

By: Senator(s) Ladner

To: Education

## SENATE BILL NO. 2763

1       AN ACT RELATIVE TO PARENTAL CONSENT TO AN INDIVIDUALIZED  
2 EDUCATION PROGRAM; TO PROVIDE FOR WRITTEN INFORMED CONSENT FROM A  
3 PARENT OR OTHER LEGAL GUARDIAN; TO AMEND SECTION 37-23-5,  
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

5       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6       SECTION 1. (1) Notwithstanding any provision of law to the  
7 contrary, a local school district shall obtain written informed  
8 consent from a student's parent or legal guardian before it can  
9 initially provide a student with special education courses or  
10 related services in any setting.

11       (2) If the individualized education program placement  
12 requires a reduction or removal of any special education course or  
13 related service, the local school board shall obtain written  
14 informed consent from the student's parent or other legal guardian  
15 before the change can be implemented. In the event the student's  
16 individualized education program is changed for any reason, the  
17 local school board shall obtain written informed consent from the  
18 parent or legal guardian before the change can be implemented.

19           **SECTION 2.** Section 37-23-5, Mississippi Code of 1972, is  
20 amended as follows:

21           37-23-5. (1) Except as otherwise provided in Laws of 1999,  
22 Chapter 582, the State Department of Education is empowered to  
23 foster, inspect, approve and administer a program of education for  
24 exceptional children. The State Department of Education shall  
25 make the necessary rules and regulations in keeping with the  
26 provisions of Sections 37-23-1 through 37-23-9 and applicable  
27 federal laws and regulations which are not in conflict with  
28 Mississippi law for its proper administration and shall employ  
29 such personnel as may be necessary to administer such program.

30           (2) The department shall require that the program of  
31 education for exceptional children be designed to provide  
32 individualized appropriate special education and related services  
33 that enable a child to reach his or her appropriate and uniquely  
34 designed goals for success.

35           (3) Notwithstanding any provision of law to the contrary, a  
36 local school district shall obtain written informed consent from a  
37 student's parent or legal guardian before it can initially provide  
38 a student with special education courses or related services in  
39 any setting.

40           (4) If the individualized education program placement  
41 requires a reduction or removal of any special education course or  
42 related service, the local school board shall obtain written  
43 informed consent from the student's parent or other legal guardian



44 before the change can be implemented. In the event the student's  
45 individualized education program is changed for any reason, the  
46 local school board shall obtain written informed consent from the  
47 parent or legal guardian before the change can be implemented.

48       **SECTION 3.** This act shall take effect and be in force from  
49 and after July 1, 2025.

