

SENATE BILL NO. 806

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

4295S.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Section A. Section 162.720, RSMo, is repealed and one new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. **(1) This subdivision shall apply to all**
2 **school years ending on or before June 30, 2024.** Where a
3 sufficient number of children are [determined] **identified** to
4 be gifted and their development requires programs or
5 services beyond the level of those ordinarily provided in
6 regular public school programs, districts may establish
7 special programs for such gifted children.

8 **(2) For all school years beginning on or after July 1,**
9 **2024, if three percent or more of students enrolled in a**
10 **school district are identified to be gifted and their**
11 **development requires programs or services beyond the level**
12 **of those ordinarily provided in regular public school**
13 **programs, the district shall establish a state-approved**
14 **gifted program for gifted children.**

15 2. For all school years beginning on or after July 1,
16 2024, any teacher providing gifted services to students in
17 districts with an average daily attendance of more than
18 three hundred fifty students shall be certificated in gifted

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

19 education. In districts with an average daily attendance of
20 three hundred fifty students or fewer, any teacher providing
21 gifted services shall not be required to be certificated to
22 teach gifted education but such teacher shall annually
23 participate in at least six clock hours of professional
24 development focused on gifted services.

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

32 [3.] 4. No district shall [make a determination as to
33 whether] **identify** a child [is] **as** gifted based on the
34 child's participation in an advanced placement course or
35 international baccalaureate course. Districts shall
36 [determine] **identify** a child [is] **as** gifted only if the
37 child meets the definition of gifted children as provided in
38 section 162.675.

39 [4.] 5. Any district with a gifted education program
40 approved under subsection [2] 3 of this section shall have a
41 policy, approved by the board of education of the district,
42 that establishes a process that outlines the procedures and
43 conditions under which parents or guardians may request a
44 review of the decision that determined that their child did
45 not qualify to receive services through the district's
46 gifted education program.

47 [5.] 6. School districts and school district employees
48 shall be immune from liability for any and all acts or
49 omissions relating to the decision that a child did not

50 qualify to receive services through the district's gifted
51 education program.

52 7. The department of elementary and secondary
53 education may promulgate rules to implement the provisions
54 of this section and may develop a process to certify
55 teachers in gifted education. Any rule or portion of a
56 rule, as that term is defined in section 536.010, that is
57 created under the authority delegated in this section shall
58 become effective only if it complies with and is subject to
59 all of the provisions of chapter 536 and, if applicable,
60 section 536.028. This section and chapter 536 are
61 nonseverable and if any of the powers vested with the
62 general assembly pursuant to chapter 536 to review, to delay
63 the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of
65 rulemaking authority and any rule proposed or adopted after
66 August 28, 2022, shall be invalid and void.

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