

# Special Education in Missouri



## Executive Summary

The Individuals with Disabilities Education Act ([IDEA](#)) is the regulatory framework for special education in the U.S. The purpose of IDEA is to ensure that every child in the U.S. regardless of ability status is provided a free and appropriate public education in the least restrictive environment. The interpretation of IDEA has led to public education in the U.S. being more integrated with students with disabilities spending more time in general education classrooms with appropriate accommodations that allow them to learn. Individualized education plans (IEPs) are legal documents describing the accommodations required for students with disabilities along with measurable goals for the student's education. [House Bill 1753](#) and [HB 2011](#), introduced during the 2022 legislative session, would add parental consent provisions to the creation of IEPs. It and other bills, [HB 1750](#) and [HB 2010](#), would change due process procedures for special education hearings, putting the burden of proof on schools. There are also three bills related to special education funding, [HB 1469](#), [HB 1750](#), and [HB 1753](#), which exempt special education reimbursements for high need students from the calculation of aid for schools that have 500 or fewer students.

## Highlights

- There are six primary components of IDEA: free and appropriate public education; identification and evaluation; individualized education plans (IEPs); least restrictive environment; procedural safeguards; and parent and student participation.
- State aid for public schools including special education in Missouri is largely determined by a formula called the weighted average daily attendance.
- Missouri is the only state to still operate state schools which are entirely state-funded for students with severe disabilities.
- Sheltered workshops are places where adults with disabilities can participate in supervised work while receiving compensation for their work below minimum wage.

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## Research Background

### Individuals with Disabilities Education Act ([IDEA](#))

Special education is the term for education done with accommodations for students with disabilities. These disabilities can include learning disabilities, physical disabilities, emotional and behavioral disabilities, and developmental disabilities. (To learn more about one type of learning disorder, read our Science Note on [Dyslexia & Reading Difficulties](#).) It was not until 1975 that special education programs were made mandatory for schools by the Education for All Handicapped Children Act. This act was then revised in 1990 and renamed the Individuals

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with Disabilities Education Act ([IDEA](#)), which is the current legal framework and basis of special education policies in America. Before the passage of the EHA and IDEA, individuals with disabilities were rarely educated and were often put in highly restrictive state-run institutions. In 1970, only one in five students with disabilities were educated in schools. Since then, education in the U.S. has changed substantially. In 2018, 64% of students with disabilities spent 80% of their time in general education classrooms.<sup>1</sup>

IDEA has four components. [Part A](#) is general provisions and [part B](#) authorizes state grants for the education of children with special needs from age 3 to 21. To receive the grants, at least once every six years each state is required to submit a [state performance plan](#) along with annual performance reports which record if the state is meeting targets set in the state performance plan.<sup>2</sup> Reports are also made for [part C](#), which authorizes services for children under three years old and their families. [Part D](#) funds personnel preparation and development along with transition services and parent information centers. Missouri's federally funded parent information center is called [MPACT](#).

### Key Requirements of IDEA<sup>3</sup>

#### 1) Free Appropriate Public Education

All children are guaranteed through IDEA and the [Fourteenth Amendment](#) a free and appropriate education. Legislation such as IDEA and case law has developed to ensure that various groups including those with disabilities are ensured this right.<sup>4</sup> What constitutes an appropriate education is largely the basis of the five following requirements.

#### 2) Identification and Evaluation

Also called "child find", states and local education agencies (LEAs) must identify students with disabilities, including in private schools in the LEA's district, and evaluate if that student requires and thus is eligible for special education. In the 2020-2021 school year in Missouri, 115,840 students were identified as having one or more disabilities which is 13.5% of the total student population.<sup>5</sup>

### Disability Categories of IDEA

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| <ul style="list-style-type: none"><li>• Autism</li><li>• Deaf/Blindness</li><li>• Emotional Disturbance</li><li>• Hearing Impairment</li><li>• Intellectual Disability</li><li>• Language/Speech Impairment</li></ul> | <ul style="list-style-type: none"><li>• Multiple Disabilities</li><li>• Orthopedic Impairment</li><li>• Other Health Impaired</li><li>• Specific Learning Disabilities</li></ul> | <ul style="list-style-type: none"><li>• Traumatic Brain Injury</li><li>• Visual Impairment</li><li>• Young Child with a Developmental Delays</li></ul> |
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### 3) Individualized Education Plan (IEP)

Every child with a disability eligible for special education must receive an individualized education plan (IEP). These documents describe the educational needs for children with disabilities and are required to be created with parent participation. For children under three years of age, individualized family service plans are created. [House Bill 1753](#) and [HB 2011](#), introduced during the 2022 legislative session in Missouri, would add parental consent requirements for the creation and changes to IEPs.

### 4) Least Restrictive Environment

Before the passage of the EHA and IDEA, individuals with disabilities were rarely educated and often put in highly restrictive state-run institutions. In 1970, one in five students with disabilities were educated in schools. In contrast, in 2018, 64% of students with disabilities spend 80% of their time in general education classrooms.<sup>1</sup> In recent years, least restrictive environment has largely meant that individuals with disabilities are integrated into general education classrooms with appropriate accommodations. Examples of accommodations included specially adapted lessons and paraprofessionals to assist with education.

### 5) Procedural Safeguards

Educational agencies that receive funding from IDEA must ensure that several procedures are in place so that children with disabilities and their parents or guardians (or surrogates in the case of children who are wards of the state) have safeguards to ensure children with disabilities receive a free appropriate public education in the least restrictive environment. These safeguards include the right to mediation, the right to request complaint investigations and due process hearings, and the right to appeal decisions by a federal district court. Parents can also obtain an independent educational evaluation for their children. Due process complaints can be made by parents, students, or public agencies (i.e., schools) regarding student identifications, evaluations, educational placement, or the provision of free appropriate education (FAPE) of students. Proposed in the 2022 legislative session, [HB 1750](#), [HB 1753](#), and [HB 2010](#) would put the burden of proof for these categories on the school district.

### 6) Parent and Student Participation

Starting with required informed consent for an initial evaluation, parents have the right to participate in the design and implementation of special education services for their children. This includes the right to be involved in the creation of IEPs and being able to view records related to the child.

## **Special Education in Missouri**

### Funding for Special Education

State aid for public schools in Missouri is determined by a formula called the weighted average daily attendance.<sup>6</sup> Schools receive additional state funding for special education services that

exceed three times the average daily attendance. Schools also receive additional funding if the percentage of students with IEPs exceeds a certain percentage (12.83% for 2020-21). Some medically-related expenses that help students attend schools are paid for via Medicaid. [House Bill 1469](#), [HB 1750](#), and [HB 1753](#) exempt special education reimbursements for high need students from the calculation of aid for schools that have 500 or fewer students.

### State Schools

State schools are schools that are entirely funded by the state and that are used for the education of children with disabilities. Missouri is unique in that it is the only state to still have state schools for children with disabilities. State schools in Missouri are called Missouri Schools for the Severely Disabled. Following the passage of IDEA which required that students with disabilities receive education in the least restrictive environment, it became much more common for children with disabilities to be educated in general education classrooms with physical and/or educational accommodations. As U.S. education became more integrated, most states began closing their state schools. Missouri is the only state to still use state schools and currently has 34 state schools serving 741 students.<sup>7</sup> Districts referring students to state schools must justify not being able to meet the educational needs of the referred students within their districts.

### Sheltered Workshops

Once individuals with disabilities graduate from high school or reach the age of 21 and are no longer covered by IDEA, there are not always many options to participate in potentially enriching, structured programs. Sheltered workshops are places where adults with disabilities can participate in supervised work. The workshops are regulated by the Missouri Department of Elementary and Secondary Education. Adults with disabilities that work in sheltered workshops can be paid less than minimum wage and their payment can be based on their productivity per hour compared to that of a person without a disability. There are currently 84 sheltered workshops in Missouri and the proposed appropriation for sheltered workshops in the perfected version of the [HB 3002](#) for the fiscal year 2023 is \$26,291,961.<sup>8</sup>

### **References**

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5. Office of Special Education (2022) School Age Child Count (Ages 5K-21) and Incidence Rates. *Missouri Department of Elementary and Secondary Education.*
6. RSMo [163.011](#).
7. DESE (2020) Sheltered Workshop Directory.  
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8. DESE (2021) Missouri Schools for the Severely Disabled Administrative Service Area Map.

#### **Appendix A. Commonly Used Special Education Acronyms**

*DESE* – Missouri Department of Elementary and Secondary Education

*EAHCA/EHA* – Education for All Handicapped Children Act

*FAPE* – Free Appropriate Public Education

*IDEA* – Individuals with Disabilities Education Act

*IEP* – Individualized Education Plan

*IFSP* – Individualized Family Service Plan

*LEA* – Local Education Agency

*LRE* – Least Restrictive Environment

*MPACT* – Missouri Parents Act

*SPED* – Special Education

*WADA* – Weighted Average Daily Attendance