

SECOND REGULAR SESSION

# SENATE BILL NO. 1600

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

6926S.011

KRISTINA MARTIN, Secretary

## AN ACT

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

*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Section A. Section 162.720, RSMo, is repealed and one new  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 before July 1, 2024. Where a sufficient  
3 number of children are identified as gifted and their  
4 development requires programs or services beyond the level  
5 of those ordinarily provided in regular public school  
6 programs, districts may establish special programs for such  
7 gifted children.

8 (2) For school year 2024-25 and all subsequent school  
9 years, if three percent or more of students enrolled in a  
10 school district are identified as 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 school year 2024-25 and all subsequent school  
16 years, any teacher providing gifted services to students in  
17 districts with an average daily attendance of more than

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

three hundred fifty students shall be certificated in gifted education. In districts with an average daily attendance of three hundred fifty students or fewer, any teacher providing gifted services shall not be required to be certificated to teach gifted education but such teacher shall annually participate in at least six clock hours of professional development focused on gifted services. The school district shall pay for such professional development focused on gifted services.

3. The state board of education shall determine standards for such gifted programs and gifted services. Approval of gifted programs shall be made by the state department of elementary and secondary education based upon project applications submitted at a time and in a form determined by the department of elementary and secondary education.

4. (1) **For the 2027-28 school year and all subsequent school years, each school district shall provide universal screenings for all students at least once before the beginning of grade three for the purpose of screening for gifted students. Such screenings shall:**

(a) **Provide a body of current, valid, and reliable evidence from a minimum of two areas including, but not limited to:**

- a. General mental ability testing;**
- b. Academic achievement;**
- c. Creativity;**
- d. Reasoning;**
- e. Problem solving;**
- f. Parent, teacher, student, or self-referrals; and**
- g. Other evidence of gifts and talents; and**

49           (b) Be reviewed by a minimum of three staff members  
50 trained in gifted education, administration, or assessment,  
51 or a combination of such areas for a referral for formal  
52 gifted assessment.

53           (2) No district shall identify a child as gifted based  
54 solely on the child's participation in an advanced placement  
55 course or international baccalaureate course.

56           (3) Districts shall identify a child as gifted only if  
57 the child meets the definition of gifted children as  
58 provided in section 162.675.

59           (4) A child's failure to meet criteria on a single  
60 screening or assessment tool shall not prevent further data  
61 collection or consideration for gifted identification of  
62 such child.

63           5. [Any district with a gifted education program  
64 approved under subsection 3 of this section] For the 2026-27  
65 school year and all subsequent school years, each school  
66 district shall have a policy, approved by the board of  
67 education of the district, that establishes a process:

68           (1) For the universal screening of students for gifted  
69 program selection;

70           (2) For providing annual notification to parents and  
71 guardians of such screening process;

72           (3) For identifying students for the gifted program  
73 and notifying parents and guardians of the criteria the  
74 district uses for the identification of students for the  
75 gifted program, provided that such criteria shall be guided  
76 by recommendations from the advisory council on the  
77 education of gifted and talented children established under  
78 section 161.249 and the standards established by the state  
79 board of education; and

80           (4) That outlines the procedures and conditions under  
81 which parents or guardians may request a review of the  
82 decision that their child did not qualify to receive  
83 services through the district's gifted education program.

84           6. School districts and school district employees  
85 shall be immune from liability for any and all acts or  
86 omissions relating to the decision that a child did not  
87 qualify to receive services through the district's gifted  
88 education program.

89           7. The department of elementary and secondary  
90 education may promulgate all necessary rules and regulations  
91 for the implementation and administration of this section.  
92 Any rule or portion of a rule, as that term is defined in  
93 section 536.010, that is created under the authority  
94 delegated in this section shall become effective only if it  
95 complies with and is subject to all of the provisions of  
96 chapter 536 and, if applicable, section 536.028. This  
97 section and chapter 536 are nonseverable and if any of the  
98 powers vested with the general assembly pursuant to chapter  
99 536 to review, to delay the effective date, or to disapprove  
100 and annul a rule are subsequently held unconstitutional,  
101 then the grant of rulemaking authority and any rule proposed  
102 or adopted after August 28, 2022, shall be invalid and void.

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