

FIRST REGULAR SESSION

# SENATE BILL NO. 464

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 23, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2108S.011

## AN ACT

To repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the early childhood special education program.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 162.700, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 162.700, to read as follows:

162.700. 1. The board of education of each school district in this state,  
2 except school districts which are part of a special school district, and the board  
3 of education of each special school district shall] **may provide special educational  
4 related services of occupational therapy, physical therapy, speech  
5 language pathologist, assistive technology, and applied behavioral  
6 analysis services for children with disabilities between the ages of three and  
7 five years [of age or more residing in the district as required by P.L. 99-457, as  
8 codified and as may be amended] at the request of the parent or guardian  
9 of a child with disabilities.** Any child, determined to be a child with  
10 disabilities, [shall be] **is eligible for such services upon reaching his or her third  
11 birthday and state school funds shall be apportioned [accordingly] to a school  
12 district providing services based on an amount per pupil calculated as:  
13 total state funds appropriated divided by the previous year December  
14 first child count of eligible children aged three to five. The local school  
15 district may provide local funding in excess of the state provided per  
16 pupil amount.** This subsection shall apply to each full school year beginning  
17 on or after July 1, [1991] **2011.** [In the event that federal funding fails to be  
18 appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the  
19 implementation of this subsection relating to services for children with

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 disabilities three and four years of age may be delayed until such time as funds  
21 are appropriated to meet such level.] Each local school district [and each special  
22 school district shall be] **providing services as described in this subsection**  
23 **is** responsible to engage in a planning process to design the service delivery  
24 system necessary to provide **the required** special education [and] related  
25 services for children three and four years of age with disabilities. [The planning  
26 process shall include public, private, and private not-for-profit agencies which  
27 have provided such services for this population.] The school district[, or school  
28 districts, or special school district, shall be responsible for designing an efficient]  
29 **providing services shall design** a service delivery system which uses the  
30 [present] resources [of the local community which may be] funded by the  
31 department of elementary and secondary education [or the department of mental  
32 health] **plus local funding as may be provided.** School districts may  
33 coordinate with public, **including other public school districts,** private, and  
34 private not-for-profit agencies [presently in existence] **to provide services.** The  
35 service delivery system shall be [consistent with the requirements of the  
36 department of elementary and secondary education to provide appropriate special  
37 education services in the least restrictive environment] **limited to the related**  
38 **services described in this section.**

39 2. Every local **or special** school district [or, if a special district is in  
40 operation, every special school district] shall obtain current appropriate  
41 diagnostic reports for each **child** with disabilities [child] prior to assignment in  
42 a special program. [These records may be obtained with parental permission  
43 from previous] **Services may be provided only if parents provide or**  
44 **authorize the release to the local school district, appropriate** medical or  
45 psychological [evaluation, may be provided by competent personnel of such  
46 district or special district, or may be secured by such district from competent and  
47 qualified medical, psychological, or other professional personnel] **evaluations as**  
48 **determined necessary by the local school district.**

49 3. [Evaluations of private school students suspected of having a disability  
50 under the Individuals With Disabilities Education Act will be conducted as  
51 appropriate by the school district in which the private school is located or its  
52 contractor.

53 4. Where special districts have been formed to serve children with  
54 disabilities under the provisions of sections 162.670 to 162.995, such children  
55 shall be educated in programs of the special district, except that component

56 districts may provide education programs for children with disabilities ages three  
57 and four inclusive in accordance with regulations and standards adopted by the  
58 state board of education.

59 5. For the purposes of this act, remedial reading programs are not a  
60 special education service as defined by subdivision (4) of section 162.675.

61 6. Any and all state] **Local school districts providing services**  
62 **under this chapter shall provide transportation for eligible students**  
63 **aged three to five in the same manner other students are**  
64 **transported. Parents may provide transportation for eligible students.**

65 4. Costs required to fund special education services for three- and  
66 four-year-old children under this section shall be provided for by a specific,  
67 separate appropriation and shall not be funded by a reallocation of money  
68 appropriated for the public school foundation program **and shall not be less**  
69 **than fifty-five million dollars annually.**

70 [7. School districts providing early childhood special education shall give  
71 consideration to the value of continuing services with Part C early intervention  
72 system providers for the remainder of the school year when developing an  
73 individualized education program for a student who has received services under  
74 Part C of the Individuals with Disabilities Education Act and reaches the age of  
75 three years during a regular school year. Services provided shall be only those  
76 permissible according to Section 619 of the Individuals with Disabilities  
77 Education Act.

78 8.] **5.** Any rule or portion of a rule, as that term is defined in section  
79 536.010, that is created under the authority delegated in this section shall  
80 become effective only if it complies with and is subject to all of the provisions of  
81 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
82 nonseverable and if any of the powers vested with the general assembly under  
83 chapter 536 to review, to delay the effective date or to disapprove and annul a  
84 rule are subsequently held unconstitutional, then the grant of rulemaking  
85 authority and any rule proposed or adopted after August 28, 2002, shall be  
86 invalid and void.

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