

FIRST REGULAR SESSION

# SENATE BILL NO. 249

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Read 1st time January 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0923S.02I

## 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 "Alternative Disability Services Act".**

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

**(1) "Alternative disability services act agreement" or "agreement", an agreement negotiated between the parents or guardians of children with disabilities, or a student ages eighteen through twenty-one and a public school to allow special education services to be provided by an alternative provider, either solely or in conjunction with the services provided by the staff of the public school;**

**(2) "Children with disabilities", the same meaning as used in section 162.675;**

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

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

**(5) "ISP" or "individualized services plan", the special education services agreement administered by the public school for parentally placed private school students and homeschool students;**

**(6) "Public school", the same meaning used in section 160.011;**

**(7) "Special education services", the same meaning as used in section 162.675.**

22           3. A parent, guardian, or a student ages eighteen through twenty-  
23 one may initiate the negotiation of an agreement for an alternative  
24 provider of special education services. The public school shall neither  
25 discourage nor prohibit a parent, guardian, or a student ages eighteen  
26 through twenty-one to negotiate or consent to such an agreement. The  
27 public school shall negotiate agreements for the educational costs of  
28 students with disabilities in good faith. Such agreements shall be  
29 legally binding contracts. The agreements may include provisions for:

- 30           (1) Partial or full enrollment of the child in the public school;  
31           (2) Services and supplementary aids the public school shall  
32 provide.

33 The term of an agreement negotiated between a public school and the  
34 parent or guardian of a student with disabilities, or a student ages  
35 eighteen through twenty-one may exist until the end of the child's  
36 annual IEP or ISP cycle. It may be extended or modified with the  
37 agreement of the public school and the parent or guardian.

38           4. A parent, guardian, or a student ages eighteen through twenty-  
39 one may initiate the negotiation of an agreement when:

- 40           (1) The annual IEP or ISP goals are not being met;  
41           (2) The IEP or ISP accommodations or modifications are not  
42 being provided; or  
43           (3) Special education services are not available from certified  
44 personnel through the public school.

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

57           6. The public school shall provide the following to parents,  
58 guardians, or students ages eighteen through twenty-one, upon a

59 request for an agreement:

60 (1) Where alternative services and supplementary aids may be  
61 obtained;

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

64 (3) The public school's criteria under which the alternative  
65 services and supplementary aids are obtained, including the location  
66 and qualifications of the providers, which shall be the same as the  
67 public school uses with its personnel. The public school may not  
68 impose conditions or timelines related to obtaining the alternative  
69 services or supplementary aids.

70 7. The public school shall reimburse alternative providers for  
71 services or supplementary aids pursuant to the agreement.

72 8. The department shall promulgate rules necessary for the  
73 administration of this section, including the form of the alternative  
74 services for disabilities or supplementary aids agreements. Any rule or  
75 portion of a rule, as that term is defined in section 536.010 that is  
76 created under the authority delegated in this section shall become  
77 effective only if it complies with and is subject to all of the provisions  
78 of chapter 536, and, if applicable, section 536.028. This section and  
79 chapter 536 are nonseverable and if any of the powers vested with the  
80 general assembly pursuant to chapter 536, to review, to delay the  
81 effective date, or to disapprove and annul a rule are subsequently held  
82 unconstitutional, then the grant of rulemaking authority and any rule  
83 proposed or adopted after August 28, 2019, shall be invalid and void.

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