

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill Nos. 4, 42 & 89, Page 9, Section 161.854, Line 9, by inserting after all of the said
3 section and line the following:
4

5 "161.857. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

18 (a) Initial placement;

19 (b) Annual placement;

20 (c) A placement change;

21 (d) A location change;

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

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

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

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

Action Taken _____ Date _____

1 4. If the parents and local educational agency fail to reach an agreement on the child's
2 individualized education program but reach an agreement on certain IEP services or interim
3 placement, the child's current agreed-upon IEP shall be amended to include such areas of agreement
4 until the areas of disagreement are resolved.

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

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

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

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

21 (3) A "Does NOT consent" box, signature line, and date line as well as a box that states that
22 a parent who does not consent understands that the district is relieved of any future claims related to
23 nonprovision of any services not consented to by the parent; and

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

26
27 A parental consent form shall not be required in situations where a placement, removal, addition,
28 change, or reduction of services in the IEP of a child with disabilities occurs because of a violation
29 of a code of student conduct that results in a suspension of such child for more than ten consecutive
30 school days pursuant to 34 CFR 300.530.

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

38 8. If a local educational agency and parent fail to reach an agreement, either party may
39 request a facilitated individualized education program meeting, mediation, due process complaint

1 and hearing, or other dispute resolution options as outlined in the procedural safeguards notice under
2 34 CFR 300.504.

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

5
6 Further amend said bill, Page 18, Section 163.161, Line 43, by inserting after all of said line the
7 following:

8
9 "167.027. 1. As used in this section, "student special education record" means the
10 following:

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

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

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

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

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

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

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

26 and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.