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MoVIP and Special Education Q&A

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Questions and Answers:

1. How does a student enroll in MoVIP?

There are three ways a student may enroll in MoVIP to participate in an online class. A student may be a dually enrolled student enrolled in both the local school district and MoVIP, the student may be a dually enrolled student in both a private school and MoVIP or the student may be enrolled by a parent. If the student is dually enrolled in the local district and MoVIP he/she is considered to be attending the local district and enrolled in the local school district. If the student is not enrolled in the local district, he/she is a parentally enrolled student participating in a publicly funded educational/instructional program.

2. Can a child with a disability enroll in MoVIP?

Yes. If a student with a disability is enrolled in the public school district, the IEP team must determine that virtual education is appropriate for the student. A student with a disability who is not enrolled in the public district can be a full time student if the parent has determined that MoVIP is appropriate.

3. Does MoVIP have an obligation to provide FAPE to students enrolled full-time?

No. For dually enrolled students the requirement to provide a Free and Appropriate Public Education (FAPE) rests with the district where the student is enrolled. MoVIP is a program intended to assist the district in providing FAPE. MoVIP has no obligation to provide FAPE to parentally enrolled students.

4. Does MoVIP have to comply with the special education laws?

Yes, to the extent applicable to students with IEPs and who are enrolled in a public school district and accessing MoVIP coursework. MoVIP must provide the applicable modifications and accommodations in the curriculum to implement students' IEPs.

5. Who prepares the Individualized Education Program (IEP) for special education students enrolled in MoVIP full-time?

The local school district prepares the IEP. If the student is not enrolled in the public school district he/she is a parentally enrolled student and an IEP is not needed.

6. What if the local district refuses to develop the IEP?

The local district will be out of compliance if it fails to develop an IEP for a child with a disability. HOWEVER there is no requirement that the IEP team find that the virtual school is an appropriate setting. Students who are not enrolled in the local school district are parentally enrolled students participating in a public instructional program. The local school district is not required to prepare parentally enrolled students, but they may be eligible for services under the proportionate share requirements of the IDEA.

7. Who is responsible for modifications of an IEP of a full-time MoVIP student dually enrolled in a public school?

The MoVIP contractor ensures the MoVIP teachers are aware of the modifications and require them to implement the modifications of an IEP, but the local district is responsible for developing and revising/amending the IEP.

8. If a student is dually enrolled full-time in MoVIP and receives related services from the district who is responsible for preparing the annual IEP?

The local school district.

9. Who provides the special education or related services for a student dually enrolled full-time in MoVIP?

As MoVIP is a virtual program there is no intent for it to provide services that require in person contact. Students enrolled in the district receive related services from the district. Students not enrolled in the district are parentally enrolled students who are not entitled to related services but may be able to receive some related services under the proportionate share requirement of the IDEA.

10. How much of the IEP should be provided to MoVIP?

In order to understand the student's specific needs it is sometimes helpful to receive the entire IEP, but at a minimum the district should provide the documentation that MoVIP needs to ensure the modifications and accommodations of the IEP are provided in the regular education program.

11. If a parent enrolls a student in MoVIP part-time and part-time in a private or home school, is that student entitled to special education services from the public school district?

The student is not entitled to individualized special education services if enrolled in a private school or home schooled. Part-time enrollment by a parent in a private school or home school classifies the child as a private/nonpublic school student. The district where the private or home school is located has an obligation to identify the children with special needs in the district and to spend a proportionate share of the federal funding on special education for children enrolled in private schools. It is highly unlikely that an individual student will get a full range of special education services under the proportionate share requirement.

12. If the IEP team determines that virtual school is the appropriate method to provide FAPE is the student guaranteed to be able to participate in the MoVIP classes?

Yes, if the district IEP team has determined that a virtual school is the best way to provide FAPE, the student will have a seat in MoVIP. If the state funded tuition seats are all filled, the local school district, not the parent, will be required to pay tuition.

13. If the IEP team does not support education at a virtual school and is prepared to provide FAPE at the school, but the parent prefers virtual school, can the student attend MoVIP?

Yes, as a parentally enrolled student. The student would not be enrolled in the school district. If the state funded tuition seats are full, the parent would have to pay the tuition in order for the student to attend.

14. If the district and the parent disagree about the appropriateness of MoVIP classes and a parent enrolls the student in MoVIP is that a refusal of services? If so, does the district need to provide related services?

Yes, it is a refusal of special education services because the student would be considered a parentally enrolled student. The student may not be entitled to any special education services. Related services, if any, would be provided through the proportionate share program of the district.

15. What if a student comes in with an IEP that states MoVIP is not an appropriate placement?

If the IEP states that MoVIP is not an appropriate placement, the student would have to enroll as a parentally enrolled student.

16. Are there age requirements for the elementary and high school programs? Can students of one age take courses from another program?

Younger students are permitted to take higher level courses. When older students take elementary classes, they may not earn credit for completing elementary classes. However, if an IEP team determines that the child needs a certain level of course work that is offered by MoVIP the IEP will be implemented as it is written.

17. How is observation as a part of a special education evaluation by the IEP team handled for a student in MoVIP?

Obviously, the virtual education setting is not the proper environment for an observation. However, a paper review of work produced in consultation with teachers could be helpful to the evaluation team.

18. Is MoVIP a school district?

No. MoVIP is publicly funded educational/instructional program not a school district. The language of 161.670 uses the term school district when talking about entities other than MoVIP. The statutory definition of school district is not applicable to MoVIP. See 160.011(1), (5), (10), (13) and 160.021 RSMo.

19. Is MoVIP subject to MSIP reviews?

Yes. 161.670 (4) RSMo.

20. Is MoVIP subject to IDEA compliance reviews?

No. MoVIP is a program, not a local education authority (LEA) or a school.

21. Can an IDEA (special education) due process complaint be filed against MoVIP?

No.

22. How much time can a student enrolled in MoVIP classes expect to spend working online and off to successfully complete the classes?

A student should plan to spend at least one hour five days a week for each class the student is enrolled.

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- [MO Sample Forms](#)

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