

SENATE BILL NO. 812

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

3792S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to special education programs.

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

Section A. Chapter 161, RSMo, is amended by adding thereto
2 one new section, to be known as section 161.854, to read as
3 follows:

161.854. 1. As used in this section, the following
2 terms mean:

3 (1) "Individualized education program" or "IEP", a
4 written statement for a child with a disability that is
5 developed, reviewed, and revised in accordance with 34 CFR
6 300.320 to 300.324 and under 20 U.S.C. Section 1401, as
7 amended;

8 (2) "Local educational agency" or "LEA", a public
9 school or other political subdivision of the state serving
10 any student with an IEP;

11 (3) "Parent", as defined in 34 CFR 300.30;

12 (4) "Public school", the same definition as in section
13 160.011.

14 2. Each local educational agency shall implement
15 parental consent procedures as described in 34 CFR 300.300
16 and this section.

17 3. (1) Each local educational agency shall obtain
18 written parental consent for the following placements,

19 removals, additions, changes, or reductions of services in
20 the individualized education program of a child with
21 disabilities prior to such placement, removal, addition,
22 change, or reduction:

- 23 (a) Initial placement;
- 24 (b) Annual placement;
- 25 (c) A placement change;
- 26 (d) A location change;
- 27 (e) The removal of a service or services;
- 28 (f) The reduction or addition of service minutes of a
29 service by more than twenty-five percent; and
- 30 (g) The reduction or addition, by more than twenty-
31 five percent, of the cumulative number of service minutes
32 for all services provided during the three hundred sixty-
33 five day period beginning with the effective date of such
34 IEP.

35 (2) The LEA shall maintain written documentation of
36 the date and signature of parental consent for initial
37 placement, annual placement, or revision to the IEP.

38 4. If the parents and local educational agency fail to
39 reach an agreement on the child's individualized education
40 program but reach an agreement on certain IEP services or
41 interim placement, the child's current agreed-upon IEP shall
42 be amended to include such areas of agreement until the
43 areas of disagreement are resolved.

44 5. Parents have the right to visit any program or
45 classroom proposed for their child before consenting to IEP
46 changes if the child is identified as eligible for special
47 education services. A visit occurring under this subsection
48 shall be scheduled before or after regular school hours to
49 ensure that such child's hours of instruction are not
50 interrupted.

51 6. The department of elementary and secondary
52 education shall adopt a parental consent form that each
53 local educational agency shall use for any action related to
54 a child's individualized education program. Such form shall
55 be provided to the parent in the parent's native language,
56 as described in 34 CFR 300.503, and shall include at least
57 the following:

58 (1) A statement that the parent is a participant of
59 the child's IEP team and has the right to consent or refuse
60 consent to the actions as described in this section proposed
61 by the IEP team or LEA. The statement shall include at
62 least information that partial parental consent or the
63 refusal of parental consent means that the school district
64 has no authority to proceed with any actions described in
65 subsection 3 of this section upon which there is
66 disagreement without parental consent or the LEA filing a
67 due process complaint in accordance with 34 CFR 300.507 to
68 300.508;

69 (2) A "Does consent" box, signature line, and date
70 line;

71 (3) A "Does NOT consent" box, signature line, and date
72 line; and

73 (4) A "Partial consent" box, signature line, date
74 line, and space for indicating the areas of agreement.

75 7. A local educational agency shall not proceed with
76 implementing a child's individualized education program
77 without parental consent unless the LEA documents reasonable
78 efforts of attempts to arrange a mutually agreed-upon time
79 and place, in accordance with 34 CFR 300.322(d), and the
80 parent has refused to attend or the LEA obtains approval
81 through a due process complaint and hearing in which the
82 hearing officer or commissioner finds that the IEP with the

83 proposed change or changes provides for a free appropriate
84 public education for the student in accordance with 34 CFR
85 300.507 to 300.513.

86 8. If a local educational agency and parent fail to
87 reach an agreement, either party may request a facilitated
88 individualized education program meeting, mediation, due
89 process complaint and hearing, or other dispute resolution
90 options as outlined in the procedural safeguards notice
91 under 34 CFR 300.504.

92 9. This section shall not be construed to abrogate any
93 parental right identified in the federal Individuals with
94 Disabilities Education Act (IDEA) and such act's
95 implementing regulations.

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