

SENATE BILL NO. 158

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0724S.01I

KRISTINA MARTIN, Secretary

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 penalty provisions 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
2 adding thereto four new sections, to be known as sections
3 161.851, 161.852, 161.853, and 170.355, to read as follows:

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

4 2. As used in sections 161.851 to 161.853, the
5 following terms mean:

6 (1) "Curriculum", the academic performance standards
7 of knowledge, skills, and competencies required to be
8 established under section 160.514;

9 (2) "Extracurricular", any school-authorized or
10 education-related activity occurring during or outside the
11 regular instructional school day;

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

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

17 (5) "Public school", the same definition as in section
18 160.011;

19 (6) "School district", the same definition as in
20 section 160.011.

21 3. No public school, school district, or person acting
22 under the authority of a public school or school district
23 shall infringe upon the fundamental rights of a parent to
24 direct the upbringing, education, health care, or mental
25 health of such parent's minor child without first
26 demonstrating that such infringement is narrowly tailored to
27 achieve a compelling state interest and that such interest
28 could not otherwise be served by less restrictive means.

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

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

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

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

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

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

48 (c) School district instructional materials and
49 curricula;

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

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

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

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

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

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

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

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

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

79 (b) The maintenance of order and discipline in a
80 school building, on school grounds, and on student
81 transportation vehicles;

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

85 (d) Regular classroom instruction; or

86 (e) Security or surveillance of school buildings,
87 school grounds, or student transportation vehicles;

88 (10) The right to receive information about
89 individuals and organizations receiving school contracts and
90 funding;

91 (11) The right to visit the school and check in on
92 their minor child during school hours;

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

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

97 5. Each school district shall, in consultation with
98 parents, teachers, and administrators, develop and adopt a
99 policy to promote parental involvement in the public school
100 system. Such policy shall include at least:

101 (1) A plan for parental participation in schools,
102 including through cooperation with teachers regarding
103 homework, school attendance, and discipline;

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

106 (3) Procedures for a parent to voice concerns about
107 instructional materials or other materials used in the
108 classroom based on such parent's beliefs regarding the
109 appropriateness or veracity of such materials. Such
110 parental concerns may be based on beliefs related to
111 morality, sexuality, religion, or other issues related to
112 the well-being, education, and upbringing of such parent's
113 minor child;

114 (4) Procedures for a parent to withdraw such parent's
115 minor child from any portion of the school district's health
116 education related to human sexuality and sexually
117 transmitted diseases;

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

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

124 6. The department of elementary and secondary
125 education shall develop and every school district shall use
126 a form that authorizes a parent to object to and opt out of
127 any instructional materials or materials used in the minor
128 child's classroom as described in subdivisions (3) and (4)
129 of subsection 5 of this section. Such form shall be made
130 available to every parent at the beginning of a school year
131 by each school district and shall provide parents the
132 opportunity to explain reasons including, but not limited
133 to, moral, religious, scientific, or philosophical grounds
134 for opting their minor child out of such instructional
135 materials or materials used in the minor child's classroom.

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

142 8. A parent may file a formal request in writing with
143 the superintendent of the school district for access to any
144 information to which such parent has a right of access under
145 this section. The superintendent shall provide such

146 information to the parent within ten days and may do so by
147 any reasonable means including, but not limited to, by
148 directing the parent to publicly available electronic
149 resources to the extent such resources are responsive to the
150 parent's request. If the superintendent denies such request
151 or does not respond within ten days, the parent may file an
152 appeal with the school board. The school board shall place
153 the parent's appeal on the agenda for the next public
154 meeting of the board occurring not less than seven days
155 after the filing of such appeal by a parent.

156 9. No public school or school district shall require
157 nondisclosure agreements or similar forms for a parent's
158 review of curricula. Each public school or school district
159 shall allow parents to make copies of curriculum documents.
160 A public school may charge a reasonable fee for such copies.

161 10. No public school or school district shall allow
162 student involvement in field trips unless the minor child's
163 parents provide written authorization for such student
164 involvement.

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

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

172 13. No employee of any public school or school
173 district shall encourage, coerce, or attempt to coerce a
174 minor child to withhold information from such minor child's
175 parents; provided, however, that any such person required to
176 report suspected abuse or neglect under sections 210.109 to

177 210.183 may encourage a minor child to withhold information
178 where disclosure could reasonably result in abuse or neglect.

179 14. This section shall not be construed to:

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

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

184 (3) Prohibit a court of competent jurisdiction, a law
185 enforcement officer, or employee of a governmental entity or
186 other public institution responsible for child welfare from
187 acting within the reasonable and prudent scope of such court
188 or person's official capacity and authority in a manner not
189 otherwise inconsistent with the provisions of sections
190 161.851 to 161.853;

191 (4) Modify the common law doctrine of in loco parentis
192 as such doctrine applies to the operation of public schools
193 and to the duties of administrators and employees of such
194 schools; or

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

198 15. The department of elementary and secondary
199 education may promulgate rules to implement the provisions
200 of this section. Any rule or portion of a rule, as that
201 term is defined in section 536.010, that is created under
202 the authority delegated in this section shall become
203 effective only if it complies with and is subject to all of
204 the provisions of chapter 536 and, if applicable, section
205 536.028. This section and chapter 536 are nonseverable, and
206 if any of the powers vested with the general assembly
207 pursuant to chapter 536 to review, to delay the effective
208 date, or to disapprove and annul a rule are subsequently

209 held unconstitutional, then the grant of rulemaking
210 authority and any rule proposed or adopted after August 28,
211 2023, shall be invalid and void.

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

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

8 (1) All curriculum taught by the school district;

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

13 (3) The names of all speakers and guests used by a
14 school district in the school district's professional
15 development activities; and

16 (4) The costs associated with speakers and guests used
17 by a school district in the school district's professional
18 development activities.

19 3. The department of elementary and secondary
20 education shall establish an online form that each school
21 district in this state shall complete with information
22 required under subsection 2 of this section.

23 4. A school district shall submit any updates to the
24 information outlined in subsection 2 of this section every
25 six months. A public school or school district may make
26 good-faith modifications to curricula during each six-month
27 period between updates but shall not be required to submit
28 an update of such modifications until the next six-month
29 update.

30 5. Not less than monthly, the department of elementary
31 and secondary education shall update the tool with the
32 information required by this section to be submitted by each
33 school district and shall ensure that the tool is maintained
34 as the primary centralized source of information about the
35 curriculum and instructional materials used by public school
36 districts.

37 6. The department of elementary and secondary
38 education may promulgate rules to implement this section.
39 Any rule or portion of a rule, as that term is defined in
40 section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of
43 chapter 536 and, if applicable, section 536.028. This
44 section and chapter 536 are nonseverable, and if any of the
45 powers vested with the general assembly pursuant to chapter
46 536 to review, to delay the effective date, or to disapprove
47 and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2023, shall be invalid and void.

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

11 2. If a court of competent jurisdiction finds that a
12 school district or school district employee violated the

13 provisions of sections 161.851 to 161.852, the school
14 district or school district employee shall be fined one
15 thousand dollars for each violation of such sections unless
16 the court finds that the school district or school district
17 employee knowingly or purposely violated the provisions of
18 such sections, in which case the school district or school
19 district employee shall be fined ten thousand dollars for
20 each violation of such sections.

21 3. (1) If a school district or school district
22 employee is fined by a court of competent jurisdiction for
23 violations of sections 161.851 to 161.852, the proceeds of
24 such fine shall be divided as follows:

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

29 (b) Eighty percent shall be deposited into the
30 Missouri empowerment scholarship accounts fund established
31 under section 135.716.

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

37 4. Any school district employee who discloses
38 violations of sections 161.851 to 161.852 shall be protected
39 from any manner of retaliation as set forth in section
40 105.055.

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 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.

7 2. No school or school employee shall compel a teacher
8 or student to discuss public policy issues of the day
9 without such teacher's or student's consent.

10 3. No school or school employee shall compel a teacher
11 or student to adopt, affirm, adhere to, or profess ideas in
12 violation of Title IV or Title VI of the federal Civil
13 Rights Act of 1964, as amended, including, but not limited
14 to, 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 other members of the same race, ethnicity, color, or
24 national origin.

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

29 5. No course of instruction, unit of study,
30 professional development, or training program shall direct
31 or otherwise compel teachers to personally affirm, adopt, or
32 adhere to any of the ideas listed in subsection 3 of this
33 section.

34 6. (1) No school employee, when acting in the course
35 of such employee's official duties, shall organize,

36 participate in, or carry out any act or communication that
37 would violate subsection 3 of this section.

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

41 7. This section shall not be construed to prohibit
42 teachers or students from discussing public policy issues or
43 ideas that individuals may find unwelcome, disagreeable, or
44 offensive.

45 8. No school shall require nondisclosure agreements or
46 similar forms for parental review of curricula. Schools
47 shall allow parents to make copies of curriculum documents.

48 9. (1) Students, parents, or teachers may file a
49 complaint with the department of elementary and secondary
50 education regarding any violation of this section.

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

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

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