

SECOND REGULAR SESSION

# SENATE BILL NO. 645

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3776S.011

## AN ACT

To repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to gifted children.

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

Section A. Section 162.720, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 162.720, to read as follows:

162.720. 1. [Where a sufficient number of children] **If three percent or**  
2 **more of students enrolled in a school district** are determined to be gifted  
3 and their development requires programs or services beyond the level of those  
4 ordinarily provided in regular public school programs, [districts may establish  
5 special programs for such gifted children] **the district shall establish a state-**  
6 **approved gifted program for gifted children.**

7 2. **The teacher or teachers providing gifted services to students**  
8 **in districts with an average daily attendance of more than three**  
9 **hundred fifty students shall be certified by the department in gifted**  
10 **education. In districts with an average daily attendance of three**  
11 **hundred fifty students or less, the teacher or teachers providing gifted**  
12 **services shall not be required to be certificated to teach gifted**  
13 **education, however such teachers shall annually participate in at least**  
14 **six clock hours of professional development focused on gifted services.**

15 3. The state board of education shall determine standards for such **gifted**  
16 **programs and gifted services.** Approval of [such] **gifted** programs shall be  
17 made by the state department of elementary and secondary education based upon  
18 project applications submitted [by July fifteenth of each year] **at a time and in**  
19 **a form determined by the department of elementary and secondary**

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

20 **education.**

21 [3.] 4. No district shall make a determination as to whether a child is  
22 gifted based on the child's participation in an advanced placement course or  
23 international baccalaureate course. Districts shall determine a child is gifted  
24 only if the child meets the definition of gifted children as provided in section  
25 162.675.

26 [4.] 5. Any district with a gifted education program approved under  
27 subsection [2] 3 of this section shall have a policy, approved by the board of  
28 education of the district, that establishes a process that outlines the procedures  
29 and conditions under which parents or guardians may request a review of the  
30 decision that determined that their child did not qualify to receive services  
31 through the district's gifted education program.

32 [5.] 6. School districts and school district employees shall be immune  
33 from liability for any and all acts or omissions relating to the decision that a child  
34 did not qualify to receive services through the district's gifted education program.

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

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