

FIRST REGULAR SESSION

# SENATE BILL NO. 477

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

2062S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to elementary and secondary education.

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Section A. Section 162.700, RSMo, is repealed and one new  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

162.700. 1. The board of education of each school  
2 district in this state, except school districts which are  
3 part of a special school district, and the board of  
4 education of each special school district shall provide  
5 special educational services for children with disabilities  
6 three years of age or more residing in the district as  
7 required by P.L. 99-457, as codified and as may be amended.  
8 Any child, determined to be a child with disabilities, shall  
9 be eligible for such services upon reaching his or her third  
10 birthday and state school funds shall be apportioned  
11 accordingly. This subsection shall apply to each full  
12 school year beginning on or after July 1, 1991. In the  
13 event that federal funding fails to be appropriated at the  
14 authorized level as described in 20 U.S.C. 1419(b)(2), the  
15 implementation of this subsection relating to services for  
16 children with disabilities three and four years of age may  
17 be delayed until such time as funds are appropriated to meet  
18 such level. Each local school district and each special

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

19 school district shall be responsible to engage in a planning  
20 process to design the service delivery system necessary to  
21 provide special education and related services for children  
22 three and four years of age with disabilities. The planning  
23 process shall include public, private, and private not-for-  
24 profit agencies which have provided such services for this  
25 population. The school district, or school districts, or  
26 special school district, shall be responsible for designing  
27 an efficient service delivery system which uses the present  
28 resources of the local community which may be funded by the  
29 department of elementary and secondary education or the  
30 department of mental health. School districts may  
31 coordinate with public, private, and private not-for-profit  
32 agencies presently in existence. The service delivery  
33 system shall be consistent with the requirements of the  
34 department of elementary and secondary education to provide  
35 appropriate special education services in the least  
36 restrictive environment.

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

47 3. Evaluations of private school students suspected of  
48 having a disability under the Individuals With Disabilities  
49 Education Act will be conducted as appropriate by the school

50 district in which the private school is located or its  
51 contractor.

52 4. Where special districts have been formed to serve  
53 children with disabilities under the provisions of sections  
54 162.670 to 162.995, such children shall be educated in  
55 programs of the special district, except that component  
56 districts may provide education programs for children with  
57 disabilities ages three and four inclusive in accordance  
58 with regulations and standards adopted by the state board of  
59 education.

60 5. For the purposes of this act, remedial reading  
61 programs are not [a special education service] **special**  
62 **educational services** as defined by subdivision (4) of  
63 section 162.675.

64 6. Any and all state costs required to fund special  
65 education services for three- and four-year-old children  
66 under this section shall be provided for by a specific,  
67 separate appropriation and shall not be funded by a  
68 reallocation of money appropriated for the public school  
69 foundation program.

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

80 8. Any rule or portion of a rule, as that term is  
81 defined in section 536.010, that is created under the

82 authority delegated in this section shall become effective  
83 only if it complies with and is subject to all of the  
84 provisions of chapter 536 and, if applicable, section  
85 536.028. This section and chapter 536 are nonseverable and  
86 if any of the powers vested with the general assembly under  
87 chapter 536 to review, to delay the effective date or to  
88 disapprove and annul a rule are subsequently held  
89 unconstitutional, then the grant of rulemaking authority and  
90 any rule proposed or adopted after August 28, 2002, shall be  
91 invalid and void.

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