

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 477
103RD GENERAL ASSEMBLY

1543H.02C

JOSEPH ENGLER, 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, or an emancipated child acting on the**
8 **child's own behalf;**

9 **(4) "Placement", the setting in which a student with a disability will receive such**
10 **student's special education and related services;**

11 **(5) "Public school", the same definition as in section 160.011;**

12 **(6) "School day", the same definition as in section 160.041.**

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

15 **3. (1) Each local educational agency shall obtain written or electronic parental**
16 **consent for the following placements, removals, additions, changes, or reductions of**
17 **services in the individualized education program of a child with disabilities prior to such**
18 **placement, removal, addition, change, or reduction:**

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.

- 19 **(a) Initial IEP placement and services;**
20 **(b) A placement change;**
21 **(c) The removal of a service or services; and**
22 **(d) The reduction or addition of service minutes of a service by more than**
23 **twenty-five percent.**

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

26 **4. (1) (a) If the parents and local educational agency fail to reach an agreement**
27 **on the child's individualized education program within ten school days but reach an**
28 **agreement on certain IEP services or interim placement:**

29 **a. The child's current agreed-upon IEP shall be amended to include such areas**
30 **of agreement until the areas of disagreement are resolved; and**

31 **b. The local educational agency and the parents shall include an addendum in**
32 **the IEP that specifies the date by which the areas of disagreement shall be resolved,**
33 **provided that such date shall be within twenty school days of the initial meeting and**
34 **may be extended an additional twenty school days with consent from both parties if**
35 **sufficient progress is made or additional agreements are reached.**

36 **(b) If the local educational agency or the parents fail to reach an agreement at**
37 **any time during the IEP process, either party may request a dispute resolution option**
38 **including, but not limited to:**

39 **a. A facilitated IEP meeting;**

40 **b. A child complaint investigation;**

41 **c. State-paid mediation;**

42 **d. A due process complaint and hearing; or**

43 **e. Other dispute resolution options as outlined in the procedural safeguards**
44 **notice under 34 CFR 300.504.**

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

53 **5. Parents have the right to visit any program or classroom proposed for their**
54 **child before consenting to IEP changes if the child is identified as eligible for special**
55 **education services. A visit occurring under this subsection shall be scheduled before or**

56 after regular school hours or at a mutually agreed-upon time to ensure that instruction
57 is not interrupted.

58 6. (1) The department of elementary and secondary education shall create or
59 establish a parental consent model form that each local educational agency shall use for
60 any action related to a child's individualized education program. Such form shall be
61 provided to the parent in the parent's native language, as described in 34 CFR 300.503,
62 and shall include at least the following:

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

64 (b) A "Does NOT consent" box, signature line, and date line as well as a box
65 accompanying a statement that a parent who does not consent understands that the
66 LEA is relieved of any future claims related to nonprovision of any services not
67 consented to by the parent; and

68 (c) A "Partial consent" box, signature line, date line, and space for indicating the
69 areas of agreement.

70 (2) (a) A parental consent form shall not be required in situations where a
71 placement, removal, addition, change, or reduction of services in the IEP of a child with
72 disabilities occurs because of a violation of a code of student conduct in accordance with
73 34 CFR 300.530.

74 (b) On the date on which such placement, removal, addition, change, or
75 reduction of services in the IEP of a child with a disability occurs because of a violation
76 of a code of student conduct, the LEA shall notify the parent of that decision and
77 provide the parent with notice in accordance with 34 CFR 300.504.

78 7. This section shall not be construed to abrogate any parental right identified in
79 the federal Individuals with Disabilities Education Act (IDEA) and such act's
80 implementing regulations.

81 8. The provisions of this section shall become effective on July 1, 2026.

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