

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 42
93RD GENERAL ASSEMBLY

Reported from the Committee on Children and Families April 12, 2005 with recommendation that House Committee Substitute for Senate Bill No. 42 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0400L.02C

AN ACT

To repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

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

Section A. Section 162.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.700, to read as follows:

162.700. 1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for handicapped children three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be handicapped, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for handicapped children three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with handicaps. The planning process [may] **shall** include public, private and private not-for-profit agencies which have provided such services for this population. The school district, or school districts, or special

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.

16 school district, shall be responsible for designing an efficient service delivery system which uses
17 the present resources of the local community which may be funded by the department of
18 elementary and secondary education or the department of mental health. School districts may
19 coordinate with public, private and private not-for-profit agencies presently in existence. The
20 service delivery system shall be consistent with the requirements of the department of elementary
21 and secondary education to provide appropriate special education services in the least restrictive
22 environment.

23 2. Every local school district or, if a special district is in operation, every special school
24 district shall obtain current appropriate diagnostic reports for each handicapped child prior to
25 assignment in a special program. These records may be obtained with parental permission from
26 previous medical or psychological evaluation, may be provided by competent personnel of such
27 district or special district, or may be secured by such district from competent and qualified
28 medical, psychological or other professional personnel. **Any outside evaluation furnished by
29 the parent shall be considered by the team in the initial eligibility team meeting and the
30 initial individualized education program team meeting for children transitioning into Part
31 B of the Individuals with Disabilities Education Act program.**

32 3. Where special districts have been formed to serve handicapped children under the
33 provisions of sections 162.670 to 162.995, such children shall be educated in programs of the
34 special district, except that component districts may provide education programs for handicapped
35 children ages three and four inclusive in accordance with regulations and standards adopted by
36 the state board of education.

37 4. For the purposes of this act, remedial reading programs are not a special education
38 service as defined by subdivision (4) of section 162.675 but shall be funded in accordance with
39 the provisions of section 162.975.

40 5. Any and all state costs required to fund special education services for three- and
41 four-year-old children pursuant to this section shall be provided for by a specific, separate
42 appropriation and shall not be funded by a reallocation of money appropriated for the public
43 school foundation program.

44 6. School districts providing early childhood special education shall [give preference],
45 when developing an individualized education program for a student who had received services
46 pursuant to Part C of the Individuals With Disabilities Education Act, [to] continue services with
47 the student's Part C provider **at parent request**, unless this would result in a cost which exceeds
48 the [average cost per student in early childhood special education for the district responsible for
49 educating the student] **district's cost of providing that same service. A school district shall
50 give the Part C provider an opportunity to adjust its charges so that the charges are less
51 than the district's cost of providing that same service. The parent's request shall be**

52 **received six months prior to the child's third birthday to allow the school district to plan**
53 **for appropriate staffing needs and not incur unnecessary personnel expense, or the district**
54 **shall not be required to grant the parent's request. School districts shall provide the cost**
55 **and service description on each such service upon the parent's request.** Services provided
56 shall be only those permissible according to Section 619 of the Individuals with Disabilities
57 Education Act.

58 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
59 is created under the authority delegated in this section shall become effective only if it complies
60 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
61 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
62 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
63 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
64 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
65 invalid and void.