

FIRST REGULAR SESSION

# HOUSE BILL NO. 1120

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

2331H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 162.675 and 162.700, RSMo, and to enact in lieu thereof two new sections relating to exceptional children.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 162.675 and 162.700, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.675 and 162.700, to read as follows:

162.675. As used in sections 162.670 to ~~162.995~~ **162.999**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Children with disabilities" or "handicapped children", children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(2) **"Exceptional children", gifted children or children with disabilities;**

(3) "Gifted children", children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade-level curriculum;

~~(3)~~ (4) "Severely handicapped children", handicapped children under the age of twenty-one years who meet the eligibility criteria for Missouri schools for the severely disabled, identified in state regulations that implement the Individuals with Disabilities Education Act;

~~(4)~~ (5) "Special educational services", programs designed to meet the needs of children with disabilities or handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 itinerant, homebound and referral assistance, organized instructional and therapeutic programs,  
18 transportation, and corrective and supporting services.

162.700. 1. The board of education of each school district in this state, except school  
2 districts which are part of a special school district, and the board of education of each special  
3 school district shall provide special educational services for children with disabilities three years  
4 of age or more residing in the district as required by P.L. 99-457, as codified and as may be  
5 amended. Any child, determined to be a child with disabilities, shall be eligible for such services  
6 upon reaching his or her third birthday and state school funds shall be apportioned accordingly.  
7 This subsection shall apply to each full school year beginning on or after July 1, 1991. In the  
8 event that federal funding fails to be appropriated at the authorized level as described in 20  
9 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with  
10 disabilities three and four years of age may be delayed until such time as funds are appropriated  
11 to meet such level. Each local school district and each special school district shall be responsible  
12 to engage in a planning process to design the service delivery system necessary to provide special  
13 education and related services for children three and four years of age with disabilities. The  
14 planning process shall include public, private, and private not-for-profit agencies which have  
15 provided such services for this population. The school district, or school districts, or special  
16 school district, shall be responsible for designing an efficient service delivery system which uses  
17 the present resources of the local community which may be funded by the department of  
18 elementary and secondary education or the department of mental health. School districts may  
19 coordinate with public, private, and private not-for-profit agencies presently in existence. The  
20 service delivery system shall be consistent with the requirements of the department of elementary  
21 and secondary education to provide appropriate special education services in the least restrictive  
22 environment.

23 2. Every local school district or, if a special district is in operation, every special school  
24 district shall obtain current appropriate diagnostic reports for each **child** with disabilities [~~child~~]  
25 prior to assignment in a special program. These records may be obtained with parental  
26 permission from previous medical or psychological evaluation, may be provided by competent  
27 personnel of such district or special district, or may be secured by such district from competent  
28 and qualified medical, psychological, or other professional personnel.

29 3. Evaluations of private school students suspected of having a disability under the  
30 Individuals With Disabilities Education Act will be conducted as appropriate by the school  
31 district in which the private school is located or its contractor.

32 4. Where special districts have been formed to serve children with disabilities under the  
33 provisions of sections 162.670 to [~~162.995~~] **162.999**, such children shall be educated in programs  
34 of the special district, except that component districts may provide education programs for

35 children with disabilities ages three and four inclusive in accordance with regulations and  
36 standards adopted by the state board of education.

37 5. For the purposes of this act, remedial reading programs are not a special [~~education~~]  
38 **educational** service as defined by subdivision [~~(4)~~] **(5)** of section 162.675.

39 6. Any and all state costs required to fund special education services for three- and  
40 four-year-old children under this section shall be provided for by a specific, separate  
41 appropriation and shall not be funded by a reallocation of money appropriated for the public  
42 school foundation program.

43 7. School districts providing early childhood special education shall give consideration  
44 to the value of continuing services with Part C early intervention system providers for the  
45 remainder of the school year when developing an individualized education program for a student  
46 who has received services under Part C of the Individuals with Disabilities Education Act and  
47 reaches the age of three years during a regular school year. Services provided shall be only those  
48 permissible according to Section 619 of the Individuals with Disabilities Education Act.

49 **8. In school year 2020-21 and each school year thereafter, every school district shall**  
50 **have an individualized education program in effect for each exceptional child. The**  
51 **department of elementary and secondary education shall promulgate rules on the**  
52 **requirements for individualized education programs for gifted children who are not**  
53 **children with disabilities. The requirements may differ from the requirements for**  
54 **individualized education programs for children with disabilities.**

55 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
56 under the authority delegated in this section shall become effective only if it complies with and  
57 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
58 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
59 under chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
60 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
61 or adopted after August 28, 2002, shall be invalid and void.

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