

SS SB 365 with HCA 1 -- STUDENTS WITH SPECIAL NEEDS

SPONSOR: Schmitt

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Elementary and Secondary Education by a vote of 10 to 0.

This bill requires a school district to conduct an initial evaluation of a student to determine if an individualized education program is warranted at least once every 24 months, if requested by the student's parent or legal guardian.

The bill permits legal counsel for a school district and legal counsel for a student's parent or legal guardian to be present during an initial evaluation or meeting concerning an IEP to the extent permitted by federal law.

A school district in an administrative or legal action concerning action regarding the initial evaluation or the student's IEP must justify its decision by proving that it is in compliance with the federal Individuals with Disabilities Education Act.

School districts are prohibited from retaining an attorney or law firm to provide counsel or litigate proceedings concerning a district's decision regarding the evaluation or IEP of a student that employs or contracts with members of the district's school board or its employees.

Each district must adopt a policy permitting the district and the parent or legal guardian of a student to record any conversation or proceeding they attend if notice of the recording is provided at least 24 hours in advance.

HCA 1: Removes the requirement that a school district conduct an initial evaluation of a student to determine if an individualized education program is warranted at least once every 24 months, if requested by the student's parent or legal guardian

PROPOSERS: Supporters say that this bill addresses the needs of children who should be evaluated and educated accordingly regardless of cost and that some of the questions asked of the parents are inappropriate.

Testifying for the bill were Senator Schmitt; Ann Bledsoe; and Carissa Rupp.

OPPOSERS: Those who oppose the bill say that the evaluations required by this bill would be very costly and could also drive up

the costs of litigation.

Testifying against the bill were Missouri School Boards Association and School Administrators Coalition.

OTHERS: Others testifying on the bill say the fiscal note is no longer accurate and some of the questions asked of parents are required to eliminate the possibility that issues could be coming from the child's home or environment.

Testifying on the bill was Mike Hodge, Special School District.