

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 4—Standards of Conduct

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.410, RSMo 2000, the commission withdraws a proposed amendment as follows:

4 CSR 240-4.020 Ex Parte and Extra-Record Communications is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2230-2232). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended December 1, 2011, and on December 5, 2011, the commission held a public hearing on the proposed amendment. Timely written comments were received from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; AARP Missouri and the Consumers Council of Missouri; the Missouri Retailers Association; and the Missouri Industrial Energy Consumers. In addition, each of the entities that offered written comments offered comments at the hearing. The comments generally opposed the proposed amendment. **RESPONSE:** The commission intended to amend its ex parte and extra-record rule simply to improve the operation of the rule in light of experience gained since the rule went into effect. The comments

express concern that the amendments will have the effect of weakening the ethical standards established by the rule. The commission never intended to weaken those standards, but the concerns raised in the comments point out implications of the proposed modifications that may go beyond what the commission intended to accomplish. Rather than attempt to modify its amendment at this time, the commission will withdraw the proposed amendment. The commission will seek input from interested stakeholders in undertaking a review of the operations of its ex parte and extra-record rule before again proposing to amend that rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 300—Office of Special Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.900–160.925 and 161.092, RSMo Supp. 2011, the board hereby amends a rule as follows:

5 CSR 20-300.120 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were not held because the Office of Special Education Programs (OSEP) required the change and did not require public hearings be held.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for infants and toddlers with disabilities, in accordance with Part C of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17.

5 CSR 20-300.120 Individuals with Disabilities Education Act, Part C. This order of rulemaking makes changes to section (2) and amends the incorporated by reference material, *Regulations Implementing Part C of the Individuals with Disabilities Education Act First Steps Program*.

(2) The Missouri state plan for the regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) First Steps Program contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri state plan for the IDEA, Part C is hereby incorporated by reference and made a part of this rule. A copy of the IDEA, Part C (revised January 2012) is published by and can be obtained from the Department of Elementary and Secondary Education, Special Education Compliance Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 160.900–160.925 and 161.092, RSMo Supp. 2011. This rule previously filed as 5 CSR 70-742.141. Executive Order 94-22 of the Governor, *Individuals with Disabilities Education Act*, 20 U.S.C. Section 1431, et seq. Original rule filed Dec. 29, 1997, effective March 30, 1998. Amended: Filed July 31, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 7, 2000, effective March 30, 2001. Amended: Filed Feb. 18, 2003, effective April 30, 2003. Amended: Filed Jan. 5, 2004, effective March 30, 2004. Amended: Filed Nov. 14, 2005, effective Jan. 30, 2006. Amended: Filed Jan. 5, 2007,