

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 365

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:

1 Section A. Chapter 162, RSMo, is amended by adding thereto
2 one new section, to be known as section 162.702, to read as
3 follows:

4 162.702. 1. At the request of a student's parent or legal
5 guardian, a school district shall conduct an initial evaluation
6 of such student to determine if an individualized education
7 program is warranted at least once every twenty-four months.
8 This provision shall not be construed to limit the school
9 district from conducting an initial evaluation of such student to
10 determine if an individualized education program is warranted
11 more often than every twenty-four months.

12 2. Legal counsel for a school district shall be permitted
13 to be present during the initial evaluation or any meetings
14 concerning a student's individualized education program to the
15 extent permitted by federal law. Legal counsel for a student's
16 parent or legal guardian shall be permitted to be present during
17 the initial evaluation or any meetings concerning a student's
18 individualized education program to the extent permitted by

1 federal law.

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

8 4. No school district shall retain any attorney or law firm
9 for the purpose of providing counsel or litigating any
10 administrative or legal proceeding concerning a school district's
11 decision regarding the evaluation or an individualized education
12 program of a student which employs or contracts with members of
13 such school district's school board or its employees.

14 5. Each district shall adopt a policy that permits the
15 district and parent or legal guardian of a student to record any
16 conversation or proceeding which they attend if notice of such
17 recording is provided at least twenty-four hours in advance.