

SECOND REGULAR SESSION

HOUSE BILL NO. 1876

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time January 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3964L.01I

AN ACT

To repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

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

Section A. Section 162.963, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.963, to read as follows:

162.963. 1. At any hearing held pursuant to the provisions of section 162.961, except as otherwise provided in this section, either party or a representative shall be entitled to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence, including all evaluations and recommendations based on the offering party's evaluation, at the hearing that has not been disclosed to that party at least five business days before the hearing[, except this shall not be applicable in the case of an expedited hearing where no discovery shall take place];

(4) Obtain a written or, at the option of the parents, electronic verbatim record of the hearing; and

(5) Obtain written or, at the option of the parents, electronic findings of fact and decision.

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.

15 2. Parents involved in hearings have the right to have the child who is the subject of the
16 hearing present and the right to open the hearing to the public.

17 3. Prior to the resolution conference or hearing, the parent or guardian or a representative
18 of the parent or guardian shall have access to any reports, records, clinical evaluations or other
19 materials upon which the action to be reviewed was wholly or partially based which could
20 reasonably have a bearing on the correctness of the determination.

21 4. A complete record shall be made of all proceedings unless otherwise specified by
22 statute, which records shall include verbatim transcription of all testimony and shall include all
23 documents, writings, or other evidence presented by any party. Costs incurred during these
24 proceedings, except those of the parties for purchasing diagnostic services or legal counsel or
25 other services of a personal nature, shall be the responsibility of the state board of education.

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