

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 10,
2 Section 136.055, Line 117, by inserting after all of said section and line the following:

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

18 (b) A "Does consent" box, signature line, and date line;

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

22 (d) A "Partial consent" box, signature line, date line, and space for indicating the areas of
23 agreement.

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

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

35 8. If a local educational agency and parent fail to reach an agreement, either party may
36 request a facilitated individualized education program meeting, mediation, due process complaint
37 and hearing, or other dispute resolution options as outlined in the procedural safeguards notice under
38 34 CFR 300.504.

1 9. This section shall not be construed to abrogate any parental right identified in the federal
2 Individuals with Disabilities Education Act (IDEA) and such act's implementing regulations."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.