

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1540

100TH GENERAL ASSEMBLY

3343H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.720 and 162.974, RSMo, and to enact in lieu thereof four new sections relating to special education services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 162.720 and 162.974, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 162.686, 162.720, 162.877, and 162.974, to read as follows: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 directly to his or her employer 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

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.

3 development requires programs or services beyond the level of those ordinarily provided in
4 regular public school programs, districts may establish special programs for such gifted children.

5 **(2) Beginning July 1, 2022, if three percent or more of students enrolled in a school**
6 **district or charter school are determined to be gifted and their development requires**
7 **programs or services beyond the level of those ordinarily provided in regular public school**
8 **programs, the district or charter school shall establish a state-approved gifted program for**
9 **gifted children.**

10 **2. Beginning July 1, 2022, the teacher or teachers providing gifted services to**
11 **students in districts or charter schools with an average daily attendance of more than three**
12 **hundred fifty students shall be certificated in gifted education. In districts or charter**
13 **schools with an average daily attendance of three hundred fifty students or less, the teacher**
14 **or teachers providing gifted services shall not be required to be certificated to teach gifted**
15 **education, however such teachers shall annually participate in at least six clock hours of**
16 **professional development focused on gifted services.**

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

22 ~~[3-]~~ **4.** No district **or charter school** shall make a determination as to whether a child
23 is gifted based on the child's participation in an advanced placement course or international
24 baccalaureate course. Districts **or charter schools** shall determine a child is gifted only if the
25 child meets the definition of gifted children as provided in section 162.675.

26 ~~[4-]~~ **5.** Any district **or charter school** with a gifted education program approved under
27 subsection ~~[2]~~ **3** of this section shall have a policy, approved by the board of education of the
28 district, **or governing body of each charter school**, that establishes a process that outlines the
29 procedures and conditions under which parents or guardians may request a review of the decision
30 that determined that their child did not qualify to receive services through the district's **or**
31 **charter school's** gifted education program.

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

36 **7.** The department of elementary and secondary education may promulgate rules
37 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
38 **defined in section 536.010, that is created under the authority delegated in this section shall**

39 become effective only if it complies with and is subject to all of the provisions of chapter
40 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
41 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
42 to delay the effective date, or to disapprove and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
44 after August 28, 2020, shall be invalid and void.

162.877. 1. (1) If any school district desires to be attached to an adjacent special
2 school district, the school board of the district desiring the attachment to the special school
3 district shall first establish a special school district in the school board's jurisdiction as
4 provided in this chapter. After a special school district is established in the school district
5 desiring to attach to an adjacent special school district, the special school district desiring
6 the attachment may follow the procedures for annexation provided in this section.

7 (2) If any special school district desires to be attached to an adjacent special school
8 district, the school board of the district proposing annexation shall submit the question to
9 the voters of the district.

10 (3) The school board of the special school district proposing annexation shall
11 submit a question under subdivision (2) of this subsection only after receiving a petition
12 requesting the annexation signed by the lesser of:

13 (a) A number of voters of the district proposing annexation equal to ten percent of
14 voters voting in the last school election at which school board members were elected; or

15 (b) A majority of the voters of the district.

16 2. A plat of the proposed changes to all affected special school districts shall be
17 published and posted with the notice of election.

18 3. The question shall be submitted in substantially the following form: "Shall the
19 (name of the special school district proposing annexation) be annexed to the (name of the
20 special school district) for special educational services purposes only?".

21 4. (1) If a majority of the votes cast in the special school district proposing
22 annexation favor annexation, the secretary of the board shall certify the fact, with a copy
23 of the record, to the board of the district proposing annexation, the board of the special
24 school district to which annexation is proposed, and the state board of education.

25 (2) For each newly created special school district with more than one hundred
26 thousand inhabitants, the membership of the governing council shall be expanded to
27 include each school district annexed to the special school district under this section. A
28 member representing an annexed school district on the governing council shall be elected
29 as provided in section 162.856. After the new governing council member is elected, a new

30 special school district board shall be elected as provided in sections 162.670 to 162.974 after
31 a redistricting under subdivision (4) of this subsection.

32 (3) For each newly created special school district with no more than one hundred
33 thousand inhabitants, new board members shall be elected as provided in sections 162.670
34 to 162.974 after a redistricting under subdivision (4) of this subsection.

35 (4) (a) The existing special school district board of education shall, upon formation
36 of a new special school district under this section and each decade within ninety days after
37 each decennial census has been reported to the President of the United States, adopt a
38 resolution calling for the formation of a redistricting committee. Upon adoption of such
39 resolution, the secretary of the board of education shall forward a certified copy thereof
40 to the state board of education. The redistricting committee shall consist of three residents
41 within the district, appointed by the board of education of the special school district, plus
42 three additional persons residing within the special school district, appointed by the state
43 board. Thereafter, the redistricting committee shall meet, organize itself with a chair and
44 secretary, and proceed with the adoption of a redistricting plan. Any plan proposed to be
45 adopted shall receive approval of a majority of the whole redistricting committee before
46 its adoption. Upon adoption, the redistricting committee shall forward a copy of the plan
47 certified by the secretary of the redistricting committee to the state board for its approval
48 or disapproval. The state board shall approve any redistricting plan that divides the
49 special school district into seven subdistricts of equal population, taking into account as
50 much as possible existing school district boundary lines. Upon approval by the state board,
51 the redistricting plan shall become effective and all board members elected thereafter shall
52 be elected from subdistricts in which they reside. If the plan is disapproved, it shall be
53 returned to the redistricting committee for revision and resubmission. If a redistricting
54 plan has not been adopted within one year after the publication of the decennial census
55 figures, the state board shall provide the redistricting plan. No member of the redistricting
56 committee shall serve on the board of education for a period of six years following such
57 service on the redistricting committee.

58 (b) Within thirty days after the adoption of a redistricting plan, the state board of
59 education shall call a special election for the election of school board members of the new
60 special school district. Such special district school board members shall be elected as
61 provided in sections 162.670 to 162.974.

162.974. 1. The state department of elementary and secondary education shall reimburse
2 school districts, including special school districts, for the special educational costs of high-need
3 children with an individualized education program exceeding three times the current expenditure
4 per average daily attendance as calculated on the district annual secretary of the board report for

5 the year in which expenditures are claimed. **For any school district with an average daily**
6 **attendance of five hundred students or fewer, the calculation of three times the current**
7 **expenditure per average daily attendance shall not include any money reimbursed to a**
8 **school district under this section.**

9 2. A school district shall submit, through timely application, as determined by the state
10 department of elementary and secondary education, the cost of serving any **high-needs** student
11 **with an individualized education program**, as provided in subsection 1 of this section.

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