

HOUSE BILL No. 2726

By Committee on K-12 Education Budget

Requested by Representative Poskin

2-6

1 AN ACT concerning education; relating to school districts; requiring
2 school districts to provide timely implementation of an individualized
3 education program and advanced enrollment for certain children who
4 are new to such school district; amending K.S.A. 72-3429 and
5 repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) Notwithstanding any law to the contrary, a
9 member of the armed forces of the United States, the national guard or any
10 other reserve component of the armed forces who has received relocation
11 orders and whose anticipated residence will be within the state shall be
12 authorized to enroll a dependent child in a school district and register for
13 courses in advance of such member's relocation upon presentation of a
14 copy of the relocation orders to the school district where such child is to be
15 enrolled. Once enrolled, the child shall be permitted to attend classes and
16 receive services free of charge in the same manner as if such child was
17 already a resident of the school district. The school district shall waive any
18 proof of residency requirements until such time that the member's family
19 resides within the school district.

20 (b) The state board of education may adopt rules and regulations
21 necessary to implement and administer this section.

22 Sec. 2. K.S.A. 72-3429 is hereby amended to read as follows: 72-
23 3429. (a) (1) Except as specified in ~~provision~~ *paragraph* (2), at the
24 beginning of each school year, each agency shall have an individualized
25 education program in effect for each exceptional child.

26 (2) (A) In the case of a child with a disability aged three through five
27 and for two year-old children with a disability who will turn age three
28 during the school year, an individualized family service plan that contains
29 the material described in 20 U.S.C. § 1436, and that is developed in
30 accordance with this section, may serve as the IEP of the child if using that
31 plan as the IEP is agreed to by the agency and the child's parents.

32 (B) In conducting the initial IEP meeting for a child who was
33 previously served under part C of the federal law, an agency, at the request
34 of the parent, shall send an invitation to attend the IEP meeting to the part
35 C services coordinator or other representatives of the part C system to

1 assist with the smooth transition of services.

2 (b) (1) Except as otherwise provided in this section, each IEP of an
3 exceptional child and any amendment or modification of an IEP shall be
4 made by the child's IEP team. Upon agreement of the parent and the
5 agency, an IEP team can meet in person or by alternative means, including
6 telephone conference calls and video conferences.

7 (2) A member of a child's IEP team shall not be required to attend an
8 IEP meeting, if the parent of the child and the agency agree that the
9 attendance of such IEP member is not necessary because the IEP member's
10 area of curriculum or related service is not to be discussed or modified at
11 the meeting. The parent's agreement shall be in writing.

12 (3) A member of a child's IEP team may be excused from attending
13 an IEP meeting when the meeting is to involve a discussion of, and
14 possibly a modification to, the IEP member's area of the curriculum or
15 related service, if:

16 (A) The parent and the agency consent to the excusal;

17 (B) the IEP member submits, in writing to the parent and the IEP
18 team, input into the development of the IEP prior to the meeting; and

19 (C) the parent's consent to the excusal is in writing.

20 (4) (A) After the annual IEP meeting for a school year, the parent of
21 an exceptional child and an appropriate representative of the agency
22 providing services to the child may agree to develop a written document
23 amending or modifying the child's current IEP, without convening an IEP
24 meeting.

25 (B) If the parent and agency representative develop a written
26 document amending or modifying a child's current IEP, the document shall
27 be dated and signed by the parent and the agency representative. The
28 parent and the agency shall be provided a copy of the document.

29 (c) The IEP for each exceptional child shall include:

30 (1) A statement of the child's present levels of academic achievement
31 and functional performance, including: (A) How the child's disability or
32 giftedness affects the child's involvement and progress in the general
33 education curriculum; (B) for preschool children, as appropriate, how the
34 disability affects the child's participation in appropriate activities; and (C)
35 for those children with disabilities who take alternate assessments aligned
36 to alternate achievement standards, a description of benchmarks or short-
37 term objections;

38 (2) a statement of measurable annual goals, including academic and
39 functional goals designed to: (A) Meet the child's needs that result from
40 the child's disability or giftedness, to enable the child to be involved in and
41 make progress in the general education or advanced curriculum; and (B)
42 meet each of the child's other educational needs that result from the child's
43 disability or giftedness;

1 (3) a description of how the child's progress toward meeting the
2 annual goals will be measured and when periodic reports on the progress
3 the child is making toward meeting the annual goals will be provided, such
4 as through the use of quarterly or other periodic reports issued
5 concurrently with general education report cards;

6 (4) a statement of the special education and related services and
7 supplementary aids, based on peer-reviewed research to the extent
8 practicable, and services to be provided to the child, or on behalf of the
9 child, and a statement of the program modifications or supports for school
10 personnel that will be provided for the child: (A) To advance appropriately
11 toward attaining the annual goals; (B) to be involved in and make progress
12 in the general education curriculum in accordance with ~~provision~~
13 *paragraph* (1) and to participate in extracurricular and other nonacademic
14 activities; and (C) to be educated and participate with other exceptional
15 and nonexceptional children in the activities described in this paragraph;

16 (5) an explanation of the extent, if any, to which the child will not
17 participate with nonexceptional children in the regular class and in the
18 activities described in ~~provision~~ *paragraph* (4);

19 (6) (A) a statement of any individual appropriate accommodations
20 that are necessary to measure the academic achievement and functional
21 performance of the child on state and district-wide assessments; and (B) if
22 the IEP team determines that the child shall take an alternate assessment
23 on a particular state or district-wide assessment of student achievement or
24 part of such an assessment, a statement of why the child cannot participate
25 in the regular assessment and why the particular alternate assessment
26 selected is appropriate for the child;

27 (7) the projected date for the beginning of the services and
28 modifications described in ~~provision~~ *paragraph* (4); and the anticipated
29 frequency, location; and duration of those services and modifications;

30 (8) (A) beginning at age 14, and updated annually; thereafter: (A)
31 Appropriate measurable postsecondary goals based upon age-appropriate
32 transition assessments related to training, education, employment and
33 where appropriate, independent living skills; ~~and~~ (B) the transition
34 services, including appropriate courses of study, needed to assist the child
35 in reaching the stated postsecondary goals; and (C) beginning at age 16, or
36 younger, if determined appropriate by the IEP team, a statement of needed
37 transition services for the child, including, when appropriate, a statement
38 of the interagency responsibilities or any needed linkages; and

39 (9) beginning at least one year before the child reaches the age of
40 majority under state law, a statement that the child has been informed of
41 the child's rights, if any, that will transfer to the child on reaching the age
42 of majority as provided in K.S.A. 72-3431, and amendments thereto.

43 Nothing in this section shall be construed to require: (1) That additional

1 information be included in a child's IEP beyond that which is specifically
2 required by this section; and (2) that an IEP team include information
3 under one component of a child's IEP that is already contained under
4 another component of the IEP.

5 (d) In developing each child's IEP, the IEP team shall consider:

6 (1) The strengths of the child and the concerns of the parents for
7 enhancing the education of their child;

8 (2) the results of the initial evaluation or most recent evaluation of the
9 child;

10 (3) the academic, developmental and functional needs of the child;

11 (4) in the case of a child whose behavior impedes the child's learning
12 or that of others, the use of positive behavioral interventions and supports
13 and other strategies to address that behavior;

14 (5) in the case of a child with limited English proficiency, the
15 language needs of the child as such needs relate to the child's IEP;

16 (6) in the case of a child who is blind or visually impaired, provide
17 for instruction in Braille and the use of Braille unless the IEP team
18 determines, after an evaluation of the child's reading and writing skills,
19 needs, and appropriate reading and writing media, including an evaluation
20 of the child's future needs for instruction in Braille or the use of Braille,
21 that instruction in Braille or the use of Braille is not appropriate for the
22 child;

23 (7) the communication needs of the child, and in the case of a child
24 who is deaf or hard of hearing, consider the child's language and
25 communication needs, opportunities for direct communications with peers
26 and professional personnel in the child's language and communication
27 mode, academic level, and full range of needs, including opportunities for
28 direct instruction in the child's language and communication mode; and

29 (8) whether the child requires assistive technology devices and
30 services.

31 (e) The regular education teacher of the child, as a member of the IEP
32 team, to the extent appropriate, shall participate in:

33 (1) The development of the IEP of the child, including the
34 determination of appropriate positive behavioral interventions supports,
35 and other strategies and the determination of supplementary aids and
36 services, program modifications, and support for school personnel
37 consistent with this section; and

38 (2) except as provided in this section, the review and revision of the
39 child's IEP.

40 (f) Each agency shall ensure that the IEP team:

41 (1) Reviews the child's IEP periodically, but not less than annually to
42 determine whether the annual goals for the child are being achieved; and

43 (2) revises the IEP, as appropriate, to address: (A) Any lack of

1 expected progress toward the annual goals and in the general education
2 curriculum, where appropriate; (B) the results of any reevaluation
3 conducted under this section; (C) information about the child provided by
4 the parents; (D) the child's anticipated needs; or (E) other matters.

5 (g) (1) If an exceptional child with a current IEP transfers from one
6 Kansas school district to another *or from an out-of-state school district to*
7 *a Kansas school district* during the academic year, ~~the new school district~~
8 *into which the student has transferred shall conduct an immediate review*
9 *of the evaluation information and the IEP, and, without delay, in*
10 *consultation with the child's parent, shall provide the child a FAPE,*
11 *including services comparable to those described in the transferred IEP,*
12 *until the new school district either adopts the transferred IEP, or develops*
13 *and implements a new IEP for the child is implemented as follows:*

14 (A) *For a child who transfers from one Kansas school district to*
15 *another Kansas school district, the IEP shall be implemented as written if*
16 *the parents and school district agree. If the appropriate school district*
17 *staff do not agree to implement the current IEP, the school district shall*
18 *conduct all necessary assessments and, within 30 days of the date the*
19 *child enrolls in the school district, develop and implement a new IEP for*
20 *the child; or*

21 (B) *for a child who transfers from an out-of-state district, the*
22 *appropriate school district staff shall conduct any assessments determined*
23 *necessary and, within 30 days of the date the child enrolls in the school*
24 *district, develop and implement a new IEP for the child.*

25 (2) ~~If during the academic year, an exceptional child who has a~~
26 ~~current IEP transfers from a school district in another state to a Kansas~~
27 ~~school district, the Kansas school district, in consultation with the child's~~
28 ~~parent, shall provide the child a FAPE, including services comparable to~~
29 ~~those described in the transferred IEP, until the Kansas school district~~
30 ~~either adopts the transferred IEP, or conducts an evaluation of the child, if~~
31 ~~deemed necessary, and develops and implements a new IEP for the~~
32 ~~child.~~*The appropriate school district board of education staff shall take*
33 *reasonable steps to promptly obtain the child's records, including the*
34 *current IEP and supporting documentation, from the previous school*
35 *district. The school district in which the child was previously enrolled*
36 *shall take reasonable steps to promptly respond to all requests for records*
37 *of each child transferring from one school district to another school*
38 *district.*

39 (3) *No school district shall be deemed out of compliance with this*
40 *subsection if:*

41 (A) *An IEP that is developed within 30 days but has an*
42 *implementation delay out of the school district's control, including, but not*
43 *limited to, lack of readily available and qualified staff or specialists*

1 *required to implement the IEP;*

2 *(B) an IEP is not developed within 30 days due to a delay in*
3 *receiving records from the child's previous school district; or*

4 *(C) in any year that the total amount of special education state aid is*
5 *not provided at the amount determined in K.S.A. 72-3422(a), and*
6 *amendments thereto.*

7 Sec. 3. K.S.A. 72-3429 is hereby repealed.

8 Sec. 4. This act shall take effect and be in force from and after its
9 publication in the statute book.