

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 365

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Offered April 14, 2015.

Senate Substitute adopted, April 14, 2015.

Taken up for Perfection April 14, 2015. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

1935S.03P

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 initial 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 initial evaluation of such student to determine if an individualized education program is warranted more often than every twenty-four months.

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

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 initial evaluation or an individualized

18 education program of a student shall justify its decision by proving that
19 it is in compliance with the federal Individuals with Disabilities
20 Education Act.

21 4. No school district shall retain any attorney or law firm for the
22 purpose of providing counsel or litigating any administrative or legal
23 proceeding concerning a school district's decision regarding the
24 evaluation or an individualized education program of a student which
25 employs or contracts with members of such school district's school
26 board or its employees.

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

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Bill

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