

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 249

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to alternative services for disabilities.

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 162.707, to read as follows:

162.707. 1. This section shall be known and may be cited as the "Collaborative Special Services Agreement Act".

2. As used in this section, the following terms mean:

(1) "Collaborative special services agreement" or "agreement", an agreement between the parents or guardians of students with disabilities who have not reached the age of majority and a public school, or a student who has reached the age of majority and a public school, to allow special education services or supplementary aids to be provided by contract with an appropriately state certified provider, either solely or in conjunction with the services provided by the staff of the public school. Such agreement shall be voluntary, and not part of an exhaustive mandate process, nor shall it remove any procedural safeguards, or a school's requirement to provide a free appropriate public education, consistent with state and federal regulations implementing the Individuals with Disabilities

Education Act (IDEA), 20 U.S.C. Section 1400, et seq., and any amendments thereto;

(2) "Department", the department of elementary and secondary education;

(3) "Free and appropriate public education", the same meaning as used in section 162.670;

(4) "Guardian of a child with disabilities", the legal guardian of a student who has not reached the age of majority and who is eligible for a free and appropriate public education;

(5) "IEP" or "individualized education program", the same meaning as used in section 162.1130;

(6) "ISP" or "individualized services plan", the special education services agreement administered by the public school for parentally placed private school students which shall include homeschool students;

(7) "Parent of a child with disabilities", the natural parent with legal custody of a student who has not reached the age of majority and who is eligible for a free and appropriate public education;

(8) "Public school", the same meaning as used in section 160.011;

(9) "Special education services", the same meaning as used in section 162.675;

(10) "Students who have reached the age of majority", the legal age established under state law at which an individual is no longer a minor and has the right to make certain legal choices;

(11) "Students with disabilities", the same meaning as

"children with disabilities" as used in section 162.675.

3. Parents or guardians of minor children, a student who has reached the age of majority, or a public school may initiate the request for an agreement. The public school shall neither discourage nor prohibit such person from initiating a request for an agreement or consenting to such an agreement. The costs related to the services or supplementary aids shall not be discussed as a part of the negotiation of such an agreement. Any contract for services or materials related to the agreement shall require school board approval. The agreements may include provisions for:

(1) Partial or full enrollment of the student in the public school; and

(2) The services and supplementary aids provided by the public school.

The term of an agreement negotiated between a public school and the parent or guardian of a student with disabilities, or a student who has reached the age of majority may continue until the end of the student's annual IEP or ISP cycle. It may be extended or modified with the agreement of the public school and the parent, guardian, or student who has reached the age of majority. Any agreement whose terms impair the rights to exercise procedural safeguards established in the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq., shall be null and void.

4. A parent, guardian, student who has reached the age of majority, or public school may initiate the request for an

agreement when:

(1) A student may not have advanced appropriately toward attaining the annual IEP goals;

(2) The IEP or ISP accommodations or modifications may not have been provided; or

(3) Special education and related services may not have been available from licensed or appropriately state certified personnel through the public school.

5. The education of students with disabilities shall, to the maximum extent appropriate, be with students who do not have disabilities and shall attend regular class, except that in the case of a disability resulting in violent behavior which causes substantial likelihood of injury to the students or others, the school district shall initiate procedures consistent with state and federal law to move the student to a more appropriate placement. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only when the nature and severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily as described in section 162.680.

6. The public school shall provide the following to parents, guardians, or students who have reached the age of majority, upon a request for an agreement:

(1) Where special education services, related services, and supplementary aids may be obtained;

(2) The public school's criteria applicable for these services and supplementary aids; and

(3) The public school's criteria under which the services and supplementary aids are obtained, including the location and qualifications of the appropriately certified providers. The public school may not impose conditions related to obtaining the services or supplementary aids.