

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2712

By Committee on Education

1-25

10 AN ACT relating to the special education for exceptional children act;
11 amending K.S.A. 2005 Supp. 72-987 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 72-987 is hereby amended to read as
15 follows: 72-987. (a) (1) Except as specified in provision (2), at the begin-
16 ning of each school year, each agency shall have an individualized edu-
17 cation program in effect for each exceptional child.

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

24 (B) In conducting the initial IEP meeting for a child who was pre-
25 viously served under part C of the federal law, an agency, at the request
26 of the parent, shall send an invitation to attend the IEP meeting to the
27 part C services coordinator or other representatives of the part C system
28 to assist with the smooth transition of services.

29 (b) (1) Except as otherwise provided in this section, each IEP of an
30 exceptional child and any amendment or modification of an IEP shall be
31 made by the child's IEP team. Upon agreement of the parent and the
32 agency, an IEP team can meet in person or by alternative means, includ-
33 ing telephone conference calls and video conferences.

34 (2) A member of a child's IEP team shall not be required to attend
35 an IEP meeting, if the parent of the child and the agency agree that the
36 attendance of such IEP member is not necessary because the IEP mem-
37 ber's area of curriculum or related service is not to be discussed or mod-
38 ified at the meeting. The parent's agreement shall be in writing.

39 (3) A member of a child's IEP team may be excused from attending
40 an IEP meeting when the meeting is to involve a discussion of, and pos-
41 sibly a modification to, the IEP member's area of the curriculum or re-
42 lated service, if:

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

- 1 (B) the IEP member submits, in writing to the parent and the IEP
2 team, input into the development of the IEP prior to the meeting; and
3 (C) the parent's consent to the excusal is in writing.
- 4 (4) (A) After the annual IEP meeting for a school year, the parent
5 of an exceptional child and an appropriate representative of the agency
6 providing services to the child may agree to develop a written document
7 amending or modifying the child's current IEP, without convening an
8 IEP meeting, *including any substantial change in placement and any*
9 *material change in services.* **The parent's consent to the revised IEP**
10 **may be made by telephone, if the telephone consent is docu-**
11 **mented by and signed by an IEP team member or by e-mail or fax.**
12 **At the time of consideration of an amendment or modification of**
13 **the child's current IEP, the parent shall be informed of the par-**
14 **ent's right to an IEP team meeting.**
- 15 (B) If the parent and agency representative develop a written docu-
16 ment amending or modifying a child's current IEP, the document shall
17 be dated and signed by the parent and the agency representative. The
18 parent and the agency shall be provided a copy of the document.
- 19 (c) The IEP for each exceptional child shall include:
- 20 (1) A statement of the child's present levels of academic achievement
21 and functional performance, including: (A) How the child's disability or
22 giftedness affects the child's involvement and progress in the general ed-
23 ucation curriculum; (B) for preschool children, as appropriate, how the
24 disability affects the child's participation in appropriate activities; and (C)
25 for those children with disabilities who take alternate assessments aligned
26 to alternate achievement standards, a description of benchmarks or short-
27 term objections;
- 28 (2) a statement of measurable annual goals, including academic and
29 functional goals designed to: (A) Meet the child's needs that result from
30 the child's disability or giftedness, to enable the child to be involved in
31 and make progress in the general education or advanced curriculum; and
32 (B) meet each of the child's other educational needs that result from the
33 child's disability or giftedness;
- 34 (3) a description of how the child's progress toward meeting the an-
35 nual goals will be measured and when periodic reports on the progress
36 the child is making toward meeting the annual goals will be provided,
37 such as through the use of quarterly or other periodic reports issued
38 concurrently with general education report cards;
- 39 (4) a statement of the special education and related services and sup-
40 plementary aids, based on peer-reviewed research to the extent practi-
41 cable, and services to be provided to the child, or on behalf of the child,
42 and a statement of the program modifications or supports for school per-
43 sonnel that will be provided for the child: (A) To advance appropriately

1 toward attaining the annual goals; (B) to be involved in and make progress
2 in the general education curriculum in accordance with provision (1) and
3 to participate in extracurricular and other nonacademic activities; and (C)
4 to be educated and participate with other exceptional and nonexceptional
5 children in the activities described in this paragraph;

6 (5) an explanation of the extent, if any, to which the child will not
7 participate with nonexceptional children in the regular class and in the
8 activities described in provision (4);

9 (6) (A) a statement of any individual appropriate accommodations
10 that are necessary to measure the academic achievement and functional
11 performance of the child on state and district-wide assessments; and (B)
12 if the IEP team determines that the child shall take an alternate assess-
13 ment on a particular state or district-wide assessment of student achieve-
14 ment or part of such an assessment, a statement of why the child cannot
15 participate in the regular assessment and why the particular alternate
16 assessment selected is appropriate for the child;

17 (7) the projected date for the beginning of the services and modifi-
18 cations described in provision (4), and the anticipated frequency, location,
19 and duration of those services and modifications;

20 (8) (A) beginning at age 14, and updated annually, thereafter: (A)
21 Appropriate measurable postsecondary goals based upon age-appropriate
22 transition assessments related to training, education, employment and
23 where appropriate, independent living skills; and (B) the transition serv-
24 ices, including appropriate courses of study, needed to assist the child in
25 reaching the stated postsecondary goals; and (C) beginning at age 16, or
26 younger, if determined appropriate by the IEP team, a statement of
27 needed transition services for the child, including, when appropriate, a
28 statement of the interagency responsibilities or any needed linkages; and

29 (9) beginning at least one year before the child reaches the age of
30 majority under state law, a statement that the child has been informed of
31 the child's rights, if any, that will transfer to the child on reaching the age
32 of majority as provided in K.S.A. 72-989, and amendments thereto.

33 Nothing in this section shall be construed to require: (1) That additional
34 information be included in a child's IEP beyond that which is specifically
35 required by this section; and (2) that an IEP team include information
36 under one component of a child's IEP that is already contained under
37 another component of the IEP.

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

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

41 (2) the results of the initial evaluation or most recent evaluation of
42 the child;

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

- 1 (4) in the case of a child whose behavior impedes the child's learning
2 or that of others, the use of positive behavioral interventions and supports
3 and other strategies to address that behavior;
- 4 (5) in the case of a child with limited English proficiency, the lan-
5 guage needs of the child as such needs relate to the child's IEP;
- 6 (6) in the case of a child who is blind or visually impaired, provide
7 for instruction in Braille and the use of Braille unless the IEP team de-
8 termines, after an evaluation of the child's reading and writing skills,
9 needs, and appropriate reading and writing media, including an evalua-
10 tion of the child's future needs for instruction in Braille or the use of
11 Braille, that instruction in Braille or the use of Braille is not appropriate
12 for the child;
- 13 (7) the communication needs of the child, and in the case of a child
14 who is deaf or hard of hearing, consider the child's language and com-
15 munication needs, opportunities for direct communications with peers
16 and professional personnel in the child's language and communication
17 mode, academic level, and full range of needs, including opportunities
18 for direct instruction in the child's language and communication mode;
19 and
- 20 (8) whether the child requires assistive technology devices and
21 services.
- 22 (e) The regular education teacher of the child, as a member of the
23 IEP team, to the extent appropriate, shall participate in:
- 24 (1) The development of the IEP of the child, including the deter-
25 mination of appropriate positive behavioral interventions supports, and
26 other strategies and the determination of supplementary aids and serv-
27 ices, program modifications, and support for school personnel consistent
28 with this section; and
- 29 (2) except as provided in this section, the review and revision of the
30 child's IEP.
- 31 (f) Each agency shall ensure that the IEP team:
- 32 (1) Reviews the child's IEP periodically, but not less than annually to
33 determine whether the annual goals for the child are being achieved; and
- 34 (2) revises the IEP, as appropriate, to address: (A) Any lack of ex-
35 pected progress toward the annual goals and in the general education
36 curriculum, where appropriate; (B) the results of any reevaluation con-
37 ducted under this section; (C) information about the child provided by
38 the parents; (D) the child's anticipated needs; or (E) other matters.
- 39 (g) (1) If an exceptional child with a current IEP transfers from one
40 Kansas school district to another during the academic year, the new school
41 district, in consultation with the child's parent, shall provide the child a
42 FAPE, including services comparable to those described in the trans-
43 ferred IEP, until the new school district either adopts the transferred

- 1 IEP, or develops and implements a new IEP for the child.
- 2 (2) If during the academic year, an exceptional child who has a cur-
3 rent IEP transfers from a school district in another state to a Kansas
4 school district, the Kansas school district, in consultation with the child's
5 parent, shall provide the child a FAPE, including services comparable to
6 those described in the transferred IEP, until the Kansas school district
7 either adopts the transferred IEP, or conducts an evaluation of the child,
8 if deemed necessary, and develops and implements a new IEP for the
9 child.
- 10 Sec. 2. K.S.A. 2005 Supp. 72-987 is hereby repealed.
- 11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.