

SECOND REGULAR SESSION

SENATE BILL NO. 890

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Read 1st time January 15, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4943S.01I

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to alternative services for disabilities.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.707, to read as follows:

162.707. 1. This section shall be known and may be cited as the "Collaborative Special Services Agreement Act".

2. As used in this section, the following terms mean:

(1) "Collaborative special services agreement" or "agreement", an agreement between the parents or guardians of students with disabilities who have not reached the age of majority and a public school, or a student who has reached the age of majority and a public school, to allow special education services or supplementary aids to be provided by contract with an appropriately state certified provider, either solely or in conjunction with the services provided by the staff of the public school. Such agreement shall be voluntary, and not part of an exhaustive mandate process, nor shall it remove any procedural safeguards, or a school's requirement to provide a free appropriate public education, consistent with state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., and any amendments thereto;

(2) "Department", the department of elementary and secondary education;

(3) "Free and appropriate public education", the same meaning as used in section 162.670;

(4) "Guardian of a child with disabilities", the legal guardian of

22 a student who has not reached the age of majority and who is eligible
23 for a free and appropriate public education;

24 (5) "IEP" or "individualized education program", the same
25 meaning as used in section 162.1130;

26 (6) "ISP" or "individualized services plan", the special education
27 services agreement administered by the public school for parentally
28 placed private school students which shall include home school
29 students;

30 (7) "Parent of a child with disabilities", the natural parent with
31 legal custody of a student who has not reached the age of majority and
32 who is eligible for a free and appropriate public education;

33 (8) "Public school", the same meaning as used in section 160.011;

34 (9) "Special education services", the same meaning as used in
35 section 162.675;

36 (10) "Students who have reached the age of majority", the legal
37 age established under state law at which an individual is no longer a
38 minor and has the right to make certain legal choices;

39 (11) "Students with disabilities", the same meaning as "children
40 with disabilities" as used in section 162.675.

41 3. Parents or guardians of minor children, a student who has
42 reached the age of majority, or a public school may initiate the request
43 for an agreement. The public school shall neither discourage nor
44 prohibit such person from initiating a request for an agreement or
45 consenting to such an agreement. The costs related to the services or
46 supplementary aids shall not be discussed as a part of the negotiation
47 of such an agreement. Any contract for services or materials related to
48 the agreement shall require school board approval. The agreements
49 may include provisions for:

50 (1) Partial or full enrollment of the student in the public school;
51 and

52 (2) The services and supplementary aids provided by the public
53 school.

54 The term of an agreement negotiated between a public school and the
55 parent or guardian of a student with disabilities, or a student who has
56 reached the age of majority may continue until the end of the student's
57 annual IEP or ISP cycle. It may be extended or modified with the
58 agreement of the public school and the parent, guardian, or student

59 who has reached the age of majority. Any agreement whose terms
60 impair the rights to exercise procedural safeguards established in the
61 Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et
62 seq., shall be null and void.

63 4. A parent, guardian, student who has reached the age of
64 majority, or public school may initiate the request for an agreement
65 when:

66 (1) A student may not have advanced appropriately toward
67 attaining the annual IEP goals;

68 (2) The IEP or ISP accommodations or modifications may not
69 have been provided; or

70 (3) Special education and related services may not have been
71 available from licensed or appropriately state certified personnel
72 through the public school.

73 5. The education of students with disabilities shall, to the
74 maximum extent appropriate, be with students who do not have
75 disabilities and shall attend regular class, except that in the case of a
76 disability resulting in violent behavior which causes substantial
77 likelihood of injury to the students or others, the school district shall
78 initiate procedures consistent with state and federal law to move the
79 student to a more appropriate placement. Special classes, separate
80 schooling, or other removal of students with disabilities from the
81 regular educational environment shall occur only when the nature and
82 severity of the disability of a student is such that education in regular
83 classes with the use of supplementary aids and services cannot be
84 achieved satisfactorily as described in section 162.680.

85 6. The public school shall provide the following to parents,
86 guardians, or students who have reached the age of majority, upon a
87 request for an agreement:

88 (1) Where special education services, related services, and
89 supplementary aids may be obtained;

90 (2) The public school's criteria applicable for these services and
91 supplementary aids; and

92 (3) The public school's criteria under which the services and
93 supplementary aids are obtained, including the location and
94 qualifications of the appropriately certified providers. The public
95 school may not impose conditions related to obtaining the services or

96 **supplementary aids.**

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