

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 468, Page 20, Section 162.291, Line 5, by inserting  
2 the following after all of said section and line:

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

8 2. If a school district has an average daily attendance of three hundred fifty students or less, the  
9 district's gifted program shall not be required to provide gifted services by a teacher certificated to teach  
10 gifted education. If any teacher who provides gifted services through such district's gifted program is not  
11 certificated to teach gifted education, the teacher shall annually participate in at least six clock hours of  
12 professional development focused on gifted services.

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

17 [3.] 4. No district shall make a determination as to whether a child is gifted based on the child's  
18 participation in an advanced placement course or international baccalaureate course. Districts shall determine  
19 a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

20 [4.] 5. Any district with a gifted education program approved under subsection [2] 3 of this section  
21 shall have a policy, approved by the board of education of the district, that establishes a process that outlines  
22 the procedures and conditions under which parents or guardians may request a review of the decision that  
23 determined that their child did not qualify to receive services through the district's gifted education program.

24 [5.] 6. School districts and school district employees shall be immune from liability for any and all  
25 acts or omissions relating to the decision that a child did not qualify to receive services through the district's  
26 gifted education program.

27 7. The department of elementary and secondary education may promulgate rules to implement the  
28 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
29 created under the authority delegated in this section shall become effective only if it complies with and is  
30 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
31 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to  
32 review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
33 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be  
34 invalid and void."; and

35  
36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_