

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 645

AN ACT

To repeal section 162.720, RSMo, and to enact in lieu thereof two new sections relating to services for certain students.

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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Section A. Section 162.720, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.686 and 162.720, to read as follows: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 any violations under this section shall be subject to discharge, retaliation, or any other adverse employment action for making such report.

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 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.] 5. Any district 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, 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.

[5.] 6. School districts and school district 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 gifted education program.

7. The department of elementary and secondary education may promulgate rules to implement the provisions of this section and may develop a process to certify teachers in gifted education. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this

section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.