

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758,
Page 9, Section 160.1990, Line 87, by inserting after all of said section and line the following:

"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 elementary and secondary education or the department of mental health. School districts may coordinate with public, private, and private not-for-profit agencies presently in existence. The service delivery system shall be consistent with the requirements of the department of elementary and secondary education to provide appropriate special education services in the least restrictive environment.

2. Every local school district or, if a special district is in operation, every special school district shall obtain current appropriate diagnostic reports for each with disabilities child prior to assignment in a special program. These records may be obtained with parental permission from previous medical or psychological evaluation, may be provided by competent personnel of such district or special district, or may be secured by such district from competent and qualified

1 medical, psychological, or other professional personnel.

2 3. Evaluations of private school students suspected of having a disability under the
3 Individuals With Disabilities Education Act will be conducted as appropriate by the school district
4 in which the private school is located or its contractor.

5 4. Where special districts have been formed to serve children with disabilities under the
6 provisions of sections 162.670 to 162.995, such children shall be educated in programs of the
7 special district, except that component districts may provide education programs for children with
8 disabilities ages three and four inclusive in accordance with regulations and standards adopted by
9 the state board of education.

10 5. For the purposes of this act, remedial reading programs are not a special education
11 service as defined by subdivision (4) of section 162.675.

12 6. Any and all state costs required to fund special education services for three- and
13 four-year-old children under this section shall be provided for by a specific, separate appropriation
14 and shall not be funded by a reallocation of money appropriated for the public school foundation
15 program.

16 7. School districts providing early childhood special education shall give consideration to
17 the value of continuing services with Part C early intervention system providers for the remainder
18 of the school year when developing an individualized education program for a student who has
19 received services under Part C of the Individuals with Disabilities Education Act and reaches the
20 age of three years during a regular school year. Services provided shall be only those permissible
21 according to Section 619 of the Individuals with Disabilities Education Act.

22 8. The parent or guardian of a child who is eligible for special educational services may
23 select one or more specialized instructional services that are consistent with the child's
24 individualized education program, which may include, but not be limited to, listening and spoken
25 language specialists and an appropriate acoustical environment for a child who is deaf or hard of
26 hearing who has received an implant or assistive hearing device.

27 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
28 under the authority delegated in this section shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
30 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
31 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
33 or adopted after August 28, 2002, shall be invalid and void."; and

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35 Further amend said Bill, Page 22, Section 453.350, Line 15, by inserting after all of said line the
36 following:

1 "Section 1. 1. As used in this section, the following terms shall mean:

2 (1) "Auditory-oral education program", a program that develops and relies solely on
3 listening skills and uses an implant or assistive hearing device for the purpose of relying on
4 speech and spoken language skills as the method of communication;

5 (2) "Deaf or hard of hearing", aided or unaided hearing loss that affects the processing of
6 linguistic information and adversely affects performance in the educational environment. The
7 degree of loss may range from mild to profound in accordance with criteria established by rule of
8 the state board of education;

9 (3) "School", a public or nonpublic school located in this state which can teach children
10 who have obtained an implant or assistive hearing device, using faculty certified as listening and
11 spoken language specialists, provided that such school shall not violate the provisions of Article I,
12 section 7 or Article IX, section 8 of the Missouri constitution.

13 2. The parent or guardian of a child who is deaf or hard of hearing and who meets the
14 requirements of this section may enroll the child in the auditory-oral education program of a
15 school other than his or her school district of residence. Such child may continue attending the
16 school and complete the development of listening and spoken language skills at the school. To
17 enroll and attend, the child shall:

18 (1) Have received an implant or assistive hearing device;

19 (2) Be between the ages of three and seven years or between the ages of two and seven
20 years when the school district elects to service children with disabilities who are under the age of
21 three years; and

22 (3) Be a resident of this state.

23 3. The level of services shall be determined by the pupil's individual education program
24 team, or individualized family service plan team, which shall include the child's parent or
25 guardian, in accordance with the state board of education's rules. A child shall be eligible for
26 services under this section until the end of the school year in which he or she reaches the age of
27 seven years, or after the second grade, whichever comes first.

28 4. Payment for services shall be as provided in section 162.705."; and
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30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.