

SECOND REGULAR SESSION

HOUSE BILL NO. 2704

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HRUZA.

6445H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to testing of gifted students.

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Section A. Section 162.720, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 162.720, to read as follows:

162.720. 1. (1) This subdivision shall apply to all school years ending before July 1,
2 2024. Where a sufficient number of children are identified as gifted and their development
3 requires programs or services beyond the level of those ordinarily provided in regular public
4 school programs, districts may establish special programs for such gifted children.

5 (2) For school year 2024-25 and all subsequent school years, if three percent or more
6 of students enrolled in a school district are identified as gifted and their development requires
7 programs or services beyond the level of those ordinarily provided in regular public school
8 programs, the district shall establish a state-approved gifted program for gifted children.

9 2. For school year 2024-25 and all subsequent school years, any teacher providing
10 gifted services to students in districts with an average daily attendance of more than three
11 hundred fifty students shall be certificated in gifted education. In districts with an average
12 daily attendance of three hundred fifty students or fewer, any teacher providing gifted
13 services shall not be required to be certificated to teach gifted education but such teacher shall
14 annually participate in at least six clock hours of professional development focused on gifted
15 services. The school district shall pay for such professional development focused on gifted
16 services.

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

21 4. **(1) For the 2026-27 school year and all subsequent school years, each school**
22 **district shall provide universal screenings for all students at least once before the**
23 **beginning of grade three for the purpose of identifying gifted students. Such screenings**
24 **shall:**

25 (a) **Use valid, reliable, and current testing methods;**
26 (b) **Provide a body of evidence from a minimum of two areas including, but not**
27 **limited to:**
28 a. **General mental ability;**
29 b. **Academic achievement;**
30 c. **Creativity;**
31 d. **Reasoning;**
32 e. **Problem solving; and**
33 f. **Parent, teacher, student, or self-referrals; and**
34 (c) **Be reviewed by staff members trained in gifted education or assessment, or**
35 **both.**

36 (2) No district shall identify a child as gifted based **solely** on the child's participation
37 in an advanced placement course or international baccalaureate course.

38 (3) Districts shall identify a child as gifted only if the child meets the definition of
39 gifted children as provided in section 162.675.

40 (4) **A child's failure to meet criteria on a single screening or assessment tool shall**
41 **not prevent further data collection or consideration for gifted identification of such**
42 **child.**

43 5. ~~[Any district with a gifted education program approved under subsection 3 of this~~
44 ~~section]~~ **For the 2026-27 school year and all subsequent school years, each school district**
45 shall have a policy, approved by the board of education of the district, that establishes a
46 process:

47 (1) **For the universal screening of students for gifted program selection;**
48 (2) **For providing annual notification to parents and guardians of such screening**
49 **process; and**

50 (3) That outlines the procedures and conditions under which parents or guardians may
51 request a review of the decision that their child did not qualify to receive services through the
52 district's gifted education program.

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

56 7. The department of elementary and secondary education may promulgate all
57 necessary rules and regulations for the implementation and administration of this section.
58 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
59 the authority delegated in this section shall become effective only if it complies with and is
60 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
61 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
62 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
63 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
64 rule proposed or adopted after August 28, 2022, shall be invalid and void.

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