

SECOND REGULAR SESSION

HOUSE BILL NO. 2011

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (155).

4175H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to written parental consent.

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
2 known as section 161.854, to read as follows:

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

2 **(1) "Individualized education program" or "IEP", a written statement for a**
3 **child with a disability that is developed, reviewed, and revised in accordance with 34**
4 **CFR 300.320 to 300.324 and under 20 U.S.C. Section 1401, as amended;**

5 **(2) "Local educational agency" or "LEA", a public school or other political**
6 **subdivision of the state serving any student with an IEP;**

7 **(3) "Parent", a parent, guardian, or other person having control or custody of a**
8 **child;**

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

10 **2. Each local educational agency shall implement parental consent procedures as**
11 **described in 34 CFR 300.300 and this section.**

12 **3. Each local educational agency shall obtain written parental consent for initial**
13 **placement, annual placement, and any revision to the individualized education program**
14 **of a child with disabilities prior to such placement or revision. The LEA shall maintain**
15 **written documentation of the date of parental consent for initial placement, annual**
16 **placement, or revision to the IEP.**

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.

17 **4. If the parents and local educational agency fail to reach an agreement on the**
18 **child's individualized education program but reach an agreement on certain IEP**
19 **services or interim placement, the child's new IEP shall be implemented in the areas of**
20 **agreement and the child's last agreed-upon IEP shall remain in effect in the areas of**
21 **disagreement until the disagreement is resolved.**

22 **5. Parents have the right to observe any program proposed for their child if the**
23 **child is identified as eligible for special education services.**

24 **6. The department of elementary and secondary education shall adopt a parental**
25 **consent form that each local educational agency shall use for any action related to a**
26 **child's individualized education program. Such form shall be provided to the parent in**
27 **the parent's native language, as described in 34 CFR 300.503, and shall include at least**
28 **the following:**

29 **(1) A statement that the parent is a participant of the child's IEP team and has**
30 **the right to consent or refuse consent to the actions proposed by the IEP team or LEA.**
31 **The statement shall include at least information that the refusal of parental consent**
32 **means that the school district has no authority to proceed with the actions without**
33 **parental consent or the LEA filing a due process complaint in accordance with 34 CFR**
34 **300.507 to 300.508;**

35 **(2) A "Does consent" box, signature line, and date line;**

36 **(3) A "Does NOT consent" box, signature line, and date line; and**

37 **(4) A "Partial consent" box, signature line, date line, and space indicating the**
38 **areas of agreement.**

39 **7. A local educational agency shall not proceed with implementing a child's**
40 **individualized education program without parental consent unless the LEA documents**
41 **reasonable efforts, as outlined in the procedural safeguards notice required under 34**
42 **CFR 300.504, to obtain the parent's consent and the parent has failed to respond or the**
43 **LEA obtains approval through a due process complaint and hearing in accordance with**
44 **34 CFR 300.507 to 300.513.**

45 **8. If a local educational agency and parent fail to reach an agreement, either**
46 **party may request a facilitated individualized education program meeting, mediation,**
47 **due process complaint and hearing, or other dispute resolution options as outlined in the**
48 **procedural safeguards notice.**

49 **9. This section shall not be construed to abrogate any parental right identified in**
50 **the Individuals with Disabilities Education Act (IDEA) and such act's implementing**
51 **regulations.**