

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 323, Page 12, 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, 2023. 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) For all school years beginning on or after July 1, 2023, if three percent or more of
9 students enrolled in a school district are determined to be gifted and their development requires
10 programs or services beyond the level of those ordinarily provided in regular public school
11 programs, the district shall establish a state-approved gifted program for gifted children.

12 2. For all school years beginning on or after July 1, 2023, any teacher providing gifted
13 services to students in districts with an average daily attendance of more than three hundred fifty
14 students shall be certificated in gifted education. In districts with an average daily attendance of
15 three hundred fifty students or fewer, any teacher providing gifted services shall not be required to
16 be certificated to teach gifted education but such teacher shall annually participate in at least six
17 clock hours of professional development paid for by the school district focused on gifted services.

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

23 [3-] 4. No district shall make a determination as to whether a child is gifted based on the
24 child's participation in an advanced placement course or international baccalaureate course.
25 Districts shall determine a child is gifted only if the child meets the definition of gifted children as
26 provided in section 162.675.

27 [4-] 5. Any district with a gifted education program approved under subsection [2] 3 of this
28 section shall have a policy, approved by the board of education of the district, that establishes a
29 process that outlines the procedures and conditions under which parents or guardians may request a
30 review of the decision that determined that their child did not qualify to receive services through the
31 district's gifted education program.

32 [5-] 6. School districts and school district employees shall be immune from liability for any
33 and all acts or omissions relating to the decision that a child did not qualify to receive services
34 through the district's gifted education program.

35 7. The department of elementary and secondary education may promulgate rules to
36 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in

Action Taken _____ Date _____

1 section 536.010, that is created under the authority delegated in this section shall become effective
2 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
3 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested
4 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
5 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and
7

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