

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1317

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

3034H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 162.720, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 162.720, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.686 and 162.720, to read as follows:

162.686. 1. No school district or charter school shall prohibit a parent or legal guardian of a student from recording by audio any meeting held under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

2. Any recording made by a parent or legal guardian under this section shall be the property of the parent or legal guardian creating the recording. No recording made under this section shall be construed to be a public record made by or prepared for any public governmental body under chapter 610.

3. No school district or charter school shall impose pre-meeting notification requirements of recording by a parent or legal guardian of more than twenty-four hours.

4. No school district or charter school employee who reports directly to his or her employer any violations under this section shall be subject to discharge, retaliation, or any other adverse employment action for making such report.

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.

162.720. 1. **(1) This subdivision shall apply to all school years ending on or before June 30, 2022.** Where a sufficient number of children 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.

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

2. **Beginning July 1, 2022, the teacher or teachers providing gifted services to students in districts or charter schools with an average daily attendance of more than three hundred fifty students shall be certificated in gifted education. In districts or charter schools with an average daily attendance of three hundred fifty students or less, the teacher or teachers providing gifted services shall not be required to be certificated to teach gifted education, however such teachers 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.**

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

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

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

36 7. The department of elementary and secondary education may promulgate rules
37 to implement the provisions of this section. Any rule or portion of a rule, as that term is
38 defined in section 536.010, that is created under the authority delegated in this section shall
39 become effective only if it complies with and is subject to all of the provisions of chapter
40 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
41 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
42 to delay the effective date, or to disapprove and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
44 after August 28, 2020, shall be invalid and void.

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