

FIRST REGULAR SESSION

# HOUSE BILL NO. 654

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BYRNES.

1296H.021

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to special educational services.

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

Section A. Section 162.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.700, to read as follows:

162.700. 1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for children with disabilities three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be a child with disabilities, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with disabilities three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with disabilities. The planning process shall include public, private, and private not-for-profit agencies which have provided such services for this population. The school district, or school districts, or special school district, shall be responsible for designing an efficient service delivery system which uses the present resources of the local community

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 which may be funded by the department of elementary and secondary education or the  
19 department of mental health. School districts may coordinate with public, private, and private  
20 not-for-profit agencies presently in existence. The service delivery system shall be consistent  
21 with the requirements of the department of elementary and secondary education to provide  
22 appropriate special education services in the least restrictive environment.

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

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

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

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

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

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

51         8. **(1) For the purposes of providing special educational services under Part B of**  
52 **the federal Individuals with Disabilities Education Act (IDEA), as amended, a young**  
53 **child with a developmental delay is a child who:**

54             **(a) Is at least three years of age but under nine years of age;**

55           **(b) Is experiencing developmental delays, as measured by appropriate**  
56 **evaluation instruments and procedures, in one or more of the following areas:**

57           **a. Physical development;**

58           **b. Cognitive development;**

59           **c. Communication development;**

60           **d. Social or emotional development; or**

61           **e. Adaptive development; and**

62           **(c) Needs special educational services and related services.**

63           **(2) (a) A child may be identified as a young child with a developmental delay**  
64 **before such child reaches nine years of age.**

65           **(b) A child who is identified as a young child with a developmental delay whose**  
66 **age makes the child eligible for kindergarten or grade one may continue eligibility as a**  
67 **young child with a developmental delay if the child is identified as a young child with a**  
68 **developmental delay before such child reaches nine years of age.**

69           **(3) The category of young child with a developmental delay shall not be used to**  
70 **determine continuing eligibility for special educational services for a student who**  
71 **reaches nine years of age before August first of a given school year, but eligibility for**  
72 **special educational services may be determined for such students through any other**  
73 **disability category.**

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

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