

FIRST REGULAR SESSION

HOUSE BILL NO. 711

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOOD.

1271H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.700, RSMo, and to enact in lieu thereof two new sections relating to special educational services.

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

Section A. Section 162.700, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.700 and 162.707, to read as follows:

162.700. 1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for children with disabilities three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be a child with disabilities, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with disabilities three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with disabilities. The planning process shall include public, private, and private not-for-profit agencies which have provided such services for this population. The school district, or school districts, or special school district, shall be responsible for designing an efficient service delivery system which uses the present resources of the local community which may be funded by the department of

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.

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) 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. **A**
49 **school district shall continue services with Part C early intervention system providers for**
50 **the remainder of the school year for such child if the parent or guardian of the child**
51 **requests continuation of services with the Part C early intervention system providers for**
52 **the remainder of the school year.**

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

**162.707. 1. For purposes of this section, "habilitative services" means services,
2 including occupational therapy, physical therapy, and speech therapy, that help a child
3 keep, learn, or improve skills and functioning for daily living.**

**4 2. The parent or guardian of any child who is entitled to habilitative services
5 through an individualized education program shall not be required to accept the school
6 district as the direct provider of those services. The parent or guardian may choose any
7 provider for those services with whom the district may contract with under Part B of the
8 Individuals with Disabilities Education Act. The school district shall contract with the
9 provider that the parent or guardian chooses and shall not require the parent or guardian
10 to pay for those services.**

**11 3. (1) If the parent or guardian chooses a provider who is geographically located
12 outside the boundaries of the school district, the school district shall not be responsible for
13 providing transportation to the child. The parent or guardian shall be responsible for the
14 child's transportation to and from the provider.**

**15 (2) If the school district chooses a provider with whom to contract and the parent
16 or guardian accepts that choice, this subsection shall not apply.**

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