table below after administering a single word test and/or a sentence/phrase repetition task and a connected speech sample with consideration given to the type of error recorded (substitutions, omissions, distortions, and/or additions). These errors may be described as single sound errors or errors in phonological patterns. However, if the student does not exhibit a significant delay of at least one year in correct sound production, but there are multiple errors in the sound system which are collectively so severe that the student's speech is unintelligible, the public agency may establish the student as having a sound system disorder; and
- 3) the sound system disorder is not a result of dialectal differences or second language influence.

Phoneme	Chronological Age	Phoneme	Chronological Age	Word in it ial clusters	Chronological Age
/m/	3:0	/f/	5:6	/tw kw/	5:6
/n/	3:6	/x/	5:6	/sp st sk/	7:0
/ŋ/ (ng)	7:0	/θ/ (th)	8:0	/sm sn/	7:0
/b/	3:0	/ð/ (th)	7:0	/sw/	7:0
/w/	3:0	/s/	7:0	/sl/	7:0
/j/ (y)	5:0	/z/	7:0	/pl bl kl gl fl/	6:0
/p/	3:0	/ʃ/ (sh)/	7:0	/pr br tr dr kr gr fr/	8:0
/b/	3:0	h/ (ch)	7:0	/θr/	9:0
/t/	4:0	/dʒ/ (j)	7:0	/skw/	7:0
/d/	3:6	/ʒ/ (zh)	8:0	/sɒl/	7:0
/k/	3:6	/l-/	6:0	/spr str skr/	7:0
/g/	4:0	/-l/	7:0		
/f-/	3:6	/r/	8:0		

C. Criteria for Initial Determination of Eligibility - Fluency

A fluency impairment is present when a comprehensive communication assessment documents all of the following:

- 1) the fluency impairment adversely affects the student's educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum;
- 2) the student's fluency is significantly below the norm as measured by speech sampling in a variety of contexts and impairs communication in the student's educational environment as documented by structured qualitative procedures such as classroom observations, curriculum based assessments, teacher/parent checklists/interviews, or other clinical tasks; and

- 3) the student consistently exhibits at least one of the following symptomatic behaviors of dysfluency:
 - a. sound, syllabic, or word repetitions;
 - b. prolongations of sounds, syllables, or words;
 - c. avoidance;
 - d. blockages; or
 - e. hesitations.

D. Criteria for Initial Determination of Eligibility - Voice

A voice impairment is present when a comprehensive communication assessment documents all of the following:

- 1) the voice impairment adversely affects the student's educational performance as documented by lack of response to evidence based interventions designed to support progress in the general education curriculum;
- 2) the student consistently exhibits deviation in pitch, quality, or volume;
- 3) the student's voice is discrepant from the norm as related to his/her age, sex, and culture and is distracting to the listener; and
- 4) the voice impairment is not a result of:
 - a. a medical condition that contraindicates voice therapy intervention;
 - b. a temporary condition such as: normal voice changes, allergies, colds, or other such conditions; or
 - c. a dialectal difference or second language influence.

Traumatic Brain Injury (TBI) Definition

"Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, such as, cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychological behavior, physical functions, information processing and speech. The term does not include brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Initial Eligibility Criteria for Traumatic Brain Injury

A student has a Traumatic Brain Injury when:

- A. a traumatic brain injury/head injury has been diagnosed by a licensed physician or through a neuropsychological assessment; and
- B. the student's educational performance is adversely affected by deficits in acquisition, retention, and/or generalization of skills. Students with a brain injury may have rapidly changing profiles, therefore, educational assessment should include current documentation of the student's functional capabilities and indicate deficits in one or more of the following areas:

- 1) building or maintaining social competence;
- 2) performance of functional daily living skills across settings;
- 3) the ability to acquire and retain new skills, and
- 4) the ability to retrieve prior information.

Professional Judgment

A student may also be deemed eligible if the student displays characteristics of TBI even though a medical diagnosis of head injury has not been made by a physician. In such cases, substantial data to document the medical basis for a head injury must be present in the evaluation report.

Visual Impairment/Blindness Definition

Visual Impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

Criteria for Visual Impairment/Blindness

A student has an impairment in vision that, even with correction, adversely affects a student's education performance. This includes both partial sight and blindness.

Young Child with a Developmental Delay Definition

"Young Child with a Developmental Delay" means a child ages three (3) through five (5) who is experiencing developmental delays, as measured by appropriate evaluation instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who need special education and related services.

Note: LEAs in Missouri are not required to adopt and use the term "Young Child with a Developmental Delay" for any children in their jurisdiction. However, if an LEA uses the term "Young Child with a Developmental Delay," this agency must conform to both the state's definition of the term and the age range.

Criteria for Initial Eligibility for Young Children with a Developmental Delay

For children ages three (3) through five (5) (not kindergarten age eligible) A child has a developmental delay when:

- A. The student's development is at or below 1.5 standard deviations, or equivalent levels, of the mean in any TWO areas of development OR at or below 2.0 standard deviations, or equivalent levels, in any ONE area of development as compared to typical development. Areas of development that can be used to determine eligibility include physical, cognitive, communication, social/emotional or adaptive.
- B. The child needs special education and related services.

Professional Judgment

A child may also be deemed eligible when:

- A. the evaluation report documents through formal and informal assessment that a significant deficit exists and a child is eligible for services even though the standard scores, or equivalent levels, do not meet the stated criterion levels in A above; or
- B. the team may determine that a child who is functioning above the stated criterion level and because of intensive early intervention, is eligible for services based on expected regression if services were to be terminated.

For students ages five (5) (kindergarten eligible)

- A. Students kindergarten age eligible may continue eligibility as a Young Child with a Developmental Delay if they were identified as such prior to attaining kindergarten age eligibility.

3. PROCEDURES FOR EVALUATION AND DETERMINATION OF ELIGIBILITY

This agency ensures that it establishes and implements procedures for evaluation and determination of eligibility that meet the requirements of this section.

Parental consent for initial evaluation

Consent of the parent must be obtained by this agency from a parent prior to conducting the initial evaluation.

Consent for initial evaluation may not be construed as consent for initial provision of special education and related services. This agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability.

Ward of the State

For initial evaluations only; if the student is a ward of the state and is not residing with the student's parent, this agency is not required to obtain informed consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

- A. This agency cannot discover the whereabouts of the parent of the student despite reasonable efforts to do so;
- B. The rights of the parent of the student have been terminated in accordance with state law; and
- C. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

Failure to Consent

If the parent of a student enrolled in this agency or seeking to be enrolled in this agency does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, this agency may, but is not required to, pursue the initial evaluation of the

student by utilizing the procedural safeguards (including mediation procedures or due process procedures), if appropriate, except to the extent inconsistent with state law relating to such parental consent. This agency does not violate its obligation under "Child Find" or "evaluations and reevaluations" of the Act if it declines to pursue the evaluation.

Evaluation Timelines

The following timelines are adopted by the state for the purposes of evaluation. This agency shall provide the parent with a Notice of Intent to Evaluate as soon as possible, but within thirty (30) calendar days of the date of referral for evaluation. Delays beyond this time may be permitted for just cause (school breaks for summer or holidays, student illness, etc.) and documented in the student's record.

The evaluation shall be completed and a decision regarding eligibility rendered within sixty (60) calendar days following parent consent or notice, as the case may be. This timeline does not apply if the parent of the student repeatedly fails or refuses to produce the student for evaluation or the student enrolls in a school of another public agency after the timeline has begun and prior to a determination by the student's previous public agency as to whether the student is a student with a disability or there is just cause (school breaks for summer or holidays, student illness, etc).

Parent Request for Evaluation

Parents may request an evaluation for their student. If this agency receives such a request, the public agency shall:

- A. accept the request and determine in a timely manner, but not more than 30 days from the request, if there is reason to suspect a disability and need for evaluation. Proceed with the evaluation process in accordance with the timelines and requirements set forth in this section, or
- B. refuse the request and provide the parent with Notice of Action Refused

Initial Evaluation (34 CFR 300.301)

This agency shall conduct a full and individual initial evaluation, in accordance with 34 CFR 300.305 and 34 CFR 300.306, before the initial provision of special education and related services to a student with a disability. This may or may not include additional testing as determined by the evaluation team members.

Either a parent of a student or this agency may initiate a request for an initial evaluation to determine if the student is a student with a disability. If the public agency determines there is no reason to suspect a disability, the parent will be provided with a notice of action refusing to conduct an initial evaluation.

The initial evaluation must be conducted within the evaluation timelines set forth above, must consist of procedures to determine if the student is a student with a disability as defined in the State Plan and to determine the educational needs of the student.

If a parent of a student repeatedly fails or refuses to produce the student for evaluation or, if a student enrolls in a school of another public agency after the evaluation timeline has begun and prior to the determination by the student's previous public agency as to whether the student is a student with a disability, the sixty (60) day timeframe does not apply. An exception to this applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the subsequent public agency agree to a specific time when the evaluation will be completed.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Reevaluations (34 CFR 300.303)

This agency must ensure that a reevaluation of each student with a disability is conducted if this agency determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant a reevaluation or if the student's parent or teacher requests a reevaluation.

A reevaluation may occur not more than once a year, unless the parent and this agency agree otherwise. A reevaluation must occur at least once every three years, unless the parent and this agency agree that a reevaluation is unnecessary.

Evaluation Procedures (34 CFR 300.304)

This agency must provide notice to the parents of a student with a disability that describes any evaluation procedures including, but not limited to, standardized and non-standardized tests, classroom observations, functional behavioral assessments (FBAs), interviews that the public agency proposes to conduct. This agency shall ensure, at a minimum, that the following requirements are met:

- A. A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, and information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the student is a student with a disability and the content of the student's IEP.
- B. No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for a student.
- C. This agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- D. Assessments and other evaluation materials used to assess a child under Part B of the Act are selected and administered so as not to be discriminatory on a racial or cultural basis, are provided and administered in the student's native language or other mode of

communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

- E. Assessments and other evaluation materials used to assess a student are used for the purposes for which the assessments or measures are valid and reliable and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test or the method of test administration) must be included in the evaluation report.
- F. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- G. Assessments are selected and administered so as best to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- H. The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- I. Assessments of students with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those student's prior and subsequent public agency as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.
- J. In evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.
- K. This agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

Additional Requirements for Evaluations and Reevaluations (34 CFR 300.305)

As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of IDEA, the IEP team, and other qualified professionals, as appropriate, shall review existing evaluation data on the student, including evaluations and information provided by the parents of the student, current classroom-based, local or state assessments, classroom based observations, and observations by teachers and related services providers. On the basis of that review, and input from the student's parents, IEP Team and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- A. whether the student has a particular category of disability and the educational needs of the student, or in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;

- B. the present levels of performance and educational needs of the student;
- C. whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
- D. whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

The group making these decisions may conduct its review without a meeting. This public agency must administer tests and other evaluation methods as may be needed to produce the data to make an eligibility determination and develop an IEP as listed in (A) through (D) above.

If the determination of the group is that no additional data are needed to determine whether the student continues to be a student with a disability, this agency shall notify the student's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services under the Individuals with Disabilities Education Act, the student continues to be a student with a disability, and to determine the student's educational needs.

If the parent requests assessment, even though the determination has been made that no additional data are needed, this agency must grant the request if the issue is continued eligibility under Part B of IDEA.

This agency must evaluate a student with a disability before determining that the student is no longer a student with a disability. An evaluation is not required before the termination of a student's eligibility due to graduation from the public agency with a regular diploma or due to reaching the age of twenty-one (21).

This agency must provide a student whose eligibility terminates due to graduation from the public agency with a regular diploma or due to reaching the age of twenty-one (21) with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's post secondary goals.

Determination of Eligibility (34 CFR 300.306)

Upon completing the administration of tests and other evaluation materials, a group of qualified professionals, which includes the parent of the student, must determine whether the student is a student with a disability and the educational needs of the student. This agency will provide a copy of the evaluation report which documents the determination of eligibility at no cost to the parent.

In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, each public agency must-(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's

physical condition, social or cultural background, and adaptive behavior; and (ii) Ensure that information obtained from all these sources is documented and carefully considered.

If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student in accordance with this plan.

Evaluation Report

This agency shall develop a written Evaluation Report for all initial evaluations and any reevaluations which required additional testing or resulted in a change in eligibility.

The evaluation report must include:

- A. a statement of whether the student has a specific disability as defined in Regulation III of the Missouri State Plan for Special Education;
- B. a synthesis of information from the evaluation that demonstrates consideration was given to all areas of functioning;
- C. the basis for making the determination of eligibility for a disability including the disability's adverse effect on the student's education and the student's need for specialized instruction;
- D. a statement that the disability is not a result of lack of appropriate instruction in reading, including the essential components of comprehensive literacy instruction (as defined in section 2221(b)(1) of the ESEA or lack of appropriate instruction in math or Limited English proficiency; and
- E. a list of the individuals who were in attendance at the eligibility determination meeting and their role.

The Evaluation Report for students identified as Specific Learning Disabled must include items A through E above and the following:

- F. relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to academic functioning;
- G. educationally relevant medical findings, if any;
- H. whether the student:
 - 1) does not achieve adequately for the student's age or to meet state approved grade-level standards, and
 - 2) does not make sufficient progress to meet age or state approved grade-level standards, or
 - 3) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state approved grade-level standards, or intellectual development;
- I. the determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or Limited English proficiency on the student's achievement level;

J. if the student has participated in a process that assesses the student's response to scientific, research-based intervention:

- 1) the instructional strategies used,
- 2) the student-centered data collected,
- 3) documentation that the student's parents were notified about:
 - the state's policies regarding the amount and nature of student performance data that would be collected,
 - the general education services that would be provided,
 - the strategies for increasing the student's rate of learning, and
 - the parents right to request an evaluation; and

K. each team member shall certify in writing whether the report reflects his/her conclusion; if it does not reflect his/her conclusion, the team member must submit a separate statement presenting his/her conclusions.

Determination of Eligibility for Young Children Ages 3 Through 5

This agency has, through approved policy, selected the following check marked method to determine eligibility for children ages three (3) through five (5) (not kindergarten age eligible). (only one should be checked)

Children ages 3 to 5 (not kindergarten-age eligible):

- ☐ Identify all children using any of the disability categories except that of Young Child with a Developmental Delay and Language Impairment, or
- ☐ Identify all children as eligible using only the category of Young Children with Developmental Delay, or
- ☒ Identify all children as eligible using any of the disability categories, other than Language Impairment, including that of Young Child with a Developmental Delay.

For a child with a disability who becomes Kindergarten age eligible (age five (5) before August 1), this agency has chosen the following check marked method to determine continuing eligibility for special education: (only one should be checked):

- ☒ Continue a child as eligible using Young Child with a Developmental Delay or apply any of the other disability categories; or
- ☐ Apply any disability category other than Young Child with a Developmental Delay.

Students who are kindergarten age eligible (age five (5) before August 1) who have not been identified as eligible for special education in prior years must meet criteria of any disability category other than Young Child with a Developmental Delay.

Students who are first grade age eligible (age six (6) before August 1) must meet criteria of any disability category other than Young Child with a Developmental Delay.

Determination of Eligibility for Students with Specific Learning Disabilities
(34CFR300.307)

The state has adopted criteria for determining whether a student has a specific learning disability. The criteria adopted by the state does not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability and permits the use of a process based on the student's response to scientific, research based intervention.

This agency must use the state criteria in determining whether a student has a specific learning disability.

Additional Group Members 34 CFR 300.308

The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parents and a team of qualified professionals that must include:

- A. the student's regular teacher, or if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; for a student of less than school age, an individual qualified by the Department to teach a student of his or her age;
- B. at least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Extension of Evaluation Timelines When Determining Eligibility for Specific Learning Disabilities

This agency must promptly request parental consent to evaluate the student to determine if the student needs special education and related services and must adhere to the evaluation timelines, unless extended by mutual written agreement of the student's parents and the evaluation professionals:

- (1) If prior to a referral, a student has not made adequate progress after an appropriate period of time when provided instruction, as described in the preceding section for Specific Learning Disability (4) a. and b., and
- (2) Whenever a student is referred for an evaluation.

Observation (34 CFR 300.310)

This agency must ensure that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty.

The group determining whether a student has a specific learning disability must decide to:

- A. use information from an observation in routine classroom instruction and monitoring of the student performance that was done before the student was referred for an evaluation, or
- B. have at least one member of the group conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained.

In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age.

IV. FAPE/IEP/LRE

1. FREE APPROPRIATE PUBLIC EDUCATION

It is the policy of this agency that all students with disabilities ages of three (3) to twenty-one (21) years, as prescribed by Missouri statutes and under the jurisdiction of this agency have a right to a free appropriate public education (FAPE), including students with disabilities who have been suspended or expelled from school.

The term "students with disabilities" as used in this document includes all students defined as "handicapped" and "severely handicapped" in accordance with 162.675(1) and (3) RSMo and the Individuals with Disabilities Education Act (IDEA). Definitions of each disabling condition are found in the State Plan.

A free appropriate public education (FAPE) is defined to include regular and special education and related services which:

- A. are provided at public expense, under public supervision and direction, and without charge to the parent;
- B. meet the educational standards of the State Education Agency pertaining to the education of students with disabilities;
- C. includes preschool, elementary school, secondary school education; and
- D. are provided in conformity with the individualized education program (IEP).

FAPE for Children/Students Begins at Age Three (3)

This agency ensures that FAPE is available to each eligible child/student under the jurisdiction of the agency no later than the child's third birthday. An IEP will be in effect by the child's third birth date. If the child's third birth date occurs during the summer, the child's IEP team shall determine the date when the services under the IEP will begin. This plan and the Part C State Plan outline procedures that both the Part B and Part C systems must complete to assure a smooth transition for children eligible for the Part C program and eligible for Part B services to receive services at age three (3).

FAPE for Students Suspended or Expelled from School

This agency is not required to provide services to a student with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

In the case of a student with a disability who has been removed from the provision of special education and related services, including maintaining the student's special education placement, for more than ten (10) school days in a school year, this agency, for the remainder of the removals must:

- A. provide services to the extent necessary to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward achieving the goals in the student's IEP if the removal is:

- 1) under the school personnel's authority to remove for not more than ten (10) consecutive school days as long as that removal does not constitute a change of placement; or
- 2) for behavior that is not a manifestation of the student's disability and results in a disciplinary change of placement.

Students Advancing from Grade to Grade

This agency ensures that FAPE is available to any individual student with a disability who needs special education and related services, even though the student has not failed or been retained in a course or grade, and is advancing from grade to grade. The determination that such a student is eligible for services must be made on an individual basis by the group of individuals within this agency.

Exceptions to FAPE

This agency is not required to provide FAPE to the following students and youth:

- A. youth with disabilities who reach the age of twenty-one (21);
- B. students who have graduated from high school with a regular high school diploma. The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate of attendance or a High School Equivalency (HSE) certificate. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written notice in accordance with 34 CFR 300.503;
- C. students whose parent has refused to consent to the receipt of special education and related services or has failed to respond to a request to provide such consent;
- D. parentally placed private school students with disabilities; and
- E. students with disabilities who receive early intervention services under Part C of the Act.

Continuing Requirement for FAPE

Students who have participated in a graduation ceremony or who have obtained a High School Equivalency (HSE) certificate, but have not been awarded a regular high school diploma, continue to be eligible to receive FAPE if they are under twenty-one (21) years of age.

Agency Responsible for FAPE

Charter Schools and State Board Operated Programs are responsible for the provision of FAPE to those students that are enrolled in their schools.

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.

The Department of Mental Health, the Department of Social Services, or a court of competent jurisdiction may provide or procure special education and related services for such students.

The Department of Mental Health shall provide special education and related services for students with disabilities, ages three (3) to twenty-one (21), whose domicile is in one public agency, but actually reside in another public agency if said student has been determined by the Department of Mental Health to be dangerous to himself/herself or others, or is determined to be medically fragile.

The Department of Corrections shall provide special education and related services to those youth who are determined eligible for special education services at the time of their admittance to the correctional system.

The following requirements do not apply to those students with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

- A. the requirement to participate in state and district assessments, and
- B. the requirement relating to transition planning and transition services if their eligibility for Part B services will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

The IEP team of a student with a disability, who is convicted as an adult under state law and incarcerated in an adult prison, may modify the student's IEP or placement if the Department of Corrections has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to LRE do not apply.

The Department of Social Services, Division of Youth Services (DYS), shall provide special education and related services or arrange for such services with other agencies and schools where DYS releases such students. Students and youth with disabilities who have been assigned to programs by a court and meet eligibility will continue to receive services by said program.

2. INDIVIDUALIZED EDUCATION PROGRAMS

Definition of IEP (34 CFR 300.320)

The term Individualized Education Program or IEP means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting and must include:

- A. a statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students), or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities, and for students with disabilities who take alternative assessments aligned to alternative achievement standards, a description of benchmarks or short-term objectives;

- B. a statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum (i.e., the same curriculum as for nondisabled students), or for preschool children, as appropriate, to participate in appropriate activities, and meeting each of the child's other educational needs that result from the child's disability. Measurable goals are specific to a particular skill or behavior to be achieved, measurable/quantifiable, attainable, results oriented, time-bound, and can reasonably be accomplished within the duration of the IEP. For students with disabilities who take alternative assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- C. a statement of the special education and related services and supplementary aids and services, based on peer reviewed research to the extent practicable to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
 - 1) to advance appropriately toward attaining the annual goals;
 - 2) to be involved in and make progress in the general education curriculum;
 - 3) to participate in extracurricular and other nonacademic activities; and
 - 4) to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph.

This statement will specify whether the student needs transportation as a related service. If the IEP team determines transportation is not necessary as a related service, the IEP document will reflect this.

- D. a statement of the student's participation in physical education;
- E. an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in letter C above;
- F. a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. If the IEP team determines that the student shall take an alternate assessment on a particular state or district-wide assessment of student achievement, a statement of why the student cannot participate in the regular assessment, and why the particular alternate assessment is appropriate for the student;
- G. the projected date for the beginning of the services and modifications described in letter C above, and the anticipated frequency, location, and duration of those services and modifications;
- H. a description of how the student's progress toward the annual goals described in Letter B above will be measured, and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards), will be provided;
- I. a listing of the individuals who attended the IEP meeting and their role (indicates attendance only, not necessarily agreement with the IEP);

- J. a statement indicating the student's eligibility or ineligibility for extended school year services; and
- K. a statement of the placement considerations and decision.

As appropriate, the IEP must include:

Transition Services

- A. beginning not later than the first IEP to be in effect when the student is sixteen (16), or younger if determined appropriate by the IEP team, and updated annually thereafter appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the student in reaching those goals, and
- B. beginning not later than one year before the student reaches age eighteen (18), a statement that the student has been informed of his or her rights under Part B of IDEA and that those rights will transfer to the student upon reaching the age of majority.

For Students Who are Blind or Visually Impaired

- A. the specific goals and objectives which specify the competencies in reading and writing Braille to be taught during the school year;
- B. means by which Braille will be implemented through integration with normal classroom activities;
- C. the date on which Braille instruction will commence;
- D. the level of competency in Braille reading and writing expected to be achieved by the end of the period covered in the IEP;
- E. the duration of each session;
- F. if the IEP Team determines that Braille instruction is not appropriate for a student with blindness or visual impairments, the basis for that determination shall be documented on the IEP; and
- G. that a referral to Rehabilitation Services for the Blind has been discussed and the decision of the parent regarding the referral.

Special Considerations

In developing each student's IEP, the IEP Team must consider:

- A. the strengths of the student;
- B. the concerns of the parents for enhancing the education of their student;
- C. the results of the initial or most recent evaluation of the student; and
- D. the academic, developmental, and functional needs of the student.

The IEP Team must also:

- A. in the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (for students for whom a Behavior Intervention Plan is developed, the Plan must be included in the IEP);
- B. in the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;
- C. consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
- D. consider whether the student requires assistive technology devices and services.

Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in this section, and the IEP Team to include information under one component of a student's IEP that is already contained under another component of such IEP.

IEP Team (34 CFR 300.344)

This agency ensures that the IEP team for each student with a disability includes:

- A. the parents of the student;
- B. not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
- C. not less than one special education teacher of the student, or, where appropriate, not less than one special education provider of the student;
- D. a representative of the agency who is qualified to provide or supervise the provisions of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of this agency and able to commit the resources of the agency;
- E. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in B through D of this paragraph;
- F. at the discretion of the parent or the agency, and with written consent, if appropriate, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- G. whenever appropriate, the student with a disability.

Transition Services Participants

This agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals of the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP meeting, this agency shall take other steps to ensure that the student's preferences and interests are considered.

To the extent appropriate, with the consent of the parents or the student who has reached the age of majority, in implementing transition services, this agency shall also invite a representative of any other participating agency that is likely to be responsible for providing or paying for transition services.

Determination of Knowledge and Expertise

The determination of the knowledge or special expertise of any individual shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team. The parents of a student who has reached the age of 18 may be invited to participate in the IEP Team meeting by either the student or the public agency.

Designating a Public Agency Representative

This agency may designate another public agency member of the IEP team to also serve as the agency representative (IEP team participant D above) if they satisfy the criteria specified for that role.

IEP Team Attendance

A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a student with a disability and this public agency agree, in writing, that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the public agency consent to the excusal, and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

Initial IEP Team Meeting for a Child Under Part C

In the case of a child who was previously served under Part C (First Steps), an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services.

Parent Participation (34 CFR 300.322)

This agency shall take steps to ensure that one or both of the parents of a student with a disability are present at each IEP meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place. The participants who will be invited to attend on behalf of the public agency are indicated by specific position(s) within the agency and, if possible, should include the name.

Information Provided to Parents

The notice to parents shall indicate the purpose, time and location of the meeting, and who will be in attendance, and inform the parent that the parent and the public agency can invite individuals to the meeting that they believe have knowledge or special expertise regarding their student. The determination as to whether an individual has knowledge or special expertise is made by the parent or this agency who invited the individual to be a member of the IEP team. In the case of an initial IEP Team meeting for a student who has participated in Part C (First Steps), the notice must inform the parent, that at their request, an invitation to the initial IEP meeting shall be sent to the Part C service coordinator or other representatives of the Part C system.

For a student with a disability beginning not later than the first IEP to be in effect when the student is sixteen (16) or younger, if determined appropriate by the IEP Team, and annually thereafter, the notice must indicate:

- A. that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student;
- B. that this agency will invite the student; and
- C. identify any other agency that will be invited to send a representative.

Other Measures to Ensure Parent Participation

If neither parent can attend, this agency shall use other methods to ensure parent participation, including conference telephone calls, or video conferences, consistent with 34 CFR 300.328.

Conducting an IEP Meeting without a Parent in Attendance

A meeting may be conducted without a parent in attendance if this agency is unable to convince the parents that they should attend. In this case this agency must have a record of at least two (2) separate attempts to arrange a mutually agreed on time and place, such as:

- A. detailed records of telephone calls made or attempted and the results of those calls;
- B. copies of correspondence sent to the parents and any responses received; or
- C. detailed records of visits made to the parent's home or place of employment and the results of those visits.

The second attempt to schedule a meeting with the parent must be a direct contact. A direct contact includes regular or certified mail, phone call, or in person contact.

Use of Interpreters or Other Action

This agency shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

Parent Copy of the IEP

This agency shall provide the parent a copy of the student's IEP at no cost to the parent.

When IEPs Must be in Effect (34 CFR 300.323)

At the beginning of the school year, this agency shall have an IEP in effect for each student with a disability within its jurisdiction who has been determined eligible to receive services under IDEA, Part B.

This agency shall ensure that a meeting to develop an IEP is conducted within thirty (30) days of a determination that the student needs special education and related services and that the special education and related services are made available to the student in accordance with the IEP as soon as possible following the IEP meeting.

This agency must ensure that:

- A. the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation;
- B. each teacher and provider are informed of his or her specific responsibilities related to implementing the student's IEP; and
- C. the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

In-state Transfers

In the case of a student with a disability who transfers public agencies within the same school year, who enrolls in this public agency, and who had an IEP that was in effect in Missouri, this public agency shall, without delay, provide such student with a free appropriate public education according to the procedures outlined below.

For students with known disabilities who enroll and have a copy of a current evaluation report and IEP this public agency shall place the student, without delay, in the appropriate special education placement and provide FAPE to the student including the services comparable to those listed in the IEP until the public agency either accepts the prior IEP or develops and implements a new appropriate IEP.

If this agency does not agree with the current evaluation report, it must initiate a reevaluation as described in this State Plan. During the time that the reevaluation is being conducted, the agency shall implement the IEP, as written, from the sending agency or provide comparable services until the reevaluation is complete.

For students with suspected disabilities who enroll but do not have copies of the evaluation report and/or IEP, this agency shall seek information to confirm special education services. Without delay, agency officials shall conduct interviews with offi-

cials of the public agency in which the student was enrolled, the student's parent/legal guardian, and, when appropriate, the student and provide such services as can be determined from interviews.

If no evaluation report is obtained, this agency shall refer the student for comprehensive evaluation and review/revise the IEP, if determined necessary, at the completion of the evaluation.

Out of State Transfers

For students who transfer from another state, and had an IEP that was in effect in that state, to this agency and enroll in a new school within the same school year, this agency, in consultation with the parents, must provide the student with FAPE (including services comparable to those described in the student's IEP from the previous public agency) until this agency:

- A. conducts an initial evaluation, if determined necessary by the new public agency, and
- B. develops, adopts, and implements a new IEP (if appropriate).

When a student's records are not available to this agency, the agency shall:

- A. place the student in regular education,
- B. initiate an initial evaluation, and
- C. if the student is found eligible, develop and implement an IEP.

Transmittal of Records

To facilitate the transition for a student entering a school from another public agency in Missouri or from an out-of-state school, the new school in which the student enrolls shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school in which the student was enrolled and the previous school in which the student was enrolled shall take reasonable steps to promptly respond to such request from the new school.

Requirement for Regular Education Teacher

The regular education teacher of a student with a disability, as a member of the IEP team, will, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies for the student and supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with content of the IEP. The IEP team members determine the extent of the participation of a general education teacher at the particular IEP meeting.

Amending or Modifying an IEP without a Meeting

In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and this public agency may agree not to convene an IEP Team meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP, this agency must ensure that the student's IEP Team is informed of those changes.

Consolidation of IEP Team Meetings

To the extent possible, this agency shall encourage the consolidation of reevaluation meetings for the student and other IEP Team meetings for the student.

Amendments

Changes to the IEP may be made either by the entire IEP Team at an IEP meeting or by mutual agreement of the parent and this agency (as described above) by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.

Review and Revision of IEPs

This agency shall ensure that the IEP Team reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved. The IEP Team must also review and, as appropriate, revise the IEP to address:

- A. any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- B. the results of any reevaluation;
- C. information about the student provided to or by the parents;
- D. the student's anticipated needs; or
- E. other matters.

Failure to Meet Transition Objectives (34 CFR 300.324)

If a participating agency, other than this agency, fails to provide the transition services described in the IEP, this agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

Nothing relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

Private School Placements by Public Agencies

Before this agency places a student with a disability in, or refers a student to, a private school or facility, this agency shall initiate and conduct a meeting to develop an IEP for

the student. This agency shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, this agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of this agency. If the private school or facility initiates and conducts these meetings, this agency shall ensure that the parents and an agency representative are involved in any decision about the student's IEP and agree to any proposed changes in the IEP before those changes are implemented.

Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with this agency and the SEA.

Alternative Means of Meeting Participation (34 CFR 300.328)

When conducting IEP Team meetings, the parent of a student with a disability and this agency may agree to use alternative means of meeting participation such as video conferences and conference calls.

Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices (34 CFR 300.113)

This agency must ensure that hearing aids worn in school by students with hearing impairments, including deafness, and the external components of surgically implanted medical devices are functioning properly.

For a student with a surgically implanted medical device who is receiving special education and related services, this agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

3. LEAST RESTRICTIVE ENVIRONMENT (LRE)

General LRE Requirements (34 CFR 300.550)

This agency ensures that to the maximum extent appropriate students with disabilities, including students in public or private institutions or other care facilities, are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Continuum of Alternative Placements (34 CFR 300.551)

This agency ensures that a continuum of alternative placements is available to meet the needs of students ages three (3) to twenty-one (21) with disabilities for special education and related services. The continuum shall include instruction in the regular

classes (general education environments), special classes, special schools, home instruction, and instruction in hospitals and institutions. This agency shall make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general class placement. A student does not have to fail in the less restrictive options on the continuum before the child is placed in a setting that is appropriate to his or her needs.

Placements (34 CFR 300.552)

In determining the educational placement of a student with a disability, including a preschool child with a disability, this agency ensures that the placement decision is made by the IEP team that is knowledgeable about the student, the meaning of the evaluation data, and the placement options, and is made in conformity with LRE provisions. The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.

Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Each year this agency, through the IEP process, shall review/revise a student's IEP and subsequently make a placement decision for each student with a disability served by this agency. This agency shall reach the placement decision from the assumption that a student with a disability should be educated with peers who do not have a disability unless the needs of the student with a disability require other arrangements. This agency must be able to justify the placement decision in accordance with a two-part inquiry:

- A. Whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily; if not, then,
- B. Whether the student has been integrated to the maximum extent appropriate.

The following factors shall be considered as a part of the two-part inquiry:

- A. The curriculum and goals of the regular education class (i.e., factors which document a need for specially designed materials, supplies or equipment or significant modifications to the regular curriculum which would have an adverse affect on the educational program for other students in the class);
- B. The sufficiency of the public agency's efforts to accommodate the student with a disability in the regular class (i.e., description of modifications which have been attempted/resources which have been committed and the student centered results which were observed or a description of the modifications considered but rejected and the basis for the rejection);
- C. The degree to which the student with a disability will receive educational benefit from regular education (i.e., consideration of the potential positive effects with respect to cognitive, academic, physical, social or other areas of development);

- D. The effect the presence of a student with a disability may have on the regular classroom environment and on the education that the other students are receiving (i.e., description of potential harmful effects for the student with a disability or disruptive effects for students without disabilities); and
- E. The nature and severity of the student's disability (i.e., factors which support a need for alternative instruction which cannot be achieved in the regular class such as extreme distractibility, diverse learning styles, inability to engage appropriately with other students in academic or social interactions).

Nonacademic Settings (34 CFR 300.553)

This agency shall ensure that each student with a disability participates in nonacademic and extracurricular services and activities of this agency with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student. This agency ensures that each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings. Such services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the agency, referrals to agencies which provide assistance to individuals with disabilities, employment of students including both employment by the this agency, and assistance in making outside employment available.

Students in Public or Private Institutions (34 CFR 300.2) (not applicable for state board operated programs and charter schools)

This agency is responsible for the provision of special education and related services for a student with a disability who resides in public and private institutions or other alternative residential settings. Students with disabilities or suspected disabilities shall be referred to this agency by a representative of the facility or by the parent for evaluation, development of an IEP, and placement. The residential placement of such students will have been made by the Missouri departments of Mental Health or Social Services or by a court of competent jurisdiction. This agency may also provide the special education and related services required by such students with disabilities. When this agency does provide such services, the services will be under the general supervision of the Department of Elementary and Secondary Education. The Department of Mental Health shall provide special education and related services for any student who is placed outside of his/her official domicile and is determined to be dangerous to himself or others or is medically fragile. Special education and related services for student who reside in public and private institutions shall be provided in the least restrictive environment.

Technical Assistance and Training Activities (34 CFR 300.119)

The Department of Elementary and Secondary Education (DESE) will conduct the following activities to ensure that teachers and administrators in this agency are fully informed about their responsibilities for implementing the least restrictive environment policy and are provided with technical assistance and training necessary to assist them in this effort:

- A. distribution of state and federal laws and regulations pertaining to special education;
- B. monitoring of this agency to determine compliance with the least restrictive environment provisions;
- C. training/workshops for this agency's personnel provided prior to and following monitoring activities regarding least restrictive environment provisions;
- D. technical assistance as may be requested by this public agency relative to the implementation of LRE provisions; and
- E. collaboration with the State Parent Information and Training Center, as requested.

Monitoring Activities (34 CFR 300.120)

DESE monitors this agency, including the requirements for the least restrictive environment through the following procedures:

- A. an annual review of this public agency's count of students with disabilities and placement data;
- B. investigation of any child complaint filed;
- C. periodic monitoring of this agency to determine appropriate implementation of policies and procedures; and
- D. review, approval, and subsequent verification of any corrective actions required of this agency with respect to violations of least restrictive environment requirements.

The Department will analyze data collected relative to implementation of the LRE requirement at this agency. If there is evidence that this agency makes placements that are inconsistent with 34 CFR 300.114, the Department:

- A. shall review the agency's justification for its actions, and
- B. shall assist in planning and implementing any necessary corrective action.

4. TRANSITION OF CHILDREN FROM PART C SERVICES TO PART B SERVICES

The state of Missouri has developed policies and procedures to ensure a smooth and effective transition from Part C (First Steps) services to Part B (Early Childhood Special Education (ECSE)) services at age three for children with disabilities. For the purposes of transition of children from Part C services to Part B services, this agency will follow the State Regulation for Implementing Part C of IDEA.

Notification to LEA from Part C

In Missouri, all children eligible for the Part C program are considered to be potentially eligible for Part B services. The Part C program notifies the LEA in which the child resides in accordance with the Part C State Plan.

Notification includes the following directory information: child's name and birth date and parent's name, address, and telephone number. When the LEA receives complete directory information, this constitutes a referral to Part B.

The Part C program has an opt out policy that allows parents to object to notification to the LEA. If a parent first opts out of notification to the LEA and subsequently requests notification to the LEA, there may be a gap in services if the decision was made less than 90 days from the child's third birthday.

Transition Conference with LEA

The Part C program requires that a transition conference with the LEA be held in accordance with the Part C State Plan. If invited, LEA personnel must participate in the meeting regardless of the time of year in which the meeting occurs. LEA personnel may participate in the meeting through a variety of methods, including in person, phone conference, web conference etc.

Evaluation

If the LEA suspects the child has a disability, an evaluation is conducted, in accordance with the procedures and timelines in the Part B State Plan, to determine if the child is eligible for Part B services.

Timelines for IEP Development and Implementation

All children found eligible for Part C and who are also found eligible for Part B, including Part C Extension children described below must have an IEP developed by the child's third birthday.

The only exceptions to this requirement are (1) if the child was referred to Part C less than 90 days before the child's third birthday; (2) if the parent does not give parental consent to evaluate the child, which delays an evaluation by the public agency and subsequent development of an IEP; or (3) if the parent first opts out of notification to the LEA and subsequently requests notification to the LEA less than 90 days from the child's third birthday, which delays an evaluation by the public agency and subsequent development of an IEP.

An invitation to the initial IEP team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition for a child who previously received Part C services.

An IEP is developed in accordance with Regulation IV, Section 2 of the Part B State Plan. The IEP team must consider the content of the child's Part C Individualized Family Service Plan (IFSP) when developing the IEP.

The obligation to make a free appropriate public education (FAPE) available to each Part C child who is eligible for ECSE begins on the child's third birthday, unless the parent of a child with a summer third birthday chooses Part C Extension instead of FAPE at age three.

Part C Extension for Children with Summer Third Birthdays

Parents of a child determined eligible for both Part C and Part B, and who has a summer third birthday in accordance with the Part C State Plan, may choose to: (1) continue Part C services until the initiation of the local public agency's school year following the child's third birthday, or (2) transition to Part B to receive FAPE on the child's third birthday.

Parents who choose to continue Part C services have the right, at any time, for their child with a summer third birthday to receive Part B services instead of Part C services. However, the LEA is not required to provide FAPE under Part B for the period of time a child is receiving services through Part C Extension.

Parents who choose the option to transition to Part B have the right for their child with a summer third birthday to receive FAPE through an IEP upon the child's third birthday. Parents who choose Part B services cannot later choose to return to Part C services once consent for Part B services is obtained and the child has turned three.

Part C State Regulation is incorporated herein by reference. This agency ensures that it will follow that regulation.

See Part C State Regulation for Implementing the IDEA, General Provisions, Section F, Transition to Preschool Programs.

V. PROCEDURAL SAFEGUARDS/DISCIPLINE

The following statements reflect the policy which the Missouri Department of Elementary and Secondary Education (DESE) has established to ensure procedural safeguards for all parties involved in the education of students with disabilities.

1. OPPORTUNITY TO EXAMINE EDUCATION RECORDS/PARENT PARTICIPATION IN MEETINGS

This agency shall provide the parent of a student with a disability the opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of his/her child and the provision of a free appropriate public education to his/her child.

This agency shall provide proper notification to ensure parents have the opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of his/her child and the provision of a free appropriate public education to his/her child.

A meeting does not include informal or unscheduled conversations involving staff and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that this agency's personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

The individualized education program (IEP) team determines the educational placement for each child with a disability.

2. INDEPENDENT EDUCATIONAL EVALUATION (IEE)

The parents of a student with a disability have a right to obtain an Independent Educational Evaluation (IEE) of the student. That right is subject to the requirement that the independent evaluation must meet the educational evaluation criteria used by this agency when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent evaluation.

"Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by this agency responsible for the education of the student in question.

The right to an independent educational evaluation assures that:

- A. upon requesting an IEE, information about where an independent evaluation may be obtained and this agency's criteria applicable for independent educational evaluations will be given to parents.
- B. parents have the right to an independent evaluation at public expense for any agency evaluation, with which the parents disagree. If a parent requests an IEE at public expense, however, this agency must, without unnecessary delay, either file a due process hearing as described in Regulation V. to show that the evaluation is appropriate or ensure that an IEE is provided at public expense, unless the agency

demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. If the final due process hearing decision determines that the evaluation is appropriate, the parents still have the right to an independent educational evaluation, but not at public expense.

- 1) "Public expense" means that this agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
- C. the responsible public agency may request, but not require, notification from parents before an IEE is conducted. If a parent requests an IEE, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.
- D. if this agency has a policy regarding reimbursement for independent evaluations, that policy will specify the factors to be considered in the determination of public funding for the evaluation. That determination will be based on:
- 1) the qualifications and locations of the evaluators and
 - 2) the cost of the evaluation.

This agency may only impose limitations on the cost of an IEE if this agency uses those same limitations when conducting an evaluation. If this agency uses such cost limitations, it must ensure that its procedures require payment for an IEE at a higher rate if an appropriate IEE cannot, in light of the student's unique needs and other unique circumstances, be obtained within those cost limitations. If the cost of an IEE at public expense exceeds this agency's cost limitations, this agency will either:

- (a) initiate a due process hearing or
 - (b) pay either the full cost of the IEE.
- E. if this agency has a policy regarding reimbursement for independent evaluations and that policy establishes allowable maximum charges for specific tests or types of evaluations, the maximum set will still enable parents to choose from among qualified professionals in the area and will result only in the elimination of excessive fees. The policy specifies that this agency will pay the fee for the independent evaluation up to the maximum established. Additionally, the policy anticipates that a student's "unique circumstances" may justify an evaluation that exceeds the allowable cost criteria.
- F. if this agency has no policy which sets maximum allowable charges for specific tests or types of evaluation, then the parents will be reimbursed for services rendered by a qualified evaluator.
- G. except for the location of the evaluation and the qualifications of the examiner, this agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. These criteria for IEEs at public expense must apply equally to the agency's own evaluations and exceptions for unique circumstances must be considered.

- H. a parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parents disagrees.
- I. the results of an independent evaluation obtained by the parents at public expense (or private expense if shared with the agency by the parent):
 - 1) will be considered by this agency if it meets agency criteria in any decision made with respect to the provisions of a free appropriate public education to the student; and
 - 2) may be presented as evidence at a due process hearing under this subpart regarding that student.
- J. the cost of an independent evaluation will be at public expense if a hearing officer requests an independent educational evaluation as part of a due process hearing.

3. WRITTEN NOTICE

Written notice will be given to parents a reasonable time before the agency proposes to initiate or changes the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student or refuses to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education of the student. The notice will be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so.

If the native language or other mode of communication of the parents is not a written language, this agency shall ensure the following:

- A. the notice is translated orally or by other means to the parents in their native language or other mode of communication;
- B. the parents understand the content of the notice; and
- C. there is written evidence that those requirements have been met.

Content of Notice

The written notice sent to parents by this agency shall contain the following:

- A. a description of the action proposed or refused by this agency;
- B. an explanation of why this agency proposes or refuses to take the action;
- C. a description of each evaluation procedure, test, record, or report this agency used as a basis for the proposal or refusal;
- D. a statement that the parents of a student with a disability have procedural safeguards protection and the means by which a copy of the description of the procedural safeguards can be obtained;
- E. sources for parents to contact to obtain assistance in understanding their procedural safeguards.
- F. a description of any other factors which are relevant to this agency's proposed or refused action; and
- G. a description of other factors that are relevant to the agency's proposal or refusal.

4. 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:

- A. Within five (5) school days of initial referral or parental request for evaluation;
- B. upon receipt of the first due process complaint and upon receipt of the first child complaint in the school year;
- C. upon a disciplinary change of placement; and
- D. upon request by the parent.

The procedural safeguards notice must include a full explanation of all of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present and resolve complaints through due process complaint and state complaint procedures including the time period in which to file; the opportunity for the agency to resolve the complaint and the difference between the complaint procedures; the student's placement during the pendency of due process proceedings; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents of students in private schools at public expense; mediation; due process hearings, including requirements for disclosure of evaluation results and recommendations; civil actions including the time period in which to file those actions; and attorneys' fees.

5. PARENTAL CONSENT (34 CFR 300.300)

Parental Consent for Services

This agency is responsible for making FAPE available to a student with a disability and must obtain informed consent from the parent of the student before the initial provision of special education and related services to the student. This agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the student. Procedures for reasonable efforts required are the same as parent participation in IEP meetings.

If the parent of a student fails to respond or refuses to consent to services, this agency may not use the procedures under Procedural Safeguards (including mediation or due process) in order to obtain agreement or a ruling that the services may be provided to the student.

If the parent of a student refuses to consent to the initial provision of special education and related services or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, this agency will not be considered to be in violation of providing FAPE to the student for the failure to provide the student with the special education and related services for which the agency requests consent. This agency is not required to convene an IEP Team meeting or

develop an IEP for the student for the special education and related services for which the agency requests such consent.

Parental Consent for Reevaluations

This agency must obtain informed parental consent, prior to conducting any reevaluation of a student with a disability. If the parent refuses to consent to the reevaluation, the agency may, but is not required to, pursue the reevaluation by using the consent override procedures (mediation or due process). The agency does not violate its obligation under child find or evaluations if it declines to pursue the evaluation or reevaluation.

Informed parental consent need not be obtained if the public agency can demonstrate it made reasonable efforts to obtain such consent and the child's parent failed to respond.

Parental Consent to Access Public Insurance

Before accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, a public agency must provide written notification, to the student's parents. The notification must be written in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

A public agency must obtain parental consent before the public agency accesses a student's or parent's public benefits or insurance for the first time. This is a one-time consent, i.e., the public agency is no longer required to obtain parental consent each time access to public benefits or insurance is sought.

The annual notification must state:

- A. The public agency may not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive services in the IEP that it is required to provide at no cost to the parents.
- B. The public agency may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services.
- C. The public agency may not use a student's benefits under a public benefits or insurance program if that use would:
 - a. Decrease available lifetime coverage or any other insured benefit;
 - b. Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - c. Increase premiums or lead to cancellation of benefits or insurance; or
 - d. Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures.

- D. Withdrawal of consent or refusal to provide consent for billing public insurance does not relieve public agency or other responsible public agency of its responsibility to ensure that all required services in the IEP are provided at no cost to the parents.
- E. Parents have the right to consent or withdraw their consent for disclosure of their child's personally identifiable information (e.g. records or information about the services that may be provided under the IEP) to the agency responsible for the administration of the State's public benefits or insurance program at any time. Such disclosure will identify the purpose of the disclosure (e.g. billing for services), and the agency to which the disclosure may be made (e.g. MO HealthNet).

Other Consent Requirements

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

If a parent of a student who is home-schooled or placed in a private school by parents at their own expense does not provide consent for the initial evaluation or the reevaluation or the parent fails to respond to a request to provide consent, this agency may not use the consent override procedures. The agency is not required to consider the student as eligible for special education and related services.

Definition of "Efforts"

Consent is not necessary for any subsequent placements and consent for reevaluations need not be obtained if this agency can demonstrate that it made reasonable efforts to obtain consent and the parent failed to respond. "Reasonable efforts" include a minimum of two (2) attempts documented, such as: detailed records of telephone calls made and the results of those calls; copies of correspondence sent to the parent and responses received; or detailed records of visits to the parent's home or work place and the results of those visits. Neither may lack of consent after the initial evaluation or the initial placement be a cause for denial of any other service, activity, or benefit of the agency.

Parental consent means that the parent:

- A. has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;
- B. understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

- C. understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; however, if the parent revokes consent, that revocation is not retroactive.

Parental Revocation of Consent (34 CFR 300.9 and 300.300)

A parent may unilaterally withdraw a student from further receipt of special education and related services by revoking their consent for the continued provision of special education and related services to his/her child. This agency may not, through mediation or a due process hearing, challenge the parent's decision or seek a ruling that special education and related services must continue to be provided at to the student. Parental revocation of consent must be in writing.

Upon receipt of the parent's written revocation of consent, this agency:

- must provide the parent with prior written notice before ceasing the provision of special education and related services
- will not be considered in violation of requirement to make FAPE available to the student because of the failure to provide the student with special education and related services
- is not required to convene an IEP team meeting or develop an IEP for the student
- is not required to amend the student's education records to remove any references to the student's receipt of special education and related services

6. ADMINISTRATIVE HEARING RIGHTS

Mediation (34 CFR 300.506)

DESE makes mediation available to allow parents and responsible public agencies to resolve disagreements involving any matter under Part B of IDEA, including matters arising prior to the filing of a due process complaint. Mediation will be provided at no cost to either party. DESE funded mediation is not available to resolve disputes between parents or between public agencies and persons other than the parent (or adult student).

A. Process

The parties must mutually agree to mediate and mutually agree on a mediator from the trained mediator list maintained by DESE, Office of Special Education.

- 1) The parties shall notify DESE of the mediator selected and DESE will send a letter empowering them to proceed. Mediators will not be paid if they have not been empowered by DESE.

- 2) Mediation must be scheduled within fifteen (15) days of the selection of a mediator.
- 3) Mediation must be conducted at a time and place that is convenient to both parties.
- 4) Mediation must be completed within thirty (30) days of the agreement to mediate.
- 5) Any agreement reached during mediation must be in writing and delivered to each party.
- 6) No more than three (3) persons can accompany each party unless the parties mutually agree on additional participants.
- 7) No attorney shall participate or attend on behalf of any party at the mediation session. However, parents may be accompanied by a lay advocate.
- 8) Mediation may not be used to deny or delay a parent's right to a due process hearing or to deny any other rights under Part B of IDEA.
- 9) If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that states that all discussions that occurred during the mediation will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding and is signed by both the parent and a representative of this agency who has the authority to bind such agency.
- 10) The written signed agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court.
- 11) If the parties are not able to reach an agreement through the mediation process, the mediator will notify DESE.

B. Mediator Qualifications

- 1) Mediators must be impartial and free of any conflict of interest.
- 2) Mediators shall not be employees of a public agency which is involved in the education or care of the student or of the State Board of Education. A person who otherwise qualifies as a mediator is not an employee of the State Board of Education or public agency solely because he or she is paid by the public agency to serve as a mediator.
- 3) Mediators must have a minimum of sixteen (16) hours of training as a mediator.
- 4) Mediators, to be placed on DESE's mediator list, must meet all regulations, requirements, and must agree to be compensated at a rate set by DESE and provide DESE with a resume or biographical statement reflecting their qualifications.
- 5) Mediators must be knowledgeable in laws and regulations relating to the provision of special education and related services.

Filing a Due Process Complaint (34 CFR 300.507)

Parents or this agency may file a due process complaint with DESE, Office of Special Education concerning the proposed action of the agency to initiate or refuse to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

The due process complaint must allege a violation that happened not more than two years before the date the parent or this agency knew or should have known about the alleged action that forms the basis of the due process complaint. The above timeline does not apply if the complainant could not file a due process complaint within the timeline because:

- A. this agency specifically misrepresented that it had resolved the issues identified in the complaint, or
- B. this agency withheld information that it was required to provide under Part B of IDEA.

DESE shall inform parents of any free or low-cost legal and other relevant services available in the area upon their request or if a parent or this agency files a due process complaint.

Due Process Complaint (34 CFR 300.508)

In order to request a due process hearing, a parent or this agency (or the attorney representing either party) must provide the other party with a copy of the due process complaint. That complaint must contain all of the content listed below and must be kept confidential. The party filing a due process complaint must forward a copy of the complaint to DESE.

The content of the complaint must include:

- A. the name of the student;
- B. the address of the student's residence;
- C. the name of the student's school;
- D. if the student is a homeless child or youth, the student's contact information and the name of the student's school;
- E. a description of the nature of the problem of the student relating to the proposed or refused action, including facts relating to the problem; and
- F. a proposed resolution of the problem to the extent known and available.

A complaint is filed on the date it is received by DESE if received during business hours of the Office of Special Education as posted on the DESE website. Complaints received after business hours will be deemed filed the following business day.

Administrative Hearing Commission to Process and Hear the Complaints

Within two (2) business days of the filing of the complaint, the Office of Special Education will forward the complaint to the Administrative Hearing Commission for a

hearing. All further documentation must be filed with the Administrative Hearing Commission by fax or mail or as otherwise provided by the Administrative Hearing Commission Rules.

Sufficiency of Complaint

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (parent or this agency) notifies the Administrative Hearing Commission and the other party, in writing, within fifteen (15) calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five (5) calendar days of receiving the notification that the receiving party (parent or this agency) considers a due process complaint insufficient, the Administrative Hearing Commissioner must decide if the due process complaint meets the requirements listed above and notify the parent and this agency, in writing, immediately.

Complaint Amendment

The party who files the complaint may amend the complaint only if:

- A. the other party approves of the changes, in writing, and is given the chance to resolve the due process complaint through a resolution meeting, described below, or
- B. by no later than five (5) days before the due process hearing begins, the Administrative Hearing Commissioner grants permission for the changes.

If the complaining party makes changes to the due process complaint, the timelines for the resolution meeting (within fifteen (15) calendar days of receiving the complaint) and the time period for resolution (within thirty (30) calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Withdrawal of Complaint

Unless a motion for decision without hearing has been filed or the hearing has started, a complaining party can withdraw a complaint by sending a written notice of withdrawal or making a verbal request to the Administrative Hearing Commission. If a motion for decision has been filed or the hearing has started, the complaining party shall make a request for withdrawal in writing to the Administrative Hearing Commission which will rule on the request.

Responsible Public Agency Response to a Due Process Complaint

If this agency has not sent a prior written notice to a parent regarding the subject matter contained in their due process complaint, this agency must, within ten (10) calendar days of receiving the due process complaint, send a response to the parent and the Administrative Hearing Commission that includes:

- A. an explanation of why this agency proposed or refused to take the action raised in the due process complaint;
- B. a description of other options that the student's IEP team considered and the reasons why those options were rejected;
- C. a description of each evaluation procedure, assessment, record, or report this agency used as the basis for the proposed or refused action; and
- D. a description of the other factors that are relevant to this agency's proposed or refused action.

Providing the information in items A-D above does not prevent this agency from asserting that the due process complaint was insufficient.

Response to a Due Process Complaint

Except as stated under the sub-heading immediately above, the party receiving a due process complaint must, within ten (10) calendar days of receiving the complaint, send the other party and the Administrative Hearing Commission a response that specifically addresses the issues in the complaint.

Model Forms (34 CFR 300.509)

DESE has developed model forms to help parties to file a due process complaint and a child complaint. However, parties are not required to use these model forms. Parties can use the model form or another appropriate form, as long as it contains the required information for filing a due process complaint.

Resolution Process (34 CFR 300.510)

Resolution Meeting

Within fifteen (15) calendar days of receiving notice of a parent's due process complaint or amended complaint, and before the due process hearing begins, this agency must convene a meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint. The meeting:

- A. must include a representative of this agency who has decision-making authority on behalf of this agency, and

B. may not include an attorney of this agency unless the parent is accompanied by an attorney.

Parents and this agency determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for the parent to discuss their due process complaint and the facts that form the basis of the complaint so that this agency has the opportunity to resolve the dispute. The resolution meeting is not necessary if the parent and this agency agree, in writing, to waive the meeting or if the parent and this agency agree to use the mediation process.

This agency shall notify DESE and the Administrative Hearing Commission of the date of the resolution meeting and the result or that a decision was made not to hold a resolution meeting.

Resolution Period

If this agency has not resolved the due process complaint to the satisfaction of the parent within thirty (30) calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The forty-five (45) calendar day timeline for issuing a final decision begins at the expiration of the thirty (30) calendar day resolution period, with certain exceptions for adjustments made to the thirty (30) calendar day resolution period, as described below.

Except where the parties have both agreed to waive the resolution process or to use mediation, the failure of the parent to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the parent agrees to participate in a meeting.

If after making reasonable efforts and documenting such efforts, this agency is not able to obtain the parent's participation in the resolution meeting, this agency may, at the end of the thirty (30) calendar day resolution period, request that the Administrative Hearing Commissioner dismiss the due process complaint.

If this agency fails to hold the resolution meeting within fifteen (15) calendar days of receiving notice of the parent's due process complaint or fails to participate in the resolution meeting, the parent may ask the Administrative Hearing Commissioner to order that the forty-five (45) calendar day due process hearing timeline begin.

Adjustments to the Thirty (30) Calendar Day Resolution Period

The forty-five (45) day timeline for the due process hearing starts the day after one of the following events:

- A. both parties agree, in writing, to waive the resolution meeting;
- B. after either the mediation or the resolution meeting starts but before the end of the thirty (30) calendar day resolution period, the parties agree, in writing, that no agreement is possible; or
- C. both parties agree, in writing, to continue the mediation process at the end of the thirty (30) calendar day resolution period but later, either party withdraws from the mediation process.

Written Settlement Agreement

If a resolution to the dispute is reached at the resolution meeting, the parties must enter into a legally binding agreement that is:

- A. signed by the parent and a representative of this agency who has the authority to bind the agency, and
- B. enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States.

Agreement Review Period

If the parties execute an agreement as a result of a resolution meeting, either party may void the agreement within three (3) business days of the agreement's execution.

State-level Due Process Hearings

- A. The Administrative Hearing Commission processes all due process complaints handling all issues after the filing of the complaint to the final decision. A complaint shall be assigned to a Commissioner meets the training requirements of state law in regard to special education matters. The provisions of chapters 536 and 621, RSMo and the procedural rules adopted by the Administrative Hearing Commission shall be followed unless they conflict with the federal regulations or state statutes implementing the Individuals with Disabilities Education Act.
- B. Hearing Rights: Any party to a hearing has the right to:
 - 1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities;
 - 2) represent themselves or be represented by a licensed Missouri attorney;
 - 3) present evidence and confront, cross-examine, and compel the attendance of witnesses;
 - 4) prohibit the introduction of any evidence that has not been disclosed to that party at least five (5) business days before the hearing;
 - 5) obtain a written or at the option of the parents, electronic verbatim record of the hearing at no cost; and

- 6) obtain written or at the option of the parents, electronic findings of fact and decisions at no cost.

Hearing officers have discretion to bar any party that failed to comply with 34 CFR 300.512(b) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

In addition, the parents, or the student if he/she is the educational decision maker, have the right to open the hearing to the public; otherwise, it is closed. The parents may also elect to have the student present at the hearing. Any student over age 18 has the right to attend the hearing, unless their legal guardian, if any, objects.

- C. Subject Matter: The party that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Hearing Decisions (34 CFR 300.513)

A decision on whether a student received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, the Administrative Hearing Commission may find that a student did not receive FAPE only if the procedural inadequacies:

- A. impeded the student's right to a free appropriate public education (FAPE);
- B. significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to his/her child; or
- C. caused a deprivation of an educational benefit.

None of the provisions described above shall be interpreted to prevent the Administrative Hearing Commission from ordering this agency to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR 300.500-300.536).

Nothing in the procedural safeguards section of the Federal regulations under Part B of IDEA (34 CFR 300.500-300.536) shall be interpreted to prevent a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Finality of Decision

Once the Administrative Hearing Commission has issued a final decision, no motion for reconsideration is permitted. However, if a final decision contains technical or typographical errors, a party may request correction of the errors if the correction does not change the outcome of the hearing or substance of the final hearing decision. Requests for

a change of a technical or typographical error do not toll the time for an appeal. The Commission shall make the determination whether such a change is necessary.
Findings and Decision to Advisory Panel and General Public (34 CFR 300.514)

The Administrative Hearing Commission shall mail a copy of the written findings and decision to each party and to DESE. DESE shall provide a copy of the findings and decision (with all personal identifiers removed) to the Missouri Special Education Advisory Panel and shall make the findings and decision available to the public (with all personally identifiable information removed).

Timelines and Convenience (34 CFR 300.515)

Except in the case of an expedited hearing provided for below, the hearing must be held and a written decision rendered and mailed within forty-five (45) days of the expiration of the thirty (30) day resolution period or the adjusted time period specified. The decision timeline may be extended upon request of the party/parties and agreement by the Administrative Hearing Commissioner. The Administrative Hearing Commissioner cannot grant an extension without a request from one or both parties.

Site of the Hearing

Each hearing must be held at a time and place which is reasonably convenient to the parents and student involved.

Civil Proceedings (34 CFR 300.516)

Any party aggrieved by the findings and decisions made in a hearing may appeal the decision within forty-five (45) days to the State courts as provided in Chapter 536, RSMo., or in Federal court without regard to the amount in controversy. To the extent that Chapter 536, RSMo. provisions conflict with the IDEA judicial review requirements at 34 CFR 300.516 the IDEA judicial review provisions are controlling. The court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and shall base its decision on the preponderance of the evidence, granting the relief the court deems appropriate.

Commissioner Qualifications to Hear Due Process Complaints

Hearing Commissioners:

- A. shall not have a personal or professional interest in the matters that are before them which would conflict with their objectivity in the hearing;
- B. shall have an affirmative obligation to seek out any conflict of interest and withdraw from any matter in which a conflict is identified;
- C. shall not have been employed within the last five years by a public agency or organization engaged in special education parent or student advocacy.

- D. shall not have performed work for a public agency or for a parent or student as a special education advocate within the last five years as an independent contractor or consultant;
- E. shall not have been employed within the last five years by the State Board of Education or DESE;
- F. shall not have performed work for the State Board of Education or DESE within the last five years as an independent contractor or consultant;
- G. shall not have been party to a special education proceeding as an attorney, parent, or student; and
- H. must be knowledgeable and understand the provisions of IDEA, and Federal and State regulations pertaining to IDEA, and legal interpretations of IDEA by Federal and State courts and have at least 10 hours of initial training in special education matters and shall annually complete a minimum of five hours of training.

Hearing Commissioners must have the knowledge and ability to conduct hearings, and to make and write decisions consistent with appropriate, standard legal practice.

Specific allegations of conflict of interest may be filed with the Administrative Hearing Commission.

A person who otherwise qualifies to conduct a hearing is not an employee of the Department because he or she is paid by the Department to serve as a Hearing Commissioner.

Pre-Hearing Conference

The Administrative Hearing Commission has the option to conduct a prehearing conference.

Administrative Hearing Commission Orders

The Commission has the authority to take any actions necessary to ensure the compliance with all requirements of the law. If the Commission orders a party to do an act or not to do an act, the party must comply with the order. Objections to orders must be made as part of the record as promptly as possible. The Commission has the authority to dismiss an action with, or without, prejudice if the party filing the request fails to comply with an order. The Commission has the authority to preclude the other party from presenting defenses and may impose sanctions as allowed by the regulations of the Administrative Hearing Commission.

Subpoenas

Parties may request subpoenas for witnesses from the Administrative Hearing Commission in accordance with section 536.077, RSMo.

Hearing Procedures

The Commission shall hold the hearing and shall rule on procedural and evidentiary matters. The Commission must ensure that issues for the hearing are appropriately identified and that evidence is relevant and not cumulative. The Commission shall limit the hearing to the amount of time necessary for each party to present its case. The Commission has authority to question witnesses and request information.

A. Length of Presentations

The Commission may limit the length of any presentation in order to proceed with the hearing in an expeditious manner. In general, a hearing should last no longer than two (2) days. Any hearing exceeding two (2) days requires good cause to be shown and must be documented on the record.

B. Exclusions

1) The parties shall exchange lists of exhibits and lists of their witnesses at least five (5) business days before the hearing including an expedited hearing. Any party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party in accordance with this rule.

2) Evidence or testimony may also be excluded at the hearing if:

- a) it is cumulative, irrelevant, or unnecessary;
- b) it represents the legal conclusion of a witness; or
- c) it is speculation on the part of the witness.

This is not an exhaustive list of all bases for excluding evidence or testimony.

3) Admissibility of evidence shall be determined by the Administrative Hearing Commission in accordance with Missouri law, including but not limited to § 536.070, RSMo and the Individuals with Disabilities Education Act and supporting regulations.

C. Communication with Hearing Commissioners

No party or attorney may communicate with the Commissioner on the merits of the case unless all parties have the opportunity to participate. Communication with the Commission should be directed to the Commission's primary telephone number, 573-751-2422.

All pleadings must be filed by fax or mail or as otherwise provided by the Administrative Hearing Commission.

D. Witnesses

At the request of a party or upon the Commissioner's own motion, the Commissioner may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses. The Hearing Commissioner has authority to question witnesses and request information.

F. Limitations

The Commission may, at its discretion, limit the number of witnesses, the length of direct and cross examination, and the number and type of documents used as evidence in the hearing.

Consolidation of Cases

A. Standards for Consolidation

The Commissioner may consolidate two (2) or more separate cases for hearing if the cases involve the same student, present substantially the same issues of fact and law, if the consolidation would save time and costs, and if consolidation would not prejudice any party.

B. Request for Consolidation

A party requesting consolidation must serve a written request for consolidation on all parties to the cases to be consolidated and the Commission. Any party objecting to the request must serve and file their objections within five (5) calendar days following service of the request for consolidation.

C. Determination

The Administrative Hearing Commission will rule on the request for consolidation.

Hearing Officer List

DESE shall keep a list of Commissioners who may hear due process complaints. The list must include a statement of the qualification of each of the Commissioners.

Attorneys' Fees (34 CFR 300.517)

Only a court of law can award attorneys fees.

In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs:

- A. to a prevailing party who is a parent of a student with a disability;
- B. to a prevailing party who is DESE or a public agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
- C. to a prevailing party who is DESE or a public agency against the attorney of a parent or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

Funds under Part B of IDEA may not be used to pay attorney fees or costs of a party related to an action or proceeding under this section. A public agency may use Part B funds for conducting an action or proceeding under this section.

A court award for reasonable attorney fees is subject to the following:

- A. the award must be based on prevailing rates in the community in which the action arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fee award;
- B. attorney fees and related costs may not be reimbursed for services performed subsequent to the time of a written offer of settlement to a parent if: the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure, or in the case of an administrative proceeding, at any time more than ten (10) days before the proceeding begins; the offer is not accepted within ten (10) days; and the court or hearing officer finds that the relief finally obtained is not more favorable to the parents than the offer of settlement. However, if the parent prevails and was substantially justified in rejecting the settlement offer, an award of attorney fees and related costs may be made;
- C. attorney fees may not be awarded related to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action;
- D. attorney fees may not be awarded related to a resolution meeting; and
- E. the court may reduce the amount of attorney fees awarded if: the parent or the parent's attorney unreasonably protracted the final resolution of the controversy, the amount unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; the time spent and legal services furnished were excessive considering the nature of the action/proceeding; or, the attorney representing the parent did not provide to the responsible public agency the appropriate information in the due process request notice required by regulation.

Attorney fees may not be reduced if the court finds the state or public agency unreasonably protracted the final resolution or there was a violation of the Procedural Safeguards.

Maintenance of Placement (34 CFR 300.518)

During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, the student shall remain in his or her current placement, unless such change has been made with the agreement of the parent or guardian. Students who are endangering themselves or others can have their status changed, without the agreement of the parent or guardian, pursuant to court order. The Administrative Hearing Commission cannot order a change of placement during a dispute; but the parent or guardian and the public agency can agree to a change.

When this agency contacts a State Board of Education operated program for consideration of a student's eligibility for acceptance and enrollment, this agency shall assure that the student will be enrolled or will maintain enrollment in this agency pending final action by the state.

If the decision in a due process hearing agrees with the student's parents that a change of placement is appropriate, that placement must be treated as an agreement between this agency and the parents for purposes of "stay-put" pending and during judicial appeal.

7. EDUCATIONAL SURROGATES

This agency has established the following for the appointment of an educational surrogate:

Identifying the Need for Appointment

Any person may advise this agency that a student with a disability within its jurisdiction may be in need of a person to act as an educational surrogate. Notice can be given to the agency responsible for providing education to students with disabilities or directly to the Department of Elementary and Secondary Education, Office of Special Education.

Process of Appointment

When this agency is informed of a student with disabilities living within its jurisdiction, it shall, within thirty (30) days, determine whether an educational surrogate should be appointed. A request for the appointment of a surrogate shall be made within ten (10) days to the Office of Special Education. The Office of Special Education, on behalf of the State Board of Education, shall, within thirty (30) days, appoint a person to act as an educational surrogate. The Office of Special Education shall maintain a registry of trained educational surrogates from which they will select individuals for appointment.

If an educational surrogate dies, resigns, or is removed, within 15 days thereof, a replacement will be appointed.

Criteria for Appointment

The State Board of Education shall appoint a person to act as a surrogate for the parent or guardian of a student with a disability as defined in Section 162.675, RSMo, when:

- A. the student has no identified parent;
- B. the student has parents who, after reasonable efforts, cannot be located by this agency;
- C. the student is a ward of the state and is living in a facility or group home (and not with a person acting as a parent); or
- D. the student is an unaccompanied homeless youth.

Definitions

When determining a child's eligibility to receive a surrogate appointment, the term "parent" means a biological, adoptive, or foster parent of a child or a guardian generally authorized to make educational decisions for the child (but not the State if the child is a ward of the State), a person acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; an individual who is legally responsible for the child's welfare.

Qualifications for Appointment

Any person who is appointed to act as an educational surrogate shall:

- A. be at least 18 years of age;
- B. not be an employee of DESE, this agency or any other agency that is involved in the education or care of the student with disabilities (a person otherwise qualified to be an educational surrogate is not an employee of an agency simply because he or she is reimbursed to serve as an educational surrogate);
- C. not be a contractor of a nonpublic agency that provides only non-educational care for the student;
- D. not be a contractor of this public agency;
- E. be free from any personal or professional interest that may conflict with the interests of the student represented; and
- F. have knowledge and skills that ensure adequate representation of the student.

In the case of a student who is a ward of the State and has no parent as defined above, the educational surrogate alternatively may be appointed by the judge overseeing the student's case, provided that the surrogate meets the above requirements.

In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary educational surrogate without regard to the above requirements, until an educational surrogate can be appointed that does meet those requirements.

Educational Surrogate Training

All educational surrogates shall participate in a training session in which they will become familiar with the Missouri Educational Surrogate Program, acquire a basic understanding of the special education process in Missouri, and develop the knowledge and skill necessary to adequately represent a student. DESE shall provide the educational surrogate training and may require assistance from this agency to present an effective training session.

This Agency's Responsibilities

Specifically, this agency shall:

- A. designate a staff member who will be responsible for overseeing the educational surrogate program in their public agency. Unless notified otherwise, DESE will assume that the educational surrogate contact person is the same as this public agency's special education director or contact person;
- B. complete and return to DESE a "Determination of Need for Surrogate Appointment" form for each student believed to be eligible for receiving a surrogate appointment;
- C. assist DESE in recruiting educational surrogate volunteers and submit their names and addresses to DESE;
- D. be available to aid DESE with local educational surrogate training; and
- E. complete and return to DESE an "LEA Educational Surrogate Evaluation" form for each surrogate serving in this public agency.

Duties of the Educational Surrogate

An individual appointed to act as an educational surrogate shall:

- A. complete and return to DESE an Educational Surrogate Application and Verification of Eligibility form;
- B. attend an educational surrogate training session;
- C. represent their assigned student in all decisions relating to the student's education including matters related to the identification, evaluation, and educational placement of the student, as well as the provision of a free appropriate public education to the student; and
- D. notify the public agency or DESE if any conflicts develop, or if they will no longer be able to fulfill their educational surrogate role.

Immunity from Liability

The person appointed to act as an educational surrogate shall be immune from liability for any civil damage arising from any act or omission in representing the student in any decision related to the student's education.

This immunity shall not apply to intentional conduct, wanton and willful conduct, or gross negligence.

Reimbursement

The person appointed to act as an educational surrogate shall be reimbursed by the State Board of Education for all reasonable and necessary expenses incurred as a result of his or her representation of a student with a disability. Determination of "reasonable and necessary" expenses shall be made at the discretion of DESE and pursuant to State Office of Administration guidelines. Such expenses do not include attorney fees or child care/babysitting expenses.

Evaluation

DESE will send to this public agency an evaluation form to complete for each educational surrogate in which they will recommend the continuation or termination of the surrogate appointment. This public agency shall provide brief written discussions supporting a recommendation of termination and attach any existing documentation. Upon receipt of a recommendation of termination, the Office of Special Education will investigate and reach a decision on whether to terminate.

Termination

The educational surrogate appointment shall be terminated at the request of the educational surrogate or in the event of any of the following situations:

- A. the conclusions of the initial educational evaluation indicate that the student does not qualify for receiving special education;
- B. the student's parent or guardian reappears to represent him or her, or wardship is terminated;
- C. the student is no longer in need of special education services;
- D. the student reaches the age of majority;
- E. the educational surrogate fails to fulfill their responsibilities as defined by state and federal regulations; and
- F. the student graduates and/or reaches age 21.

8. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

When a student with a disability reaches age 18, or otherwise is emancipated in accordance with state law, this public agency shall provide any required notice to both the student and the parents. All other rights accorded to parents under Part B of IDEA transfer to the student. All rights accorded to parents transfer to students, at age eighteen (18), who are incarcerated in an adult or juvenile, State or local correctional institution. The student and parent must be notified of the transfer of rights. The transfer does not apply if the student is declared incompetent by a court of competent jurisdiction.

9. DISCIPLINARY ACTIONS/REMOVALS/EXPEDITED HEARINGS

Authority of School Personnel

This agency's staff may consider any unique circumstances on a case by case basis when determining whether a change of placement, consistent with other requirements of

this section, is appropriate for a student with a disability who violates a code of student conduct.

Ten (10) School Days or Less

This agency may remove a student with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent such alternatives are applied to students without disabilities) without providing services. This agency may also impose additional removals of not more than ten (10) school days consecutively in that same school year for separate incidents, as long as those removals do not constitute a change of placement. Once a student has been removed from his or her placement for a total of ten (10) school days in the same school year, this agency must, during any subsequent days of removal in that school year, provide services to the extent required below under the subheading "Services."

Long Term Suspension

If this agency seeks to order a change in placement that would exceed ten (10) school days consecutively and the behavior that gave rise to the violation of the school code I determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which the procedures would be applied to students without disabilities, except services must be provided to ensure the student receives a free appropriate public education, although it may be provided in an interim alternative educational setting.

Change of Placement

A removal of a student with a disability from the student's current educational placement is a change of placement if:

- A. the removal is for more than ten (10) school days in a row; or
- B. the student has been subjected to a series of removals that constitute a pattern because:
 - 1) the series of removals total more than ten (10) school days in a school year;
 - 2) the student's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - 3) of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The public agency determines whether a pattern of removals constitutes a change of placement on a case-by-case basis. That determination is subject to review through due process and judicial proceedings.

Services

The services that must be provided to a student with a disability who has been removed from the student's current placement may be provided in an interim alternative educational setting.

A public agency is only required to provide services to a student with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a student without disabilities who has been similarly removed.

A student with a disability who is removed from the student's current placement for more than ten (10) school days must:

- A. continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, and
- B. receive, as appropriate, a functional behavioral assessment, and behavior intervention services, and modifications that are designed to address the behavior violation so that it does not happen again.

After a student with a disability has been removed from his or her current placement for ten (10) school days in that same school year and, if the current removal is for ten (10) school days in a row or less and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one (1) of the student's teachers, shall determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

If the removal is a change of placement, the student's IEP Team shall determine the appropriate services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Manifestation

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, this public agency, the parent, and relevant members of the IEP Team (as determined by the parent and this agency) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or if the conduct in question, was the direct result of this public agency's failure to implement the IEP.

If this public agency, the parent, and relevant members of the IEP Team (as determined by the parent and the public agency) determine that either the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or, if the conduct in question, was the direct result of this agency's failure to implement the IEP applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

Determination that Behavior Was a Manifestation

If this public agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestations of the student's disability, the IEP Team shall conduct a functional behavioral assessment, and implement a behavioral intervention plan for such student, provided that this public agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement. If the child already has such a behavioral intervention plan, the IEP Team must review it and modify it, as necessary, to address the behavior.

Unless the removal is due to weapons, drugs, or serious bodily injury, the student must be returned to the placement from which the student was removed, unless the parent and this public agency agree to a change of placement as part of the modification of the behavioral intervention plan.

Special Circumstances

Whether or not the behavior was a manifestation of the student's disability, this agency's personnel may remove a student to an interim alternative educational setting (determined by the student's IEP Team) for up to forty-five (45) school days, if the student:

- A. carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of DESE or a public agency;
- B. knowingly has or uses illegal drugs (see the definition below) or sells or solicits the sale of a controlled substance (see the definition below) while at school, on school premises, or at a school function under the jurisdiction of DESE or a public agency; or
- C. has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of DESE or a public agency.

On the date on which the decision to take that action is made, the parent must be notified of the decision and provided the Procedural Safeguards statement.

Determination of Setting (CFR 300.531)

The interim alternative educational setting must be determined by the IEP Team for removals that are changes of placement and forty-five (45) school day placements described under special circumstances.

Expedited Due Process Hearing (34 CFR 300.532)

If the parent of a student with a disability disagrees with any decision regarding placement, or the manifestation determination under this subsection, or this public agency believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, they may request a due process hearing.

Authority of Commission in Expedited Hearings

The Administrative Hearing Commission will hold the due process hearing and make a decision. The Commission may:

- A. return the student with a disability to the placement from which the student was removed if the Commission determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the student's behavior was a manifestation of the student's disability, or
- B. order a change of placement of the student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing commission determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

These expedited hearing procedures may be repeated, if the public agency believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

Whenever a parent or a public agency files a due process complaint to request such a hearing:

- A. The Administrative Hearing Commission must arrange for an expedited due process hearing, which must occur within twenty (20) school days of the date the hearing is requested and must result in a determination within ten (10) school days after the hearing.
- B. Unless the parents and the public agency agree, in writing, to waive the meeting or agree to use mediation, a resolution meeting must occur within seven (7) calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings.

The timeline for an expedited due process hearing may not be extended; however, the case may be withdrawn and re-filed.

Placement During Appeals (34 CFR 300.533)

When the parent or this agency has filed a due process complaint related to disciplinary matters, the student must (unless the parent and DESE or public agency agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading Authority of School Personnel, whichever occurs first.

Protection for Students Not Yet Eligible for Special Education and Related Services (34 CFR 300.534)

Students who have not been identified as disabled may be subjected to the same disciplinary measures applied to students without disabilities if this public agency did not have prior knowledge of the disability. If this public agency is deemed to have knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action, the student may assert any of the protections for students with disabilities in the area of discipline. This public agency has knowledge of the disability when:

- A. the parent has expressed concern in writing that the student needs special education services to supervisory or administrative personnel of the appropriate educational agency or a teacher of the student; or
- B. the parent has requested an evaluation; or
- C. the student's teacher or other school staff has expressed specific concern about a pattern of the student's behavior directly to the director of special education or to other supervisory personnel in accordance with the agency's established child find or special education referral system.

This public agency would not be deemed to have knowledge that the child is a student with a disability, if this agency conducted an evaluation and determined that the student was not a student with a disability; or determined that an evaluation was not necessary and provided proper Notice of Action Refused prior to the behavior incident; or, if the parent of the student has not allowed an evaluation of the student pursuant to IDEA or has refused services.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited. Until the evaluation is completed (assuming this public agency is not deemed to have knowledge that the

student is a student with a disability prior to the behavior that precipitated the disciplinary action), the child remains in the educational placement determined by the public agency, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, this public agency shall provide special education and related services and follow all required procedures for disciplining students with disabilities.

Reporting Crimes Committed by Students With Disabilities

Nothing in this part shall be construed to prohibit this public agency from reporting crimes, to appropriate law enforcement and judicial authorities, or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by students with disabilities. An agency reporting a crime shall ensure copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime. Transmittal of records must be in accordance with Family Educational Rights and Privacy Act (FERPA).

Definitions

- A. "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act (21 USC 812 (c)).
- B. "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- C. "Substantial evidence means" beyond a preponderance of the evidence.
- D. "Weapon" means dangerous weapon as defined under paragraph (2) of the first subsection (g) of Section 930 of title 18, United States Code. The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.
- E. A serious bodily injury involves an injury with a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC 1365 (h)(3)).

VI. PUBLIC AGENCY ELIGIBILITY

A. GENERAL REQUIREMENTS

1. SUBGRANTS TO PUBLIC AGENCIES (34 CFR 300.705)

For each year for which funds are allocated to states under 34 CFR 300.703, it is the policy of the Department of Elementary and Secondary Education (DESE) to award subgrants to public agencies as described in 34 CFR 300.705.

2. CONDITION OF ASSISTANCE (34 CFR 300.200)

This public agency is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a budget application and provides assurances to DESE that the public agency has a Board approved local compliance plan that meets each of the conditions in 34 CFR 300.201 through 300.213.

3. CONSISTENCY WITH STATE POLICIES (34 CFR 300.201)

This public agency, in providing for the education of students with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 CFR 300.101 through 300.163 and 300.165 through 300.177.

The responsible public agency may:

- a) adopt the State model local compliance plan, in which case the agency does not have to submit its plan to DESE for approval, OR
- b) adopt the State model local compliance plan, with revisions to allow for unique agency characteristics or local requirements, in which case the agency must submit the plan to DESE for approval, OR
- c) write a local compliance plan which meets all of the requirements listed above, in which case the agency must submit the plan to DESE for approval.

4. INFORMATION FOR SEA (34 CFR 300.211)

This public agency must provide DESE with information necessary to enable DESE to carry out its duties under Part B of the Act including information relating to the performance of students with disabilities participating in programs carried out under Part B of IDEA.

5. HEARINGS RELATED TO PUBLIC AGENCY ELIGIBILITY (34 CFR 300.221 and 300.155)

It is the policy of DESE to provide a public agency with notice and an opportunity for a hearing prior to determination of ineligibility for Part B funds under the Individuals with Disabilities Education Act.

Appeal by an applicant must be based upon an allegation that these actions by DESE violate state or federal statute or regulation. DESE shall provide a public agency with notice of intent to determine ineligibility. That notice shall contain:

- a) a statement of the basis upon which DESE proposes to determine ineligibility;
- b) possible options for resolving the issue;
- c) how the applicant can request a hearing not later than thirty (30) days from receipt of the notice of proposed ineligibility; and
- d) information about the proposed procedures to be followed in the hearing.

This notice shall be transmitted to the applicant by certified mail with return receipt requested.

Requests for a hearing pursuant to this section shall be in writing and shall be directed to the Office of the Commissioner of Education.

Within thirty (30) days of the date of receipt of the appeal request, the Commissioner of Education or a designee shall conduct a hearing on the record on the proposed action. No later than ten (10) days after the hearing, the Commissioner or a designee shall issue a written ruling, including findings of fact and a reason for the ruling. If DESE determines that its action was contrary to state or federal statutes or regulations, which govern the applicable program, DESE, shall rescind its action.

The ruling by the Commissioner of Education or a designee shall be final unless appealed pursuant to Federal regulations. The decision of the Commissioner of Education shall contain a description of the applicant's right of appeal and shall be forwarded by certified mail with return receipt requested.

DESE shall make available at reasonable times and places to each applicant all records pertaining to any review or appeal that the applicant is conducting under this section, including the records of other applicants.

6. FAILURE TO PROVIDE FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The hearing procedure described in this section will be used when this public agency is determined to be unwilling or unable to provide a Free Appropriate Public Education (FAPE) as described in Regulation IV.

B. FISCAL REQUIREMENTS

1. USE OF AMOUNTS (34 CFR 300.202)

The amounts provided to this public agency under Part B of the Act must be:

- a) expended in accordance with applicable provisions of Part B of IDEA;
- b) used only to pay the excess costs of providing special education and related services to students with disabilities, consistent with the excess cost provision of this section;
- c) used to supplement State, local, and other Federal funds and not to supplant those funds;
- d) expended in accordance with this public agency's Part B Budget Application; and
- e) directed 100 percent towards special education unless otherwise allowed.

2. PERMISSIVE USE OF FUNDS (34 CFR 300.208)

Funds provided to this public agency under Part B of the Act may be used for the following activities:

- a) Services and aids that also benefit nondisabled children. For the costs of special education and related services and supplementary aids and services, provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP of the student, even if one or more students will benefit from these services.
- b) Coordinated Early Intervening services. 34 CFR 205(d), 34 CFR 208 (a)(2), 34 CFR 226). To develop and implement coordinated, early intervening educational services in accordance with 34 CFR 300.226. This public agency may not use more than fifteen (15) percent of the amount the agency receives under Part B for any fiscal year, less any amount reduced by the agency under adjustments to local fiscal effort, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. In implementing coordinated, early intervening service, a responsible public agency may carry out activities that include:
 - (i) professional development (which may be provided by entities other than private agencies) for teachers and other staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and where appropriate, instruction on the use of adaptive and instructional software; and
 - (ii) providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction.

Nothing in this section shall be construed to either limit or create a right to FAPE under Part B or to delay appropriate evaluation of a student suspected of having a disability. The amount of funds expended by this public agency for early intervening services under 34 CFR 300.226 shall count toward the maximum amount of expenditures that this public agency may reduce local effort.

- c) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperative for this public agency itself or for public agencies working in a consortium of which this public agency is a part, to pay for high cost special education and related services. In Missouri this is known as the "High Need Fund."
- d) Administrative case management. This public agency may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of students with disabilities that is needed for the implementation of those case management activities.
- e) Schoolwide Programs under Title I of the Elementary and Secondary Education Act (ESEA) 34 CFR 300.206. This public agency may use funds received under Part B for any fiscal year to carry out a school-wide program under section 1114 of the ESEA. The amount used in any school-wide program may not exceed the amount received by this public agency under Part B for that fiscal year, divided by the number of students with disabilities in the jurisdiction of this public agency, and multiplied by the number of students with disabilities participating in the school-wide program. Part B funds used in this manner, must be considered Federal Part B funds for purposes of calculations required for determining excess costs. All other requirements of Part B of the Act must be met by this public agency using Part B funds in a school-wide program, including ensuring that students with disabilities in school-wide program receive services in accordance with a properly developed IEP and are afforded all of the rights and services guaranteed to students with disabilities under the Act.

3. ACCOUNTING AND PAYMENT PROCEDURES

- a) This public agency shall submit a budget application for Part B funds on or before the required due date. Part B funds may not be obligated until the budget application has been substantially approved, which occurs upon submission.
- b) This public agency must ensure that obligations made with Part B funds only occur between the substantial approval date of the budget application and June 30 of the fiscal year.
- c) This public agency must ensure obligated Part B funds are expended by September 30 of each fiscal year.
- d) This public agency must ensure Part B funds from the current grant cycle do not pay for expenditures from a prior grant cycle.
- e) This public agency must ensure that the public agency's written procurement procedure is followed when purchasing goods and/or services with Part B funds.

- f) This public agency shall submit payment requests for Part B funds by the required due dates. Payment request must be based on actual expenditures to date.
- g) This public agency must create a coding system for tracking special education expenditures paid with Part B funds, state funds, and local funds separately.
- h) This public agency must create a coding system to tie all federal revenue received (Part B, Early Childhood Special Education (ECSE), and High Need Fund (HNF)), to specific expenditures.
- i) This public agency must ensure all personnel paid in full or in part with Part B funds must maintain time and effort documentation.
- j) This public agency must use the accounting codes identified in the MO Accounting Manual to track special education expenditures.
- k) This public agency capital outlay purchases with Part B funds must be prior approved by DESE. This includes equipment, construction/renovation and vehicles/buses.
- l) This public agency shall submit a final expenditure report (FER) for Part B funds on or before the required due date.
- m) This public agency shall maintain appropriate records to verify all expenditures of funds received under Part B of IDEA.

4. EXCESS COST (34 CFR 300.202)

- a) This agency may not use funds provided under Part B of IDEA to pay for all of the costs directly attributable to the education of a child with a disability ages six (6) through seventeen (17).
- b) This agency may use Part B funds to pay for all of the costs directly attributable to the education of a child with a disability ages three (3) through five (5) and ages eighteen (18) through twenty (20), if no local or State funds are available for nondisabled children of these ages. However, the agency must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.
- c) This agency meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B are used.
- d) Excess costs must be calculated in accordance with 34 CFR 300.16 and may not include capital outlay or debt service.

5. MAINTENANCE OF EFFORT (34 CFR 300.203)

- a) Eligibility Standard
 - (1) For purposes of establishing the public agency's eligibility for an award for a fiscal year, the SEA must determine that the public agency budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the public agency spent for that purpose from the same source for the most recent fiscal year for which information is available:

- (i) Local funds only;
 - (ii) The combination of State and local funds;
 - (iii) Local funds only on a per capita basis; or
 - (iv) The combination of State and local funds on a per capita basis.
- (2) When determining the amount of funds that the public agency must budget to meet the requirement in paragraph (a)(1) of this section, the public agency may take into consideration, to the extent the information is available, the exceptions and adjustment provided in §§ 300.204 and 300.205 that the public agency:
- (i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the public agency is budgeting; and
 - (ii) Reasonably expects to take in the fiscal year for which the public agency is budgeting.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the public agency is required to account to the Federal government directly or through the SEA may not be considered in determining whether a public agency meets the standard in paragraph (a)(1) of this section.
- b) Compliance Standard
- (1) Except as provided in §§ 300.204 and 300.205, funds provided to a public agency under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the public agency from local funds below the level of those expenditures for the preceding fiscal year.
- (2) A public agency meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the public agency from at least one (1) of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:
- (i) Local funds only;
 - (ii) The combination of State and local funds;
 - (iii) Local funds only on a per capita basis; or
 - (iv) The combination of State and local funds on a per capita basis.
- (3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the public agency is required to account to the Federal government directly or through the SEA may not be considered in determining whether a public agency meets the standard in paragraphs (b)(1) and (2) of this section.

c) Subsequent Years Rule

- (1) If, in the fiscal year beginning on July 1, 2013, or July 1, 2014, a public agency fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the public agency for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the public agency's reduced level of expenditures.
- (2) If, in any fiscal year beginning on or after July 1, 2015, a public agency fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the public agency is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the public agency for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the public agency's reduced level of expenditures.
- (3) If, in any fiscal year beginning on or after July 1, 2015, a public agency fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the public agency is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the public agency for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the public agency's reduced level of expenditures.

d) Consequence of Failure to Maintain Effort

- (1) If a public agency fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the public agency failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the public agency's Part B subgrant in that fiscal year, whichever is lower.

e) Exceptions to Maintenance of Effort (34 CFR 300.204)

The total amount or average per capita amount of either local only or the combined State and local school funds budgeted by the public agency for expenditures in the current fiscal year for the education of students with disabilities must be at least equal to the total amount or average per capita amount of state and local school funds actually expended for the education of students with disabilities in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

- (i) the voluntary departure, by retirement or otherwise, or departure by just cause, of special education or related services personnel;
- (ii) a decrease in the enrollment of children with disabilities;
- (iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child has left the jurisdiction of the agency, has reached the age at which the obligation of the agency to provide FAPE to the child has terminated, or no longer needs the program of special education;
- (iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and
- (v) the assumption of cost by the high cost fund operated by the SEA under 34 CFR 300.704(c).

c) Adjustment to Fiscal Effort (34 CFR 300.205)

In any fiscal year for which a public agency's Federal allocation exceeds the amount the public agency received in the previous fiscal year, the public agency may reduce the level of expenditures required for the education of children with disabilities from state and local funds by not more than fifty (50) percent of the amount in excess.

If a public agency exercises the authority to reduce the state or local effort, the public agency must use an amount of state or local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the ESEA regardless of whether the public agency is using funds under the ESEA for those activities.

If the SEA determines that a public agency is unable to establish and maintain programs of FAPE that meet the requirements of section 613 (a) of the Act and this part or the SEA has taken action against the public agency under section 616, the SEA must prohibit the public agency from reducing the level of expenditures for that fiscal year.

The amount of funds expended by the public agency for early intervening services under 34 CFR 300.226 shall count toward the maximum amount of expenditures that the public agency may reduce maintenance of fiscal effort.

6. WITHHOLDING OF PAYMENTS

When the Department finds a failure to comply with any provision of applicable state or federal law, the Department may notify this public agency of restriction of funds under Part B until compliance is met.

7. EARLY CHILDHOOD SPECIAL EDUCATION (ECSE) EXPENDITURE REQUIREMENTS

- a) Early Childhood Special Education expenditures must be reported annually through an Expenditure Report for service provided during the previous school year. ECSE reimbursement may be paid over nine months through the monthly payment transmittal and may include both state and federal funds.
- b) ECSE expenditures may be claimed under the following categories: contractual expenditures, personnel, equipment, extended school year, leases/capital outlay, operation of plant, professional development, mileage, transportation, start-up costs, supplies/program maintenance.
 - 1) General Requirements
 - (i) All expenditures must follow the public agency's procurement guidelines.
 - (ii) Public agencies may not collect or charge tuition costs for allowable ECSE services; however, the public agency may charge for tuition related to general early childhood education that is not part of the Individualized Education Program (IEP).
 - 2) Contractual Expenditures

Placement of students outside of this public agency for instructional services must be through an approved private agency or another public agency. Private agency tuition costs must be prorated if services other than ECSE are included in the tuition cost, unless the other service is part of the IEP goals.
 - 3) Personnel Requirements

ECSE personnel must meet all personnel standards and caseload requirements as stated herein.
 - 4) Equipment Expenditures
 - (i) Equipment is defined as items that have a useful life of at least one year and a cost of \$1,000 or more per unit.
 - (ii) All equipment items purchased with ECSE funds are the property of the public agency's ECSE program and must remain with the program.
 - (iii) All individualized equipment purchases must be IEP driven.
 - 5) Lease Expenditures
 - (i) Leases are allowed for facilities, modular units, buses, vehicles, and office equipment.
 - (ii) Facility lease payments are made in accord with 5 CSR 30-640.200.
 - 6) Capital Outlay

Funding for ECSE Capital Outlay, including but not limited to: facility renovation, facility construction, facility purchase, copiers, and vehicles/buses is not permitted and will not be reimbursed unless the public agency had an

approved ECSE capital cost purchase agreement with the Department prior to July 1, 2015.

- 7) Operation of Plant Expenditures
 - (i) For ECSE programs in stand-alone facilities with no other programs, all utilities and custodial costs may be charged to the ECSE program.
 - (ii) For ECSE programs in facilities with other programs/grades, a prorated portion of the utilities and custodial costs may be charged to the ECSE program.
- 8) Professional Development Expenditures
 - (i) Teachers, administrators, and other direct services staff (OT, PT, SLPs, Interpreters, etc.) are allotted \$300 per FTE for professional development activities. Part-time staff must be prorated based on these flat rate amounts.
 - (ii) Paraprofessionals are allotted \$150 per FTE for professional development activities. Part-time staff must be prorated based on these flat rate amounts.
- 9) Start-Up Costs/New Classrooms Requirements
 - (i) Start-up costs of \$10,000 are allotted for a new classroom when the public agency has an increase from the prior year to the current year in either the December 1 Child Count or the End of the Year Count that meets the minimum caseload requirement.
 - (ii) A public agency that previously contracted for ECSE services with a private agency or cooperative and is starting a program in-house may utilize start-up funds even if minimum caseload requirements are not met.
 - (iii) Start-up costs of \$1,200 per FTE are allotted for each new itinerant position that meets minimum caseload requirements.
- 10) Supplies/Program Maintenance Expenditures
 - (i) The public agency is allotted \$75 per the December 1 Child Count or the End of the Year Child Count (whichever is higher).
- 11) Transportation Expenditures
 - (i) Public agencies with dedicated ECSE routes may charge the full cost of the bus driver, bus aides, contracted transportation costs, supplies, and equipment to the program. A prorated cost may be charged for mechanics, dispatchers, bus barns, contracted maintenance, and insurance.
 - (ii) Public agencies that do not have dedicated ECSE routes may only charge a prorated portion of the cost for the bus driver, bus aides, contracted transportation (not including maintenance) costs, supplies, and equipment. The public agency may not charge the program for mechanics, contracted maintenance, dispatchers, bus barns, and insurance.

12) Caseload Requirements

Caseloads for ECSE are mandatory and tied to funding requirements. The number of personnel approved for each public agency will be based upon a review of the public agency's data for early childhood special education. ECSE funding will not be provided for staff serving children who are age 5 and kindergarten age eligible.

Position/Full Time Equivalent	Caseload/ Class Size
Teacher of Early Childhood Special Education Classroom	10-20
Teacher of Integrated Classroom	10-20
Itinerant Teacher (teachers who move from class to class within a facility or travel to other facilities)	12-22
Teacher of Severe/Low Incidence Classrooms	4-10
Paraprofessional in ECSE Centerbased Self Contained Classroom or Integrated Classroom	10-20
Paraprofessional in ECSE Severe/Low Incidence Classrooms	4-10
Diagnostic Staff – for each position	160
Related Services Staff Employed by District (Occupational Therapist, Physical Therapist, Speech Therapist)	35-50
ECSE Dedicated Program or Process Coordinator (Administrator)	180
ECSE Secretary	180
Nurse (FTE can be increased if additional nursing needs are specifically addressed in IEPs)	175
Social Worker	
General	175
Diagnostic	160
Related Services	35-50

C. COMPLIANCE REQUIREMENTS

1. SIGNIFICANT DISPROPORTIONALITY (34 CFR 300.646)

A. The State ensures the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the public agencies with respect to:

1. The identification of students as students with disabilities, including the identification of students as students with disabilities in accordance with a particular impairment;
2. The placement in particular educational settings of these students; and
3. The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

B. In the case of a determination of significant disproportionality with respect to the identification of students as students with disabilities, or the placement in particular educational settings of these students, including disciplinary action resulting in suspension or expulsion, the State shall:

1. Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the IDEA.
2. Require any public agency identified with significant disproportionality to reserve the maximum amount of funds specified under the IDEA to provide comprehensive coordinated early intervening services to serve students in the public agency, particularly, but not exclusively, students in those groups that were significantly over identified; and
3. Require the public agency to publicly report on a revision of policies, practices, and procedures described in C.1.B.1. of these regulations.

2. PURCHASE OF INSTRUCTIONAL MATERIALS (34 CFR 300.210)

This public agency has, through approved policy, selected the following check marked method of providing instructional materials for students with blind or other print disabilities: (only one should be checked)

☒ This public agency will coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those materials in the same manner and under the same conditions as an DESE.

☐ This public agency is not required to coordinate with the NIMAC. If this public agency chooses not to coordinate with the NIMAC, this public agency must provide an assurance to DESE that this public agency will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. "In a timely manner" means that the public agency has taken all reasonable steps to ensure that students with print disabilities have accessible materials at the same time their fellow students without disabilities have their materials.

Nothing in this section relieves this public agency of its responsibility to ensure that students with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

3. RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES (34 CFR 300.213)

This public agency must cooperate with efforts of the ESEA to ensure the linkage of records pertaining to migratory students with disabilities for the purpose of electronically exchanging health and educational information among the states for these students.

4. PERSONNEL (34 CFR 300.201)

This public agency must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared and meet the requirements outlined in Regulation VI.

Personnel paid in full or in part from Part B funds must be appropriately prepared and trained as outlined in Regulation VIII, Personnel Standards of this State Plan.

Personnel paid in full or in part from Part B funds must maintain time and effort documentation prescribed in the Uniform Grant Guidance.

5. CLASS SIZE AND CASELOADS

Caseloads and Class Size Requirements differ between Early Childhood Special Education (ECSE) and grades K-12. Caseloads for ECSE are mandatory and tied to funding requirements. The standards for grades K-12 are desirable and should not exceed the maximum case load outlined in the Caseload guidance on the Office of Special Education website. Factors to consider when determining caseload for grades K-12 are listed below.

a) Caseloads and Class Size Requirements for Early Childhood Special Education (ECSE)

See Missouri State Plan Regulation IX for ECSE Requirements.

b) Class Size/Caseload Standards for Grades K-Twelve (12)

It is the responsibility of the public agency to assign students to classes and monitor student/teacher ratios for class size and caseload to ensure that there are adequate staff and that staff have adequate time to provide for the implementation of the IEP of each identified student with a disability.

Missouri allows paraprofessionals who are appropriately trained and supervised to be used to assist in the provision of special education and related services to students with disabilities. Supervision is provided by a properly certificated teacher appropriate for the setting. Public agencies must provide each paraprofessional, including those who hold a teaching certificate, with the orientation and initial training necessary for the individual to perform the duties associated with the work

assignment prior to working with the student. At a minimum, such training shall include information and experiences related to:

1. The type of disabilities displayed by the students with whom they will work;
2. Basic principles of behavior modification;
3. Basic instructional techniques expected to be used (demonstration, modeling, cueing, reinforcement, correction, etc.); and
4. Other areas as necessary (positioning, lifting and transferring techniques, feeding procedures, etc.).

Paraprofessionals who do not hold a teaching certificate shall receive a minimum of fifteen (15) hours of training within six (6) months of hire and a minimum of ten (10) hours of training yearly in subsequent school years.

Paraprofessionals/aides may be assigned to specific students and/or may be assigned to classrooms based upon the number and unique needs of students with disabilities being served in the class. While qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel may provide reinforcement and practice of previously taught skills or content. Additionally, appropriately trained support personnel may provide assistance to students in response to specific needs related to:

- significant cognitive and/or sensory impairments;
- safety;
- mobility;
- personal care;
- behavior;
- medical/health; or
- other unique circumstances.

Considerations when making staffing determinations include:

- instructional planning time (minimum of 250 minutes per week of instructional planning during the school day is required);
- data collection, observation, assessment, and report preparation;
- consultation and IEP planning with general educators;
- IEP case management;
- IEP Team meetings and meetings with parents;
- age of the students (younger students generally require more assistance with personal tasks such as toileting, dressing, and feeding); and
- travel time between assignments.

When assigning students to a self-contained classroom, consideration should be given to the following:

- severity of the disability of the students assigned to the classroom;
- ages of students assigned to the classroom;
- range of needs of the students as specified in their IEPs;
- unique needs of the students as specified in their IEPs;
- other duties assigned to the classroom teacher (IEP case management, recess, lunch, etc.); and
- level of paraprofessional support provided

When assigning students to a resource or general education classroom, consideration should be given to the following:

- The ages and grade levels of the students served
- The severity of the disabilities of the students served
- The unique needs of the students as identified in their IEPs
- The number of IEPs managed by the teacher
- Any assessment/evaluation responsibilities of the teacher
- Other duties assigned to the teacher

VII. PRIVATE SCHOOLS AND AGENCIES

1. CHILDREN PLACED IN APPROVED PRIVATE AGENCIES BY PUBLIC AGENCIES

Responsibility of the SEA (34 CFR 300.146)

The Department of Elementary and Secondary Education (DESE) ensures that when a student with a disability is placed in or referred to an approved private agency by the state or public agency, the student is provided special education and related services in conformity with an individualized education program and at no cost to parents. Each student must be provided an education that meets the standards that apply to education provided by DESE and public agencies and each student has all the rights of a student with a disability who is served by this public agency.

Implementation by the SEA (34 CFR 300.147)

DESE will approve private agencies in accordance with standards developed for public agencies through procedures, such as a review of policies and procedures, written reports, parent questionnaires, and on-site visits.

All private agencies approved by DESE receive a copy of State Standards and Regulations for special education.

DESE will provide representatives from approved private agencies the opportunity to participate in the development and revision of State standards that apply to them.

Any private educational agency which desires to contract with a public agency or with the State Board of Education to provide special education and related services for students with disabilities shall make application to the State Board of Education for review and approval by staff of DESE as outlined herein.

Responsibility of this Public Agency

Public agencies can only contract with private agencies that have been approved by the State Board of Education for the placement of students with disabilities. Part B funds cannot be used to pay for services from unapproved private agencies.

2. CHILDREN ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE

- A. This public agency is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if this public agency made FAPE available to the student and the parents elected to place the student in a private school or facility. However, this

public agency shall include that student in the population whose needs are addressed consistent with 34 CFR 300.131-300.144 that are outlined in this section.

- B. Disagreements between a parent and this public agency regarding the availability of a program appropriate for the student and the question of financial responsibility are subject to the due process procedures.

If the parents of a student with a disability, who previously received special education and related services under the authority of this agency, enroll the student in a private preschool, elementary, or secondary school without the consent of or referral by this agency, a court or a hearing officer may require this agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that this public agency had not made FAPE available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by DESE and public agencies.

The cost of reimbursement described in the above paragraph may be reduced or denied if at the most recent IEP Team meeting that the parents attended prior to removal of the student from the public agency, the parents did not inform the IEP Team that they were rejecting the placement proposed by this agency to provide FAPE to their student, including stating their concerns and their intent to enroll their student in a private school at public agency expense, or at least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the public agency, the parents did not give written notice to this agency of the information previously described in this section; and if, prior to the parents' removal of the student from the public agency, this public agency informed the parents, through the notice requirements described in 34 CFR 300.503(a)(1), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation, or upon a judicial finding of unreasonableness with respect to actions taken by the parents.

- C. Notwithstanding the notice requirement, the cost of reimbursement:

- 1) must not be reduced or denied for failure to provide the notice if:
 - (i) the public agency prevented the parent from providing the notice;
 - (ii) the parents had not received notice; or
 - (iii) maintaining the student in this agency placement would likely result in physical harm to the student; and
- 2) may, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if the parents are not literate or cannot

write in English or if maintaining the student in this agency would likely result in serious emotional harm to the student.

3. CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS-CHILD FIND

Private school students with disabilities means students with disabilities enrolled by their parents in private schools that meet the definition of elementary or secondary school.

Child Find for Private School Children with Disabilities (34 CFR 300.451-131)

This public agency shall locate, identify, and evaluate all private school students with disabilities, who are enrolled by their parents in private schools (including religious/parochial schools, home schools, and private elementary schools and secondary schools) located in the public agency's boundaries.

The child find process must be designed to ensure equitable participation of parentally-placed private school children and an accurate count of those children.

In carrying out these requirements, this public agency must undertake activities similar to the activities undertaken for the agency's public school children.

The cost of carrying out the child find requirements in this section, including initial evaluations and reevaluations, may not be considered in determining if this public agency has met its proportionate share obligation.

The child find process must be completed in a time period comparable to that for students attending this public agency.

This public agency in which private, including religious, elementary schools and secondary schools are located, must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than Missouri, but attend a private school located in Missouri.

4. PUBLIC AGENCY REQUIREMENTS TO PROVIDE SERVICES FOR PARENTALLY-PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES (34 CFR 300.132)

To the extent consistent with their number and location in each public agency, provision must be made for the participation of private school students with disabilities in the program assisted or carried out under Part B of IDEA by providing them with special education and related services, including direct services determined in accordance with the equitable services determination requirement.

This public agency shall ensure that a services plan is developed and implemented for each private school student with a disability who has been designated by this public

agency in which the private school is located to receive special education and related services.

This public agency must maintain in its records and provide to DESE, the following information related to parentally-placed private school students:

- A. the number of students evaluated;
- B. the number of students determined to be students with disabilities; and
- C. the number of students served.

Expenditures/Proportionate Share (34 CFR 300.133)

This public agency must spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

For students ages five (5) to twenty-one (21) with disabilities, an amount that is the same proportion of this public agency's total subgrant under Section 611(g) of IDEA (K-12 entitlement) as the number of private school students eligible under IDEA ages five (5) to twenty-one (21) who are enrolled by their parents in private, including religious/parochial and home, elementary schools, homeschools and secondary schools located in the by this public agency's boundaries is to the total number of children eligible under IDEA in its jurisdiction ages five (5) to twenty-one (21).

If this public agency has not expended for equitable services all of the funds described in this section by the end of the fiscal year for which Congress appropriated the funds, this public agency must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one (1) additional year.

In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school students with disabilities, this public agency, after timely and meaningful consultation with representatives of private schools, must conduct a thorough and complete child find process to determine the number of parentally-placed students eligible under IDEA attending private schools located in this public agency. Child find activities may not be charged to the proportionate share obligations.

State funds, local funds, or IDEA Part B 611 funds that are not part of the obligation, may supplement the proportionate share obligation, but in no case supplant the proportionate share obligation. This public agency must expend the entire proportionate share obligation before utilizing any other funding sources on proportionate share services.

Reporting Requirements

After timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, this public agency must determine the number of parentally-placed private school students with disabilities attending private schools located in this public agency's boundaries and ensure that the count is conducted on December 1, inclusive of each year. The child count must be used to determine the amount that this public agency must spend on providing special education and related services to parentally-placed private school students with disabilities in the next subsequent fiscal year.

Consultation (34 CFR 300.134)

To ensure timely and meaningful consultation, this public agency or, if appropriate, an SEA, must consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- A. the child find process, including how parentally-placed private school students suspected of having a disability can participate equitably; and how parents, teachers, and private school officials will be informed of the process;
- B. the determination of the proportionate share of Federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated;
- C. the consultation process among this public agency, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services;
- D. a discussion of how, where, and by whom special education and related services will be provided, for parentally-placed private school students with disabilities including a discussion of:
 - 1) the types of services (including direct services and alternate service delivery mechanisms);
 - 2) how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students; and
 - 3) how and when those decisions will be made; and
- E. if this public agency disagrees with the views of the private school officials on the provision of services (whether provided directly or through a contract) and how this public agency will provide to the private school officials a written explanation of the reasons why this public agency chose not to provide services directly or through a contract.

Written Affirmation (34 CFR 300.135)

When timely and meaningful consultation as required by 34 CFR 300.134 has occurred, this public agency must obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, this public agency must forward the documentation of the consultation process to the DESE.

Compliance (34 CFR 300.136)

A private school official has the right to submit a complaint through the state's child complaint process that this agency:

- A. did not engage in consultation that was meaningful or timely, or
- B. did not give due consideration to the views of the private school official.

If the private school official wishes to submit a complaint, the official must provide to DESE the basis of the noncompliance by this public agency and the applicable private school provisions in this part. This public agency must forward the appropriate documentation to DESE.

If the private school official is dissatisfied with the decision of DESE, the official may submit a complaint to the Secretary of Education, United States Department of Education. The private school official must provide the information on the noncompliance that was provided to DESE. DESE must forward the appropriate documentation to the Secretary.

Equitable Services Determined (34 CFR 300.137)

No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about services to parentally-placed private school students with disabilities must be made in accordance with the consultation process described above (34 CFR 300.134) and the following.

If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from this public agency, this public agency must initiate and conduct meetings to develop, review, and revise a services plan for the student, and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, this public agency shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

This public agency must make the final decisions with respect to the services to be provided to eligible parentally-placed private school students.

Equitable Services Provided (34 CFR 300.138)

The services provided to parentally-placed private school students with disabilities must be provided by personnel meeting the same standards as personnel providing services in this public agency.

Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

Each parentally-placed private school student with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that this public agency will provide to the student in light of the services that have been determined to be made available to parentally-placed private school students with disabilities.

The services plan must, to the extent appropriate, meet the requirements specified for an IEP with respect to the services provided, and be developed, reviewed, and revised consistent with requirements for IEPs.

The provision of equitable services must be provided by employees of the public agency or through contract by this agency with an individual, association, agency, organization, or other entity. Special education and related services provided to parentally-placed private school students must be secular, neutral, and nonideological.

Location of Services and Transportation (34 CFR 300.139)

Missouri case law and the Missouri Constitution prohibit the provision of personnel, services, materials, and equipment on the premises of a student's private school unless they are provided in a neutral site. The private school may be considered a neutral site if the setting of the services and void of ideological items. This public agency must determine how and where services will be provided to students with disabilities attending private or parochial schools.

If necessary for the student to benefit from or participate in the services provided under this part, a private school student with a disability must be provided transportation from the student's school or the student's home to a site where the services are being provided other than the private school, and from the service site to the private school or to the student's home, depending on the timing of the services. This public agency is not required to provide transportation from the student's home to the private school. The cost of the transportation may be included in calculating whether this public agency has met expenditure requirements.

Due Process Complaints and State Complaints (34 CFR 300.140)

The due process procedures only apply to complaints that this public agency has failed to meet the child find requirements.

Any complaint that this public agency has failed to meet all other requirements pertaining to private school students must be filed in accordance with the child complaint process. Complaints filed by a private school official regarding these requirements are subject to appeal with the U. S. Secretary.

Funds Cannot Benefit a Private School (34 CFR 300.141)

This public agency may not use Part B funds available under Section 611 or 619 of the Act to finance the existing level of instruction in the private school or to otherwise benefit the private school.

This public agency must use Part B funds available under Sections 611 and 619 of the Act to meet the special education and related services needs of parentally-placed private school students, but not for meeting the needs of a private school or the general needs of the students enrolled in the private school.

Use of Personnel (34 CFR 300.142)

- A. This public agency may use funds available under the Act to pay for services of an employee of the private school to provide services if:
- 1) the private school employee performs the services outside of his or her regular hours of private school duties;
 - 2) the services are provided on public school grounds or a neutral site; and
 - 3) the employee performs the services under public supervision and control.

Separate Classes (34 CFR 300.143)

This public agency may not use funds available under the Act for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

Equipment/Supplies/Construction for the Benefit of Private School Children with Disabilities (34 CFR 300.143)

This public agency must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the public agency acquires with funds under Section 611 or 619 of IDEA for the benefit of private school students with disabilities.

This public agency shall spend no funds for repairs, construction, or minor remodeling of private school facilities.

LISTED BELOW ARE THE STATUTES OF MISSOURI WHICH PROVIDE A
LEGAL BASIS AND SOURCE FOR MISSOURI'S POLICY RELATING TO
PRIVATE SCHOOLS:

Article I, Section 7

Article IX, Section 8

Section 162.996

VIII. STATE OPERATED PROGRAMS

1. STATE EDUCATION AGENCY (SEA) PROVISION OF DIRECT SERVICES

The Missouri Department of Elementary and Secondary Education (DESE) provides free appropriate public education (FAPE) services for students with disabilities through three State Board of Education Operated Programs: School for the Deaf (MSD), School for the Blind (MSB), and the Missouri Schools for the Severely Disabled (MSSD).

2. MISSOURI SCHOOLS FOR THE SEVERELY DISABLED

REGULATIONS FOR SERVICES

A system of day school services in a separate school settings, was established by state law to serve students with severe disabilities referred to the State Board of Education by public agencies which do not operate such programs themselves and which are not a part of special school districts. If the evaluation information and the Individualized Education Program (IEP) compiled by the public agency supports separate school placement as the student's least restrictive educational environment, the LEA may request a determination of student eligibility for services. The following procedural information is provided to assist public agencies in accessing services from MSSD.

ELIGIBILITY CRITERIA FOR MSSD

- A. This public agency must establish the existence of a severe or profound intellectual disability. Students with severe disabilities generally have significant cognitive deficits as evidenced by method a or b described below:
 1. The student obtains scores falling four (4) or more standard deviations below the mean using a standardized measure of cognitive functioning. The evaluation report also includes scores from a normative referenced standardized measure of adaptive behavior that yields a composite score that falls four (4) or more standard deviations below the mean, or
 2. The student is not able to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, but evaluation information indicates significant deficits in cognitive ability and adaptive behavior skills as evidenced by a description of the student's need for pervasive levels of supports across all life areas, as defined by the American Association on Intellectual and Developmental Disabilities (AAIDD) classification system. The evaluation report also includes scores from a normative referenced standardized measure of adaptive behavior that yields a composite score that falls four (4) or more standard deviations below the mean.

Only assessment results from comprehensive evaluations less than three (3) years old and consistent with the procedures in Regulation III will be considered during the MSSD eligibility process.

- B. This public agency shall provide justification of why this public agency is not the least restrictive environment for the student.

Students who educationally benefit from special education and related services that can be provided by this public agency are not considered eligible for services through MSSD. In general, students with disabilities such as cognitive deficits falling two (2) to three (3) standard deviations below the mean, Speech or Language Impairments, Hearing Impairment/Deaf, Visual Impairment/Blind, Learning Disabilities, Emotional Disturbance, Other Health Impairment, Traumatic Brain Injury, or Orthopedic Impairment can receive an appropriate education when served by our public agency.

ELIGIBILITY PROCEDURES

In order to assure compliance with applicable state and federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in MSSD, the following procedures have been adopted by the State Board of Education.

1. All students identified as potentially in need of special education services shall be enrolled in and served by the public agency pending the determination of such need. This includes students whose performance indicates possible functioning within the range of severe to profound intellectual disability.
2. The public agency in which the student resides shall complete a comprehensive evaluation which is current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with state regulations on evaluation. Additional educational records or other pertinent information may be required by MSSD to clarify the student's educational needs.
3. Following compilation of evaluation information, the public agency where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of state regulations. The public agency must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
4. If the IEP Team is considering separate school as a placement option for the student, the public agency must forward the evaluation report, current IEP, and justification for separate school placement to MSSD for eligibility consideration. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the public agency shall also be forwarded. MSSD may request additional information on an individual student basis if necessary. Following a professional review of this information, the public agency shall be notified whether

the student is eligible for services through MSSD. The eligibility determination is not appealable and is a unilateral determination made by MSSD. If the student is determined eligible, MSSD will send the public agency recommendations for needed instruction and services as appropriate.

MSSD ELIGIBILITY REVIEW

1. Following a professional review of this information provided by the public agency, the public agency shall be notified whether or not the student is eligible for services through MSSD. The eligibility decision is not appealable.

Students who would otherwise be eligible for MSSD based on the severity of the disability will not be accepted if they require homebound placement as such a placement would preclude attendance at a separate day program such as MSSD. Students who otherwise qualify and require only intermittent services in the home will be eligible for referral.

2. Should the public agency be notified that the student is eligible for MSSD, the public agency may refer the student. The public agency shall notify parents of the eligibility decision and submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice. The IEP, at time of referral, must reflect the actual number of minutes of service per week needed to provide FAPE, or the public agency must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide free appropriate public education (FAPE).

MSSD REFERRAL PROCEDURE

1. Upon receipt of the completed referral form, IEP for separate placement, and Notice of Action for change of placement, enrollment documents will be mailed to the parent. MSSD will notify the LEA of the date of the student's enrollment. A student with a severe disability may enroll in MSSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.
2. The public agency will convene an IEP meeting in collaboration with MSSD at least annually to review and/or revise IEPs for all students enrolled in MSSD.
3. At any time the IEP Team may determine, based on general functioning level and IEP goal progress, that the student is no longer eligible for MSSD because MSSD can no longer provide FAPE in the least restrictive environment.

In such instances, the public agency representative convenes the IEP Team, including a representative of MSSD, to review/revise the IEP to determine placement in the least restrictive environment. The Team should consider IEP goal

progress data, other existing data in the education record, information from the most recent reevaluation, and any relevant medical information. The public agency will provide the parent with prior written notice of the change in placement and change in services.

REEVALUATION

This public agency shall conduct a reevaluation as required by state regulations. Results of the reevaluation shall be submitted to MSSD for review. Additional data may be requested by MSSD to clarify the student's educational needs.

3. TRANSFER OF STUDENTS ENROLLED IN MSSD

A student who is enrolled in an MSSD school and moves from one public agency to another (including those moves to another public agency within the catchment area of the MSSD school the student currently attends), may transfer enrollment immediately on the basis of the justification for separate school placement, current IEP, and evaluation report. This is considered an interim placement, not to exceed thirty (30) days, during which the new public agency follows the transfer procedures provided within Regulation III to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student. If this review results in determination that MSSD is the least restrictive environment, the new public agency will complete the Justification for Continued Separate School Placement form. If, during the thirty (30) day interim period, the new public agency fails to provide the Justification for Continued Separate School Placement form, the student will not be served by MSSD and shall be served by the public agency through a placement other than MSSD.

TRANSFER OF STUDENTS WITH SEVERE DISABILITIES FROM A SEPARATE SCHOOL (DAY) FACILITY (IN MISSOURI PUBLIC AGENCY, A SPECIAL SCHOOL DISTRICT, OR AN OUT-OF-STATE PROGRAM)

A sixty (60) day interim placement at MSSD may be available for students with severe disabilities who are changing public agencies due to a change in residence. These students must have been receiving services in their public agency, through cooperative arrangement with another public agency, in a special school district, or in an out-of-state program for students with severe disabilities.

To qualify for this interim placement, the following criteria must be met:

1. The current IEP and comprehensive evaluation report are adopted by the new public agency pursuant to transfer procedures provided within Regulation IV.
2. The new public agency submits a copy of the student's current IEP and comprehensive evaluation report to MSSD with a letter acknowledging adoption of the documents. In the same letter, the new public agency will verify the previous placement provided educational services in a self-contained classroom with students with severe disabilities in a separate school building. In addition, the public agency requests that the student be

- served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.
3. MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.
 4. Enrollment documents must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the public agency of the date of the student's enrollment.
 5. During the sixty (60) day interim placement, the public agency shall follow the referral procedures to seek eligibility determination in accordance with MSSD Eligibility Review. If found eligible, the public agency will issue a notice of action to the parents, guardian or educational surrogate, and MSSD confirming continued placement. If, during the sixty (60) day interim period, the public agency fails to submit the justification for separate school placement, the student will not be served by MSSD and shall be served by the public agency through a placement other than MSSD.

If MSSD is not confirmed as the student's least restrictive educational environment, the public agency is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V.

TRANSFER OF STUDENTS WHO PREVIOUSLY ATTENDED MSSD, MOVED OUT OF STATE, AND HAVE RETURNED TO MISSOURI

To qualify for this interim placement, the following criteria must be met:

1. The student attended MSSD in the 12 months prior to seeking readmission,
2. The student moved out of state and had an IEP placement other than a separate day school,
3. The student has moved back to Missouri, and
4. The parent agrees to the interim placement at MSSD.

Procedure to implement the interim placement;

1. The current IEP and comprehensive evaluation report are reviewed by the new public agency pursuant to transfer procedures provided within Regulation IV and a decision made accepting or rejecting the IEP and evaluation report is documented.
2. The new public agency submits a copy of the student's current IEP and evaluation report to MSSD with documentation of the acceptance or rejection of the documents. In a letter, the new public agency will verify the previous placement at MSSD within the prior twelve (12) months. In addition, the public agency requests that the student be served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.
3. MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request
4. Enrollment documents must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the public agency of the date of the student's enrollment.

5. During the sixty (60) day interim placement, the public agency shall follow the procedures to seek eligibility determination in accordance with 1-4 above. If found eligible, the public agency will issue a notice of action to the parents, guardian, or educational surrogate, and MSSD confirming continued placement. If, during the sixty (60) day interim period, the public agency fails to submit all the documentation needed to determine eligibility for placement at MSSD, the student will not be served by MSSD and shall be served by the public agency through a placement other than MSSD.

If MSSD is not confirmed as the student's least restrictive educational environment, the public agency is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V and Regulation IV.

4. MISSOURI SCHOOL FOR THE BLIND AND MISSOURI SCHOOL FOR THE DEAF

The Missouri School for the Blind (MSB) and Missouri School for the Deaf (MSD) are established by state law to serve those students referred to the State Board of Education by public agencies who may require such services to receive a free appropriate public education. If the evaluation information and the Individualized Education Program (IEP) compiled by the local public agency supports separate school placement as the student's least restrictive educational environment, the local public agency may seek determination of student eligibility for services. The following procedural information is supplied to assist public agencies in accessing services from MSD and MSB.

ELIGIBILITY FOR MSB AND MSD

- MSB: Students who are Blind or Visually Impaired, for purposes of MSB eligibility, are those students who meet the state eligibility criteria for Visual Impairment. Students who meet the state eligibility category criteria for Missouri Schools for the Severely Disabled (MSSD) are not eligible for MSB.
- MSD: Students who are Deaf or Hearing Impaired, for purposes of MSD eligibility, are those students who meet the state eligibility criteria for Deaf/Hearing Impaired. Students who meet the state eligibility criteria for MSSD are not eligible for MSD.
- A student may enroll in MSB and MSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

REFERRAL PROCEDURES

In order to assure compliance with applicable state and federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who seek enrollment in either MSD or MSB program, the following procedures have been adopted by the State Board of Education. The public agency is encouraged to request a professional employee of MSB or MSD to participate in the enrollment and referral process.

Such requests for participation shall be honored when made during the school term and when schedules permit.

1. All students identified as potentially in need of services from the State Board Operated Programs shall be enrolled in public agency programming pending the determination of such need.
2. The public agency in which the student resides shall provide comprehensive and appropriate evaluation information, current within three (3) years. The public agency may be required to submit to MSB or MSD additional evaluations, educational records, or other pertinent information as determined necessary to clarify the student's educational needs. The requested additional evaluations must be obtained in accordance with Regulation III.
3. Following compilation of evaluation information, the public agency where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of state regulation provisions for IEPs within Regulation IV. The public agency must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
4. If the IEP Team is considering separate school as a placement option for the student, they must submit documentation of the justification for such placement in writing, including an explanation that MSB or MSD would be the least restrictive educational environment for the student. The justification documentation must include information that the public agency has:
 - a. Considered educating the student in the public agency;
 - b. Identified supplementary aids and services that would be needed to educate the student in the public agency; and
 - c. Articulated why the public agency cannot serve the student in the public agency in a placement that would benefit the student.

This public agency must submit to MSB or MSD any supporting evidence of each of the preceding statements that justify the IEP Team's decision.

5. When the IEP indicates the student is in need of services which this public agency is unable to provide and which may be provided by the MSB or MSD, the public agency may forward the evaluation report, current IEP, and justification for separate school placement to MSB or MSD for eligibility review. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the public agency shall also be forwarded. MSB or MSD may request additional information if necessary. Following a professional review of this information, the public agency shall be notified whether the student is eligible for services through MSB or MSD. The eligibility determination is not appealable and is a unilateral determination made by MSB or MSD, respectively. If the student is determined eligible, MSB or MSD will send the public agency recommendations for instructional programming and services if appropriate.

REFERRAL

1. Should the public agency be notified that the student is eligible for MSB or MSD, the public agency may refer the student after holding an IEP meeting to consider the recommendations from MSB and MSD and modify the IEP accordingly if needed. The IEP, at time of referral, must reflect the actual number of minutes of service per week needed to provide FAPE, or the public agency must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide FAPE. After the parents have received an explanation of the Procedural Safeguards notice, the public agency shall submit the referral to MSB or MSD. Notice of such decision to refer shall be given to the parent in accordance with the law, including an explanation of their right to appeal the action through use of their due process hearing rights.
2. When referring the student, this public agency will send the newly revised IEP to MSB or MSD. Upon acceptance of the referral, MSB or MSD will send enrollment documents to the parents.
3. The public agency will convene an IEP meeting in collaboration with MSB or MSD at least annually to review and/or revise IEPs for students enrolled in MSB or MSD.
4. If at any time MSB or MSD believes a modification to the student's IEP is required, including instances wherein MSB or MSD does not believe MSB or MSD is the Least Restrictive Environment, MSB or MSD will notify the public agency that an IEP Team meeting is necessary. The public agency must hold an IEP Team meeting within a reasonable time of MSB's or MSD's notification to the public agency of the need for an IEP Team meeting. The student's teacher and other appropriate professional personnel from MSD or MSB shall be invited to participate in this meeting. If the IEP Team determines the student is ineligible for services at MSB or MSD, they shall inform the parents of their right to appeal in accordance with the Procedural Safeguards.

REEVALUATION

The public agency shall conduct a reevaluation as required by state regulations.

Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data, including additional evaluation information, may be requested by MSB or MSD and must be provided by the public agency to clarify the student's educational needs.

REFERENCE COPY

FILE: GBBD-AF1
Critical

EXPLANATION: STAFF LEAVES (*Employee Acknowledgment of Available Leave*)

Sections 285.625 - .670, RSMo., require school districts to provide existing employees, and new employees upon commencement of their employment, notice of their right to leave under the Victims' Economic Safety and Security Act (VESSA). MSBA recommends that districts provide that notice using the form created by the Missouri Department of Labor and Industrial Relations (DOLIR) available at <https://labor.mo.gov/posters>. Notification may be made by electronic means. This new MSBA form provides evidence that the employee received the DOLIR notice.

REFERENCE COPY

FILE: GBBD-AF1
Critical

STAFF LEAVES (Employee Acknowledgment of Available Leave)

I have received a copy of the Missouri Department of Labor and Industrial Relations' notice of available leave for domestic or sexual violence.

Printed Name of Employee

Employee Signature

Date

Search the index for this section and the cross references to identify related policies,
administrative procedures and forms.

Implemented:

Revised:

«AddressLine»

REFERENCE COPY

FILE: GCBDA-AF2
Critical

EXPLANATION: PROFESSIONAL STAFF SHORT-TERM LEAVES (Employee
Acknowledgment of Available Leave)

Sections 285.625 - .670, RSMo., require school districts to provide existing employees, and new employees upon commencement of their employment, notice of their right to leave under the Victims' Economic Safety and Security Act (VESSA). MSBA recommends that districts provide that notice using the form created by the Missouri Department of Labor and Industrial Relations (DOLIR) available at <https://labor.mo.gov/posters>. Notification may be made by electronic means. This new MSBA form provides evidence that the employee received the DOLIR notice.

REFERENCE COPY

FILE: GCBDA-AF2
Critical

PROFESSIONAL STAFF SHORT-TERM LEAVES (*Employee Acknowledgment of Available Leave*)

I have received a copy of the Missouri Department of Labor and Industrial Relations' notice of available leave for domestic or sexual violence.

Printed Name of Employee

Employee Signature

Date

Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Implemented:

Revised:

«AddressLine»

REFERENCE COPY

FILE: JGGA-AF1
Critical

EXPLANATION: SECLUSION AND RESTRAINT (Reporting)

This form was revised to align with the detailed reporting requirements in House Bill 432 (2021). The district is required to immediately notify the parents/guardians when seclusion or restraint is used on their student. In addition, the district is required to write a report on the incident and provide a copy to the parent/legal guardian within five school days. A copy of the report must be provided to the Department of Elementary and Secondary Education within 30 days of the incident.

REFERENCE COPY

FILE: JGGA-AF1
Critical

SECLUSION, ISOLATION AND RESTRAINT (Parent/Guardian Notification Reporting)

Name of Student Involved: _____ Age/Grade: _____

Student ID #: _____ Date of Intervention: _____

Time of Intervention: _____ Duration of Intervention: _____

Location of Intervention: _____

Time and Manner of Initial Notification to Parents/Guardians: _____

Name(s) of District Personnel Involved: _____

~~Description of Incident, including Events that Led up to the Incident~~ Description of any event leading to the use of seclusion or restraint, including any facts causing district personnel to determine that the student was in imminent danger of physical harm to self or others: _____

Steps Taken Prior to Use of Intervention: _____

If no steps were taken prior to intervention, explain why: _____

Which type of intervention was used? ☒ Seclusion ☒ Isolation ☒ Restraint

Reason for Intervention: _____

Nature and Extent of any Injury to the Student (if Applicable): _____

FILE: JGGA-AF1
Critical

REFERENCE COPY

Nature and Extent of any Injury to Staff (if Applicable):

Was discipline of the student recommended: ~~G~~ Yes ~~G~~ No

Name of Employee Parent/Guardian Can Contact regarding the Incident:

Attach additional pages if needed.

Description of the methods used for the seclusion or restraint of the student:

If applicable, describe the nature and extent of any injury to the student:

Provide the following for any district personnel involved in the seclusion or restraint incident:

Name:

Title:

Certification (if any):

Role in Incident:

Name:

Title:

Certification (if any):

Role in Incident:

Name:

Title:

Certification (if any):

Role in Incident:

Name:

Title:

Certification (if any):

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Role in Incident: _____

Name: _____

Title: _____

Certification (if any): _____

Role in Incident: _____

If you have any questions regarding this incident, please contact _____ [name]
at _____ [contact information].

We encourage you to contact _____ [name and contact
information of a sociological, emotional or behavioral support organization] for additional
support in our community.

If you have concerns regarding this incident and would like to file a complaint, please contact
_____ [name] at _____ [contact information].

To report child abuse and neglect in Missouri, call 800-392-3738 or Relay Missouri at 800-735-
2466 (voice) or 800-735-2966 (text).

Signature of Person Preparing Report _____ Date _____

Name of Person Preparing Report

Role in incident: _____

*Note: The reader is encouraged to review policies and/or procedures for related information
in this administrative area. Search the index for this section and the cross references to
identify related policies, administrative procedures and forms.*

Implemented:

Revised:

«AddressLine»

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FILE: EBBC
Critical

EXPLANATION: LACTATION SUPPORT

This policy was previously considered supplemental. MSBA now recommends that all districts adopt this policy. House Bill 432 (2021) requires school districts to adopt written policies to provide accommodations to lactating employees and students to express breast milk, breastfeed a child or address other needs related to breastfeeding. The district is required to have a policy adopted before July 1, 2022.

According to this new law, the district must:

1. Provide a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to accommodate expressing breast milk or breastfeeding a child.
2. Make accommodations for at least one year after the birth of the child, though districts may provide accommodations for a longer period.
3. Designate a room in each school building—other than a restroom—exclusively for lactation activities such as breastfeeding or expressing milk.
4. Ensure that the designated room is near a sink with running water and a refrigerator for storage.
5. Ensure that the designated room has ventilation, a door that may be locked, a work surface, a chair and convenient electrical outlets.

This policy now addresses members of the public who are nursing as well. Section 191.918, RSMo., allows breastfeeding or expressing milk, with discretion, in any public or private location where the person is otherwise authorized to be.

Please note that the federal Fair Labor Standards Act already requires districts to provide "reasonable" breaks for nonexempt employees to express breast milk. See <https://www.dol.gov/agencies/whd/nursing-mothers>. However, the new state law is more detailed and applies to all employees and students.

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FILE: EBBC
Critical

LACTATION SUPPORT

For the convenience of district staff, students and the public and to support the care of children, the district will provide accommodations as required by law for lactation activities. For the purposes of this policy, "lactation activities" include expressing breast milk, breastfeeding a child or addressing other needs related to lactation. The district will provide employees and students a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to express breast milk or breastfeed a child for at least one year following the child's birth.

Lactation Rooms

In accordance with state law, the district allows breastfeeding or expressing breast milk, with discretion, in any public or private location where the person is otherwise authorized to be. To further accommodate lactation activities, the superintendent or designee will identify at least one room that is not a restroom in each school building to be used exclusively for lactation activities. The room will meet the requirements of state law.

Employees

Employees are encouraged to notify their supervisors in advance if they need accommodations for lactation activities. The supervisor will work with the employee to address arrangements and scheduling to ensure that the employee's duties are covered during the break time and minimize disruptions to the school day.

Providing breaks to classroom teachers and other employees who directly supervise students throughout the day is particularly challenging because students cannot be left unsupervised and student learning cannot be disrupted. The district expects these employees to be particularly flexible and, when possible, to use planning periods, lunch breaks, routine breaks in their class schedule or other free time to meet their lactation-related needs.

This policy does not entitle an employee to bring or keep an infant at work during times when the employee is required to be working.

Students

Lactating students should contact the counselor, who will make arrangements with the student to create a schedule that results in the least amount of missed class time. Students will be allowed to make up work missed due to lactation activities. If it is not possible to make up the missed work, the student will be provided an alternative assignment.

This policy does not entitle a student to bring an infant to school during the school day when the student is required to be in class.

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Public

Members of the public are allowed to engage in lactation activities while on district property and may use the district's designated lactation rooms to do so.

Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Adopted:

Cross Refs: AC, Prohibition Against Illegal Discrimination, Harassment and Retaliation
GBA, Exempt and Nonexempt Employees
JECC, Assignment of Students to Grade Levels/Classes
KK, Visitors to District Property/Events

Legal Refs: §§ 160.995, 191.918, RSMo.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
29 U.S.C. 207
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 - 2000e-17
Pregnancy Discrimination Act, 42 U.S.C. § 2000e-(k)

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

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FILE: GCBDA
Critical

EXPLANATION: PROFESSIONAL STAFF SHORT-TERM LEAVES

MSBA has added leave for victims of domestic or sexual violence as required by House Bill 432 (2021). This leave is being informally referred to as the Victims' Economic Safety and Security Act (VESSA) leave. Employees who are victims of domestic or sexual violence may use this unpaid leave for court appearances, counseling, medical attention and other services related to being a victim of domestic or sexual violence. Employees may also use this leave if a family member or member of the household has been a victim of domestic or sexual violence.

While the law does not address the use of paid leave, MSBA assumes the district can allow employees to take accumulated paid leave concurrently with this leave.

The district must provide notice to all current employees and to new employees when they are hired. The Missouri Department of Labor and Industrial Relations (DOLIR) has created a sample notice, and MSBA has created a form that is available on our website. Upon request, DOLIR will provide summaries and rules of the law without charge.

Employees:

- Are entitled to two weeks of unpaid leave unless there are fewer than 50 employees. Districts with at least 20 and no more than 49 employees are required to provide only one week of leave.
- Are required to provide 48 hours' notice before taking the leave unless such notice is not practicable.
- May take leave intermittently or on a reduced work schedule.
- Must provide requested certification of the need to take leave within a reasonable period after the request.
- Are entitled to return to their previous position or a position with equivalent pay, benefits and other terms and conditions of employment upon return from leave.
- Shall not lose any benefit accrued prior to taking leave.
- May request safety accommodations based on the domestic or sexual violence experienced.

Employers:

- Must provide notice to all current employees and new hires.
- May request certification of the need for leave.

FILE: GCBDA
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- Must maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the same conditions such coverage would have been provided if the employee had not taken leave.
- Must make reasonable safety accommodations in a timely manner.
- Must maintain records associated with taking VESSA leave in the strictest confidence.

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PROFESSIONAL STAFF SHORT-TERM LEAVES

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. However, the board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

The district may require an employee to provide the district verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

The following leaves with pay will be provided to full-time professional staff employees. Regular part-time professional staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

1. **Sick/Personal Leave** – Professional staff employees whose assignments call for 12 months of full-time employment will receive ten days of sick/personal leave. Professional staff employees whose assignments call for full-time employment only during the regular school term will receive ten days of sick/personal leave. Administrative sick/personal leave will be established by the board per Professional Staff Salary Protocol Schedule D Table 1: Administrative Salary Index. Unused sick/personal leave will be cumulative to 70 sick leave days. An absence of over one through four hours shall be counted as a half-day of sick/personal leave. Sick/personal leave may be taken at the discretion of the employee except on the day before or day after a holiday break. If an employee is absent either the day before or the day after a holiday, said employee must have a doctor's excuse or administrative approval.

Absences may be charged against sick/personal leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury or incapacity of a member of the immediate family. The board defines "immediate family" to include:
 - The employee's spouse.
 - The following relatives of the employee or the employee's spouse: parents, children, children's spouses, grandparents, grandchildren, siblings and any other family member residing with the employee.

- Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

- c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth and adoption leave in accordance with this policy.
- e. Attending a funeral.
- f. Tax investigation.
- g. Court appearances, unless applicable law or policy provides for paid leave.
- h. Wedding or graduation.
- i. Observance of a religious holiday.
- j. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
- k. Absences under leaves authorized by law, policy or the board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
- l. Leave for other purposes as approved by the principal.

Whenever possible, it is expected that requests for leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use sick/personal leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

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Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

2. Payment for Accumulated Sick Leave

The district will pay for unused sick days to those leaving the district due to retirement at a rate of \$25 per day to a maximum of 70 days upon the receipt of verification of retirement benefit application from the Public School Retirement System of Missouri (PSRS). The district will pay for unused sick days to those leaving the district according to the following scale:

<u>Years in District</u>	<u>Per Day Rate</u>
a. Probationary	\$10
b. Permanent	
1) 5–10 years	\$15
2) 11 or more years	\$20

In addition the district will pay all returning teachers annually for all unused sick days over the maximum accumulation allowed at the rate of \$40 per day.

3. **Vacation** – All professional staff employed on a 12-month basis will receive two weeks of vacation per year, and three weeks annually after completing ten years of employment with the district. An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. **Holidays** – Labor Day, Thanksgiving Day (2 days), Christmas Day, New Year's Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth

activities. Professional leave must be approved by the superintendent or designee, arranged well in advance and is not considered personal leave.

3. **Military Leave** – The board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit the employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting

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supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.
12. **Victims' Economic Safety and Security Act (VESSA) Leave** – Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two workweeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees will be limited to one workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence. Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

~~*Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*~~ Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Adopted: 12/16/1993

Revised: 06/14/2005; 06/15/2006; 05/15/2008; 02/12/2009; 03/15/2012; 02/14/2013;
06/09/2015;

Cross Refs: DLB, Salary Deductions
HA, Negotiations with Employee Representatives
IC, Academic Calendar

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 285.625 - .670, 320.200, .330 - .339, 494.460, 595.209, RSMo.
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 218(c)
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e-1 - 2000e-17
29 C.F.R. § 1604.10

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

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EXPLANATION: SUPPORT STAFF LEAVES

MSBA has added leave for victims of domestic or sexual violence as required by House Bill 432 (2021). This leave is being informally referred to as the Victims' Economic Safety and Security Act (VESSA) leave. Employees who are victims of domestic or sexual violence may use this unpaid leave for court appearances, counseling, medical attention and other services related to being a victim of domestic or sexual violence. Employees may also use this leave if a family member or member of the household has been a victim of domestic or sexual violence.

While the law does not address the use of paid leave, MSBA assumes the district can allow employees to take accumulated paid leave concurrently with this leave.

The district must provide notice to all current employees and to new employees when they are hired. The Missouri Department of Labor and Industrial Relations (DOLIR) has created a sample notice, and MSBA has created a form that is available on our website. Upon request, DOLIR will provide summaries and rules of the law without charge.

Employees:

- Are entitled to two weeks of unpaid leave unless there are fewer than 50 employees. Districts with at least 20 and no more than 49 employees are required to provide only one week of leave.
- Are required to provide 48 hours' notice before taking the leave unless such notice is not practicable.
- May take leave intermittently or on a reduced work schedule.
- Must provide requested certification of the need to take leave within a reasonable period after the request.
- Are entitled to return to their previous position or a position with equivalent pay, benefits and other terms and conditions of employment upon return from leave.
- Shall not lose any benefit accrued prior to taking leave.
- May request safety accommodations based on the domestic or sexual violence experienced.

Employers:

- Must provide notice to all current employees and new hires.
- May request certification of the need for leave.

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- Must maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the same conditions such coverage would have been provided if the employee had not taken leave.
- Must make reasonable safety accommodations in a timely manner.
- Must maintain records associated with taking VESSA leave in the strictest confidence.

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SUPPORT STAFF LEAVES

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. However, the board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

The district may require an employee to provide the district a verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

The following leaves with pay will be provided to full-time support staff employees. Regular part-time support staff employees will receive these leaves on a pro rata basis. This policy does not apply to temporary or substitute staff members unless otherwise noted.

1. **Sick/Personal Leave** – Sick/personal leave for full-time noncertificated employees will be granted in accordance with the total number of contractual months of the position.

Twelve-Month Employees – Bookkeeper, Superintendent's secretary, Treasurer, Bus mechanic, Maintenance supervisor, Custodians

Ten days per year accumulative to 40 sick days. (New employees allowed one day per month for the first five months.)

Nine-Month Employees – Building Secretaries – 40-week positions, Bus Drivers, Cooks, Nurse, Teacher aides

Seven days per year accumulative to 35 sick days. (New employees allowed one day per ten weeks for the first year.)

An absence of over one through four hours shall be counted as half-day sick/personal leave. Unused sick/personal leave days will accumulate as sick leave.

Absences may be charged against sick/personal leave for the following reasons:

- a. Illness, injury, or incapacity of the employee. The board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury or incapacity of a member of the immediate family. The board defines "immediate family" to include:

- The employee's spouse.
- The following relatives of the employee or the employee's spouse: children, children's spouses, parents, siblings and any other family member residing with the employee.
- Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

- c. Pregnancy, childbirth and adoption leave in accordance with this policy.
- d. Attending a funeral.
- e. Financial or legal business that cannot be transacted on a nonwork day.
- f. Court appearances, unless applicable law or policy provides for paid leave.

Whenever possible, it is expected that requests for leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request. Sick/Personal leave will not be granted before or after a holiday unless special circumstances exist. A doctor's slip or administrative approval is required for employees to use a sick/personal leave day before or after a holiday.

Staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use sick/personal leave days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any support staff employee who is a member of a retirement system shall remain a member during any period of leave under sick leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

2. **Vacation** – All support staff employed on a 12-month basis will receive vacation based on the following schedule:

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Length of Service Completed	Amount of Vacation
One year of employment	One week (five working days) summer vacation annually
Two years of employment	Two weeks (ten working days) summer vacation annually
Ten years of employment	Three weeks (15 working days) summer vacation annually

Scheduling Vacations

A single vacation period shall not exceed 15 consecutive work days. Custodians must submit a written request for vacation to the maintenance supervisor and receive written authorization before taking vacation days. (All other personnel are to arrange vacation time with the superintendent.) If the employee's absence may disrupt district operations, the superintendent has the discretion to deny a request for vacation.

Accumulated Vacation Time

When an employee leaves the system through resignation or dismissal, he or she shall not be paid for unused days of accumulated vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Unless otherwise provided, the following leaves will be provided to full-time and part-time support staff employees.

1. **Holidays** – Fourth of July, Labor Day, Thanksgiving (2 days), Christmas (2 days), New Year's Day and Memorial Day. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.
2. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the immediate supervisor, arranged well in advance and is not considered personal leave.
3. **Military Leave** – The board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.

4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
8. **Firefighter Leave** – Employees will be allowed to use personal, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, personal or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.

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10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.
12. **Victims' Economic Safety and Security Act (VESSA) Leave** – Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two workweeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees will be limited to one workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence. Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

Pregnancy, Childbirth and Adoption Leave

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information. Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Adopted: 03/07/1994

Revised: 01/13/2005; 07/14/2005; 06/15/2006; 05/15/2008; 02/12/2009; 03/15/2012;
02/14/2013; 06/09/2015;

Cross Refs: DLB, Salary Deductions
HA, Negotiations with Employee Representatives
IC, Academic Calendar

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 285.625 - .670, 320.200, .330 - .339, 494.460, 595.209, RSMo.
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 218(c)
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy
Discrimination Act, 42 U.S.C. § 2000e-1 - 2000e-17
29 C.F.R. § 1604.10

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

REFERENCE COPY

FILE: JGA
Critical

EXPLANATION: CORPORAL PUNISHMENT

MSBA has revised this policy to reflect changes made to policy JGGA.

MSBA does not recommend the use of corporal punishment in schools. That said, it is legal in Missouri.

Senate Bill 681 (2022) revised state statute to state:

No pupil shall be subject to corporal punishment procedures outlined in the discipline and corporal punishment policy without a parent or guardian being notified and providing written permission for the corporal punishment.

MSBA suggests that the district obtain written permission from parents/guardians during the enrollment process. MSBA recommends contacting the parent/guardian prior to administering corporal punishment as well.

REFERENCE COPY

FILE: JGA
Critical

CORPORAL PUNISHMENT (Permitted)

For the purposes of this policy, corporal punishment is the use of physical force as a method of correcting student behavior. Corporal punishment, as a measure of correction or of maintaining discipline and order in schools, is permitted. However, it shall be used only when all other alternative means of discipline have failed, and then only in reasonable form and upon the recommendation of the principal. If found necessary, it should be administered preferably by the principal or assistant principal in the presence of the teacher. It should never be inflicted in the presence of other pupils, nor without a witness.

Students shall not be subject to corporal punishment as outlined in this policy without a parent/guardian being notified and providing written permission for the corporal punishment.

Corporal punishment shall be administered only by swatting the buttocks with a paddle. When it becomes necessary to use corporal punishment, it shall be administered so that there can be no chance of bodily injury or harm. Striking a student on the head or face is not permitted.

The teacher or principal shall submit a report to the superintendent, explaining the reason for the use of corporal punishment as well as the details of the administration of the same.

A staff member may, however, use reasonable physical force against a student without advance notice to the principal, if it is essential for self-defense, the preservation of order, or for the protection of other persons or the property of the school district. Restraint of students in accordance with the district's policy on student seclusion, isolation and restraint is not a violation of this policy.

Students who have a documented physician's statement on file, specifically recommending that corporal punishment would be harmful to the student's physical or emotional health, may have an alternative form of discipline.

Note: ~~The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.~~ Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Adopted: 12/16/1993

Revised: 10/17/1996; 04/14/2011;

Legal Refs: §§ 160.261, .263, 171.011, 563.061, RSMo.

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

REFERENCE COPY

FILE: JGGA
Critical

EXPLANATION: SECLUSION AND RESTRAINT

This policy was revised to meet the specific requirements of House Bill 432 (2021), which revised § 160.263, RSMo. Please be advised that most of this policy is lifted directly from the statute, so districts should first seek legal counsel before making changes to this language to ensure compliance with state law. Districts must modify their current seclusion and restraint policy to meet the requirements of House Bill 432 by July 1, 2022.

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FILE: JGGA
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SECLUSION, ISOLATION AND RESTRAINT

Purpose

Through the adoption of this policy, the Board of Education expects to:

1. ~~Promote safety and prevent harm to students, school personnel and visitors in the school district.~~
2. ~~Approach the use of discipline and behavior management techniques with dignity and respect.~~
3. ~~Provide school personnel with clear guidelines about the use of seclusion, isolation and restraint on district property or at any district function or event.~~
4. ~~Provide parents/guardians information about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions and responses to emergency situations.~~
5. ~~Promote the use of nonaversive behavioral interventions, including positive behavioral support techniques.~~

Policy Applicability

~~This policy applies to all district personnel. District personnel assigned to facilities not located on district premises (hospitals, detention centers, juvenile facilities and mental health facilities) will follow the policies and procedures for the facilities or programs where they work.~~

~~The terms of any written agreement between the district and any facility that provides services to district students will require that facility to have a policy on the use of seclusion, isolation and restraint that complies with state and federal law.~~

~~Parents/Guardians who consent to their child receiving services by facilities not located on district premises also consent to the use of that facility's seclusion, isolation and restraint policy.~~

Definitions

~~*Assistive Technology Device*—Any item, piece of equipment or product system that is used to increase, maintain or improve the functional capacities of a student with a disability.~~

~~*Aversive Behavioral Intervention or Aversive Intervention*—An intervention that is intended to inflict pain or discomfort upon a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as: contingent application of noxious, painful or intrusive stimuli or activities; any form of noxious, painful or intrusive spray, inhalant or tastes; or other similar interventions. The term does not include such interventions as voice control limited to loud, firm commands; time limited ignoring of a specific behavior; token fines as part of a token~~

economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions. Corporal punishment administered in accordance with state law is not an aversive intervention for the purpose of this policy.

Behavioral Intervention—An individualized instructional and environmental support that teaches students appropriate behaviors to replace problem behaviors. Behavioral interventions are guided by a functional behavioral assessment (FBA) that identifies the communicative intent of problem behavior and takes into consideration any known medical, developmental or psychological limitation(s) of the student.

Behavior Intervention Plan (BIP)—A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

Behavior Management—Comprehensive, schoolwide procedures applied in a proactive manner that constitute a continuum of strategies and methods to support and/or alter behavior in all students.

Chemical Restraint—Administration of a drug or medication to manage a student's behavior that is not a standard treatment and dosage for the student's medical condition.

Confinement—The act of preventing a student from leaving an enclosed space.

Discipline—Consequences for violating the district's student code of conduct.

Emergency Situation—A situation in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others or destruction of property.

Functional Behavior Assessment—A formal assessment to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment could include observations and charting of the behavior and interviews with family, teachers and the student to determine the frequency, antecedent and response of the targeted behavior.

Individualized Education Program (IEP)—A student's Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

Isolation—The confinement of a student alone in an enclosed space without locking hardware. Isolation does not include supervised in-school suspension, detention or time out used as disciplinary consequences in accordance with the district's student discipline code.

Law Enforcement Officer—Any public servant having both the power and duty to make arrests for violations of local, state or federal law.

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~~*Locking Hardware*—Mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.~~

~~*Mechanical Restraint*—A device or physical object that the student cannot easily remove that restricts a student's freedom of movement or normal access to a portion of his or her body. This includes, but is not limited to: straps, duct tape, cords or garments. The term does not include assistive technology devices.~~

~~*Physical Escort*—The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.~~

~~*Physical Restraint*—The use of person to person physical contact to restrict the free movement of all or a portion of a student's body. It does not include briefly holding a student without undue force for instructional or other purposes, briefly holding a student to calm the student, taking a student's hand to transport him or her for safety purposes, physical escort, or intervening in a fight.~~

~~*Positive Behavior Supports*—A range of instructional and environmental supports to teach students pro-social alternatives to problem behavior and allow them multiple opportunities to practice pro-social skills and receive high rates of positive feedback.~~

~~*Restraint*—See the definitions for *chemical restraint*, *mechanical restraint* and *physical restraint*.~~

~~*School or District Employee or Personnel*—Any person employed by the district, volunteering for the district or performing services on behalf of or at the direction of the district. "School or district employee or personnel" may include persons working with students as independent contractors or on behalf of an independent contractor or persons employed by another agency who are providing educational or related services to students.~~

~~*Seclusion*—The confinement of a student alone in an unattended enclosed space from which the student is physically prevented from leaving by locking hardware.~~

~~*Section 504 Plan*—A student's individualized plan as defined by Section 504 of the Rehabilitation Act of 1973.~~

~~*Time Out*—Brief removal from sources of positive reinforcement that does not meet the definition of seclusion or isolation. The purpose of time out is to separate the student from the attention of staff and other students.~~

Use of Time Out

~~Nothing in this policy is intended to prohibit the use of time out as defined in this policy.~~

Critical

~~Use of Aversive Interventions~~

~~Aversive interventions will be used only in accordance with this policy. District personnel shall never use aversive interventions that compromise health and safety.~~

~~Use of Seclusion, Isolation and Restraint~~~~Seclusion~~

~~Seclusion as defined in this policy is prohibited except in an emergency situation while awaiting the arrival of law enforcement officers as provided for in state law.~~

~~Isolation~~

~~Isolation shall be used only:~~

- ~~1. In an emergency situation, or~~
- ~~2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or~~
- ~~3. When specified in a student's IEP, Section 504 plan or other agreed upon plan to address a student's behavior.~~

~~Isolation shall never be used as a form of punishment or for the convenience of district personnel.~~

~~A student in isolation must be monitored by district personnel who are in close proximity and able to see and hear the student at all times. Monitoring shall be face to face unless personal safety is significantly compromised, in which case technology supported monitoring may be utilized. The total time in isolation is to be reasonably calculated based on the age of the student and the circumstances and is not to exceed 40 minutes without a reassessment of the situation and consultation with parents/guardians or administrative staff, unless otherwise specified in an IEP, Section 504 plan or other parentally agreed upon plan to address a student's behavior.~~

~~The space in which the student is isolated should be a normal sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.~~

~~Physical Restraint~~

~~Physical restraint shall be used only:~~

- ~~1. In an emergency situation, or~~

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2. ~~When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or~~
3. ~~With parental approval as specified in a student's IEP, Section 504 plan or other agreed-upon plan to address a student's behavior.~~

Physical restraint will:

1. ~~Be used only for as long as necessary to resolve the actual risk of danger or harm that warranted the use of physical restraint.~~
2. ~~Be no greater than the degree of force necessary to protect the student or other persons from imminent bodily injury or to protect property.~~
3. ~~Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat that restricts breathing.~~
4. ~~Be done only by district personnel trained in the proper use of physical restraint.~~

~~District personnel who use physical restraint shall only use restraint methods in which they have received district approved training. Further, district personnel who use physical restraint may only do so in the presence of at least one additional adult who is in the line of sight unless no other adult is immediately available due to an unforeseeable emergency situation.~~

~~Physical restraints should never be used as a form of punishment or for the convenience of district personnel.~~

Mechanical Restraint

~~Mechanical restraint shall be used only as specified in a student's IEP or Section 504 plan with two exceptions:~~

1. ~~Vehicle safety restraints shall be used according to state and federal regulations.~~
2. ~~Mechanical restraints employed by law enforcement officers in school settings should be used in accordance with appropriate professional standards and applicable policies.~~

Chemical Restraint

~~Chemical restraints shall never be used by district personnel.~~

Emergency Situation Follow-ups

~~Following any emergency situation involving the use of seclusion, isolation or restraint, a meeting of school personnel shall occur as soon as possible but no later than two school days.~~

~~after the emergency situation. The meeting shall include, at a minimum, a discussion of the events that led to the emergency and why the de-escalation efforts were not effective; any reactions on the part of the student, other students or school personnel; what, if anything, could have been done differently; and an evaluation of the process. All staff members directly involved with the emergency situation will be included in the meeting, which will be scheduled and led by the building principal or designee.~~

Positive Behavior Supports

~~The superintendent or designee is responsible for implementing the districtwide use of appropriate positive behavior supports designed to support or alter behavior in all students.~~

Training

~~The superintendent or designee shall ensure that all district personnel who routinely supervise students, e.g., principals, teachers, paraprofessionals and bus drivers are trained annually and know the policy and procedures involving the use of seclusion, isolation and restraint. Training shall include all of the following~~

- ~~1. A continuum of prevention techniques.~~
- ~~2. Environmental management techniques.~~
- ~~3. A continuum of de-escalation techniques.~~
- ~~4. Information about this policy.~~

~~In addition to the training provided to all district personnel, those who utilize seclusion, isolation or restraint will also receive annual training in:~~

- ~~1. The appropriate use of physical restraint.~~
- ~~2. Professionally accepted practices in physical management and use of restraints.~~
- ~~3. The best way to explain the proposed restraint methods to students and parents/guardians.~~
- ~~4. The appropriate use of isolation.~~
- ~~5. The appropriate use of seclusion.~~

Records

~~The superintendent or designee will maintain records documenting the use of seclusion, isolation and restraint showing when they were used and the reason for use; the duration of the use; names of district personnel involved; whether students or school personnel were injured; the name and age of the student; whether the student has an IEP, Section 504 plan or BIP; when the~~

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~~parents/guardians were notified; whether the student was disciplined; and any other documentation required by federal or state law.~~

~~Notice to Parents/Guardians~~

~~Except as otherwise specified in a student's IEP or Section 504 plan, following an emergency situation involving the use of seclusion, isolation or restraint, the parent/guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than the end of the day of the incident.~~

~~The parent/guardian shall receive a written report of the emergency situation within five school days of the incident. The written incident report shall include all of the following:~~

- ~~1. — Date, time of day, location, duration and description of the incident and interventions.~~
- ~~2. — Event(s) that led up to the incident.~~
- ~~3. — Nature and extent of any injury to the student, when applicable.~~
- ~~4. — Name of an employee the parent/guardian can contact regarding the incident.~~

~~Students with Disabilities~~

~~If the IEP or Section 504 plan of a student with a disability includes the use of seclusion, isolation, restraint or aversive behavior intervention:~~

- ~~1. — The IEP or Section 504 plan must specify the conditions under which seclusion, isolation, restraint or aversive behavior intervention may be used.~~
- ~~2. — The IEP or Section 504 plan must include steps to eliminate the need for the use of seclusion, isolation, restraint or aversive behavior intervention.~~
- ~~3. — Any use of seclusion, isolation, restraint or aversive behavior intervention must be limited to what is set forth in the IEP or Section 504 plan.~~

~~Before adding the use of seclusion, isolation, restraint or aversive behavior intervention to an IEP or Section 504 plan, the student must have undergone appropriate assessments including, but not limited to, an FBA, and the student must have a BIP in place.~~

The district will treat all students with dignity and provide a safe learning environment for students and a safe working environment for district personnel. Seclusion and restraint interventions will be used only when necessary and in accordance with this policy, and they will never be used as a form of punishment or for the convenience of district personnel. The restrictions in this policy apply to the district and any other provider of educational or related services to the student on behalf of the district.

The board directs the superintendent or designee to train and direct district personnel to use with fidelity measures to proactively address student behaviors, such as positive behavior support techniques, and to identify students with disabilities who may need behavior intervention plans.

Definitions

Behavior Intervention Plan (BIP) – A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

District Personnel – All persons employed by the district or performing services on behalf of or at the direction of the district, including persons working with students as independent contractors or on behalf of an independent contractor.

Mechanical Restraint – The use of any device or equipment to restrict a student's freedom of movement. This term shall not include devices implemented by trained personnel or used by a student with a prescription for such devices from an appropriate medical or related service professional that are used for specific and approved purposes for which such devices were designed, such as the following:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk.

Physical Restraint – A personal restriction such as person-to-person physical contact that immobilizes, reduces or restricts the ability of a student to move the student's torso, arms, legs or head freely. This term shall not include:

1. A physical escort, which is a temporary touching or holding of the hand, wrists, arm, shoulder or back for the purpose of inducing a student to walk to a safe location;
2. Comforting or calming a student;
3. Holding a student's hand to transport the student for safety purposes;
4. Intervening in a fight; or

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5. Using an assistive or protective device prescribed by an appropriately trained professional or professional team.

Positive Behavior Supports – A range of instructional and environmental supports to teach students prosocial alternatives to problem behavior and allow them multiple opportunities to practice prosocial skills and receive high rates of positive feedback.

Prone Restraint – Using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

Restraint – Includes, but is not limited to, mechanical restraint, physical restraint and prone restraint.

Seclusion – The involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. This term shall not include:

1. A timeout;
2. In-school suspension;
3. Detention; or
4. Other appropriate disciplinary measures.

Timeout – A behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming.

Seclusion and Restraint Limitations

District personnel will reserve the use of seclusion or restraint for situations or conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as district personnel determine that the student is no longer an imminent danger to self or others.

Seclusion Spaces

In the limited situations where seclusion is used, it must occur in a room that complies with applicable building codes. The space in which the student is confined should be a normal-sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.

Mechanical, Physical or Prone Restraint Limitations

District personnel are prohibited from using any mechanical, physical or prone restraint technique that:

1. Obstructs views of the student's face;
2. Obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
3. Places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen or genitals;
4. Obstructs the student's circulation of blood;
5. Involves pushing on or into the student's mouth, nose, eyes or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets or washcloths;
6. Endangers the student's life or significantly exacerbates the student's medical condition;
7. Is purposely designed to inflict pain; or
8. Restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have their hands free of restraint for brief periods unless district personnel determine that such freedom appears likely to result in harm to self or others.

Parent/Guardian Notifications

The district will attempt to notify the parents/guardians of the student as soon as possible but no later than one hour after the end of the school day on which seclusion or restraint occurred. Notification will be oral or electronic and will include a statement indicating that the district or district contractor will provide the parents/guardians a copy of the report required by law and this policy within five school days.

Monitoring and Reporting

District personnel shall monitor the use of student seclusion or restraint and shall complete a report for each incident that minimally contains the following:

1. The date, time of day, location, duration and description of the incident and interventions;

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2. Any event leading to the incident and the reason for using seclusion or restraint;
3. A description of the methods of seclusion or restraint used;
4. The nature and extent of any injury to the student;
5. The names, roles and certifications of any district personnel involved in the use of seclusion or restraint;
6. The name, role and signature of the person who prepared the report;
7. The name of an employee whom the parent/guardian can contact regarding the incident and use of seclusion or restraint;
8. The name of an employee to contact if the parent/guardian wishes to file a complaint; and
9. A statement directing parents/guardians to a sociological, emotional or behavioral support organization and a hotline number to report child abuse and neglect.

The report will be an education record of the student. The district or district contractor will provide a copy of the report to the parent/guardian of the student within five school days, and a copy of each incident report will be given to the Department of Elementary and Secondary Education within 30 days of the incident.

Training

All district personnel, as defined in this policy, will annually review this policy and district procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques used by the district.

Retaliation Prohibited

School board members, administrators and district personnel will not retaliate against any person for reporting a violation of this policy or failure to follow state law regarding seclusion and restraint. Likewise, retaliation is prohibited against any person for providing information regarding a violation of law regulating seclusion and restraint.

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information. Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

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FILE: JGGA
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Adopted: 03/17/2011

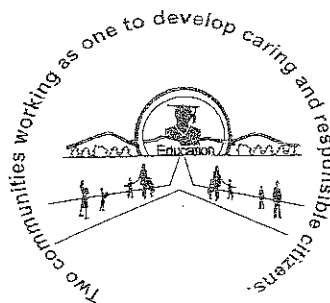
Revised: 03/12/2020₁

Legal Refs: §§ 160.261, .263, 563.061, RSMo.

Mountain View-Birch Tree R-III School District, Mountain View, Missouri

Birch Tree Elementary Board Report
August 18, 2022

- The building is looking great! The custodians and maintenance crew have worked so hard to get us ready, amidst all the outside construction. BTE gym has been painted! It looks so nice! We now have a shower, new security system, and updated heat and air in the old building. For the first time, we have heat and air in the gym and in the kitchen. Please feel free to come by and check it out!
 - Teachers are in the process of preparing their classrooms.
 - New staff members at BTE include:
 - Kelsey Owens, 1st grade
 - Shawna Carkhuff, 3rd grade
 - Shauna Pitts, Music
 - Brook Wallace, Secretary
 - Lyndsey Dudley, Counselor
 - Jolie Owens, Full time Title I
 - Sandy Layman, Morning Title I
 - We did have a 5th grade teacher, Mr. White, resign. Mrs. Smotherman will be teaching all 5th grade students.
 - Concerning academics, with the new minutes per day, we have been able to build a more structured time for i-ready, Accelerated Reader, and Eagle time into our schedules.
-
- Enrollment as of August 2022
 - 203



Mountain View – Birch Tree R-III School District

1054 Old Hwy 60, Mountain View, MO 65548

Phone (417) 934-5408 Fax (417) 934-1329 LHS/5404 Supt.

Toll Free (877) 225-9080 Liberty High School

Toll Free (866) 312-9086 Birch Tree Elementary

<http://www.mv-bt-r3.org>

August 2022 Board Report

- Hard to believe we are back getting ready for a new school year!
- Gearing up for all teachers to come back next week. Making schedules, meeting agendas, and making sure everything is ready!
- Teachers have been working in their rooms, around the construction, to make sure they are ready for students!
- We will review all policies and procedures next week in our teacher meeting.
- We are excited for a new school year! It's going to be a good year!
- Thank you for your continued support and feel free to stop by anytime!

SUPERINTENDENT'S OFFICE

Dr. Don Christensen - Superintendent
Lanna Tharp - Asst. Superintendent
Susan Smotherman - Supt. Secretary
Tressa Henry - Accountant
Rhonda Henry - Bookkeeper
(417) 934-5408/5409

LIBERTY HIGH SCHOOL

John Daniels - Principal
Tammy Heiney - Asst. Principal
Eli Ernst - Athletic Director
(417) 934-2020

LIBERTY MIDDLE SCHOOL

Ryan Chowning - Principal 6-8
(417) 934-5412

MTN VIEW ELEMENTARY

Angie Jester - Principal
Wade Marriott - Asst. Principal
(417) 934-2550

BIRCH TREE ELEMENTARY

Robert Bennet - Principal
(573) 292-3106



Mountain View – Birch Tree R-III School District

1054 Old Hwy 60, Mountain View, MO 65548

Phone (417) 934-5408 Fax (417) 934-1329 LHS/5404 Supt.

Toll Free (877) 225-9080 Liberty High School

Toll Free (866) 312-9086 Birch Tree Elementary

<http://www.mv-btr-iii.org>

Building Report Liberty Middle School August 2022

- Looking forward to a great year. We don't have many new staff members, but we have some duty changes.
- Back to School Kick-Off is next week. Looking forward to seeing the complex packed with students and parents!
- The building looks great. Leon and staff have done a great job this summer, as always.
- I am really looking forward to the addition of Mr. Ernst to help free me up to be more involved with the academics in the building. I'm sure there will be minor bumps we encounter as we both are finding our new normal, but I feel like we'll work well together.

SUPERINTENDENT'S OFFICE	LIBERTY HIGH SCHOOL	LIBERTY MIDDLE SCHOOL	MTN VIEW ELEMENTARY
Dr. Don Christensen - Superintendent	John Daniels - Principal	Ryan Chowning - Principal 6-8	Angie Jester - Principal
Lanna Tharp - Asst. Superintendent	Tammy Heiney - Asst. Principal	Eli Ernst - Asst. Principal	Wade Marriott - Asst. Principal
Susan Smotherman - Supt. Secretary	Eli Ernst - Athletic Director	(417) 934-5412	(417) 934-2550
Tressa Henry - Accountant	(417) 934-2020	SPECIAL SERVICES	BIRCH TREE ELEMENTARY
Rhonda Henry - Bookkeeper		Barbara Medina - Director	Paula Renshaw - Principal
(417) 934-5408/5409		(417) 934-2020	(573) 292-3106

Liberty High School
Board Meeting
August 18, 2022

Things that have taken place during the summer.

Summer School – Regained 124 credits towards graduation (3 graduates)
Custodians & Maintenance Worked Hard to get building ready
Replace A/C Unit for Library and A+ office area
Faculty meetings and Back to School Kickoff

Upcoming Events until next Board Meeting

8/23 - Volleyball Jamboree @ home
8/26 - 1st football game vs Strafford (home)
8/29 - 1st volleyball game @ Licking
9/2 - High School Sports pictures as well as Senior Tux/Drape Pics
9/10 - Logger's Day @ Birch Tree
9/13 - Fall Pics @ LHS
9/14 - Fall Pics @ LMS plus Middle School Sports Pics
9/15 - Fall Pics @ MVE plus afternoon PK at BTE
9/16 - Fall Pics @ BTE

*New Teachers: Not new, but new to LHS – Christi Majors (Opportunity Wing)
Brandi Blankenship – Health/PE/Asst. Volleyball
Stephanie Coen – Algebra 1
Brandon Day – Geometry/Basic Math
Kim Greer – 9/10 Resource
Dese Smith – 11/12 Resource, LMS Girls Basketball, LHS Asst. Girls Basketball
Amanda Wilds - Government

