

FIRST REGULAR SESSION

# HOUSE BILL NO. 656

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRNES.

1297H.011

DANA RADEMAN MILLER, 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 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;

(4) "Public school", the same definition as in section 160.011.

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

(a) Initial placement;

(b) A placement change;

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

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

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

22           4. (1) If the parents and local educational agency fail to reach an agreement on  
23 the child's individualized education program within ten business days but reach an  
24 agreement on certain IEP services or interim placement, the child's current agreed-  
25 upon IEP shall be amended to include such areas of agreement until the areas of  
26 disagreement are resolved, and the local educational agency and the parents shall  
27 include an addendum in the IEP that specifies the date by which the areas of  
28 disagreement shall be resolved. If the areas of disagreement are not resolved by the date  
29 specified in the addendum, the local educational agency or the parents may request a  
30 dispute resolution option under subsection 7 of this section.

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

39           5. Parents have the right to visit any program or classroom proposed for their  
40 child before consenting to IEP changes if the child is identified as eligible for special  
41 education services. A visit occurring under this subsection shall be scheduled before or  
42 after regular school hours to ensure that such child's hours of instruction are not  
43 interrupted.

44           6. (1) The department of elementary and secondary education shall adopt a  
45 parental consent form that each local educational agency shall use for any action related  
46 to a child's individualized education program. Such form shall be provided to the  
47 parent in the parent's native language, as described in 34 CFR 300.503, and shall  
48 include at least the following:

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

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

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

56 (2) A parental consent form shall not be required in situations where a  
57 placement, removal, addition, change, or reduction of services in the IEP of a child with  
58 disabilities occurs because of a violation of a code of student conduct that results in a  
59 suspension of such child in accordance with 34 CFR 300.530.

60 7. If a local educational agency and parent fail to reach an agreement, either  
61 party may request a facilitated individualized education program meeting, mediation,  
62 due process complaint and hearing, or other dispute resolution options as outlined in the  
63 procedural safeguards notice under 34 CFR 300.504.

64 8. This section shall not be construed to abrogate any parental right identified in  
65 the federal Individuals with Disabilities Education Act (IDEA) and such act's  
66 implementing regulations.

67 9. The provisions of this section shall become effective on July 1, 2027.

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