

IDEA-Eligible Student Enrollment Process for Full-Time Hosted MOCAP Programs

Step 1

- The student is a resident of Missouri.
- The student is enrolled in a public school district or charter school.
- A parent/guardian and student engage with Individualized Education Plan (IEP) team in resident district before beginning transfer process to a full-time program.

Step 2

- The IDEA-eligible student expresses intent or interest to resident district in full-time enrollment in MOCAP hosted program.

Step 3

- The resident district IEP team holds a meeting to consider whether Free Appropriate Public Education (FAPE) can be provided by the host district and virtual provider.
- Upon the IEP team concluding that FAPE is able to be provided, the IEP team will draft an IEP contingent upon the student enrolling in the hosted MOCAP program.

Step 4

- The resident district contacts the provider and/or host district and notifies them of the student's intent to enroll in the full-time hosted MOCAP program.
- The host district requests student educational records (Section 167.020.7, RSMo) from resident district
- The host and provider review the special education records and consider enrollment of the student.

Step 5

- The host and provider approve the enrollment of the student with the IEP.
- The host district and student's parent or guardian complete the enrollment process.
- The student withdraws from the resident district and enrolls in the host district (same date)
- The host district uses the IDEA transfer process to accept or reject the IEP and evaluation report.

Step 6

- The resident district, host district and provider collaborate in good faith to create the education services plan (ESP).
- The ESP and collaborative agreement exist separately from the IEP. The ESP outlines educational services provided for the student and considers non-educational services, including facilities, specialized personnel, transportation and other supports.

Step 7

- The student is enrolled in MOCAP provider coursework and engages in courses.

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Statutory Guidance for IDEA-Eligible Students and Full-Time MOCAP Enrollment

Resident District IEP Team Meeting & Resident District Enrollment

Section (a)(1) below describes the student's IEP team. The student must be enrolled in the resident district prior to seeking enrollment in a full-time hosted MOCAP program so the student's IEP team in the resident district may consider if enrollment in the hosted MOCAP program is the least restrictive environment in which FAPE can be provided.

While Section 161.670, RSMo, does not specifically describe the IEP team's involvement in decisions about enrollment in MOCAP, 34 C.F.R. § 300.116 describes each public agency's responsibilities for determining the educational placement of children with disabilities:

§ 300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that

(a) The placement decision

- (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
- (2) Is made in conformity with the Least Restrictive Environment (LRE) provisions of this subpart, including §§ 300.114 through 300.118;

(b) The child's placement

- (1) Is determined at least annually;
- (2) Is based on the child's IEP; and
- (3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Records Requests

MOCAP host districts are responsible for requesting records from the resident district based on RSMo 167.020, which describes school districts' responsibilities for requesting and providing records for transfer students.

Section 161.670.7, RSMo, describes that the student enrolls in the host district:

Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request records required by district policy for student transfer and discipline records required by Section 160.261.9, RSMo, from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E) (The Family Educational Rights and Privacy Act).