

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2612, Page 1, Section A, Line 2, by
2 inserting after all of the 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 or electronic parental consent for
15 the following placements, removals, additions, changes, or reductions of services in the
16 individualized education program of a child with disabilities prior to such placement, removal,
17 addition, change, or reduction:

18 (a) Initial placement;

19 (b) A placement change;

20 (c) The removal of a service or services; and

21 (d) The reduction or addition of service minutes of a service by more than twenty-five
22 percent.

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

25 4. (1) If the parents and local educational agency fail to reach an agreement on the child's
26 individualized education program within ten business days but reach an agreement on certain IEP
27 services or interim placement, the child's current agreed-upon IEP shall be amended to include such
28 areas of agreement until the areas of disagreement are resolved, and the local educational agency
29 and the parents shall include an addendum in the IEP that specifies the date by which the areas of
30 disagreement shall be resolved. If the areas of disagreement are not resolved by the date specified

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1 in the addendum, the local educational agency or the parents may request a dispute resolution option
2 pursuant to subsection 7 of this section.

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

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

14 6. (1) The department of elementary and secondary education shall adopt a parental consent
15 form that each local educational agency shall use for any action related to a child's individualized
16 education program. Such form shall be provided to the parent in the parent's native language, as
17 described in 34 CFR 300.503, and shall include at least the following:

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

19 (b) 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 LEA is relieved of any future
21 claims related to nonprovision of any services not consented to by the parent; and

22 (c) 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 in accordance with
27 34 CFR 300.530.

28 7. 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 8. 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 9. The provisions of this section shall become effective on July 1, 2026."; and
35

36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.