

SECOND REGULAR SESSION

# HOUSE BILL NO. 2366

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHIELDS.

4836H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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*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Section A. Section 162.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.720, to read as follows: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. **(1) This subdivision shall apply to all school years ending before July 1, 2024.** Where a sufficient number of children are ~~[determined to be]~~ **identified as** 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) For school year 2024-25 and all subsequent school years, if three percent or more of students enrolled in a school district are identified as gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, the district shall establish a state-approved gifted program for gifted children.**

**2. For school year 2024-25 and all subsequent school years, any teacher providing gifted services to students in districts with an average daily attendance of more than three hundred fifty students shall be certificated in gifted education. In districts with an average daily attendance of three hundred fifty students or fewer, any teacher providing gifted services shall not be required to be certificated to teach gifted education but such teacher shall annually participate in at least six clock hours of**

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 **professional development focused on gifted services. The school district shall pay for**  
18 **such professional development focused on gifted services.**

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

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

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

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

36 **7. The department of elementary and secondary education may promulgate all**  
37 **necessary rules and regulations for the implementation and administration of this**  
38 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
39 **created under the authority delegated in this section shall become effective only if it**  
40 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
41 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
42 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
43 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
44 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
45 **28, 2022, shall be invalid and void.**

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