

FIRST REGULAR SESSION

SENATE BILL NO. 365

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 2, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1935S.011

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to the special needs of certain individuals.

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 162.702, to read as follows:

162.702. 1. At the request of a student's parent or legal guardian, a school district shall conduct an evaluation of such student to determine if an individualized education program is warranted at least once every twenty-four months. This provision shall not be construed to limit the school district from conducting an evaluation of such student to determine if an individualized education program is warranted more often than every twenty-four months.

2. Unless otherwise specifically allowed by law, no legal counsel for a school district shall be permitted to be present during the evaluation or any meetings concerning a student's individualized education program. Should a violation of this section occur, such attorney and any coworkers or fellow employees at such attorney's employer shall be prohibited from representing the school district or otherwise participating in any administrative or legal action concerning such student.

3. Notwithstanding any provision of law to the contrary, a school district in any administrative or legal action concerning a school district's decision regarding the evaluation or an individualized education program of a student shall justify its decision by proving that it is in compliance with the federal Individuals with Disabilities Education Act.

22 4. If a mediation is scheduled regarding the evaluation or an
23 individualized education program of a student, any unjustified absence
24 or lack of good faith to resolve the issue by the school district, as
25 determined by the mediator, shall result in default judgment against
26 the school district in any administrative or legal proceeding concerning
27 such matter and an individualized education program shall be
28 developed by a third party evaluator for such student at the school
29 district's expense.

30 5. No school district shall retain any attorney or law firm for the
31 purpose of providing counsel or litigating any administrative or legal
32 proceeding concerning a school district's decision regarding the
33 evaluation or an individualized education program of a student which
34 employs or contracts with members of such school district's school
35 board or its employees.

36 6. No district shall maintain a policy that prohibits the parent or
37 legal guardian of a student from recording any conversation or
38 proceeding which they attend.

Bill ✓

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