

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 645

100TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 2, 2020, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

3776S.03C

AN ACT

To repeal section 162.720, RSMo, and to enact in lieu thereof two new sections relating to services for certain students.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 162.720, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 162.686 and 162.720, to read as
3 follows:

**162.686. 1. No school district or charter school shall prohibit a
2 parent or legal guardian of a student from recording by audio any
3 meeting held under the federal Individuals with Disabilities Education
4 Act (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or Section 504
5 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as
6 amended.**

7 **2. Any recording made by a parent or legal guardian under this
8 section shall be the property of the parent or legal guardian creating
9 the recording. No recording made under this section shall be construed
10 to be a public record made by or prepared for any public governmental
11 body under chapter 610.**

12 **3. No school district or charter school shall impose pre-meeting
13 notification requirements of recording by a parent or legal guardian of
14 more than twenty-four hours.**

15 **4. No school district or charter school employee who reports any
16 violations under this section shall be subject to discharge, retaliation,
17 or any other adverse employment action for making such report.**

162.720. 1. **(1) This subdivision shall apply to all school years**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 **ending on or before June 30, 2022.** Where a sufficient number of children are
3 determined to be gifted and their development requires programs or services
4 beyond the level of those ordinarily provided in regular public school programs,
5 districts may establish special programs for such gifted children.

6 **(2) Beginning July 1, 2022, if three percent or more of students**
7 **enrolled in a school district or charter school are determined to be**
8 **gifted and their development requires programs or services beyond the**
9 **level of those ordinarily provided in regular public school programs,**
10 **the district or charter school shall establish a state-approved gifted**
11 **program for gifted children.**

12 **2. Beginning July 1, 2022, the teacher or teachers providing**
13 **gifted services to students in districts or charter schools with an**
14 **average daily attendance of more than three hundred fifty students**
15 **shall be certificated in gifted education. In districts or charter schools**
16 **with an average daily attendance of three hundred fifty students or**
17 **less, the teacher or teachers providing gifted services shall not be**
18 **required to be certificated to teach gifted education, however such**
19 **teachers shall annually participate in at least six clock hours of**
20 **professional development focused on gifted services.**

21 **3.** The state board of education shall determine standards for such **gifted**
22 **programs and gifted services.** Approval of [such] **gifted** programs shall be
23 made by the state department of elementary and secondary education based upon
24 project applications submitted [by July fifteenth of each year] **at a time and in**
25 **a form determined by the department of elementary and secondary**
26 **education.**

27 [3.] **4.** No district shall make a determination as to whether a child is
28 gifted based on the child's participation in an advanced placement course or
29 international baccalaureate course. Districts shall determine a child is gifted
30 only if the child meets the definition of gifted children as provided in section
31 162.675.

32 [4.] **5.** Any district with a gifted education program approved under
33 subsection [2] **3** of this section shall have a policy, approved by the board of
34 education of the district, that establishes a process that outlines the procedures
35 and conditions under which parents or guardians may request a review of the
36 decision that determined that their child did not qualify to receive services
37 through the district's gifted education program.

38 [5.] 6. School districts and school district employees shall be immune
39 from liability for any and all acts or omissions relating to the decision that a child
40 did not qualify to receive services through the district's gifted education program.

41 7. **The department of elementary and secondary education may**
42 **promulgate rules to implement the provisions of this section and may**
43 **develop a process to certify teachers in gifted education. Any rule or**
44 **portion of a rule, as that term is defined in section 536.010, that is**
45 **created under the authority delegated in this section shall become**
46 **effective only if it complies with and is subject to all of the provisions**
47 **of chapter 536 and, if applicable, section 536.028. This section and**
48 **chapter 536 are nonseverable, and if any of the powers vested with the**
49 **general assembly pursuant to chapter 536 to review, to delay the**
50 **effective date, or to disapprove and annul a rule are subsequently held**
51 **unconstitutional, then the grant of rulemaking authority and any rule**
52 **proposed or adopted after August 28, 2020, shall be invalid and void.**

✓

Bill

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