

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 68, Page 53, Section 162.207, Line 48, by inserting after said section and line the
3 following:
4

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

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

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1 such district or special district, or may be secured by such district from competent and qualified
2 medical, psychological, or other professional personnel.

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

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

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

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

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

23 8. (1) A student whose age makes the student eligible for kindergarten or grade one may
24 continue eligibility as a young child with a developmental delay if the student was identified as a
25 young child with a developmental delay before attaining eligibility for kindergarten.

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

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

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