

## 2022 Missouri Legislative Session

By

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The 2022 legislative session has been a whirlwind regarding education bills that have been filed. As the session nears an end, there has been a strong focus on bills regarding charter funding, virtual instruction expansion, open enrollment, and parents' bill of rights, to name a few. The legislative session opened on January 5 and will close on May 13.

The focus of MO-CASE throughout the session has been predominantly on two bills filed by Representative Travis Smith: HB2010 and HB2011. HB2010 is known as the burden of proof bill. Currently, the burden of proof in a due process falls on the filing party – district or parent. HB2010 places the burden of proof on school districts in due process hearings for children with disabilities. Prior to the *Schaffer v Weast* 2005 Supreme Court case decision, the burden of proof in a due process *was* always the school district. However, *Schaffer v Weast* shifted the burden of proof to the party seeking relief by filing the due process. In this court case, one of the items the parents requested the Supreme Court decide was that states could, if they chose, establish a rule that always placed the burden on the school district. The Court refused to decide this issue. However, there was a dissenting opinion that would have left the allocation of the burden of proof entirely up to the individual states. As a result, some states have chosen to pass statutes or administrative rules reallocating the burden of proof back to the district. HB2010 is an example of this.

Currently, HB2010 was one of 15 amendments added to Omnibus Education HB1750. It passed out of the House and was referred to the Senate Education Committee in late March. A public hearing in this committee was held on 4/19/22. MO-CASE used the CASE alert system to send an email to our membership requesting everyone contact their senators to vote against this bill. Additionally, HB2010 was placed on the Informal Perfection Calendar in the House on 4/4/2022.

HB2011 is known as the parent consent bill. It establishes written parental consent requirements for IEPs. First, the amended version of this bill requires written parental consent to be obtained and maintained for initial placement, annual placement, placement change, removal of service or services, or reduction of service minutes by more than 25% in the IEP of a child with disabilities prior to such placement, removal, or reduction. Second, if an agreement is not reached on the child's IEP as a whole, but agreement is reached on certain IEP services or interim placement, the child's new IEP will be implemented in the areas of agreement and the child's last agreed-upon IEP will remain in effect in the areas of disagreement until the disagreement is resolved. Third, parents have the right to visit any program or classroom proposed for their child before consenting to the IEP changes if the child is identified as eligible for special education services. Fourth, DESE will adopt a parent consent form by which agreed to IEP areas and disagreed IEP areas will be located.

HB2011 was one of 22 different provisions added to Omnibus Education HB1753. It was voted out of the Rules House committee the week of 4/7/2022 and placed on the Informal Perfection House Calendar on 4/12/2022. Additionally, HB2011 was placed on the Informal Perfection Calendar in the House on 4/11/2022.

Another bill MO-CASE has been highly involved with this session is HB2150, sponsored by Representative Brenda Shields. The added subsection of the bill is known as the “Blind Students’ Rights to Independence, Training, and Education Act” or the “BRITE Act.” This bill was first introduced during the 2021 Legislative Session. At that time, in order to be included at the table, MO-CASE reached out to Representative Shields and the group supporting the bill. They were very much in favor of this, and we began collaborative work on the bill that was filed this session.

SB681 (Reading Intervention) was referred to the House Elementary and Secondary Education Committee on 4/11/2022. A hearing in this committee was conducted on 4/19/22, and it was passed out of the House on 4/21/22. At the time it was passed out of the House, 31 amendments were added to the bill, so it became an omnibus bill. Of these amendments, three related to special education. They were HB2010, HB2011 and HB2150. Even though MO-CASE does support HB2150, we do not support HB2010 or HB2011. As a result, MO-CASE used the CASE alert system to send an email to our membership requesting everyone contact their representatives to vote against this bill. An additional, 22 amendments were added to Omnibus SB681 in the House. The bill then went to conference between the House and the Senate. It was stripped of all but 20 of the total 53 amendments. Both HB2010 and HB2011 were stripped from it. HB2150 continues to be on it.

Considering the tenor towards education and special education across our state currently, please plan to attend our session at the MO-CASE Fall Conference regarding the 2023 Legislative Session. You will learn how to follow all bills during the legislative session, how to submit written testimony against or in support of a bill and how to testify in person. Additionally, we will review a legislative Padlet developed by MO-CASE Legislative Co-Chair, Carrie Turner, which will be a critical aid to help you with this work.