

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 135

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TRENT.

5491H.02I

DANA RADEMAN MILLER, Chief Clerk

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article IX of the Constitution of Missouri, by adopting one new section relating to education.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article IX of the Constitution of the state of Missouri:

Section A. Article IX, Constitution of Missouri, is amended by adopting one new section, to be known as Section 11, to read as follows:

**Section 11. 1. This section shall be known and may be cited as the "Parents' Bill of Rights".**

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

**3. Parents of a child attending the public schools of this state have the right to participate in and direct the education of their child and to know what is being taught in their child's school.**

**4. This section shall be construed to protect and promote the rights of parents to participate in and direct the education of their child who attends a public school. Such parents' rights shall include, but are not limited to, the following:**

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.

- 11           **(1) The right to be notified if any school employee or official suspects that a**  
12 **criminal offense has been committed against the parents' child;**
- 13           **(2) The right to be involved in their child's education and to be notified of these**  
14 **rights and of any information that affects the well-being of their child;**
- 15           **(3) The right to access and view school curricula, guest lecturer materials, and**  
16 **staff training manuals in a timely manner and in easily accessible formats;**
- 17           **(4) The right to access school district and school building performance**  
18 **information in a timely manner and in an easily understood and fully accessible format;**
- 19           **(5) The right to transparent access to school and school district financial**  
20 **information in an easily understood and fully accessible format;**
- 21           **(6) The right to choose existing educational choice options provided by law that**  
22 **best suit the learning needs of their child including, but not limited to, the right of**  
23 **parents to choose which public school, school district, or local educational agency is best**  
24 **for the parents' child;**
- 25           **(7) The right to request to opt their child out of the classroom for any**  
26 **presentation of content listed in the syllabus with which the parents disagree;**
- 27           **(8) The right to control their child's likeness in district materials, subject to**  
28 **exceptions such as court orders; and**
- 29           **(9) The right to control their child's health and identifying markers including,**  
30 **but not limited to, the right to opt out of health measures not required by state order or**  
31 **statute.**
- 32           **5. The public schools of this state shall take all actions necessary to promote,**  
33 **preserve, and protect the rights described in this section including, but not limited to,**  
34 **the following actions:**
- 35           **(1) Making available all curricula such as the title of each textbook, course**  
36 **outlines, and reading lists to the public at least thirty days before the beginning of a**  
37 **semester in which the material will be taught;**
- 38           **(2) Making available school building level and district academic performance**  
39 **information including, but not limited to:**
- 40           **(a) Any financial and academic data submitted to the state department of**  
41 **elementary and secondary education;**
- 42           **(b) The percentage of all students scoring at the proficient level or higher on all**  
43 **assessments administered under the Missouri assessment program or any subsequent**  
44 **equivalent assessment adopted;**
- 45           **(c) The percentage of students in each reportable subgroup including, but not**  
46 **limited to, race, ethnicity, economically disadvantaged, students with disabilities, and**  
47 **English language learners scoring at the proficient level or higher on all assessments**

48 administered under the Missouri assessment program or any subsequent equivalent  
49 assessment adopted; and

50 (d) For grades three to eight, the growth score in English language arts and in  
51 math measured against the national normal curve equivalent or any subsequent  
52 equivalent measurement adopted;

53 (3) Making available all financial data available in a searchable and easily  
54 understood format including, but not limited to:

55 (a) Financial reports and audits including, but not limited to, any reports  
56 submitted to the state;

57 (b) Payment data showing all payments made by the school or school district;  
58 and

59 (c) Information about the tax rates and revenues associated with the school or  
60 school district;

61 (4) Making available all information about contract negotiations between any  
62 school or school district and any labor groups with whom the school or school district  
63 has, or is considering entering into, a labor agreement of any type. Such information  
64 shall include, but is not limited to, all materials used in any negotiations and all finalized  
65 documents that describe the legal obligations of parties to any such agreement; and

66 (5) Preventing any school employee from violating a parent's right to control  
67 what such parent's child is taught. Schools and districts shall adopt and enforce policies  
68 that prohibit any curriculum or instruction teaching the ideas that:

69 (a) Individuals of any race, ethnicity, color, or national origin are inherently  
70 superior or inferior; and

71 (b) Individuals should be adversely or advantageously treated on the basis of  
72 individual race, ethnicity, color, or national origin.

73 6. No school or school employee shall compel a teacher or student to adopt,  
74 affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil  
75 Rights Act of 1964, as amended, including, but not limited to, the following:

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

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

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

83 7. Any material required to be available to parents under this section shall be  
84 made available in a searchable electronic format at all times. Such material shall be

85 placed on the school district or public school website or on such electronic platform as  
86 may be provided by the department of elementary and secondary education.

87 8. Nothing in this section shall be construed to prevent the general assembly  
88 from specifying additional parents' rights.

89 9. (1) The state board of education shall approve and adopt a system for  
90 producing a school accountability report card as required under this subsection.

91 (2) At least annually, the department of elementary and secondary education  
92 shall produce or cause to be produced a school accountability report card for each  
93 public school district, public school building or attendance center within each public  
94 school district, and each charter school within each public school district for the  
95 purpose of providing information about academic performance.

96 (3) The department shall calculate the following indicators for each public  
97 school district, public school building or attendance center, and charter school:

98 (a) For each subject tested by the annual statewide assessment system created by  
99 the department, the percentage of students who scored in the top two categories;

100 (b) The median grade point average or its equivalent;

101 (c) For high schools, the dropout and graduation rate;

102 (d) For public schools giving instruction in a grade or grades not higher than the  
103 eighth grade, the percentage of students scoring in the highest level of any end-of-course  
104 assessments;

105 (e) The attendance rate; and

106 (f) For grades three to eight, the growth score in English language arts and in  
107 math measured against the national normal curve equivalent or any subsequent  
108 equivalent measurement adopted.

109 (4) To perform the calculation required in subdivision (3) of this subsection, the  
110 department shall assign a point value to each indicator that is designed to evaluate a  
111 public school district's, public school building's or attendance center's, or charter  
112 school's performance relative to desirable standards established by the department.  
113 Based on the percentage points earned by each public school district, public school  
114 building or attendance center, and charter school, the department shall assign an overall  
115 letter grade of "A", "B", "C", "D", or "F" to each such public school district, public  
116 school building or attendance center, and charter school.

117 10. Notwithstanding the provisions of Article X, Section 21 of the Constitution of  
118 Missouri to the contrary, all public schools shall be responsible for compliance with this  
119 section and the general assembly shall adopt such general laws as are necessary to  
120 promote, protect, and preserve the parents' bill of rights. Such general laws shall, at a  
121 minimum, provide for appropriate administrative and financial penalties as the general

122 **assembly sees fit and may provide for a private cause of action by parents when a school**  
123 **has not complied with this section.**

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and  
2 laws of this state allowing the general assembly to adopt ballot language for the submission of  
3 this joint resolution to the voters of this state, the official summary statement of this  
4 resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to adopt a Parents' Bill of Rights, which  
6 includes:

- 7 • Requiring schools to promote parental involvement and notify parents of their  
8 rights;
- 9 • Giving parents notice of and greater control over what is being taught to their  
10 children; and
- 11 • Establishing policies and procedures for reporting public school performance?".

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