

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1995 & 1474
101ST GENERAL ASSEMBLY

4180H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 161 and 170, RSMo, by adding thereto four new sections relating to procedures and practices for public schools and school districts, with a penalty provision and an emergency clause.

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

Section A. Chapters 161 and 170, RSMo, are amended by adding thereto four new sections, to be known as sections 161.851, 161.852, 161.853, and 170.355, to read as follows:

2 **161.851. 1. This section shall be known and may be cited as "The Parents' Bill of**
2 **Rights for Student Well-Being".**

3 **2. As used in sections 161.851 to 161.853, the following terms mean:**

4 **(1) "Curriculum", the academic performance standards of knowledge, skills,**
5 **and competencies required to be established under section 160.514;**

6 **(2) "Extracurricular", any school-authorized or education-related activity**
7 **occurring during or outside the regular instructional school day;**

8 **(3) "Minor child", any person eighteen years of age or younger;**

9 **(4) "Parent", any person who has charge, control, or custody of a minor child,**
10 **whether as a natural parent, adoptive parent, or legal guardian;**

11 **(5) "Public school", the same definition as in section 160.011;**

12 **(6) "School district", the same definition as in section 160.011.**

13 **3. No public school, school district, or person acting under the authority of a**
14 **public school or school district shall infringe upon the fundamental rights of a parent to**
15 **direct the upbringing, education, health care, or mental health of such parent's minor**
16 **child without first demonstrating that such infringement is narrowly tailored to achieve**

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 a compelling state interest and that such interest could not otherwise be served by less
18 restrictive means.

19 4. For the purposes of subsection 3 of this section, a parent's fundamental rights
20 to direct the upbringing, education, health care, and mental health of such parent's
21 minor child shall include, but not be limited to, the following:

22 (1) The right to direct the ethical, moral, and religious training of such minor
23 child;

24 (2) The right to enroll such minor child in a public school, home school program,
25 or other available schooling option including, but not limited to, a willing parochial
26 school, to the extent otherwise authorized by law;

27 (3) The right to direct the education of such minor child including, but not
28 limited to, the right to access and review the following information:

29 (a) All school records relating to such minor child including, but not limited to, a
30 regular report of such minor child's academic performance and attendance;

31 (b) Such minor child's statewide, standardized assessment results;

32 (c) School district instructional materials and curricula;

33 (d) School district policies for promotion or retention including, but not limited
34 to, graduation requirements; and

35 (e) Information relating to the state's academic performance standards, report
36 card requirements, attendance requirements, and instructional materials requirements;

37 (4) The right to participate in parent-teacher associations and organizations
38 sanctioned by the school district or department of elementary and secondary education;

39 (5) The right, under section 162.720, to request a review of a school district's
40 determination that such minor child did not qualify to receive services through such
41 district's gifted education program or an individualized education program;

42 (6) The right to make health care decisions for such minor child, except as
43 otherwise prohibited by law;

44 (7) The right to exempt such minor child from immunizations under subsection
45 3 of section 167.181;

46 (8) The right to consent in writing before biometric data, as defined in section
47 302.170, regarding such minor child is made, shared, or stored, except as required by
48 law or court order;

49 (9) The right to consent in writing before any public school or school district
50 produces a video or audio recording of such minor child unless such recording is made
51 for the purposes of:

52 (a) A court proceeding, forensic interview, or criminal or other investigation
53 related to the welfare of such minor child;

54 **(b) The maintenance of order and discipline in a school building, on school**
55 **grounds, and on student transportation vehicles;**

56 **(c) A legitimate academic or extracurricular activity, which may include a group**
57 **recording not substantially focused on an individual student;**

58 **(d) Regular classroom instruction; or**

59 **(e) Security or surveillance of school buildings, school grounds, or student**
60 **transportation vehicles;**

61 **(10) The right to receive information about individuals and organizations**
62 **receiving school contracts and funding;**

63 **(11) The right to visit the school and check in on their minor child during school**
64 **hours;**

65 **(12) The right to view or receive all school records, medical or otherwise,**
66 **concerning their minor child; and**

67 **(13) The right to receive information about the collection and transmission of**
68 **their minor child's data.**

69 **5. Each school district shall, in consultation with parents, teachers, and**
70 **administrators, develop and adopt a policy to promote parental involvement in the**
71 **public school system. Such policy shall include at least:**

72 **(1) A plan for parental participation in schools, including through cooperation**
73 **with teachers regarding homework, school attendance, and discipline;**

74 **(2) Procedures for a parent to receive information about such parent's minor**
75 **child's course of study;**

76 **(3) Procedures for a parent to voice concerns about instructional materials or**
77 **other materials used in the classroom based on such parent's beliefs regarding the**
78 **appropriateness or veracity of such materials. Such parental concerns may be based on**
79 **beliefs related to morality, sexuality, religion, or other issues related to the well-being,**
80 **education, and upbringing of such parent's minor child;**

81 **(4) Procedures for a parent to withdraw such parent's minor child from any**
82 **portion of the school district's health education related to human sexuality and sexually**
83 **transmitted diseases;**

84 **(5) Procedures for a parent to learn about the nature and purpose of clubs and**
85 **other extracurricular activities offered at such parent's minor child's school; and**

86 **(6) Procedures for providing parents with other information to which such**
87 **parents have a right of access under subsection 4 of this section.**

88 **6. The department of elementary and secondary education shall develop and**
89 **every school district shall use a form that authorizes a parent to object to and opt out of**
90 **any instructional materials or materials used in the minor child's classroom as described**

91 in subdivisions (3) and (4) of subsection 5 of this section. Such form shall be made
92 available to every parent at the beginning of a school year by each school district and
93 shall provide parents the opportunity to explain reasons including, but not limited to,
94 moral, religious, scientific, or philosophical grounds for opting their minor child out of
95 such instructional materials or materials used in the minor child's classroom.

96 7. Each school district may provide any information to which a parent has a
97 right of access under this section by publishing such information electronically in a
98 reasonably accessible format, except to the extent that such publication would result in
99 the disclosure of personally identifiable or confidential information in violation of law.

100 8. A parent may file a formal request in writing with the superintendent of the
101 school district for access to any information to which such parent has a right of access
102 under this section. The superintendent shall provide such information to the parent
103 within ten days and may do so by any reasonable means including, but not limited to, by
104 directing the parent to publicly available electronic resources to the extent such
105 resources are responsive to the parent's request. If the superintendent denies such
106 request or does not respond within ten days, the parent may file an appeal with the
107 school board. The school board shall place the parent's appeal on the agenda for the
108 next public meeting of the board occurring not less than seven days after the filing of
109 such appeal by a parent.

110 9. No public school or school district shall require nondisclosure agreements or
111 similar forms for a parent's review of curricula. Each public school or school district
112 shall allow parents to make copies of curriculum documents. A public school may
113 charge a reasonable fee for such copies.

114 10. No public school or school district shall allow student involvement in field
115 trips unless the minor child's parents provide written authorization for such student
116 involvement.

117 11. Each school board meeting pertaining to curricula shall be held in public and
118 allow for public comments.

119 12. Each public school and school district shall notify parents in a timely manner
120 of all reported incidents pertaining to student safety including, but not limited to, any
121 felony or misdemeanor committed by a teacher or other school employee.

122 13. No employee of any public school or school district shall encourage, coerce,
123 or attempt to coerce a minor child to withhold information from such minor child's
124 parents; provided, however, that any such person required to report suspected abuse or
125 neglect under sections 210.109 to 210.183 may encourage a minor child to withhold
126 information where disclosure could reasonably result in abuse or neglect.

127 14. This section shall not be construed to:

128 (1) Authorize a parent to engage in unlawful conduct, such as abuse or neglect;

129 (2) Condone, authorize, approve, or apply to any parental action or decision that
130 would end life;

131 (3) Prohibit a court of competent jurisdiction, a law enforcement officer, or
132 employee of a governmental entity or other public institution responsible for child
133 welfare from acting within the reasonable and prudent scope of such court or person's
134 official capacity and authority in a manner not otherwise inconsistent with the
135 provisions of sections 161.851 to 161.853;

136 (4) Modify the common law doctrine of in loco parentis as such doctrine applies
137 to the operation of public schools and to the duties of administrators and employees of
138 such schools; or

139 (5) Limit the inalienable rights of a parent, regardless of whether such rights are
140 enumerated in the provisions of this section.

141 15. The department of elementary and secondary education may promulgate
142 rules to implement the provisions of this section. Any rule or portion of a rule, as that
143 term is defined in section 536.010, that is created under the authority delegated in this
144 section shall become effective only if it complies with and is subject to all of the
145 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
146 536 are nonseverable, and if any of the powers vested with the general assembly
147 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
148 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
149 and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

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.**

161.853. 1. The attorney general of this state or any parent of a minor child
2 **enrolled in a public school in this state may bring legal action against the school district**
3 **in which such parent's minor child is enrolled or an employee of such school district on**
4 **behalf of such minor child who is harmed by such school district's or employee's**
5 **violation of sections 161.851 to 161.852. Such action may be brought in any county or**
6 **any city not within a county in which the school district boundaries lie or may be**
7 **brought in the Cole County circuit court.**

8 **2. If a court of competent jurisdiction finds that a school district or school**
9 **district employee violated the provisions of sections 161.851 to 161.852, the school**
10 **district or school district employee shall be fined one thousand dollars for each violation**
11 **of such sections unless the court finds that the school district or school district employee**
12 **knowingly or purposely violated the provisions of such sections, in which case the school**
13 **district or school district employee shall be fined ten thousand dollars for each violation**
14 **of such sections.**

15 **3. (1) If a school district or school district employee is fined by a court of**
16 **competent jurisdiction for violations of sections 161.851 to 161.852, the proceeds of such**
17 **fine shall be divided as follows:**

18 **(a) Twenty percent shall be awarded to the parent who brought the legal action.**
19 **If parents of more than one minor child bring suit, the twenty percent award shall be**
20 **divided equally among each family represented; and**

21 **(b) Eighty percent shall be deposited into the Missouri empowerment**
22 **scholarship accounts fund established under section 135.716.**

23 **(2) If a court of competent jurisdiction finds that a school district or school**
24 **district employee violated the provisions of sections 161.851 to 161.852, the court shall**
25 **award court costs and reasonable attorney's fees to the prevailing party or parties.**

26 **4. Any school district employee who discloses violations of sections 161.851 to**
27 **161.852 shall be protected from any manner of retaliation as set forth in section 105.055.**
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 without such teacher's or student's consent.**

8 **3. No school or school employee shall compel a teacher or student to adopt,**
9 **affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil**
10 **Rights Act of 1964, as amended, including, but not limited to, 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. No school shall require nondisclosure agreements or similar forms for**
33 **parental review of curricula. Schools shall allow parents to make copies of curriculum**
34 **documents.**

35 **9. (1) Students, parents, or teachers may file a complaint with the department of**
36 **elementary and secondary education regarding any violation of this section.**

37 **(2) In addition to any relief sought through the appropriate Office for Civil**
38 **Rights of the U.S. Department of Education, an individual may, in the alternative, bring**
39 **a private right of action against any school or school employee violating this section.**

 Section B. Because immediate action is necessary to protect the rights of parents and
2 their children, section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.

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