

FIRST REGULAR SESSION

HOUSE BILL NO. 526

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GRISAMORE (Sponsor), OXFORD AND LAMPE (Co-sponsors).

1397L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to the parents' bill of rights.

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

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.850, to read as follows:

161.850. 1. By January 1, 2010, the department of elementary and secondary education shall develop and produce a publication entitled "The Parents' Bill of Rights" that shall be designed to inform parents of children with an individualized education program of their educational rights provided under federal and state law. The publication shall contain the department's contact information.

2. The publication shall contain, but may not be limited to, the following information presented in a clear and concise manner:

(1) The right of parents to attend individualized education program meetings and represent their child's interests;

(2) The right of parents to have an advocate or expert present at an individualized education program meeting, which may include a Missouri Parents Act staff member;

(3) The right of parents to receive a copy of the child's evaluation and to disagree with its results and request one independent educational evaluation at public expense;

(4) The right of parents to provide a written report from outside sources as part of the evaluation process;

(5) The right of parents to examine all school records pertaining to the child and be provided with a copy of the individualized education program;

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 (6) The right of parents to disagree with the decision of the school district and the
19 individualized education program team and to pursue complaint procedures, including a
20 child complaint filed with the department of elementary and secondary education, state-
21 paid mediation, and other due process rights;

22 (7) The right of parents with a child with an individualized education program to
23 participate in reviews of such program, participate in any decision to change any aspects
24 of the individualized education program, and meet with school officials whenever a change
25 occurs in their child's education program or classroom placement;

26 (8) The right of a child to be placed in the least restrictive environment and be
27 placed in a general education classroom, to the greatest extent possible;

28 (9) The right of parents with limited English language proficiency to have an
29 interpreter at individualized education program meetings. The school district shall
30 arrange for such an interpreter;

31 (10) The right of parents to have a free appropriate public education for their child
32 with an individualized education program, which may include, but not be limited to,
33 services and therapies such as assessment, behavior management training and supports,
34 communication and language therapy, consultation on individualized education,
35 information and referral assistance, life skills, occupational therapy, sensory integration
36 therapy, and behavior therapy, such as applied behavior analysis.

37 3. Each school district shall provide the parent or parents of a child with an
38 individualized education program with a copy of this publication at least ten days prior to
39 the individualized education program meeting. At such meeting, the parent or parents
40 shall indicate whether they have received the publication.

41 4. The department of elementary and secondary education shall promulgate rules
42 and regulations necessary to implement the provisions of this section, including but not
43 limited to, the manner in which the publication described in this section shall be
44 distributed.

45 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
46 that is created under the authority delegated in this section shall become effective only if
47 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
48 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
49 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
50 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
52 adopted after August 28, 2009, shall be invalid and void.

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