

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1540, Page 1, Section 162.686, Line 14,
2 by inserting after all of said section and line the following:

3
4 "162.720. 1. (1) This subdivision shall apply to all school years ending on or before June
5 30, 2022. Where a sufficient number of children are determined to be gifted and their development
6 requires programs or services beyond the level of those ordinarily provided in regular public school
7 programs, districts may establish special programs for such gifted children.

8 (2) Beginning July 1, 2022, if three percent or more of students enrolled in a school district
9 or charter school are determined to be gifted and their development requires programs or services
10 beyond the level of those ordinarily provided in regular public school programs, the district or
11 charter school shall establish a state-approved gifted program for gifted children.

12 2. Beginning July 1, 2022, the teacher or teachers providing gifted services to students in
13 districts or charter schools with an average daily attendance of more than three hundred fifty
14 students shall be certificated in gifted education. In districts or charter schools with an average daily
15 attendance of three hundred fifty students or less, the teacher or teachers providing gifted services
16 shall not be required to be certificated to teach gifted education, however such teachers shall
17 annually participate in at least six clock hours of professional development focused on gifted
18 services.

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

24 [3.] 4. No district or charter school shall make a determination as to whether a child is
25 gifted based on the child's participation in an advanced placement course or international
26 baccalaureate course. Districts or charter schools shall determine a child is gifted only if the child
27 meets the definition of gifted children as provided in section 162.675.

28 [4.] 5. Any district or charter school with a gifted education program approved under
29 subsection [2] 3 of this section shall have a policy, approved by the board of education of the
30 district, or governing body of each charter school, that establishes a process that outlines the
31 procedures and conditions under which parents or guardians may request a review of the decision
32 that determined that their child did not qualify to receive services through the district's or charter
33 school's gifted education program.

34 [5.] 6. School districts and school district employees or charter schools and charter school
35 employees shall be immune from liability for any and all acts or omissions relating to the decision
36 that a child did not qualify to receive services through the district's or charter school's gifted

Action Taken _____ Date _____

1 education program.

2 7. The department of elementary and secondary education may promulgate rules to
3 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
4 section 536.010, that is created under the authority delegated in this section shall become effective
5 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
6 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested
7 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.