

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1858

101ST GENERAL ASSEMBLY

4070H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.850 and 170.231, RSMo, and to enact in lieu thereof six new sections relating to transparency in public education.

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

Section A. Sections 37.850 and 170.231, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 37.850, 161.841, 161.852, 162.005, 170.231, and 170.355, to read as follows:

37.850. 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, internet-based tool allowing citizens to demand fiscal discipline and responsibility.

2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to:

(1) The purchase of goods and services and the distribution of funds for state programs;

(2) All bonds issued by any public institution of higher education, **public school district**, or political subdivision of this state or its designated authority after August 28, 2013;

(3) All obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority; ~~and~~

(4) The revenue stream pledged to repay such bonds or obligations;

(5) **All forms of compensation and benefits paid to or on behalf of public employees, including employees of political subdivisions, public institutions of higher education, public school districts, and public charter schools;** and

(6) All debt incurred by any public charter school.

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 3. The Missouri accountability portal shall be updated each state business day and
18 maintained as the primary source of information about the activity of Missouri's government.

19 4. Upon the conducting of a withholding or a release of funds, the governor shall
20 submit a report stating all amounts withheld from the state's operating budget for the current
21 fiscal year, as authorized by Article IV, Section 27 of the Missouri Constitution which shall
22 be:

23 (1) Conspicuously posted on the accountability portal website;

24 (2) Searchable by the amounts withheld or released from each individual fund; and

25 (3) Searchable by the total amount withheld or released from the operating budget.

26 5. Every political subdivision of the state, including public institutions of higher
27 education ~~[but excluding]~~ , **public** school districts, **and public charter schools** shall supply
28 all information described in subsection 2 of this section to the office of administration within
29 ~~[seven days of issuing or incurring such corresponding bond or obligation. For all such bonds~~
30 ~~or obligations issued or incurred prior to August 28, 2013, every such political subdivision~~
31 ~~and public institution of higher education shall have ninety days to supply such information~~
32 ~~to] the number of days and in a manner to be determined by~~ the office of administration.

33 6. Every school district and public charter school shall supply all information
34 described in **subdivisions (2), (4), (5), and (6)** of subsection 2 of this section to the
35 department of elementary and secondary education ~~[within seven days of issuing such bond,~~
36 ~~or incurring such debt]~~. The department of elementary and secondary education shall have
37 forty-eight hours to deliver such information to the office of administration. ~~[For all such~~
38 ~~bonds issued or debt incurred prior to August 28, 2013, every school district and public~~
39 ~~charter school shall have ninety days to supply such information to the department of~~
40 ~~elementary and secondary education. The department of elementary and secondary education~~
41 ~~shall have forty-eight hours to deliver such information to the office of administration.]~~

**161.841. 1. This section shall be known and may be cited as the "Parents' Bill of
2 Rights Act of 2022".**

3 **2. As used in this section, the term "parent" means a child's parent, guardian, or**
4 **other person having control or custody of the child.**

5 **3. This section shall be construed to empower parents to enforce the following**
6 **rights against school districts and public schools in which their children are enrolled**
7 **that receive any federal or state moneys:**

8 (1) The right to know what their minor child is being taught in school including,
9 but not limited to, curricula, books, and other instructional materials;

10 (2) The right to receive information about who is teaching their minor child
11 including, but not limited to, guest lecturers and outside presenters;

12 **(3) The right to receive information about individuals and organizations**
13 **receiving school contracts and funding;**

14 **(4) The right to visit the school and check in on their minor child during school**
15 **hours;**

16 **(5) The right to view and, upon request, receive all school records, medical or**
17 **otherwise, concerning their minor child;**

18 **(6) The right to receive information about the collection and transmission of**
19 **their minor child's data;**

20 **(7) The right to have sufficient and effective accountability and transparency**
21 **regarding school boards; and**

22 **(8) The right to know about situations affecting their minor child's safety in**
23 **school.**

24 **4. In addition to the parental rights under subsection 3 of this section, this**
25 **section shall be construed to empower parents with the right to enroll the parent's**
26 **minor child in a public school or, as an alternative to public education, a private school,**
27 **including a religious school, a home education program, or other available options, as**
28 **authorized by law.**

29 **5. The department of elementary and secondary education shall develop policies**
30 **and procedures for school districts and public schools to follow to accommodate and**
31 **assist parents in the exercise of the parental rights to know and receive information as**
32 **described in subsection 3 of this section. Such policies and procedures shall describe the**
33 **methods each school district and public school shall use to provide such information and**
34 **shall allow parents to exercise such parental rights to the fullest extent. Each school**
35 **board shall adopt such policies and procedures for the 2023-24 school year and all**
36 **subsequent school years.**

37 **6. No school district or public school shall require nondisclosure agreements or**
38 **similar forms for a parent's review of curricula. Each public school or school district**
39 **shall allow parents to make a copy of curriculum documents or receive such curriculum**
40 **documents in an electronic format, provided that no request would cause an**
41 **infringement of copyright protections provided under the federal Copyright Act of**
42 **1976 (17 U.S.C. Section 101 et seq.), as amended.**

43 **7. No school district or public school shall require nondisclosure agreements or**
44 **similar forms for a parent's review of individualized education program meetings,**
45 **mediations, due process hearings, or other dispute resolution options as outlined in**
46 **accordance with 34 CFR 300.320 to 300.324 and under 20 U.S.C. Section 1401, as**
47 **amended.**

48 **8. No school district or public school shall allow student involvement in school**
49 **assemblies, field trips, or other extracurricular activities unless the child's parents**
50 **provide written authorization for such student involvement.**

51 **9. No school district or public school shall collect any biometric data or other**
52 **sensitive personal information about a minor child without obtaining written parental**
53 **consent before collecting such data or information.**

54 **10. No school district or public school shall provide any school records as**
55 **described in subdivision (5) of subsection 3 of this section in violation of any relevant**
56 **state or federal privacy law or policies protecting or limiting access to such minor child's**
57 **school records.**

58 **11. Each school board meeting pertaining to curricula or general safety shall be**
59 **held in public and allow for public comments, subject to the authorized closure of any**
60 **portion of such meeting under section 610.021.**

61 **12. Each school district and public school shall notify parents in a timely manner**
62 **of all reported incidents pertaining to student safety including, but not limited to, any**
63 **felony or misdemeanor committed by teachers or other school employees and any act or**
64 **instance reportable under subsections 1, 2, or 3 of section 167.117.**

65 **13. Each school district and public school may adopt reasonable procedures for**
66 **parents to follow when exercising the parental right to visit the school and their minor**
67 **child during school hours, except:**

68 **(1) During an emergency in which the safety of the students requires:**

69 **(a) A lockdown to limit exposure of building occupants to an imminent hazard**
70 **or threat; or**

71 **(b) A lockout to prevent an outside hazard or threat from entering the building;**
72 **and**

73 **(2) No school district or public school shall allow an individual to have any**
74 **interaction with a minor child in violation of any order entered under any provision of**
75 **state or federal law restricting or prohibiting such individual from interacting with such**
76 **minor child.**

77 **14. No employee of any public school or school district shall encourage, coerce,**
78 **or attempt to coerce a minor child to withhold information from such minor child's**
79 **parents; provided, however, that any such person required to report suspected abuse or**
80 **neglect under sections 210.109 to 210.183 may encourage a minor child to withhold**
81 **information where disclosure could reasonably result in abuse or neglect.**

82 **15. Each school board shall affirm the board's commitment to ensuring**
83 **sufficient and effective accountability and transparency to parents in the school district**
84 **by adopting policies that require members of the board to collectively and individually:**

85 **(1) Recognize and affirm the protected right of parents to direct the education of**
86 **their minor child;**

87 **(2) Assist parents in the exercise of parental rights to the fullest extent;**

88 **(3) Encourage communication between parents and school board members**
89 **relating to parental rights and parental concerns about their minor child's education**
90 **and educational experience;**

91 **(4) Collaborate with parents to identify ways in which parents can exercise**
92 **parental rights and communicate such ways to parents in a clear, consistent manner that**
93 **can be easily understood by all parents in the school district; and**

94 **(5) Conduct school board meetings in a manner that informs parents of school**
95 **board decisions and actions while encouraging and remaining responsive to parental**
96 **input, requests, concerns, and rights.**

97 **16. The attorney general of this state or any parent of a minor child enrolled in a**
98 **public school in the district may bring a civil action for injunctive relief against the**
99 **school district or public school in which their child is enrolled if such school district or**
100 **public school violates this section. Such action shall be brought in the county where the**
101 **violation occurred. If a court finds that the school district or public school has**
102 **knowingly engaged in multiple or repeated violations of this section, the department of**
103 **elementary and secondary education shall withhold all moneys provided by monthly**
104 **distribution of state formula funding to such school district or public school until such**
105 **school district or public school is in compliance with this section. After the school**
106 **district or public school provides evidence that such school district or public school is in**
107 **compliance with this section, the department shall restore the distribution of the funding**
108 **to its original amount before the distribution was withheld. Any moneys that were**
109 **withheld under this subsection shall be released to such school district or public school**
110 **only if such school district or public school establishes compliance with this section in**
111 **the same school year in which the department withheld such moneys.**

112 **17. This section shall not be construed to limit the inalienable rights of a parent**
113 **or taxpayer, regardless of whether such rights are enumerated in the provisions of this**
114 **section.**

161.852. 1. The department of elementary and secondary education shall
2 **develop a tool within the department's comprehensive data system that provides access**
3 **to every school district's curriculum and professional development materials.**

4 **2. The tool shall consist of an easy-to-search database including, but not limited**
5 **to, the following:**

6 **(1) All curriculum taught by the school district;**

7 **(2) All documents used by a school district in the professional development of the**
8 **district's faculty and staff including, but not limited to, administrators, teachers,**
9 **counselors, and classroom support staff;**

10 **(3) The names of all speakers and guests used by a school district in the school**
11 **district's professional development activities; and**

12 **(4) The costs associated with speakers and guests used by a school district in the**
13 **school district's professional development activities.**

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

17 **4. A school district shall submit any updates to the information outlined in**
18 **subsection 2 of this section every six months. A public school or school district may**
19 **make good-faith modifications to curricula during each six-month period between**
20 **updates but shall not be required to submit an update of such modifications until the**
21 **next six-month update.**

22 **5. Not less than monthly, the department of elementary and secondary education**
23 **shall update the tool with the information required by this section to be submitted by**
24 **each school district and shall ensure that the tool is maintained as the primary**
25 **centralized source of information about the curriculum and instructional materials used**
26 **by public school districts.**

27 **6. The department of elementary and secondary education may promulgate**
28 **rules to implement this section. Any rule or portion of a rule, as that term is defined in**
29 **section 536.010, that is created under the authority delegated in this section shall**
30 **become effective only if it complies with and is subject to all of the provisions of chapter**
31 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
32 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
33 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
34 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
35 **adopted after August 28, 2022, shall be invalid and void.**

162.005. 1. As used in this section, "school board" means a special
2 **administrative board or any other form of governance appointed under section**
3 **162.081; a board of directors established under section 162.471; a board of education**
4 **established under section 162.261, 162.571, or 162.855; the governing board of a charter**
5 **school established under section 160.400; and any other form of governance over a**
6 **school district established under state law.**

7 **2. Before July 1, 2023, each school board shall adopt a school board meeting**
8 **speaker policy to ensure that the requirements listed in this subsection are followed at**
9 **each school board meeting;**

10 **(1) Each school board shall designate a time for public comment at the beginning**
11 **of each regular public meeting of the school board. Such public comment period shall**
12 **be available to residents of the district and shall be subject to reasonable rules requiring**
13 **decorum and civility in the meeting space;**

14 **(2) A school board may set a time limit on any individual who desires to speak at**
15 **a school board meeting. Each such time limit shall designate not less than three minutes**
16 **per speaker. The school board may limit the public comment period to one hour of**
17 **actual testimony or twenty speakers, whichever is less based on the number of minutes**
18 **designated per speaker. If the time designated for the public comment period expires**
19 **and additional speakers were not afforded the time to speak, such additional speakers**
20 **shall have the first opportunity to speak at the public comment period of the next**
21 **regular public meeting of the school board and the school board shall provide an**
22 **alternate method of communicating such additional speakers' concerns to the school**
23 **board;**

24 **(3) Each school board shall determine specific identifying information each**
25 **individual desiring to speak shall provide to the school board before speaking;**

26 **(4) Each school board may determine that particular issues are inappropriate**
27 **for individuals to speak about during such public comment period including, but not**
28 **limited to, personnel issues and litigation issues. Any guideline prohibiting particular**
29 **issues from being addressed during such public comment period shall be made available**
30 **to the public in writing before each public comment period begins;**

31 **(5) No school board shall ban an individual from attending or remove an**
32 **individual from participating in a school board meeting unless such individual is banned**
33 **or removed because such individual commits the offense of peace disturbance as**
34 **provided in section 574.010, has previously been removed from a school board meeting**
35 **and issued a summons for the offense of peace disturbance under section 574.010, or is**
36 **prohibited from being on school property under state law; and**

37 **(6) Each school board shall provide a method for an individual who is unable to**
38 **attend the public comment period of a school board meeting to submit a written**
39 **statement. Any such written statement submitted before the beginning of the school**
40 **board meeting shall be provided to the school board and made available to all**
41 **individuals attending such meeting and to the public upon request unless such written**
42 **statement violates the policies or rules established for the public comment period.**

43 **3. If multiple speakers desire to speak on the same issue during the public**
44 **comment period, the school board may suggest that the speakers select one individual to**
45 **present comments on behalf of all such speakers.**

46 **4. Parents may bring a civil action for injunctive relief against the school district**
47 **or public school in which their child is enrolled if such school district or public school**
48 **violates this section. Such action shall be brought in the county where the violation**
49 **occurred. If a court finds that the school district or public school has knowingly**
50 **engaged in multiple or repeated violations of this section, the department of elementary**
51 **and secondary education shall withhold all moneys provided by monthly distribution of**
52 **state formula funding to such school district or public school until such school district or**
53 **public school is in compliance with this section. After the school district or public school**
54 **provides evidence that such school district or public school is in compliance with this**
55 **section, the department shall restore the distribution of the funding to its original**
56 **amount before the distribution was withheld. Any moneys that were withheld under**
57 **this subsection shall be released to such school district or public school only if such**
58 **school district or public school establishes compliance with this section in the same**
59 **school year in which the department withheld such moneys.**

 170.231. **1. The school board of each school district and the governing board of**
2 **each charter school** shall provide that all public school instructional material intended for
3 use in connection with any public school classroom instruction, or any public school research
4 or experimentation program or project, shall be available for inspection by any person. For
5 the purpose of this section, "classroom instruction" shall mean any public school instruction
6 involving teachers and students or peers and students; "research or experimentation program
7 or project" shall mean any public school research or experimentation program or project
8 designed to explore or develop new and unproven teaching methods and techniques.

9 **2. (1) The school board of each school district and the governing board of each**
10 **charter school shall prominently post on the home page of the school board's or charter**
11 **school's website, in such a manner that the information is available to the public, the**
12 **curricula intended for use by such school district or charter school in connection with**
13 **school instruction in math, social studies, science, English, foreign language, fine arts,**
14 **health, physical education, and vocational education. If such school board or governing**
15 **board adopts a change of any curriculum used by such school district or charter school,**
16 **such school board's or charter school's website shall be updated within thirty days after**
17 **such change is adopted.**

18 **(2) The school board of each school district and the governing board of each**
19 **charter school shall notify parents and guardians that the curricula list on the website**
20 **has been updated by posting a notice on such school board's or charter school's website**

21 **and providing notice in a newsletter or other written communication that is regularly**
22 **distributed to parents and guardians.**

23 **(3) Where the curricular materials being made available to parents for review**
24 **are subject to copyright, trademark, or other intellectual property protection, the**
25 **review process shall include technical and procedural safeguards to ensure that the**
26 **materials are not able to be widely disseminated to the general public in violation of the**
27 **intellectual property rights of the publisher and content validity is not undermined.**

28 **(4) A resident of a school district may bring an action for injunctive relief or a**
29 **writ of mandamus in the circuit court with jurisdiction over the school district to compel**
30 **the school board of such school district or the governing board of a charter school**
31 **within the boundaries of such school district to comply with this subsection. If the**
32 **resident prevails, the court shall award to such resident reasonable attorney's fees not to**
33 **exceed fifteen thousand dollars.**

34 **(5) This subsection shall apply in the 2023-24 school year and all subsequent**
35 **school years.**

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

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

4 **(2) "School", a public school or school district as such terms are defined in**
5 **section 160.011.**

6 **2. No school or school employee shall compel a teacher or student to discuss**
7 **public policy issues of the day.**

8 **3. No school or school employee shall compel a teacher or student to personally**
9 **adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal**
10 **Civil Rights Act of 1964, as amended, including the following:**

11 **(1) That individuals of any race, ethnicity, color, or national origin are inherently**
12 **superior or inferior;**

13 **(2) That individuals should be adversely or advantageously treated on the basis**
14 **of individual race, ethnicity, color, or national origin; or**

15 **(3) That individuals, by virtue of their race, ethnicity, color, or national origin,**
16 **bear collective guilt and are inherently responsible for actions committed in the past by**
17 **other members of the same race, ethnicity, color, or national origin.**

18 **4. No course of instruction or unit of study offered by any school shall direct or**
19 **otherwise compel students to personally affirm, adopt, or adhere to any of the ideas**
20 **listed in subsection 3 of this section.**

21 **5. No course of instruction, unit of study, professional development, or training**
22 **program shall direct or otherwise compel teachers to personally affirm, adopt, or**
23 **adhere to any of the ideas listed in subsection 3 of this section.**

24 **6. (1) No school employee, when acting in the course of such employee's official**
25 **duties, shall organize, participate in, or carry out any act or communication that would**
26 **violate subsection 3 of this section.**

27 **(2) This subsection shall not be construed to prohibit a school employee from**
28 **discussing the ideas and history of the ideas listed in subsection 3 of this section.**

29 **7. This section shall not be construed to prohibit teachers or students from**
30 **discussing public policy issues or ideas that individuals may find unwelcome,**
31 **disagreeable, or offensive.**

32 **8. Students, parents, or teachers may file a complaint with the department of**
33 **elementary and secondary education or with the state attorney general's office**
34 **regarding any violation of this section.**

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