

SECOND REGULAR SESSION

# HOUSE BILL NO. 2304

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE OEHLERKING.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

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

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*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 known as section 161.854, to read as follows:

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

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

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

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

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

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

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

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

3. (1) Each local educational agency shall obtain written or electronic parental consent for the following placements, removals, additions, changes, or reductions of

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.

17 services in the individualized education program of a child with disabilities prior to such  
18 placement, removal, addition, change, or reduction:

- 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 parents have 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 parents 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 parents of that decision and**  
77 **provide the parents 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, 2027.**

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