

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 SENATE BILLS NOS. 4, 42, & 89
 AN ACT

To repeal sections 160.516 and 160.522, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.516 and 160.522, RSMo, are
 2 repealed and six new sections enacted in lieu thereof, to be
 3 known as sections 160.516, 160.522, 161.841, 161.852, 170.355,
 4 and 170.370, to read as follows:

160.516. 1. Notwithstanding the provisions of section
 2 160.514, the state board of education and the department of
 3 elementary and secondary education shall not be authorized
 4 to mandate and are expressly prohibited from mandating the
 5 curriculum, textbooks, or other instructional materials to
 6 be used in public schools. Each local school board and
 7 charter school governing board shall be **[responsible for the**
 8 **approval and adoption of]** required to approve and adopt the
 9 curriculum used by the school district or charter school at
 10 least two months prior to implementation. The provisions of
 11 this subsection shall not apply to schools and instructional
 12 programs administered by the state board of education and
 13 the department of elementary and secondary education or to
 14 school districts that are classified as unaccredited.

15 2. The state board of education and the department of
 16 elementary and secondary education shall not require

17 districts to use any appendix to the common core state
18 standards.

19 3. The school board for each school district and each
20 charter school governing board shall adopt policies and
21 procedures to ensure the approved and adopted curricula
22 presented under subsection 1 of this section are properly
23 implemented in the classroom. The choice of academic class
24 offerings and curriculum materials shall ensure schools meet
25 the purpose of education as provided in the Missouri
26 Constitution and the Constitution of the United States.

27 4. The school accountability report cards required
28 under section 160.522 for the past five years shall be
29 posted on the school district's or charter school's website,
30 shall be available for inspection at each individual
31 attendance center of a school district or charter school,
32 and shall be posted on the portal established in section
33 161.852.

160.522. 1. (1) The department of elementary and
2 secondary education shall produce or cause to be produced,
3 at least annually, a school accountability report card for
4 each public school district, each public school building in
5 a school district, and each charter school in the state.
6 The report card shall be designed to satisfy state and
7 federal requirements for the disclosure of statistics about
8 students, staff, finances, academic achievement, and other
9 indicators. The purpose of the report card shall be to
10 provide educational statistics and accountability
11 information for parents, taxpayers, school personnel,
12 legislators, and the print and broadcast news media in a
13 standardized, easily accessible form.

14 (2) The report cards shall be maintained on the
15 department's website and reachable by a clearly labeled link
16 on the website homepage. Each school district and charter

17 school shall also maintain the report card information for
18 the district or charter school and all school attendance
19 centers on the district or charter school website and
20 reachable by a clearly labeled link on the website
21 homepage. The report card webpage shall be formatted to
22 easily allow linking to each school attendance center in
23 each school district or charter school. The report card
24 shall present a comprehensive summary of the district or
25 school information formatted onto a single webpage to the
26 maximum extent possible. The report card shall use a clear
27 and logical menu structure. Additional detailed information
28 about a district, charter school, or attendance center shall
29 be available from the report card webpage.

30 (3) School attendance centers shall also provide the
31 information in a printed document to the parent, guardian,
32 or other responsible person for each enrolled student within
33 five school days of the start of each school year or within
34 five school days of enrollment.

35 2. (1) The department of elementary and secondary
36 education shall develop a standard form for the school
37 accountability report card. The information reported shall
38 include, but not be limited to, the district's most recent
39 accreditation rating, enrollment, rates of pupil attendance,
40 high school dropout rate and graduation rate, the number and
41 rate of suspensions of ten days or longer and expulsions of
42 pupils, the district ratio of students to administrators and
43 students to classroom teachers, the average years of
44 experience of professional staff and advanced degrees
45 earned, student achievement as measured through the
46 assessment system developed pursuant to section 160.518,
47 student scores on the ACT, along with the percentage of
48 graduates taking the test, average teachers' and
49 administrators' salaries compared to the state averages,

50 average per-pupil current expenditures for the district as a
51 whole and by attendance center as reported to the department
52 of elementary and secondary education, the adjusted tax rate
53 of the district, assessed valuation of the district, percent
54 of the district operating budget received from state,
55 federal, and local sources, the percent of students eligible
56 for free or reduced-price lunch, data on the percent of
57 students continuing their education in postsecondary
58 programs, information about the job placement rate for
59 students who complete district vocational education
60 programs, whether the school district currently has a state-
61 approved gifted education program, and the percentage and
62 number of students who are currently being served in the
63 district's state-approved gifted education program.

64 (2) The report card shall include a comparison to the
65 state average for all numerical fields amenable to an
66 average and a comparison to the district average for school
67 attendance center data. Prior year school attendance center
68 data shall be available on the school's main page, and the
69 report card shall include a link or links to data for each
70 of the preceding ten school years, or all preceding years
71 since the school's first year of operation if within the
72 last ten years. Data shall be shown on clear and logical
73 graphs and also available for public download and analysis
74 in both common spreadsheet and portable document formats.
75 The format shall allow districts, charter schools, and
76 attendance centers to provide additional information about
77 programs and activities of the district, charter school, or
78 attendance center.

79 (3) The report card webpage shall include a means by
80 which any user may provide suggestions for improvement and
81 provide feedback regarding the ease of use and
82 understandability of the report card and whether the report

83 card provides essential indicators aligned to key education
84 priorities. The department shall establish an advisory
85 group including parents, researchers, and educators to
86 continuously review the feedback received from users,
87 research the practices of school report cards in other
88 jurisdictions, and make appropriate updates and revisions to
89 the report card to improve its usefulness based on user
90 feedback and best practices employed in school report cards.

91 3. The report card shall permit the disclosure of data
92 on a school-by-school basis, but the reporting shall not be
93 personally identifiable to any student or education
94 professional in the state.

95 4. The report card shall identify each school or
96 attendance center that has been identified as a priority
97 school under sections 160.720 and 161.092. The report also
98 shall identify attendance centers that have been categorized
99 under federal law as needing improvement or requiring
100 specific school improvement strategies.

101 5. The report card shall not limit or discourage other
102 methods of public reporting and accountability by local
103 school districts. Districts shall provide information
104 included in the report card to parents, community members,
105 the print and broadcast news media, and legislators by
106 December first annually or as soon thereafter as the
107 information is available to the district, giving preference
108 to methods that incorporate the reporting into substantive
109 official communications such as student report cards. The
110 school district shall provide a printed copy of the district-
111 level or school-level report card to any patron upon request
112 and shall make reasonable efforts to supply businesses such
113 as, but not limited to, real estate and employment firms
114 with copies or other information about the reports so that

115 parents and businesses from outside the district who may be
116 contemplating relocation have access.

117 6. For purposes of completing and distributing the
118 annual report card as prescribed in this section, a school
119 district may include the data from a charter school located
120 within such school district, provided the local board of
121 education or special administrative board for such district
122 and the charter school reach mutual agreement for the
123 inclusion of the data from the charter schools and the terms
124 of such agreement are approved by the state board of
125 education. The charter school shall not be required to be a
126 part of the local educational agency of such school district
127 and may maintain a separate local educational agency status.

161.841. 1. This section shall be known and may be
2 cited as the "Parents' Bill of Rights Act of 2023".

3 2. (1) As used in this section, the term "parent"
4 means a child's parent, guardian, or other person having
5 legal control or custody of the child. However, this
6 section shall not be construed to contradict any state or
7 federal law or court order that limits or removes custodial
8 or other rights of the parent, guardian, or other person or
9 limits or removes a parent's, guardian's, or other person's
10 access to a minor child's personally identifiable
11 information or education records. This section shall not
12 apply to parents of emancipated students;

13 (2) As used in this section and section 161.852, the
14 term "school" or "schools" shall mean a public school or
15 school district as such terms are defined in section
16 160.011, including a charter school as defined in section
17 160.400.

18 3. (1) This section shall be construed to empower
19 parents to enforce the following rights to access records
20 maintained by schools and the individual attendance centers

21 of such schools in which their children are enrolled as
22 follows:

23 (a) The right to inspect materials provided to their
24 minor child in the classroom, including, but not limited to,
25 curricula, books, source materials, and other instructional
26 materials, but excluding testing and examination materials
27 in accordance with section 610.021;

28 (b) The right to receive the name of any person who is
29 teaching their minor child including, but not limited to,
30 guest lecturers and outside presenters;

31 (c) The right to receive information about individuals
32 and organizations receiving school contracts and funding in
33 the school in which their child is enrolled;

34 (d) The right to inspect personally identifiable
35 education records, medical or otherwise, concerning their
36 minor child, in accordance with state and federal law,
37 provided that such disclosure does not violate privacy and
38 confidentiality rights;

39 (e) The right to access information about the
40 collection and transmission of their minor child's
41 personally identifiable education records, in accordance
42 with state and federal law;

43 (f) The right to know about records regarding
44 situations affecting their minor child's safety in school,
45 provided that such disclosure does not violate privacy and
46 confidentiality rights; and

47 (g) The right to receive information about any school-
48 sponsored event or activity, including the individuals and
49 organizations involved in such activity.

50 (2) Where the curricular materials being made
51 available to parents for review are subject to copyright,
52 trademark, or other intellectual property protection, the
53 review process shall include technical and procedural

54 safeguards to ensure that the materials are not able to be
55 widely disseminated to the general public in violation of
56 the intellectual property rights of the publisher and that
57 content validity is not undermined.

58 4. No school or individual attendance centers of such
59 school shall require nondisclosure agreements or similar
60 forms for a parent's review of curricula. Each public
61 school or school district shall allow parents, upon request,
62 to review or to make a copy of curriculum documents or to
63 receive such documents in an electronic format, provided
64 that no request would cause an infringement of copyright
65 protections provided under the federal Copyright Act of 1976
66 (17 U.S.C. 101, et seq.), as amended.

67 5. No school or individual attendance centers of such
68 school shall collect any biometric data of a minor child
69 without obtaining written parental consent before collecting
70 such data or information, except for biometric data
71 necessary to create and issue appropriate school
72 identification cards. Any school or individual attendance
73 center of such school that collects any biometric data of a
74 minor child under this subsection shall ensure that all
75 copies of such data are destroyed within one year of such
76 student's withdrawal of enrollment from the school district.

77 6. Each school board meeting or charter school
78 governing board meeting approving curricula shall be held in
79 public in accordance with the Missouri sunshine law as set
80 forth in the provisions of chapter 610 and allow for public
81 comments.

82 7. Each school and individual attendance centers of
83 such school shall notify parents in a timely manner of all
84 reported incidents directly pertaining to their student's
85 safety that result in any violation of the school's safety

86 policy or any felony or misdemeanor charges filed against
87 teachers, other school employees, or any guests or visitors.

88 8. No school district or public school shall provide
89 any school records as described in this section in violation
90 of any relevant state or federal law or policy protecting or
91 limiting access to such school records. Nothing in this
92 section shall be construed to violate any provision of
93 chapter 610 or other provisions of law regarding records
94 that are protected from disclosure.

161.852. 1. The commissioner of education shall
2 establish the Missouri Education Transparency and
3 Accountability Portal which shall be an internet-based tool
4 creating transparency in Missouri's public education system
5 and providing citizens access to every school district's
6 curriculum, textbooks, source materials, and syllabi
7 provided that the posting of such material does not violate
8 intellectual property rights.

9 2. The portal shall consist of an easy-to-search
10 database, including but not limited to all curriculum taught
11 by a school and the cost associated with speakers and guests
12 used by a school in their professional development
13 activities.

14 3. The commissioner of education shall establish an
15 online form that each school district in this state shall
16 complete with information required under subsection 2 of
17 this section.

18 4. The school board of each school district and the
19 governing board of each charter school shall ensure the
20 disclosure of a listing of all materials under subsection 2
21 of this section.

22 5. The portal shall list the name of each school board
23 member, the school district the member serves, the member's
24 election date, and the expiration date of the member's

25 term. A school board shall submit any updates to this
26 information to the department of elementary and secondary
27 education monthly.

28 6. All materials relating to administrator, teacher,
29 and staff professional development and instructional
30 programs offered to schools shall be fully transparent and
31 available to parents of students enrolled at such schools,
32 provided that no such provision of such materials violates
33 the federal Copyright Act of 1976 (17 U.S.C. 101, et seq.),
34 as amended. Lists by schools showing date of attendance,
35 name and position of district attendee, program name, and
36 description shall be provided by request and free of
37 charge. No on-site program shall be provided by a school or
38 attendance center thereof prior to the school's governing
39 board approving and adopting the on-site program. Lists of
40 schools that have approved the on-site program shall be
41 provided on the department's website.

42 7. The information described in subsections 1, 2, 5,
43 and 6 of this section shall be submitted to the department
44 of elementary and secondary education on a monthly basis and
45 in a manner to be determined by the department of elementary
46 and secondary education.

47 8. In addition, for programs offered to schools by
48 third-party contractors, the department shall maintain data
49 and information on the department's website related to those
50 programs including a breakdown by school district for each
51 Missouri state funded program showing the amount paid to the
52 third-party contractor by year and by program detailing the
53 public funds spent on categories of program promotion,
54 development, training, local implementation, and other
55 miscellaneous costs, such as travel and physical materials
56 for the prior three years.

57 9. The portal shall include an easy-to-search database
58 of all of a public school district's or public charter
59 school's financial transactions related to:

60 (1) All bonds issued by any public school district or
61 public charter school after August 28, 2023;

62 (2) The revenue stream pledged to repay any such bonds
63 or obligations;

64 (3) The basic salary figures that appear on the
65 contracts of all employees at public school districts and
66 public charter schools; and

67 (4) All debt incurred by any public charter school.

68 10. The information described in subsections 8 and 9
69 of this section shall be supplied to the department of
70 elementary and secondary education within the number of days
71 and in a manner to be determined by the department but not
72 less than twice per year.

73 11. Within seven calendar days of receiving any
74 information described in this section, the department shall
75 upload such information onto the portal.

76 12. The department of elementary and secondary
77 education may promulgate rules to implement this section.
78 Any rule or portion of a rule, as that term is defined in
79 section 536.010, that is created under the authority
80 delegated in this section shall become effective only if it
81 complies with and is subject to all of the provisions of
82 chapter 536 and, if applicable, section 536.028. This
83 section and chapter 536 are nonseverable and if any of the
84 powers vested with the general assembly pursuant to chapter
85 536 to review, to delay the effective date, or to disapprove
86 and annul a rule are subsequently held unconstitutional,
87 then the grant of rulemaking authority and any rule proposed
88 or adopted after the effective date of this act shall be
89 invalid and void.

90 13. If a school knowingly violates any provision of
91 this section, such school shall be subject to a penalty of
92 no more than twenty-five thousand dollars. The department
93 shall notify such school of the penalty, and the school
94 shall have thirty days after the date of notification to
95 prove to the satisfaction of the department that the school
96 is no longer in violation of this section. If the
97 department is satisfied that the school is no longer in
98 violation, the penalty shall be waived.

170.355. 1. As used in this section, the following
2 terms mean:

3 (1) "Parent", a student's parent, guardian, or other
4 person having legal control or custody of the student;

5 (2) "School", a public school or school district as
6 such terms are defined in section 160.011, including a
7 charter school as defined in section 160.400.

8 2. No school or school employee shall compel a teacher
9 to teach or a student or teacher to personally adopt,
10 affirm, adhere to, or profess a position or viewpoint that a
11 reasonable person would conclude violates the public policy
12 expressed in this section or in section 1.200 or Article I,
13 Section 2 of the Constitution of Missouri. Such violations
14 include the following:

15 (1) That individuals of any race, ethnicity, color, or
16 national origin are inherently superior or inferior;

17 (2) That individuals should be adversely or
18 advantageously treated on the basis of individual race,
19 ethnicity, color, or national origin; or

20 (3) That individuals, by virtue of their race,
21 ethnicity, color, or national origin, bear collective guilt
22 and are inherently responsible for actions committed in the
23 past by others.

24 3. No curriculum, instructional materials, course of
25 instruction, or unit of study offered by any school shall
26 advocate, affirm as true, or endorse any idea, concept,
27 position, or viewpoint nor direct or otherwise compel
28 students to personally affirm, adopt, or adhere to any
29 ideas, concept, position, or viewpoint in violation of
30 subsection 2 of this section.

31 4. Courses on critical race theory or units of study
32 on critical race theory within a course shall not be offered
33 at any grade level by any public elementary or secondary
34 school or by any preschool, early childhood education, or
35 pre-kindergarten program offered by a public school district
36 or charter school.

37 5. No course of instruction, unit of study, or
38 professional development or training program shall direct or
39 otherwise compel teachers to personally affirm, adopt, or
40 adhere to any idea, concept, position, or viewpoint in
41 violation of subsection 2 of this section.

42 6. No school employee, when acting in the course of
43 such employee's official duties during contracted hours,
44 shall participate in, or carry out any act or communication
45 that would violate subsection 2 of this section nor teach,
46 advocate, affirm as true, or endorse any idea, concept,
47 position, or viewpoint in violation of subsection 2 of this
48 section.

49 7. No school district, public school, or charter
50 school may require a student, teacher, administrator, or
51 other employee to attend or participate in a training,
52 seminar, continuing education, orientation, or therapy that
53 a reasonable person believes promotes any belief or concept
54 described in subsection 2 of this section.

55 8. Nothing in this section shall be construed as
56 prohibiting:

57 (1) Speech protected by Article I, Section 8 of the
58 Constitution of Missouri or the First Amendment to the
59 Constitution of the United States;

60 (2) Voluntary attendance in a training session,
61 seminar, continuing education, orientation, or therapy,
62 provided that there is no inducement or coercion for such
63 attendance;

64 (3) Access to sources on an individual basis that
65 advocate concepts described in subsection 2 of this section
66 for the purpose of research or independent study;

67 (4) Discussion of beliefs or concepts described in
68 subsection 2 of this section or the assignment of materials
69 that incorporate such beliefs or concepts for educational
70 purposes, provided that the public school expressly makes
71 clear that it does not sponsor, approve, or endorse such
72 beliefs or concepts;

73 (5) Teachers from discussing current events in a
74 historical context;

75 (6) Courses in African American history, Native
76 American history, and women's history; or

77 (7) The use of curriculum that teaches the topics of
78 sexism, slavery, racial oppression, racial segregation,
79 affirmative action, or racial discrimination, including
80 topics related to the enactment and enforcement of laws
81 resulting in religious and ethnic discrimination, sexism,
82 racial oppression, segregation, and discrimination.

83 9. This section shall not be construed to prohibit
84 teachers or students from discussing public policy issues,
85 current events, or ideas that individuals may find
86 unwelcome, disagreeable, or offensive.

87 10. Any employee of a school district may disclose a
88 violation of this section pursuant to the provisions of
89 section 105.055.

90 11. If a parent learns that a teacher is in violation
91 of this section, and such teacher is acting independently,
92 then such parent may file a complaint with the department of
93 elementary and secondary education about the violation of
94 this section. The department shall send such complaint to
95 the state board of education and notify the local
96 educational agency. The state board of education shall hold
97 a contested case hearing under chapter 536 between the
98 parent and the school district within thirty days of
99 receiving such complaint. If the state board of education
100 agrees that a violation of this section has occurred, the
101 parent shall have an amount equal to the state adequacy
102 target deposited annually into accounts established for the
103 parent's children under sections 166.400 to 166.456 for the
104 parent's children to be paid by the school district in which
105 the teacher is employed. Such account funds shall be
106 available to use until the youngest child graduates from
107 high school.

108 12. (1) If a parent learns that a teacher is in
109 violation of this section, and such violation is occurring
110 throughout the school district, then such parent may file a
111 complaint with the department of elementary and secondary
112 education about the violation of this section. The
113 department shall send such complaint to the state board of
114 education and notify the local educational agency. The
115 state board of education shall hold a contested case hearing
116 under chapter 536 between the parent and the school district
117 within thirty days of receiving such complaint. If the
118 state board of education agrees that a violation of this
119 section has occurred, the following penalties shall apply:

120 (a) Upon a first offense, such district shall have
121 five percent of its state aid under chapter 163 withheld by
122 the department, until the district presents evidence to the

123 satisfaction of the department that the district is no
124 longer in violation of this section;

125 (b) Upon a second offense, such district shall have
126 ten percent of its state aid under chapter 163 withheld by
127 the department, until the district presents evidence to the
128 satisfaction of the department that the district is no
129 longer in violation of this section; and

130 (c) Upon a third or subsequent offense, such district
131 shall be classified as unaccredited by the department until
132 the district presents evidence to the satisfaction of the
133 department that the district is no longer in violation of
134 this section.

135 (2) If a public school or public charter school
136 knowingly violates any provision of this section, or if an
137 employee of a public school or public charter school
138 knowingly violates any provision of this section, the public
139 school or public charter school where such violation
140 occurred shall be liable to the injured party in an action
141 at law, suit in equity, or other proper proceeding for
142 redress, and subject to a civil penalty of five hundred
143 dollars per occurrence. Any person injured under this
144 section shall have standing to pursue an action in the
145 circuit court of Cole County. The court shall hold a
146 hearing on the motion for temporary restraining order and
147 preliminary injunction within thirty days of service of the
148 petition. In such action, the court may award the pursuing
149 party, other than the state of Missouri or any political
150 subdivision of the state, reasonable attorney fees and costs.

170.370. 1. The department of elementary and
2 secondary education shall develop a patriotic and civics
3 training program in order to prepare teachers to teach the
4 principles of American civics and patriotism.

5 2. The patriotic and civics training program shall
6 cover the provisions and principles of the Constitution of
7 the United States, American history, and American
8 institutions. The patriotic and civics training program
9 shall also cover the provisions and principles of the
10 Constitution of Missouri.

11 3. Subject to appropriation, each elementary and
12 secondary education teacher that completes the training
13 program shall receive a one-time bonus of three thousand
14 dollars to be paid by the department.

15 4. The department of elementary and secondary
16 education shall promulgate rules and regulations to
17 implement the provisions of this section. Any rule or
18 portion of a rule, as that term is defined in section
19 536.010, that is created under the authority delegated in
20 this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and,
22 if applicable, section 536.028. This section and chapter
23 536 are nonseverable and if any of the powers vested with
24 the general assembly pursuant to chapter 536 to review, to
25 delay the effective date, or to disapprove and annul a rule
26 are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after
28 August 28, 2023, shall be invalid and void.