

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1163**  
**102ND GENERAL ASSEMBLY**

2448H.04C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To amend chapters 161 and 167, RSMo, by adding thereto two new sections relating to special education records.

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

Section A. Chapters 161 and 167, RSMo, are amended by adding thereto two new sections, to be known as sections 161.854 and 167.027, to read as follows:

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

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

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

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

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

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

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

(a) Initial placement;

(b) Annual placement;

(c) A placement change;

(d) A location change;

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.

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

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

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

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

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

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

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

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

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

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

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

52 7. A local educational agency shall not proceed with implementing a child's  
53 individualized education program without parental consent unless the LEA documents  
54 reasonable efforts of attempts to arrange a mutually agreed-upon time and place, in  
55 accordance with 34 CFR 300.322(d), and the parent has refused to attend or the LEA

56 obtains approval through a due process complaint and hearing in which the hearing  
57 officer or commissioner finds that the IEP with the proposed change or changes  
58 provides for a free appropriate public education for the student in accordance with 34  
59 CFR 300.507 to 300.513.

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

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

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

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

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

7 (3) A 504 plan created under Section 504 of the federal Rehabilitation Act of  
8 1973, 29 U.S.C. Section 794, as amended;

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

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

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

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

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