

HOUSE BILL NO. 2113

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OEHLERKING.

4688H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to special education records.

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

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be
2 known as section 161.854, to read as follows:

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

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

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

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

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

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

11 3. (1) Each local educational agency shall obtain written parental consent for
12 the following placements, removals, additions, changes, or reductions of services in the
13 individualized education program of a child with disabilities prior to such placement,
14 removal, addition, change, or reduction:

15 (a) Initial placement;

16 (b) Annual placement;

17 (c) A placement 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.

18 (d) A location change;

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

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

22 (g) The reduction or addition, by more than thirty percent, of the cumulative
23 number of service minutes for all services provided during the three-hundred-sixty-five-
24 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. (1) The department of elementary and secondary education shall adopt a
37 parental consent form that each local educational agency shall use for any action related
38 to a child's individualized education program. Such form shall be provided to the
39 parent in the parent's native language, as described in 34 CFR 300.503, and shall
40 include at least the following:

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

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

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

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

56 (2) A parental consent form shall not be required in situations where a
57 placement, removal, addition, change, or reduction of services in the IEP of a child with
58 disabilities occurs because of a violation of a code of student conduct that results in a
59 suspension of such child for more than ten consecutive school days under 34 CFR
60 300.530.

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

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

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

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