

FIRST REGULAR SESSION

HOUSE BILL NO. 112

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

0258H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 162.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.720, to read as follows: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 more of students enrolled in a school district** are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, ~~[districts may establish special programs for such gifted children]~~ **the district shall establish a state-approved gifted program for gifted children.**

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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