3/15 12:32p

Chapter No. 353
10/HR07/R738
CT / JP

HOUSE BILL NO. 626

Originated in House Don Richardson Clerk

HOUSE BILL NO. 626

AN ACT TO REPEAL SECTION 37-23-11, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A DUE PROCESS HEARING REGARDING AN EXCEPTIONAL CHILD'S IDENTIFICATION, EVALUATION OR EDUCATIONAL PLACEMENT; TO AMEND SECTION 37-23-150, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-23-11, Mississippi Code of 1972, which provides for a due process hearing regarding an exceptional child's identification, evaluation or educational placement, is repealed.

SECTION 2. Section 37-23-150, Mississippi Code of 1972, is amended as follows:

37-23-150. It is the intent of the Legislature that none of the provisions of Sections 37-16-9, 37-23-1 through 37-23-9 and 37-23-133 through 37-23-149 shall create mandates that impose financial or legal requirements upon local school districts that are greater or more restrictive upon local school districts as required by the Individuals with Disabilities Education Act of 1997 and any later amendments or regulations thereunder, or any other relevant federal legislation. Furthermore, it is not the intent of the Legislature to impose any additional state unfunded mandates for the implementation of this act. Any provisions of this act that are inconsistent, create additional unfunded state mandates, or that are more restrictive upon school districts than federal requirements shall be expressly unenforceable and have no effect.

SECTION 3. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

3/15/10 12:32pm