

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 2612, Page 2,
2 Line 34, by deleting all of the said line and inserting in lieu thereof the following:
3

4 "9. The provisions of this section shall become effective on July 1, 2026.

5 162.700. 1. The board of education of each school district in this state, except school districts which
6 are part of a special school district, and the board of education of each special school district shall provide
7 special educational services for children with disabilities three years of age or more residing in the district as
8 required by P.L. 99-457, as codified and as may be amended. Any child, determined to be a child with
9 disabilities, shall be eligible for such services upon reaching his or her third birthday and state school funds
10 shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after
11 July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in
12 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with disabilities
13 three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each
14 local school district and each special school district shall be responsible to engage in a planning process to
15 design the service delivery system necessary to provide special education and related services for children
16 three and four years of age with disabilities. The planning process shall include public, private, and private
17 not-for-profit agencies which have provided such services for this population. The school district, or school
18 districts, or special school district, shall be responsible for designing an efficient service delivery system
19 which uses the present resources of the local community which may be funded by the department of
20 elementary and secondary education or the department of mental health. School districts may coordinate
21 with public, private, and private not-for-profit agencies presently in existence. The service delivery system
22 shall be consistent with the requirements of the department of elementary and secondary education to provide
23 appropriate special education services in the least restrictive environment.

24 2. Every local school district or, if a special district is in operation, every special school district shall
25 obtain current appropriate diagnostic reports for each child with disabilities [~~child~~] prior to assignment in a
26 special program. These records may be obtained with parental permission from previous medical or
27 psychological evaluation, may be provided by competent personnel of such district or special district, or may
28 be secured by such district from competent and qualified medical, psychological, or other professional
29 personnel.

Action Taken _____ Date _____

1 3. Evaluations of private school students suspected of having a disability under the Individuals With
2 Disabilities Education Act will be conducted as appropriate by the school district in which the private school
3 is located or its contractor.

4 4. Where special districts have been formed to serve children with disabilities under the provisions
5 of sections 162.670 to [~~162.995~~] 162.974, such children shall be educated in programs of the special district,
6 except that component districts may provide education programs for children with disabilities ages three and
7 four inclusive in accordance with regulations and standards adopted by the state board of education.

8 5. For the purposes of this act, remedial reading programs are not a special [~~education~~] educational
9 service as defined by subdivision (4) of section 162.675.

10 6. Any and all state costs required to fund special education services for three- and four-year-old
11 children under this section shall be provided for by a specific, separate appropriation and shall not be funded
12 by a reallocation of money appropriated for the public school foundation program.

13 7. School districts providing early childhood special education shall give consideration to the value
14 of continuing services with Part C early intervention system providers for the remainder of the school year
15 when developing an individualized education program for a student who has received services under Part C
16 of the Individuals with Disabilities Education Act and reaches the age of three years during a regular school
17 year. Services provided shall be only those permissible according to Section 619 of the Individuals with
18 Disabilities Education Act.

19 8. (1) A student whose age makes the student eligible for kindergarten or grade one may continue
20 eligibility as a young child with a developmental delay if the student was identified as a young child with a
21 developmental delay before attaining eligibility for kindergarten.

22 (2) The category of young child with a developmental delay shall not be used to determine
23 continuing eligibility for special educational services for a student who is seven years of age before August
24 first of a given school year, but eligibility for special educational services may be determined for such
25 students through any other disability category.

26 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
27 authority delegated in this section shall become effective only if it complies with and is subject to all of the
28 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
29 and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective
30 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
31 authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and"; and

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

33 THIS AMENDS AMENDMENT 5424H02.05H
34
35