

FIRST REGULAR SESSION

SENATE BILL NO. 151

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0624S.01H

ADRIANE D. CROUSE, Secretary

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Section A. Section 162.720, RSMo, is repealed and one new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

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

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

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

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

26 **[3.] 4.** No district shall make a determination as to
27 whether a child is gifted based on the child's participation
28 in an advanced placement course or international
29 baccalaureate course. Districts shall determine a child is
30 gifted only if the child meets the definition of gifted
31 children as provided in section 162.675.

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

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

45 **7.** The department of elementary and secondary
46 education may promulgate rules to implement the provisions
47 of this section and may develop a process to certify
48 teachers in gifted education. Any rule or portion of a
49 rule, as that term is defined in section 536.010, that is
50 created under the authority delegated in this section shall

51 become effective only if it complies with and is subject to
52 all of the provisions of chapter 536 and, if applicable,
53 section 536.028. This section and chapter 536 are
54 nonseverable and if any of the powers vested with the
55 general assembly pursuant to chapter 536 to review, to delay
56 the effective date, or to disapprove and annul a rule are
57 subsequently held unconstitutional, then the grant of
58 rulemaking authority and any rule proposed or adopted after
59 August 28, 2021, shall be invalid and void.

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