

HCS HB 276 -- SPECIAL EDUCATION PROCEDURES

SPONSOR: Cunningham (86)

COMMITTEE ACTION: Voted "do pass - federal mandate" by the Committee on Elementary and Secondary Education by a vote of 15 to 0.

This substitute changes the laws regarding special education to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA). Currently, challenges to decisions about certain disciplinary placements require the child to remain in the interim placement until the challenge is resolved or the interim period elapses, whichever is earlier. Parents and the school are permitted to reach an agreement that does not follow this restriction. Serious bodily injury is added to the list of reasons for disciplinary action that may result in an interim alternative setting, which parents may challenge.

Mediation must be offered to parents and the school before a request for a hearing; currently, it is available after a hearing is requested. The substitute clarifies that mediation agreements must be signed by the parties and specifies who may sign for the school. These agreements are legally binding and enforceable in state and federal court.

Due process hearing requests and responses to requests must conform to the IDEA. The chair of the hearing panel or the hearing officer may determine sufficiency and must implement the process and procedures relating to sufficiency of notice. The school must call a preliminary meeting, referred to as a resolution session, which must follow federal guidelines in its procedures and for any resulting agreement.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the reauthorization of the Individuals with Disabilities Education Act in December 2004 requires the state special education plan, and its authorizing statutes, to be revised to be in compliance with the new federal law. Missouri's federal aid for this program is conditioned on making the changes.

Testifying for the bill were Representative Cunningham (86); Department of Elementary and Secondary Education; Missouri National Education Association; Missouri School Administrators Coalition; and Missouri School Boards Association.

OPPOSERS: There was no opposition voiced to the committee.

Becky DeNeve, Senior Legislative Analyst