

## **Missouri Course Access and Virtual School Program (MOCAP) for Special Education Students**

### **About MOCAP:**

The Missouri Course Access and Virtual School Program (MOCAP) has developed a catalog of virtual online courses for students. Beginning with the 2019-2020 school year, students will be able to take an entire course from any Internet-connected computer, available 24 hours a day, seven days a week. MOCAP's mission is to offer Missouri students equal access to a wide range of high quality courses, flexibility in scheduling, and interactive online learning. The [Missouri Department of Elementary and Secondary Education \(DESE\)](#) and the [State Board of Education](#) oversee administration and quality assurance activities such as related content and delivery of courses. Local Education Agencies (LEAs) that provide virtual education outside of MOCAP are responsible for ensuring alignment and other statutory requirements are met.

### **1. Can a child with a disability register for a MOCAP course?**

Yes. If a student with a disability is enrolled in the public school district or charter school the student can register for a MOCAP course if it has been determined that registration for MOCAP is the best educational interest of the student. A student with a disability who is not enrolled in the public school district can register for MOCAP courses when determined appropriate by the parent.

### **2. Who decides if a student with a disability who is enrolled in the public school district should register for MOCAP courses?**

When a student with a disability, or the student's parent, requests registration for MOCAP courses, the IEP team must convene to consider how registering in virtual courses will impact provision of a free and appropriate public education (FAPE) for a student with a disability. The IEP team will need to determine if virtual education is appropriate for the student to receive FAPE. Additionally, the IEP team must make decisions about MOCAP registration and develop an IEP that describes how FAPE will be provided in conjunction with MOCAP courses before registration is considered at the district level.

### **3. Do MOCAP providers deliver special education services?**

None of the MOCAP providers offer special education services (specially designed instruction) or related services, they provide accommodations and modifications. The responsibility for the provision of FAPE, which includes the provision of special education and related services described in the IEP, lies with the resident school district in which the student is enrolled. MOCAP providers only implement accommodations and modifications. School districts are advised to investigate what accommodations and modifications the specific MOCAP providers can implement within their specific virtual learning programs. It is critical that the IEP team considers the limitations of virtual instruction ***before*** deciding that a student with an IEP should register for MOCAP.

### **4. Who is responsible for the implementation of accommodations and/or modifications for a student with a disability who is enrolled in a public school and taking MOCAP courses?**

The local school district is responsible for ensuring the accommodations and modifications are implemented as written in the student's IEP. Districts should work closely with MOCAP providers to develop a monitoring protocol or process to ensure that accommodations and modifications are being implemented as written in the IEP while the student is taking MOCAP courses.

**5. What should be done if the accommodations and modifications currently contained in the student’s IEP are inappropriate for the MOCAP coursework they are taking?**

The IEP team should reconvene to discuss what accommodations and modifications would be appropriate for the student to receive FAPE while taking MOCAP coursework. Any revisions to the accommodations and modifications should be based on the unique needs of the child and not driven by the MOCAP provider’s ability to provide the accommodation or modification. School districts can consider purchasing virtual courses from a variety of vendors listed on MOCAP’s website. When MOCAP providers cannot provide a specific accommodation or modification required to provide FAPE then registration in MOCAP should be reconsidered.

**6. If a student is taking MOCAP courses full time, who would be considered the regular education teacher of the child to participate in the IEP meetings?**

The Federal Regulations (34 CFR 300.321(a)) describe IEP team requirements including participation of a regular education teacher:

- (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)

**7. Can an IEP team determine that virtual education is not appropriate for the student?**

Section 161.670, RSMo states that any student can be denied registration in MOCAP courses if there is “good cause”. In some instances, the IEP team may determine that accessing coursework virtually is not appropriate for the student to receive FAPE. When making registration decisions schools should consider factors such as:

- Does the student have the self-regulation, self-independence, and organizational skills necessary to meet the demands of virtual education?
- Can the student utilize the technology necessary to access and complete the coursework?
- Will accommodations and modifications be enough for the student to make progress in the general education curriculum?
- How will the student continue to access special education services from the local school district?
- How will the district and the MOCAP provider collaborate to monitor student progress while taking MOCAP courses?

**8. If the IEP team determines that virtual education is not appropriate to meet the student’s needs and to provide FAPE to the student, but the parent prefers a virtual course, can the student take a MOCAP course?**

Find out WHY the parent prefers virtual courses. Explain why the IEP team decided that registration in virtual courses is not in the student’s best educational interest and why the district would not be able to provide FAPE if the student were registered in virtual courses. The district would provide prior written notice (PWN) describing why the parent’s request to register in virtual courses was refused. As with any decision of an IEP team, parents have IDEA due process rights that can be pursued according to procedural safeguards. If the IEP team determines virtual education is not appropriate to meet the student’s needs and does not provide FAPE to the student but the parent disagrees and wants the student to access coursework virtually, what are some options in this scenario?

- As with any decision made by the IEP team regarding placement, the parents have IDEA due process rights that can be pursued according to their procedural safeguards.
- The parents can unenroll the child from the LEA, and enroll the child in MOCAP at the parent’s expense. The child could access special education services by utilizing a district’s proportionate share.

- The parents can revoke consent for special education services. The child would then become a general education student and the MOCAP registration determination would then follow the process utilized for general education students of the LEA.

**9. What if parents seek registration in a full-time course load in MOCAP and do not wish for their student to continue to receive special education and related services from the local school district?**

Each student's IEP team determines what special education services a student needs to receive FAPE and that is no different for a student who is enrolled full-time in virtual courses. When a student no longer demonstrates a need for specialized instruction then the LEA should initiate a reevaluation to determine if the child is still eligible for special education.

If a child continues to demonstrate a need for specialized instruction but the parents do not want the child to receive specialized instruction, then the parents may revoke services. Revocation needs to be in writing. Parents need to be informed that when they revoke consent for special education and related services, they also revoke consent for all protections under IDEA. The parent also needs to understand that when they revoke consent for the child to receive special education services, the IEP cannot be reinstated. The special education process for an initial evaluation must be followed.

**10. How does registration in MOCAP courses impact placement in the least restrictive environment for a child with an IEP?**

Registration in MOCAP courses could result in a change in placement for a child with an IEP. LEA's retain the responsibility to provide FAPE in the least restrictive environment even when they contract with virtual course providers to provide educational services to children with IEPs. IEP teams must consider several factors when evaluating whether a student is being served in the least restrictive environment. The following Federal Regulation (34 CFR) sections relate to factors that impact least restrictive environment:

**§ 300.114 LRE requirements.**

**(a) General.**

(2) Each [public agency](#) must ensure that -  
To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled

**§ 300.115 Continuum of alternative placements.**

(a) Each [public agency](#) must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in [paragraph \(a\)](#) of this section must -

- (1) [Include](#) the alternative placements listed in the definition of special education under [§ 300.39](#) (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
- (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

**§ 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 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.

### **§ 300.117 Nonacademic settings.**

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in [§ 300.107](#), each [public agency](#) must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The [public agency](#) must ensure that each child with a disability has the [supplementary aids and services](#) determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

### **11. Can an IDEA (special education) due process complaint be filed against MOCAP?**

No, a complaint cannot be filed against the MOCAP course provider. The local school district is responsible for ensuring FAPE and that accommodations and modifications are being provided.

### **12. Is the local school district still responsible for Child Find activities for students taking MOCAP coursework?**

Yes, the local school district is still responsible for Child Find activities which include locating, identifying, and evaluating students with disabilities, including those home-schooled or placed by their parents in a private school or registered by their parents in virtual courses.

### **13. If a student with a disability needs assistive technology in order to access the virtual courses for which they are registered, who is responsible for providing the assistive technology?**

If the IEP team has determined registration in virtual courses is appropriate for a child, then the child's IEP must include a description of the child's assistive technology needs and the LEA is responsible for providing any assistive technology that is necessary for the child to access the virtual coursework.