
EMERGENCY RULE

**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 300 – Office of Special Education**

EMERGENCY AMENDMENT

5 CSR 20-300.110 Individuals with Disabilities Education Act, Part B. The State Board of Education (board) is amending the incorporation by reference materials.

PURPOSE: The purpose of the amendment is to update the incorporation by reference materials to incorporate changes required by amendments to statute in sections 162.700 and 162.405, by SB 68. SB 68 changed the young child with a developmental delay definition to allow students to continue receiving special education services for an additional year, as well as authorized the board to approve private agencies in adjacent states to provide special education services.

EMERGENCY STATEMENT: This emergency amendment is necessary due to the passage of SB 68, which went into effect August 28, 2025. The emergency amendment will allow students to continue receiving services for an additional year under the young child with a developmental delay eligibility category, as well as authorizes the board to approve private agencies in adjacent states to provide special education services. This emergency amendment is necessary to align the rule to legislative changes. The emergency amendment is further necessary to protect the health, safety, and welfare of special education students to ensure continuity of coverage for young children with developmental delays; and to ensure that students who are already enrolled for the 2025-2026 school year in approved private agencies in adjacent states do not experience a lapse in services. The emergency amendment ensures that students with special educational needs will immediately receive the benefits of certain protections and educational supports provided by SB 68 without delay. As a result, the board finds a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on September 16, 2025, becomes effective September 30, 2025, and expires March 28, 2026.

(2) The content of this state plan for the Individuals with Disabilities Education Act (IDEA), Part B (revised [December 2022] **September 2025**), which is hereby incorporated by reference and made a part of this rule, meets the federal statute and Missouri's compliance in the following areas. A copy of the IDEA, Part B, is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Special Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and at its website at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 162.685, RSMo 2016. This rule previously filed as 5 CSR 70-742.140. Original rule filed April 11, 1975, effective April 21, 1975. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 16, 2025, effective Sept. 30, 2025, and expires March 28, 2026. An

emergency amendment and a proposed amendment covering this same material will be published in the Nov. 3, 2025, issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.