

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Bill No. 199, Page 6, Section 160.2725, Line 14, by inserting
2 after all of said section and line the following:
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4 "161.854. 1. As used in this section, the following terms mean:

5 (1) "Individualized education program" or "IEP", a written statement for a child with a
6 disability that is developed, reviewed, and revised in accordance with 34 CFR 300.320 to 300.324
7 and under 20 U.S.C. Section 1401, as amended;

8 (2) "Local educational agency" or "LEA", a public school or other political subdivision of
9 the state serving any student with an IEP;

10 (3) "Parent", as defined in 34 CFR 300.30;

11 (4) "Public school", the same definition as in section 160.011.

12 2. Each local educational agency shall implement parental consent procedures as described
13 in 34 CFR 300.300 and this section.

14 3. (1) Each local educational agency shall obtain written parental consent for the following
15 placements, removals, additions, changes, or reductions of services in the individualized education
16 program of a child with disabilities prior to such placement, removal, addition, change, or reduction:

17 (a) Initial placement;

18 (b) Annual placement;

19 (c) A placement change;

20 (d) A location change;

21 (e) The removal of a service or services;

22 (f) The reduction or addition of service minutes of a service by more than twenty-five
23 percent; and

24 (g) The reduction or addition, by more than twenty-five percent, of the cumulative number
25 of service minutes for all services provided during the three hundred sixty-five day period beginning
26 with the effective date of such IEP.

27 (2) The LEA shall maintain written documentation of the date and signature of parental
28 consent for initial placement, annual placement, or revision to the IEP.

29 4. If the parents and local educational agency fail to reach an agreement on the child's
30 individualized education program but reach an agreement on certain IEP services or interim

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1 placement, the child's current agreed-upon IEP shall be amended to include such areas of agreement
2 until the areas of disagreement are resolved.

3 5. Parents have the right to visit any program or classroom proposed for their child before
4 consenting to IEP changes if the child is identified as eligible for special education services. A visit
5 occurring under this subsection shall be scheduled before or after regular school hours to ensure that
6 such child's hours of instruction are not interrupted.

7 6. The department of elementary and secondary education shall adopt a parental consent
8 form that each local educational agency shall use for any action related to a child's individualized
9 education program. Such form shall be provided to the parent in the parent's native language, as
10 described in 34 CFR 300.503, and shall include at least the following:

11 (1) A statement that the parent is a participant of the child's IEP team and has the right to
12 consent or refuse consent to the actions as described in this section proposed by the IEP team or
13 LEA. The statement shall include at least information that partial parental consent or the refusal of
14 parental consent means that the school district has no authority to proceed with any actions
15 described in subsection 3 of this section upon which there is disagreement without parental consent
16 or the LEA filing a due process complaint in accordance with 34 CFR 300.507 to 300.508;

17 (2) A "Does consent" box, signature line, and date line;

18 (3) A "Does NOT consent" box, signature line, and date line; and

19 (4) A "Partial consent" box, signature line, date line, and space for indicating the areas of
20 agreement.

21 7. A local educational agency shall not proceed with implementing a child's individualized
22 education program without parental consent unless the LEA documents reasonable efforts of
23 attempts to arrange a mutually agreed-upon time and place, in accordance with 34 CFR 300.322(d),
24 and the parent has refused to attend or the LEA obtains approval through a due process complaint
25 and hearing in which the hearing officer or commissioner finds that the IEP with the proposed
26 change or changes provides for a free appropriate public education for the student in accordance
27 with 34 CFR 300.507 to 300.513.

28 8. If a local educational agency and parent fail to reach an agreement, either party may
29 request a facilitated individualized education program meeting, mediation, due process complaint
30 and hearing, or other dispute resolution options as outlined in the procedural safeguards notice under
31 34 CFR 300.504.

32 9. This section shall not be construed to abrogate any parental right identified in the federal
33 Individuals with Disabilities Education Act (IDEA) and such act's implementing regulations.

34 167.027. 1. As used in this section, "student special education record" means the following:

35 (1) An individualized education program, or IEP, as such term is defined in 20 U.S.C.
36 Section 1401, as amended;

37 (2) An individualized family service plan, or IFSP, as such term is defined in 20 U.S.C.
38 Section 1401, as amended;

1 (3) A 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29
2 U.S.C. Section 794, as amended;

3 (4) A record produced for a child with a disability, as such term is defined in 20 U.S.C.
4 Section 1401, as amended; and

5 (5) Other records produced for a child under the federal Individuals with Disabilities
6 Education Act (IDEA), as amended.

7 2. For the 2023-24 school year and all subsequent school years, a student's most recent
8 special education record shall be deemed a permanent record and shall be maintained as a part of a
9 child's cumulative scholastic record.

10 3. Notwithstanding any other provision of law, rule, regulation, or policy to the contrary, no
11 school district or public school shall destroy a child's most recent student special education record.";
12 and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.