

FIRST REGULAR SESSION

# HOUSE BILL NO. 631

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

1475H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to alternative services for disabilities.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.707, to read as follows:

**162.707. 1. This section shall be known and may be cited as the "Alternative Disability Services Act".**

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

**(1) "Alternative disability services act agreement" or "agreement", an agreement negotiated between the parents or guardians of children with disabilities, or students eighteen years of age or older who are entitled to special educational services, and a public school to allow special educational services to be provided by an alternative provider, either solely or in conjunction with the services provided by the staff of the public school;**

**(2) "Children with disabilities", the same meaning as used in section 162.675;**

**(3) "Department", the department of elementary and secondary education;**

**(4) "IEP" or "individualized education program", the same meaning as used in section 162.1130;**

**(5) "ISP" or "individualized services plan", the special educational services agreement administered by the public school for parentally placed private school students and home school students;**

**(6) "Public school", the same meaning as used in section 160.011;**

**(7) "Special educational services", the same meaning as used in section 162.675.**

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           3. A parent, guardian, or student eighteen years of age or older may initiate the  
19 negotiation of an agreement for an alternative provider of special educational services if  
20 any circumstance described in subsection 4 of this section exists. The public school shall  
21 neither discourage nor prohibit a parent, guardian, or student eighteen years of age or  
22 older from negotiating or consenting to such an agreement. The public school shall  
23 negotiate agreements for the educational costs of children with disabilities in good faith.  
24 Such agreements shall be legally binding contracts. The agreements may include  
25 provisions for:

26           (1) Partial or full enrollment of the child in the public school; and

27           (2) Services and supplementary aids the public school shall provide.

28  
29 The term of an agreement negotiated between a public school and the parent or guardian  
30 of a child with disabilities, or a student eighteen years of age or older, may continue until  
31 the end of the child's annual IEP or ISP cycle. It may be extended or modified with the  
32 agreement of the public school and the parent or guardian, or student eighteen years of age  
33 or older.

34           4. A parent, guardian, or student eighteen years of age or older may initiate the  
35 negotiation of an agreement only if:

36           (1) The annual IEP or ISP goals are not being met;

37           (2) The IEP or ISP accommodations or modifications are not being provided; or

38           (3) Special educational services are not available from certified personnel through  
39 the public school.

40           5. The education of children with disabilities shall, to the maximum extent  
41 appropriate, be with children who do not have disabilities and be conducted in a manner  
42 that ensures the children attend regular classes; except that, in the case of a disability  
43 resulting in violent behavior that causes substantial likelihood of injury to the student or  
44 others, the school district shall initiate procedures consistent with state and federal law to  
45 remove the child to a more appropriate placement. Special classes, separate schooling, or  
46 other removal of children with disabilities from the regular educational environment shall  
47 occur only when the nature and severity of the disability of a child is such that education  
48 in regular classes with the use of supplementary aids and services cannot be achieved  
49 satisfactorily as described in section 162.680.

50           6. The public school shall provide the following to parents, guardians, or students  
51 eighteen years of age or older, upon a request for an agreement:

52           (1) Information on where alternative services and supplementary aids may be  
53 obtained;

54           (2) The public school's criteria applicable for these services and supplementary  
55 aids; and

56           (3) The public school's criteria under which the alternative services and  
57 supplementary aids are obtained, including the location and qualifications of the providers,  
58 which shall be identical to the qualifications the public school requires for its personnel.  
59 The public school shall not impose conditions or time lines related to obtaining the  
60 alternative services or supplementary aids.

61           7. The public school shall reimburse alternative providers for services or  
62 supplementary aids in accordance with the agreement.

63           8. The department shall promulgate rules necessary for the administration of this  
64 section, including the form of the agreements. Any rule or portion of a rule, as that term  
65 is defined in section 536.010, that is created under the authority delegated in this section  
66 shall become effective only if it complies with and is subject to all of the provisions of  
67 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
68 nonseverable, and if any of the powers vested with the general assembly pursuant to  
69 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
70 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
71 proposed or adopted after August 28, 2019, shall be invalid and void.

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