

FIRST REGULAR SESSION

HOUSE BILL NO. 136

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARTER.

0657H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 162.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.720, to read as follows: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. 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]~~ **shall** establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such 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. No district 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 shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

4. Any district with a gifted education program approved under subsection 2 of this section shall have a policy, approved by the board of education of the district, 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 gifted education program.

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.

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

21 **6. The department of elementary and secondary education may promulgate rules**
22 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
23 **defined in section 536.010, that is created under the authority delegated in this section shall**
24 **become effective only if it complies with and is subject to all of the provisions of chapter**
25 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
26 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
27 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
28 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
29 **after August 28, 2019, shall be invalid and void.**

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