

FIRST REGULAR SESSION

SENATE BILL NO. 175

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time January 12, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0939S.02I

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to the parents' bill of rights.

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 known as section 161.850, to read as follows:

161.850. 1. By January 1, 2010, the department of elementary and secondary education shall develop and produce a publication entitled "The Parents' Bill of Rights" that shall be designed to inform parents of children with an individualized education program of their educational rights provided under federal and state law. The publication shall contain the department's contact information.

2. The publication shall contain, but may not be limited to, the following information presented in a clear and concise manner:

(1) The right of parents to attend individualized education program meetings and represent their child's interests;

(2) The right of parents to have an advocate or expert present at an individualized education program meeting, which may include a Missouri Parents Act staff member;

(3) The right of parents to receive a copy of the child's evaluation and to disagree with its results and request one independent educational evaluation at public expense;

(4) The right of parents to provide a written report from outside sources as part of the evaluation process;

(5) The right of parents to examine all school records pertaining to the child and be provided with a copy of the individualized education program;

22 (6) The right of parents to disagree with the decision of the
23 school district and the individualized education program team and to
24 pursue complaint procedures, including a child complaint filed with the
25 department of elementary and secondary education, state-paid
26 mediation, and other due process rights;

27 (7) The right of parents with a child with an individualized
28 education program to participate in reviews of such program,
29 participate in any decision to change any aspects of the individualized
30 education program, and meet with school officials whenever a change
31 occurs in their child's education program or classroom placement;

32 (8) The right of a child to be placed in the least restrictive
33 environment and be placed in a general education classroom, to the
34 greatest extent possible;

35 (9) The right of parents with limited English language
36 proficiency to have an interpreter at individualized education program
37 meetings. The school district shall arrange for such an interpreter;

38 (10) The right of parents to have a free appropriate public
39 education for their child with an individualized education program,
40 which may include, but not be limited to, services and therapies such
41 as assessment, behavior management training and supports,
42 communication and language therapy, consultation on individualized
43 education, information and referral assistance, life skills, occupational
44 therapy, sensory integration therapy, and behavior therapy, such as
45 applied behavior analysis.

46 3. Each school district shall provide the parent or parents of a
47 child with an individualized education program with a copy of this
48 publication at least ten days prior to the individualized education
49 program meeting. At such meeting, the parent or parents shall indicate
50 whether they have received the publication.

51 4. The department of elementary and secondary education shall
52 promulgate rules and regulations necessary to implement the
53 provisions of this section, including but not limited to, the manner in
54 which the publication described in this section shall be distributed.

55 5. Any rule or portion of a rule, as that term is defined in section
56 536.010, RSMo, that is created under the authority delegated in this
57 section shall become effective only if it complies with and is subject to
58 all of the provisions of chapter 536, RSMo, and, if applicable, section

59 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
60 **and if any of the powers vested with the general assembly pursuant to**
61 **chapter 536, RSMo, to review, to delay the effective date, or to**
62 **disapprove and annul a rule are subsequently held unconstitutional,**
63 **then the grant of rulemaking authority and any rule proposed or**
64 **adopted after August 28, 2009, shall be invalid and void.**

✓

Unofficial

Bill

Copy