

FIRST REGULAR SESSION

# HOUSE BILL NO. 800

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), FRASER, CHAPPELLE-NADAL, YAEGER, WRIGHT-JONES, HARRIS (110), CURLS, OXFORD, ROORDA, BAKER (25), AULL, HUGHES, WILDBERGER, DARROUGH, BROWN (50), LOW (39), STORCH, ZWEIFEL, EL-AMIN, ROBINSON, DOUGHERTY, MEINERS, SWINGER, WITTE, JOLLY, SPRENG, RUCKER, SANDERS BROOKS, BOWMAN, VILLA, DAUS, SELBY, HOSKINS, BOYKINS, HUBBARD, WALSH, YOUNG, HENKE, MEADOWS, SKAGGS, SCHOEMEHL, BRINGER, PAGE, KUESSNER, CORCORAN, WALLACE, SATER, DONNELLY, LeVOTA AND HARRIS (23) (Co-sponsors).

Read 1<sup>st</sup> time March 15, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1967L.011

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### 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.

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Section A. Section 162.700, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.700, to read as follows: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

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.

12 in a planning process to design the service delivery system necessary to provide special education  
13 and related services for children three and four years of age with handicaps. The planning  
14 process [may] **shall** include public, private and private not-for-profit agencies which have  
15 provided such services for this population. The school district, or school districts, or special  
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.

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

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

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

41         6. School districts providing early childhood special education shall give [preference]  
42 **consideration to the value of continuing services with Part C providers for the remainder**  
43 **of the school year** when developing an individualized education program for a student who  
44 [had] **has** received services pursuant to Part C of the Individuals With Disabilities Education  
45 Act[, to continue services with the student's Part C provider, unless this would result in a cost  
46 which exceeds the average cost per student in early childhood special education for the district  
47 responsible for educating the student] **and reaches the age of three years during a regular**

48 **school year.** Services provided shall be only those permissible according to Section 619 of the  
49 Individuals with Disabilities Education Act.

50           7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
51 is created under the authority delegated in this section shall become effective only if it complies  
52 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
53 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
54 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
55 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
56 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
57 invalid and void.