

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

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1 AMEND House Committee Substitute for House Bill No. 2426, Page 3, Section 1.391, Line 61,  
2 by inserting after said section and line the following:

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4 "161.854. 1. As used in this section, the following terms mean:

5 (1) "Individualized education program" or "IEP", a written statement for a child with a  
6 disability that is developed, reviewed, and revised in accordance with 34 CFR 300.320 to  
7 300.324 and under 20 U.S.C. Section 1401, as amended;

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

10 (3) "Parent", as defined in 34 CFR 300.30, or an emancipated child acting on the child's  
11 own behalf;

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

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

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

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

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

22 (a) Initial IEP placement and services;

23 (b) A placement change;

24 (c) The removal of a service or services; and

25 (d) The reduction or addition of service minutes of a service by more than twenty-five  
26 percent.

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

14           a. A facilitated IEP meeting;

15           b. A child complaint investigation;

16           c. State-paid mediation;

17           d. A due process complaint and hearing; or

18           e. Other dispute resolution options as outlined in the procedural safeguards notice under  
19 34 CFR 300.504.

20           (2) A local educational agency shall not proceed with implementing a child's  
21 individualized education program without parental consent unless the LEA documents  
22 reasonable efforts of attempts to arrange a mutually agreed-upon time and place, in accordance  
23 with 34 CFR 300.322(d), and the parents have refused to attend or the LEA obtains approval  
24 through a due process complaint and hearing in which the hearing officer or commissioner finds  
25 that the IEP with the proposed change or changes provides for a free appropriate public  
26 education for the student in accordance with 34 CFR 300.507 to 300.513.

27           5. Parents have the right to visit any program or classroom proposed for their child  
28 before consenting to IEP changes if the child is identified as eligible for special education  
29 services. A visit occurring under this subsection shall be scheduled before or after regular school  
30 hours or at a mutually agreed-upon time to ensure that instruction is not interrupted.

31           6. (1) The department of elementary and secondary education shall create or establish a  
32 parental consent model form that each local educational agency shall use for any action related  
33 to a child's individualized education program. Such form shall be provided to the parents in the  
34 parent's native language, as described in 34 CFR 300.503, and shall include at least the  
35 following:

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

37           (b) A "Does NOT consent" box, signature line, and date line as well as a box  
38 accompanying a statement that a parent who does not consent understands that the LEA is

1 relieved of any future claims related to nonprovision of any services not consented to by the  
2 parent; and

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

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

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

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

15 8. The provisions of this section shall become effective on July 1, 2027."; and

16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.