

FIRST REGULAR SESSION

SENATE BILL NO. 147

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0530S.011

AN ACT

To repeal section 162.963, RSMo, and to enact in lieu thereof one new section relating to special education due process hearings.

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

Section A. Section 162.963, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 162.963, to read as follows:

162.963. 1. At any hearing held pursuant to the provisions of section
2 162.961, except as otherwise provided in this section, either party or a
3 representative shall be entitled to:

4 (1) Be accompanied and advised by counsel and by individuals with
5 special knowledge or training with respect to the problems of children with
6 disabilities;

7 (2) Present evidence and confront, cross-examine, and compel the
8 attendance of witnesses;

9 (3) Prohibit the introduction of any evidence, including all evaluations and
10 recommendations based on the offering party's evaluation, at the hearing that has
11 not been disclosed to that party at least five business days before the hearing[,
12 except this shall not be applicable in the case of an expedited hearing where no
13 discovery shall take place];

14 (4) Obtain a written or, at the option of the parents, electronic verbatim
15 record of the hearing; and

16 (5) Obtain written or, at the option of the parents, electronic findings of
17 fact and decision.

18 2. Parents involved in hearings have the right to have the child who is the
19 subject of the hearing present and the right to open the hearing to the public.

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

20 3. Prior to the resolution conference or hearing, the parent or guardian
21 or a representative of the parent or guardian shall have access to any reports,
22 records, clinical evaluations or other materials upon which the action to be
23 reviewed was wholly or partially based which could reasonably have a bearing on
24 the correctness of the determination.

25 4. A complete record shall be made of all proceedings unless otherwise
26 specified by statute, which records shall include verbatim transcription of all
27 testimony and shall include all documents, writings, or other evidence presented
28 by any party. Costs incurred during these proceedings, except those of the
29 parties for purchasing diagnostic services or legal counsel or other services of a
30 personal nature, shall be the responsibility of the state board of education.

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Bill

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