

SECOND REGULAR SESSION

HOUSE BILL NO. 2008

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHWADRON.

4674H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.011 and 170.231, RSMo, and to enact in lieu thereof two new sections relating to materials used for instruction.

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

Section A. Sections 160.011 and 170.231, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 160.011 and 170.231, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177
2 and 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director,
4 urban, and metropolitan school districts;

5 (2) **"Educational activity", includes, but is not limited to, an assembly, guest
6 lecture, or other educational event facilitated by the school board or school board
7 employees including, but not limited to, an educational event conducted by individuals
8 or organizations that are not associated with the school board. "Educational activity"
9 does not include presentations given by pupils;**

10 (3) "Elementary school", a public school giving instruction in a grade or grades not
11 higher than the eighth grade;

12 [~~3~~] (4) "Family literacy programs", services of sufficient intensity in terms of hours,
13 and of sufficient duration, to make sustainable changes in families that include:

14 (a) Interactive literacy activities between parents and their children;

15 (b) Training of parents regarding how to be the primary teacher of their children and
16 full partners in the education of their children;

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 (c) Parent literacy training that leads to high school completion and economic self
18 sufficiency; and

19 (d) An age-appropriate education to prepare children of all ages for success in school;

20 ~~[(4)]~~ (5) "Graduation rate", the quotient of the number of graduates in the current year
21 as of June thirtieth divided by the sum of the number of graduates in the current year as of
22 June thirtieth plus the number of twelfth graders who dropped out in the current year plus the
23 number of eleventh graders who dropped out in the preceding year plus the number of tenth
24 graders who dropped out in the second preceding year plus the number of ninth graders who
25 dropped out in the third preceding year;

26 ~~[(5)]~~ (6) "High school", a public school giving instruction in a grade or grades not
27 lower than the ninth nor higher than the twelfth grade;

28 ~~[(6)]~~ (7) "Metropolitan school district", any school district the boundaries of which
29 are coterminous with the limits of any city which is not within a county;

30 ~~[(7)]~~ (8) "Public school" includes all elementary and high schools operated at public
31 expense;

32 ~~[(8)]~~ (9) "School board", the board of education having general control of the
33 property and affairs of any school district;

34 ~~[(9)]~~ (10) "School term", a minimum of one hundred seventy-four school days, as that
35 term is defined in section 160.041, for schools with a five-day school week or a minimum of
36 one hundred forty-two school days, as that term is defined in section 160.041, for schools
37 with a four-day school week, and one thousand forty-four hours of actual pupil attendance as
38 scheduled by the board pursuant to section 171.031 during a twelve-month period in which
39 the academic instruction of pupils is actually and regularly carried on for a group of students
40 in the public schools of any school district. In school year 2019-20 and subsequent years, one
41 thousand forty-four hours of actual pupil attendance shall be required with no minimum
42 number of school days required. A school term may be within a school year or may consist of
43 parts of two consecutive school years, but does not include summer school. A district may
44 choose to operate two or more terms for different groups of children. A school term for
45 students participating in a school flex program as established in section 160.539 may consist
46 of a combination of actual pupil attendance and attendance at college or technical career
47 education or approved employment aligned with the student's career academic plan for a total
48 of the required number of hours as provided in this subdivision;

49 ~~[(10)]~~ (11) "Secretary", the secretary of the board of a school district;

50 ~~[(11)]~~ (12) "Seven-director district", any school district which has seven directors and
51 includes urban districts regardless of the number of directors an urban district may have
52 unless otherwise provided by law;

53 ~~[(12)]~~ **(13)** "Taxpayer", any individual who has paid taxes to the state or any
54 subdivision thereof within the immediately preceding twelve-month period or the spouse of
55 such individual;

56 ~~[(13)]~~ **(14)** "Town", any town or village, whether or not incorporated, the plat of
57 which has been filed in the office of the recorder of deeds of the county in which it is situated;

58 ~~[(14)]~~ **(15)** "Urban school district", any district which includes more than half of the
59 population or land area of any city which has not less than seventy thousand inhabitants, other
60 than a city which is not within a county;

61 **(16) "Used for pupil instruction", a learning material or educational activity**
62 **that is, or is planned to be, any of the following during the school year:**

63 **(a) Assigned, distributed, or otherwise presented to pupils in a course for which**
64 **pupils receive credit;**

65 **(b) Assigned, distributed, or otherwise presented to pupils if the use of the**
66 **learning material or participation in the educational activity is required by the school;**

67 **(c) Assigned, distributed, or otherwise presented to pupils and at least a majority**
68 **of pupils in a grade level are expected to use the learning material or participate in the**
69 **educational activity;**

70 **(d) Among learning materials from which pupils are required to select one or**
71 **more materials if the available selection of learning materials is restricted to specific**
72 **titles; or**

73 **(e) Created by the school board or a teacher employed by the school board**
74 **including, but not limited to, lesson plans, presentations, and videos.**

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

9 **2. (1) The school board of each school district shall prominently post on the**
10 **home page of the school board's website, in such a manner that the information is**
11 **available to the public, a list of the following:**

12 **(a) The learning materials and educational activities that will be used for pupil**
13 **instruction at each school in the school district during the school year, organized by**
14 **subject area, grade level, and teacher; and**

15 **(b) Any procedures or policies in effect for the documentation, review, or**
16 **approval of learning materials or educational activities used for pupil instruction and**
17 **for the documentation, review, or approval by principals; administrators; teachers;**
18 **school board members; or a committee created by the school board, an administrator,**
19 **or a principal.**

20 **(2) The list posted under subdivision (1) of this subsection shall include at least**
21 **all of the following for each item posted:**

22 **(a) Bibliographic information necessary to identify specific learning materials**
23 **including, but not limited to, textbooks and curricula, and educational activities used for**
24 **pupil instruction. Such bibliographic information shall include at least the title, author,**
25 **organization, and any website associated with each specific learning material or**
26 **educational activity;**

27 **(b) The full text or a copy of any learning materials or educational activities**
28 **created by the school board or a teacher employed by the school board including, but**
29 **not limited to, lesson plans, presentations, and videos; and**

30 **(c) An internet link to any curricula adopted by the school board to comply with**
31 **the school board's duties under paragraph (b) of this subdivision or any other**
32 **requirement under state law.**

33 **(3) Each school board shall update the list posted under subdivision (1) of this**
34 **subsection at least twice each school year. Each school board shall perform the first**
35 **update before the first day of the school term and perform another update between**
36 **January first and January fifteenth. Each school board shall notify parents and**
37 **guardians that the list has been updated by posting a notice on the school board's**
38 **website and providing notice in a newsletter or other written communication that is**
39 **regularly distributed to parents and guardians.**

40 **(4) Each school board shall ensure that each list posted under subdivision (1) of**
41 **this section remains available to the public on the school board's website for at least five**
42 **years after the date the list is first posted on the school board's website.**

43 **(5) This subsection shall not be construed to require a school board to:**

44 **(a) Digitally reproduce learning materials other than learning materials created**
45 **by a teacher employed by the school board; or**

46 **(b) Post or distribute a learning material or educational activity in a manner**
47 **that would constitute an infringement of copyright under the federal Copyright Act of**
48 **1976 (17 U.S.C. Section 101 et seq.), as amended.**

49 **(6) A resident of a school district that is governed by a school board may bring**
50 **an action for injunctive relief or a writ of mandamus in the circuit court with**
51 **jurisdiction over the school district to compel the school board to comply with this**

52 **subsection. If the resident prevails, the court shall award to such resident reasonable**
53 **attorney's fees not to exceed fifteen thousand dollars.**

54 **(7) This subsection shall apply in the 2023-24 school year and all subsequent**
55 **school years.**

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