

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 4, 42 & 89

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

1064S.13P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 160.516, 160.522, 163.011, and 163.161, RSMo, and to enact in lieu thereof nine new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.516, 160.522, 163.011, and  
2 163.161, RSMo, are repealed and nine new sections enacted in  
3 lieu thereof, to be known as sections 160.516, 160.522, 161.841,  
4 161.852, 161.854, 163.011, 163.161, 170.355, and 170.370, to  
5 read as follows:

160.516. 1. Notwithstanding the provisions of section  
2 160.514, the state board of education and the department of  
3 elementary and secondary education shall not be authorized  
4 to mandate and are expressly prohibited from mandating the  
5 curriculum, textbooks, or other instructional materials to  
6 be used in public schools. Each local school board, **charter**  
7 **school governing board, and any virtual school or virtual**  
8 **provider authorized under the provisions of section 161.670**  
9 shall be [responsible for the approval and adoption of]  
10 **required to approve and adopt the** curriculum used by the  
11 school district, **charter school, or virtual school at least**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 **two months prior to implementation.** The provisions of this  
13 subsection shall not apply to schools and instructional  
14 programs administered by the state board of education and  
15 the department of elementary and secondary education or to  
16 school districts that are classified as unaccredited.

17 2. The state board of education and the department of  
18 elementary and secondary education shall not require  
19 districts to use any appendix to the common core state  
20 standards.

21 3. **The school board for each school district, each**  
22 **charter school governing board, and the governing body of**  
23 **each virtual school or virtual provider authorized under**  
24 **section 161.670 shall adopt policies and procedures to**  
25 **ensure the approved and adopted curricula presented under**  
26 **subsection 1 of this section are properly implemented. The**  
27 **choice of academic class offerings and curriculum materials**  
28 **shall ensure schools meet the purpose of education as**  
29 **provided in the Missouri Constitution and the Constitution**  
30 **of the United States.**

31 4. **The school accountability report cards required**  
32 **under section 160.522 for the past five years shall be**  
33 **posted on the school district's, charter school's, or**  
34 **virtual school's website and shall be available for**  
35 **inspection at each individual attendance center of a school**  
36 **district or charter school, and shall be posted on the**  
37 **portal established in section 161.852.**

160.522. 1. (1) The department of elementary and  
2 secondary education shall produce or cause to be produced,  
3 at least annually, a school accountability report card for  
4 each public school district, each public school building in  
5 a school district, [and] each charter school [in the state],  
6 **and each virtual school authorized under section 161.670.**

7 The report card shall be designed to satisfy state and  
8 federal requirements for the disclosure of statistics about  
9 students, staff, finances, academic achievement, and other  
10 indicators. The purpose of the report card shall be to  
11 provide educational statistics and accountability  
12 information for parents, taxpayers, school personnel,  
13 legislators, and the print and broadcast news media in a  
14 standardized, easily accessible form.

15 **(2) The report cards shall be maintained on the**  
16 **department's website and reachable by a clearly labeled link**  
17 **on the website homepage. Each school district, charter**  
18 **school, and virtual school shall also maintain the report**  
19 **card information for the district, charter school, or**  
20 **virtual school and all school attendance centers on the**  
21 **district, charter school, or virtual school website and**  
22 **reachable by a clearly labeled link on the website**  
23 **homepage. The report card webpage shall be formatted to**  
24 **easily allow linking to each school attendance center in**  
25 **each school district or charter school. The report card**  
26 **shall present a comprehensive summary of the district or**  
27 **school information formatted onto a single webpage to the**  
28 **maximum extent possible. The report card shall use a clear**  
29 **and logical menu structure. Additional detailed information**  
30 **about a district, charter school, attendance center, or**  
31 **virtual school shall be available from the report card**  
32 **webpage.**

33 **(3) School districts, charter schools, and virtual**  
34 **schools shall also provide the information in a printed**  
35 **document to the parent or legal guardian of each enrolled**  
36 **student within five school days of the start of each school**  
37 **year or within five school days of enrollment.**

38           2.   **(1)** The department of elementary and secondary  
39 education shall develop a standard form for the school  
40 accountability report card. The information reported shall  
41 include, but not be limited to, the district's, **charter**  
42 **school's, or virtual school's** most recent accreditation  
43 rating[,]; enrollment[,]; rates of pupil attendance[,]; high  
44 school dropout rate and graduation rate[,]; the number and  
45 rate of suspensions of ten days or longer and expulsions of  
46 pupils[,]; the [district] ratio of students to  
47 administrators and students to classroom **or virtual**  
48 teachers[,]; the average years of experience of professional  
49 staff and advanced degrees earned[,]; student achievement as  
50 measured through the assessment system developed pursuant to  
51 section 160.518[,]; student scores on the ACT, along with  
52 the percentage of graduates taking the test[,]; average  
53 teachers' and administrators' salaries compared to the state  
54 averages[,]; average per-pupil current expenditures for the  
55 district, **charter school, or virtual school** as a whole and  
56 by attendance center as reported to the department of  
57 elementary and secondary education[,]; the adjusted tax rate  
58 of the district, **charter school, or virtual school**; assessed  
59 valuation of the district[,]; percent of the district,  
60 **charter school, or virtual school** operating budget received  
61 from state, federal, and local sources[,]; the percent of  
62 students eligible for free or reduced-price lunch[,]; data  
63 on the percent of students continuing their education in  
64 postsecondary programs[,]; information about the job  
65 placement rate for students who complete district, **charter**  
66 **school, or virtual school** vocational education programs[,];  
67 whether the school district currently has a state-approved  
68 gifted education program[,]; and the percentage and number  
69 of students who are currently being served in the

70 district's, charter school's, or virtual school's state-  
71 approved gifted education program.

72 (2) The report card shall include a comparison to the  
73 state average for all numerical fields amenable to an  
74 average and a comparison to the district, charter school, or  
75 virtual school average for school attendance center data.  
76 Prior year school attendance center data shall be available  
77 on the school's main webpage, and the report card shall  
78 include a link or links to data for each of the preceding  
79 ten school years, or all preceding years since the school's  
80 first year of operation if within the last ten years. Data  
81 shall be shown on clear and logical graphs and also  
82 available for public download and analysis in both common  
83 spreadsheet and portable document formats. The format shall  
84 allow districts, charter schools, attendance centers, and  
85 virtual schools to provide additional information about  
86 programs and activities of the district, charter school,  
87 attendance center, or virtual school.

88 (3) The report card webpage shall include a means by  
89 which any user may provide suggestions for improvement and  
90 provide feedback regarding the ease of use and  
91 understandability of the report card and whether the report  
92 card provides essential indicators aligned to key education  
93 priorities. The department shall establish an advisory  
94 group including parents, researchers, and educators to  
95 continuously review the feedback received from users,  
96 research the practices of school report cards in other  
97 jurisdictions, and make appropriate updates and revisions to  
98 the report card to improve its usefulness based on user  
99 feedback and best practices employed in school report cards.

100 3. The report card shall permit the disclosure of data  
101 on a school-by-school basis, but the reporting shall not be

102 personally identifiable to any student or education  
103 professional in the state.

104 4. The report card shall identify each school or  
105 attendance center that has been identified as a priority  
106 school under sections 160.720 and 161.092. The report also  
107 shall identify attendance centers that have been categorized  
108 under federal law as needing improvement or requiring  
109 specific school improvement strategies.

110 5. The report card shall not limit or discourage other  
111 methods of public reporting and accountability by local  
112 school districts, **charter schools, or virtual schools.**  
113 Districts, **charter schools, and virtual schools** shall  
114 provide information included in the report card to parents,  
115 community members, the print and broadcast news media, and  
116 legislators by December first annually or as soon thereafter  
117 as the information is available to the district, **charter**  
118 **school, or virtual school,** giving preference to methods that  
119 incorporate the reporting into substantive official  
120 communications such as student report cards. The school  
121 district, **charter school, or virtual school** shall provide a  
122 printed copy of the district-level or [school-level]  
123 **attendance center** report card to any patron upon request and  
124 shall make reasonable efforts to supply businesses such as,  
125 but not limited to, real estate and employment firms with  
126 copies or other information about the reports [so that  
127 parents and businesses from outside the district who may be  
128 contemplating relocation have access].

129 6. For purposes of completing and distributing the  
130 annual report card as prescribed in this section, a school  
131 district may include the data from a charter school located  
132 within such school district, provided the local board of  
133 education or special administrative board for such district

134 and the charter school reach mutual agreement for the  
135 inclusion of the data from the charter schools and the terms  
136 of such agreement are approved by the state board of  
137 education. The charter school shall not be required to be a  
138 part of the local educational agency of such school district  
139 and may maintain a separate local educational agency status.

**161.841. 1. This section shall be known and may be  
2 cited as the "Parents' Bill of Rights Act of 2023".**

**3 2. (1) As used in this section, the term "parent"  
4 means a parent or legal guardian of a child enrolled in a  
5 school.**

**6 (2) As used in this section and section 161.852, the  
7 term "school" or "schools" shall mean a public school or  
8 school district as such terms are defined in section  
9 160.011, including a charter school as defined in section  
10 160.400 and any virtual school or virtual provider  
11 authorized under the provisions of section 161.670.**

**12 3. (1) This section shall be construed to empower  
13 parents to enforce the following rights to access records  
14 maintained by schools and the individual attendance centers  
15 of such schools in which their children are enrolled in a  
16 timely manner upon request as follows:**

**17 (a) The right to inspect materials provided to their  
18 minor child within two business days upon request,  
19 including, but not limited to, curricula, books, source  
20 materials, and other instructional materials, but excluding  
21 testing and examination materials in accordance with section  
22 610.021;**

**23 (b) The right to receive the name of any person who is  
24 teaching their minor child including, but not limited to,  
25 guest lecturers and outside presenters;**

26           (c) The right to receive information about individuals  
27 and organizations receiving school contracts and funding in  
28 the school in which their child is enrolled, provided that  
29 no personally identifiable information about any student is  
30 released;

31           (d) The right to inspect personally identifiable  
32 education records, medical or otherwise, concerning their  
33 minor child, in accordance with state and federal law,  
34 provided that such disclosure does not violate privacy and  
35 confidentiality rights;

36           (e) The right to access information about the  
37 collection and transmission of their minor child's  
38 personally identifiable education records, in accordance  
39 with state and federal law;

40           (f) The right to know about records regarding  
41 situations affecting their minor child's safety in school,  
42 provided that such disclosure does not violate privacy and  
43 confidentiality rights; and

44           (g) The right to receive information about any school-  
45 sponsored event or activity, including the individuals and  
46 organizations involved in such activity.

47           (2) Where the curricular materials being made  
48 available to parents for review are proprietary, subject to  
49 copyright, trademark, or other intellectual property  
50 protection, the review process shall include technical and  
51 procedural safeguards to ensure that the materials are not  
52 able to be widely disseminated to the general public in  
53 violation of the intellectual property rights of the  
54 publisher or any contractual agreements between the  
55 publisher and the school, and that content validity is not  
56 undermined.



57           4. No school shall require nondisclosure agreements or  
58 similar forms for a parent's review of curricula. Each  
59 school shall allow parents, within two business days upon  
60 request, to review or to make a copy of nonproprietary  
61 curriculum documents or to receive such documents in an  
62 electronic format, provided that no request would violate  
63 copyright, trademark, or other intellectual property  
64 protection or cause an infringement of copyright protections  
65 provided under the federal Copyright Act of 1976 (17 U.S.C.  
66 101, et seq.), as amended. If more than twenty pages are  
67 being copied using the school's equipment, the school may,  
68 at the school's discretion, charge the parent a fee not to  
69 exceed ten cents per page for a paper copy not larger than  
70 nine by fourteen inches, with the hourly fee for duplicating  
71 time not to exceed the average hourly rate of pay for  
72 clerical staff of the school.

73           5. No school shall collect any biometric data of a  
74 minor child without obtaining written parental consent  
75 before collecting such data or information, except for  
76 biometric data necessary to create and issue appropriate  
77 school identification cards. Any school that collects any  
78 biometric data of a minor child under this subsection shall  
79 ensure that all copies of such data are destroyed within one  
80 year of such student's withdrawal of participation in all  
81 school activities.

82           6. Each school board meeting or charter school  
83 governing board meeting approving curricula shall be held in  
84 public in accordance with the Missouri sunshine law as set  
85 forth in the provisions of chapter 610 and allow for public  
86 comments.

87           7. Each school shall notify parents in a timely manner  
88 of the following:

89 (1) All reported incidents directly pertaining to  
90 their student's safety that result in any violation of the  
91 school's safety policy;

92 (2) Any felony charges filed against a teacher or  
93 employee of the school, regardless of whether the alleged  
94 offense took place on school premises or off school premises;

95 (3) Any misdemeanor charges filed against a teacher or  
96 employee of the school that directly pertain to their  
97 student's safety, regardless of whether the alleged offense  
98 took place on school premises or off school premises; and

99 (4) Any felony or misdemeanor charges filed against a  
100 guest or visitor to the school, provided that the alleged  
101 offense occurred on school premises and directly pertains to  
102 their student's safety.

103 8. No school shall provide any school records as  
104 described in this section in violation of any relevant state  
105 or federal law or policy protecting or limiting access to  
106 such school records. Nothing in this section shall be  
107 construed to violate any provision of chapter 610 or other  
108 provisions of law regarding records that are protected from  
109 disclosure.

161.852. 1. The commissioner of education shall  
2 establish the Missouri Education Transparency and  
3 Accountability Portal which shall be an internet-based tool  
4 creating transparency in Missouri's public education system  
5 that provides public access to every school's curriculum,  
6 textbooks, source materials, and syllabi, provided that the  
7 information is nonproprietary and the posting of such  
8 material does not violate copyright, trademark, or other  
9 intellectual property protection.

10 2. The portal shall consist of an easy-to-search  
11 database, including but not limited to all curriculum taught

12 by a school, including the author, title, and date of  
13 copyright of every school's curriculum, textbooks, and  
14 source materials, and the cost associated with speakers and  
15 guests used by a school in their professional development  
16 activities.

17 3. The commissioner of education shall establish an  
18 online form that each school in this state shall complete  
19 with information required under subsection 2 of this section.

20 4. The school board of each school, the governing  
21 board of each charter school, and the governing body of each  
22 virtual school or virtual provider authorized under section  
23 161.670 shall ensure the disclosure of a listing of all  
24 materials under subsection 2 of this section.

25 5. The portal shall list:

26 (1) The name of each school board member, the school  
27 district the member serves, the member's election date, and  
28 the expiration date of the member's term, which shall be  
29 provided to the department of elementary and secondary  
30 education by the school board annually, or within fifteen  
31 business days of any changes to the membership of the board;  
32 and

33 (2) The name of each member of a virtual school or  
34 charter school governing body, which shall be provided to  
35 the department of elementary and secondary education by the  
36 virtual school or charter school governing body annually, or  
37 within fifteen business days of any changes to the  
38 membership of the governing body.

39 6. All materials relating to administrator, teacher,  
40 and staff professional development and instructional  
41 programs offered to schools regarding "diversity, equity,  
42 and inclusion" or "social and emotional learning" shall be  
43 fully transparent and available to parents of students

44 enrolled at such schools, provided that no provision of such  
45 materials violates copyright, trademark, or other  
46 intellectual property right protection or the federal  
47 Copyright Act of 1976 (17 U.S.C. 101, et seq.), as amended.  
48 Lists by schools showing date of attendance, name and  
49 position of district attendee, program name, and description  
50 shall be provided by request and free of charge. No on-site  
51 program as specified in this subsection shall be provided by  
52 a school or attendance center thereof prior to the school's  
53 governing board approving and adopting the on-site program.  
54 Lists of schools that have approved the on-site program  
55 shall be provided on the department's website.

56 7. The information described in subsections 1, 2, and  
57 6 of this section shall be submitted to the department of  
58 elementary and secondary education on a quarterly basis and  
59 in a manner to be determined by the department of elementary  
60 and secondary education. Both the department and the school  
61 shall take all necessary steps in the collection and posting  
62 of information to ensure that the materials are not able to  
63 be widely disseminated to the general public in violation of  
64 copyright, trademark, or other intellectual property rights  
65 of the publisher and that content validity is not undermined.

66 8. For programs offered to schools by third-party  
67 contractors, the department shall maintain data and  
68 information on the department's website related to those  
69 programs including a breakdown by school for each Missouri  
70 state funded program showing the amount paid to the third-  
71 party contractor by year beginning January 1, 2024, and by  
72 program detailing the public funds spent on categories of  
73 program promotion, development, training, local  
74 implementation, and other miscellaneous costs, such as  
75 travel and physical materials for the prior three years.

76           9. The portal shall include an easy-to-search database  
77 of all schools' financial transactions related to:

78           (1) All bonds issued by any public school district  
79 after August 28, 2023, and the revenue stream pledged to  
80 repay any such bonds or obligations;

81           (2) The basic salary figures that appear on the  
82 contracts of all employees of schools;

83           (3) All debt incurred by any public charter school,  
84 and the revenue stream that will be utilized to repay such  
85 debt;

86           (4) The source of any nongovernmental income received  
87 by a public charter school; and

88           (5) The amount of any rent being paid for any building  
89 used by a public charter school and any mortgage a public  
90 charter school has on any building used by such public  
91 charter school.

92           10. The information described in subsections 8 and 9  
93 of this section shall be supplied to the department of  
94 elementary and secondary education within the number of days  
95 and in a manner to be determined by the department but not  
96 less than twice per year.

97           11. Within seven calendar days of receiving any  
98 information described in this section, the department shall  
99 upload such information onto the portal.

100           12. The department of elementary and secondary  
101 education may promulgate rules to implement this section.  
102 Any rule or portion of a rule, as that term is defined in  
103 section 536.010, that is created under the authority  
104 delegated in this section shall become effective only if it  
105 complies with and is subject to all of the provisions of  
106 chapter 536 and, if applicable, section 536.028. This  
107 section and chapter 536 are nonseverable and if any of the

108 powers vested with the general assembly pursuant to chapter  
109 536 to review, to delay the effective date, or to disapprove  
110 and annul a rule are subsequently held unconstitutional,  
111 then the grant of rulemaking authority and any rule proposed  
112 or adopted after the effective date of this act shall be  
113 invalid and void.

114 13. If a school knowingly violates any provision of  
115 this section, such school shall be subject to a penalty of  
116 no more than twenty-five thousand dollars. The department  
117 shall notify such school of the penalty, and the school  
118 shall have thirty days after the date of notification to  
119 prove to the satisfaction of the department that the school  
120 is no longer in violation of this section. If the  
121 department is satisfied that the school is no longer in  
122 violation, the penalty shall be waived.

123 14. The department may hire a third party to assist  
124 with reviewing the information collected under this section  
125 and uploading it onto the portal, provided that the data is  
126 collected and disseminated only for the purposes of this  
127 section; privacy and confidentiality rights are not  
128 violated; the third party does not collect, store, or sell  
129 any data collected under the provisions of this section; and  
130 the third party does not violate copyright, trademark, or  
131 other intellectual property protection or the federal  
132 Copyright Act of 1976 (17 U.S.C. 101, et seq.).

161.854. 1. As used in this section, "school" shall  
2 mean a public school or school district as such terms are  
3 defined in section 160.011, including a charter school as  
4 defined in section 160.400 and any virtual school or virtual  
5 provider authorized under the provisions of section 161.670.

6           2. Any school that provides school-issued electronic  
7 devices to students shall implement technology solutions  
8 that:

9           (1) Prohibit students' access to social media and  
10 video sharing sites on such devices; and

11           (2) Prohibit students' access to inappropriate  
12 material on such devices, including but not limited to child  
13 pornography, explicit sexual material, and material that is  
14 pornographic for minors, as those terms are defined in  
15 section 573.010.

163.011. As used in this chapter unless the context  
2 requires otherwise:

3           (1) "Adjusted operating levy", the sum of tax rates  
4 for the current year for teachers' and incidental funds for  
5 a school district as reported to the proper officer of each  
6 county pursuant to section 164.011;

7           (2) "Average daily attendance", the quotient or the  
8 sum of the quotients obtained by dividing the total number  
9 of hours attended in a term by resident pupils between the  
10 ages of five and twenty-one by the actual number of hours  
11 school was in session in that term. To the average daily  
12 attendance of the following school term shall be added the  
13 full-time equivalent average daily attendance of summer  
14 school students. "Full-time equivalent average daily  
15 attendance of summer school students" shall be computed by  
16 dividing the total number of hours, except for physical  
17 education hours that do not count as credit toward  
18 graduation for students in grades nine, ten, eleven, and  
19 twelve, attended by all summer school pupils by the number  
20 of hours required in section 160.011 in the school term.  
21 For purposes of determining average daily attendance under  
22 this subdivision, the term "resident pupil" shall include

23 all children between the ages of five and twenty-one who are  
24 residents of the school district and who are attending  
25 kindergarten through grade twelve in such district. If a  
26 child is attending school in a district other than the  
27 district of residence and the child's parent is teaching in  
28 the school district or is a regular employee of the school  
29 district which the child is attending, then such child shall  
30 be considered a resident pupil of the school district which  
31 the child is attending for such period of time when the  
32 district of residence is not otherwise liable for tuition.  
33 Average daily attendance for students below the age of five  
34 years for which a school district may receive state aid  
35 based on such attendance shall be computed as regular school  
36 term attendance unless otherwise provided by law;

37 (3) "Current operating expenditures":

38 (a) For the fiscal year 2007 calculation, "current  
39 operating expenditures" shall be calculated using data from  
40 fiscal year 2004 and shall be calculated as all expenditures  
41 for instruction and support services except capital outlay  
42 and debt service expenditures minus the revenue from federal  
43 categorical sources; food service; student activities;  
44 categorical payments for transportation costs pursuant to  
45 section 163.161; state reimbursements for early childhood  
46 special education; the career ladder entitlement for the  
47 district, as provided for in sections 168.500 to 168.515;  
48 the vocational education entitlement for the district, as  
49 provided for in section 167.332; and payments from other  
50 districts;

51 (b) In every fiscal year subsequent to fiscal year  
52 2007, current operating expenditures shall be the amount in  
53 paragraph (a) of this subdivision plus any increases in  
54 state funding pursuant to sections 163.031 and 163.043



55 subsequent to fiscal year 2005, not to exceed five percent,  
56 per recalculation, of the state revenue received by a  
57 district in the 2004-05 school year from the foundation  
58 formula, line 14, gifted, remedial reading, exceptional  
59 pupil aid, fair share, and free textbook payments for any  
60 district from the first preceding calculation of the state  
61 adequacy target;

62 (4) "District's tax rate ceiling", the highest tax  
63 rate ceiling in effect subsequent to the 1980 tax year or  
64 any subsequent year. Such tax rate ceiling shall not  
65 contain any tax levy for debt service;

66 (5) "Dollar-value modifier", an index of the relative  
67 purchasing power of a dollar, calculated as one plus fifteen  
68 percent of the difference of the regional wage ratio minus  
69 one, provided that the dollar value modifier shall not be  
70 applied at a rate less than 1.0:

71 (a) "County wage per job", the total county wage and  
72 salary disbursements divided by the total county wage and  
73 salary employment for each county and the City of St. Louis  
74 as reported by the Bureau of Economic Analysis of the United  
75 States Department of Commerce for the fourth year preceding  
76 the payment year;

77 (b) "Regional wage per job":

78 a. The total Missouri wage and salary disbursements of  
79 the metropolitan area as defined by the Office of Management  
80 and Budget divided by the total Missouri metropolitan wage  
81 and salary employment for the metropolitan area for the  
82 county signified in the school district number or the City  
83 of St. Louis, as reported by the Bureau of Economic Analysis  
84 of the United States Department of Commerce for the fourth  
85 year preceding the payment year and recalculated upon every  
86 decennial census to incorporate counties that are newly

87 added to the description of metropolitan areas; or if no  
88 such metropolitan area is established, then:

89       b. The total Missouri wage and salary disbursements of  
90 the micropolitan area as defined by the Office of Management  
91 and Budget divided by the total Missouri micropolitan wage  
92 and salary employment for the micropolitan area for the  
93 county signified in the school district number, as reported  
94 by the Bureau of Economic Analysis of the United States  
95 Department of Commerce for the fourth year preceding the  
96 payment year, if a micropolitan area for such county has  
97 been established and recalculated upon every decennial  
98 census to incorporate counties that are newly added to the  
99 description of micropolitan areas; or

100       c. If a county is not part of a metropolitan or  
101 micropolitan area as established by the Office of Management  
102 and Budget, then the county wage per job, as defined in  
103 paragraph (a) of this subdivision, shall be used for the  
104 school district, as signified by the school district number;

105       (c) "Regional wage ratio", the ratio of the regional  
106 wage per job divided by the state median wage per job;

107       (d) "State median wage per job", the fifty-eighth  
108 highest county wage per job;

109       (6) "Free and reduced price lunch pupil count", for  
110 school districts not eligible for and those that do not  
111 choose the USDA Community Eligibility Option, the number of  
112 pupils eligible for free and reduced price lunch on the last  
113 Wednesday in January for the preceding school year who were  
114 enrolled as students of the district, as approved by the  
115 department in accordance with applicable federal  
116 regulations. For eligible school districts that choose the  
117 USDA Community Eligibility Option, the free and reduced  
118 price lunch pupil count shall be the percentage of free and

119 reduced price lunch students calculated as eligible on the  
120 last Wednesday in January of the most recent school year  
121 that included household applications to determine free and  
122 reduced price lunch count multiplied by the district's  
123 average daily attendance figure;

124 (7) "Free and reduced price lunch threshold" shall be  
125 calculated by dividing the total free and reduced price  
126 lunch pupil count of every performance district that falls  
127 entirely above the bottom five percent and entirely below  
128 the top five percent of average daily attendance, when such  
129 districts are rank-ordered based on their current operating  
130 expenditures per average daily attendance, by the total  
131 average daily attendance of all included performance  
132 districts;

133 (8) "Limited English proficiency pupil count", the  
134 number in the preceding school year of pupils aged three  
135 through twenty-one enrolled or preparing to enroll in an  
136 elementary school or secondary school who were not born in  
137 the United States or whose native language is a language  
138 other than English or are Native American or Alaskan native,  
139 or a native resident of the outlying areas, and come from an  
140 environment where a language other than English has had a  
141 significant impact on such individuals' level of English  
142 language proficiency, or are migratory, whose native  
143 language is a language other than English, and who come from  
144 an environment where a language other than English is  
145 dominant; and have difficulties in speaking, reading,  
146 writing, or understanding the English language sufficient to  
147 deny such individuals the ability to meet the state's  
148 proficient level of achievement on state assessments  
149 described in Public Law 107-10, the ability to achieve  
150 successfully in classrooms where the language of instruction

151 is English, or the opportunity to participate fully in  
152 society;

153 (9) "Limited English proficiency threshold" shall be  
154 calculated by dividing the total limited English proficiency  
155 pupil count of every performance district that falls  
156 entirely above the bottom five percent and entirely below  
157 the top five percent of average daily attendance, when such  
158 districts are rank-ordered based on their current operating  
159 expenditures per average daily attendance, by the total  
160 average daily attendance of all included performance  
161 districts;

162 (10) "Local effort":

163 (a) For the fiscal year 2007 calculation, "local  
164 effort" shall be computed as the equalized assessed  
165 valuation of the property of a school district in calendar  
166 year 2004 divided by one hundred and multiplied by the  
167 performance levy less the percentage retained by the county  
168 assessor and collector plus one hundred percent of the  
169 amount received in fiscal year 2005 for school purposes from  
170 intangible taxes, fines, escheats, payments in lieu of taxes  
171 and receipts from state-assessed railroad and utility tax,  
172 one hundred percent of the amount received for school  
173 purposes pursuant to the merchants' and manufacturers' taxes  
174 under sections 150.010 to 150.370, one hundred percent of  
175 the amounts received for school purposes from federal  
176 properties under sections 12.070 and 12.080 except when such  
177 amounts are used in the calculation of federal impact aid  
178 pursuant to P.L. 81-874, fifty percent of Proposition C  
179 revenues received for school purposes from the school  
180 district trust fund under section 163.087, and one hundred  
181 percent of any local earnings or income taxes received by  
182 the district for school purposes. Under this paragraph, for

183 a special district established under sections 162.815 to  
184 162.940 in a county with a charter form of government and  
185 with more than one million inhabitants, a tax levy of zero  
186 shall be utilized in lieu of the performance levy for the  
187 special school district;

188 (b) In every year subsequent to fiscal year 2007,  
189 "local effort" shall be the amount calculated under  
190 paragraph (a) of this subdivision plus any increase in the  
191 amount received for school purposes from fines. If a  
192 district's assessed valuation has decreased subsequent to  
193 the calculation outlined in paragraph (a) of this  
194 subdivision, the district's local effort shall be calculated  
195 using the district's current assessed valuation in lieu of  
196 the assessed valuation utilized in the calculation outlined  
197 in paragraph (a) of this subdivision. When a change in a  
198 school district's boundary lines occurs because of a  
199 boundary line change, annexation, attachment, consolidation,  
200 reorganization, or dissolution under section 162.071,  
201 162.081, sections 162.171 to 162.201, section 162.221,  
202 162.223, 162.431, 162.441, or 162.451, or in the event that  
203 a school district assumes any territory from a district that  
204 ceases to exist for any reason, the department of elementary  
205 and secondary education shall make a proper adjustment to  
206 each affected district's local effort, so that each  
207 district's local effort figure conforms to the new boundary  
208 lines of the district. The department shall compute the  
209 local effort figure by applying the calendar year 2004  
210 assessed valuation data to the new land areas resulting from  
211 the boundary line change, annexation, attachment,  
212 consolidation, reorganization, or dissolution and otherwise  
213 follow the procedures described in this subdivision;

214 (11) "Membership" shall be the average of:

215           (a) The number of resident full-time students and the  
216 full-time equivalent number of part-time students who were  
217 enrolled in the public schools of the district on the last  
218 Wednesday in September of the previous year and who were in  
219 attendance one day or more during the preceding ten school  
220 days; and

221           (b) The number of resident full-time students and the  
222 full-time equivalent number of part-time students who were  
223 enrolled in the public schools of the district on the last  
224 Wednesday in January of the previous year and who were in  
225 attendance one day or more during the preceding ten school  
226 days, plus the full-time equivalent number of summer school  
227 pupils. "Full-time equivalent number of part-time students"  
228 is determined by dividing the total number of hours for  
229 which all part-time students are enrolled by the number of  
230 hours in the school term. "Full-time equivalent number of  
231 summer school pupils" is determined by dividing the total  
232 number of hours for which all summer school pupils were  
233 enrolled by the number of hours required pursuant to section  
234 160.011 in the school term. Only students eligible to be  
235 counted for average daily attendance shall be counted for  
236 membership;

237           (12) "Operating levy for school purposes", the sum of  
238 tax rates levied for teachers' and incidental funds plus the  
239 operating levy or sales tax equivalent pursuant to section  
240 162.1100 of any transitional school district containing the  
241 school district, in the payment year, not including any  
242 equalized operating levy for school purposes levied by a  
243 special school district in which the district is located;

244           (13) "Performance district", any district that has met  
245 performance standards and indicators as established by the  
246 department of elementary and secondary education for

247 purposes of accreditation under section 161.092 and as  
248 reported on the final annual performance report for that  
249 district each year; for calculations to be utilized for  
250 payments in fiscal years subsequent to fiscal year 2018, the  
251 number of performance districts shall not exceed twenty-five  
252 percent of all public school districts;

253 (14) "Performance levy", three dollars and forty-three  
254 cents;

255 (15) "School purposes" pertains to teachers' and  
256 incidental funds;

257 (16) "Special education pupil count", the number of  
258 public school students with a current individualized  
259 education program or services plan and receiving services  
260 from the resident district as of December first of the  
261 preceding school year, except for special education services  
262 provided through a school district established under  
263 sections 162.815 to 162.940 in a county with a charter form  
264 of government and with more than one million inhabitants, in  
265 which case the sum of the students in each district within  
266 the county exceeding the special education threshold of each  
267 respective district within the county shall be counted  
268 within the special district and not in the district of  
269 residence for purposes of distributing the state aid derived  
270 from the special education pupil count;

271 (17) "Special education threshold" shall be calculated  
272 by dividing the total special education pupil count of every  
273 performance district that falls entirely above the bottom  
274 five percent and entirely below the top five percent of  
275 average daily attendance, when such districts are rank-  
276 ordered based on their current operating expenditures per  
277 average daily attendance, by the total average daily  
278 attendance of all included performance districts;

279           (18) "State adequacy target", the sum of the current  
280 operating expenditures of every performance district that  
281 falls entirely above the bottom five percent and entirely  
282 below the top five percent of average daily attendance, when  
283 such districts are rank-ordered based on their current  
284 operating expenditures per average daily attendance, divided  
285 by the total average daily attendance of all included  
286 performance districts. The department of elementary and  
287 secondary education shall first calculate the state adequacy  
288 target for fiscal year 2007 and recalculate the state  
289 adequacy target every two years using the most current  
290 available data. The recalculation shall never result in a  
291 decrease from the state adequacy target as calculated for  
292 fiscal years 2017 and 2018 and any state adequacy target  
293 figure calculated subsequent to fiscal year 2018. Should a  
294 recalculation result in an increase in the state adequacy  
295 target amount, fifty percent of that increase shall be  
296 included in the state adequacy target amount in the year of  
297 recalculation, and fifty percent of that increase shall be  
298 included in the state adequacy target amount in the  
299 subsequent year. The state adequacy target may be adjusted  
300 to accommodate available appropriations as provided in  
301 subsection 7 of section 163.031;

302           (19) "Teacher", any teacher, teacher-secretary,  
303 substitute teacher, supervisor, principal, supervising  
304 principal, superintendent or assistant superintendent,  
305 school nurse, social worker, counselor or librarian who  
306 shall, regularly, teach or be employed for no higher than  
307 grade twelve more than one-half time in the public schools  
308 and who is certified under the laws governing the  
309 certification of teachers in Missouri;



310 (20) "Weighted average daily attendance", the average  
311 daily attendance plus the product of [twenty-five  
312 hundredths] **three-tenths** multiplied by the free and reduced  
313 price lunch pupil count that exceeds the free and reduced  
314 price lunch threshold, plus the product of seventy-five  
315 hundredths multiplied by the number of special education  
316 pupil count that exceeds the special education threshold,  
317 plus the product of six-tenths multiplied by the number of  
318 limited English proficiency pupil count that exceeds the  
319 limited English proficiency threshold, **plus the product of**  
320 **fifteen hundredths multiplied by the number of pupils who**  
321 **are homeless children and youths as defined in 42 U.S.C.**  
322 **11434a.** For special districts established under sections  
323 162.815 to 162.940 in a county with a charter form of  
324 government and with more than one million inhabitants,  
325 weighted average daily attendance shall be the average daily  
326 attendance plus the product of [twenty-five hundredths]  
327 **three-tenths** multiplied by the free and reduced price lunch  
328 pupil count that exceeds the free and reduced price lunch  
329 threshold, plus the product of seventy-five hundredths  
330 multiplied by the sum of the special education pupil count  
331 that exceeds the threshold for each county district, plus  
332 the product of six-tenths multiplied by the limited English  
333 proficiency pupil count that exceeds the limited English  
334 proficiency threshold. None of the districts comprising a  
335 special district established under sections 162.815 to  
336 162.940 in a county with a charter form of government and  
337 with more than one million inhabitants, shall use any  
338 special education pupil count in calculating their weighted  
339 average daily attendance.

163.161. 1. Any school district which makes provision  
2 for transporting pupils as provided in section 162.621 and

3 sections 167.231 and 167.241 shall receive state aid for the  
4 ensuing year for such transportation on the basis of the  
5 cost of pupil transportation services provided the current  
6 year. A district shall receive, pursuant to section  
7 163.031, an amount not greater than seventy-five percent of  
8 the allowable costs of providing pupil transportation  
9 services to and from school and to and from public  
10 accredited vocational courses, and shall not receive an  
11 amount per pupil greater than one hundred twenty-five  
12 percent of the state average approved cost per pupil  
13 transported the second preceding school year, except when  
14 the state board of education determines that sufficient  
15 circumstances exist to authorize amounts in excess of the  
16 one hundred twenty-five percent of the state average  
17 approved cost per pupil transported the second previous year.

18 2. The state board of education shall determine public  
19 school district route approval procedures to be used by each  
20 public school district board of education to approve all bus  
21 routes or portions of routes and determine the total miles  
22 each public school district needs for safe and cost-  
23 efficient transportation of the pupils and the state board  
24 of education shall determine allowable costs. No state aid  
25 shall be paid for the costs of transporting pupils living  
26 less than one mile from the school. However, if the state  
27 board of education determines that circumstances exist where  
28 no appreciable additional expenses are incurred in  
29 transporting pupils living less than one mile from school,  
30 such pupils may be transported without increasing or  
31 diminishing the district's entitlement to state aid for  
32 transportation.

33 3. State aid for transporting handicapped and severely  
34 handicapped students attending classes within the school

35 district or in a nearby district under a contractual  
36 arrangement shall be paid in accordance with the provisions  
37 of section 163.031 and an amount equal to seventy-five  
38 percent of the additional cost of transporting handicapped  
39 and severely handicapped students above the average per  
40 pupil cost of transporting all students of the district  
41 shall be apportioned pursuant to section 163.031 where such  
42 special transportation is approved in advance by the  
43 department of elementary and secondary education. State aid  
44 for transportation of handicapped and severely handicapped  
45 children in a special school district shall be seventy-five  
46 percent of allowable costs as determined by the state board  
47 of education which may for sufficient reason authorize  
48 amounts in excess of one hundred twenty-five percent of the  
49 state average approved cost per pupil transported the second  
50 previous year. In no event shall state transportation aid  
51 exceed seventy-five percent of the total allowable cost of  
52 transporting all pupils eligible to be transported; provided  
53 that no district shall receive reduced reimbursement for  
54 costs of transportation of handicapped and severely  
55 handicapped children based upon inefficiency.

56 4. No state transportation aid received pursuant to  
57 section 163.031 shall be used to purchase any school bus  
58 manufactured prior to April 1, 1977, that does not meet the  
59 federal motor vehicle safety standards.

60 **5. Any school district that operates magnet schools as**  
61 **part of a master desegregation settlement agreement shall**  
62 **not be considered inefficient for purposes of state aid for**  
63 **transportation of pupils attending such magnet schools and**  
64 **shall not receive a financial penalty for the magnet school**  
65 **transportation portion of the overall transportation budget**  
66 **as a result thereof.**

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

3 (1) "Parent", a parent or legal guardian of a child  
4 enrolled in a school;

5 (2) "School", a public school or school district as  
6 such terms are defined in section 160.011, including a  
7 charter school as defined in section 160.400 and any virtual  
8 school or virtual provider authorized under the provisions  
9 of section 161.670.

10 2. No school or school employee shall compel a teacher  
11 to teach or a student or teacher to personally adopt,  
12 affirm, adhere to, or profess a position or viewpoint that a  
13 reasonable person would conclude violates the public policy  
14 expressed in this section or in section 1.200 or Article I,  
15 Section 2 of the Constitution of Missouri. Such violations  
16 include the following:

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

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

22 (3) That individuals, by virtue of their race,  
23 ethnicity, color, or national origin, bear collective guilt  
24 and are inherently responsible for actions committed in the  
25 past by others.

26 3. No curriculum, instructional materials, course of  
27 instruction, or unit of study offered by any school shall  
28 direct or otherwise compel students to personally affirm,  
29 adopt, or adhere to any ideas, concept, position, or  
30 viewpoint a reasonable person would conclude is in violation  
31 of subsection 2 of this section.

32           4. No course of instruction, unit of study, or  
33 professional development or training program shall contain  
34 any idea, concept, position, or viewpoint in violation of  
35 subsection 2 of this section.

36           5. No school employee, when acting in the course of  
37 such employee's official duties during contracted hours,  
38 shall participate in, or carry out, any act or communication  
39 that would violate subsection 2 of this section.

40           6. No school may require a student, teacher,  
41 administrator, or other employee to attend or participate in  
42 a training, seminar, continuing education, orientation, or  
43 therapy that a reasonable person believes promotes any  
44 belief or concept described in subsection 2 of this section.

45           7. Nothing in this section shall be construed as  
46 prohibiting:

47           (1) Speech protected by Article I, Section 8 of the  
48 Constitution of Missouri or the First Amendment to the  
49 Constitution of the United States;

50           (2) Voluntary attendance in a training session,  
51 seminar, continuing education, orientation, or therapy,  
52 provided that there is no inducement or coercion for such  
53 attendance;

54           (3) Access to sources on an individual basis that  
55 advocate concepts described in subsection 2 of this section  
56 for the purpose of research or independent study;

57           (4) Discussion of beliefs or concepts described in  
58 subsection 2 of this section or the assignment of materials  
59 that incorporate such beliefs or concepts for educational  
60 purposes, provided that the school expressly makes clear  
61 that it does not sponsor, approve, or endorse such beliefs  
62 or concepts;

63           (5) Teachers from discussing current events in a  
64 historical context;

65           (6) Courses including, but not limited to, African  
66 American history, Native American history, women's history,  
67 Asian American history, and Hispanic history; or

68           (7) The use of curriculum that teaches the topics of  
69 sexism, slavery, racial oppression, racial segregation,  
70 affirmative action, or racial discrimination, including  
71 topics related to the enactment and enforcement of laws  
72 resulting in religious and ethnic discrimination, sexism,  
73 racial oppression, segregation, and discrimination.

74           8. This section shall not be construed to prohibit  
75 teachers or students from discussing public policy issues,  
76 current events, or ideas that individuals may find  
77 unwelcome, disagreeable, or offensive.

78           9. A school shall post on its website the names of all  
79 books required for any of the students of such school and  
80 provide parents access to the digital library catalogue for  
81 the attendance center where the parent's student is enrolled.

82           10. Any employee of a school may disclose a violation  
83 of this section pursuant to the provisions of section  
84 105.055.

85           11. If a parent learns that a teacher of the parent's  
86 student is in violation of this section, then such parent  
87 may file a complaint with the department of elementary and  
88 secondary education about the violation of this section.  
89 The department shall send such complaint to the state board  
90 of education and notify the school. The state board of  
91 education shall hold a contested case hearing under chapter  
92 536 between the parent and the school within thirty days of  
93 receiving such complaint. If the state board of education  
94 agrees that a violation of this section has occurred, the

95 parent shall have an amount equal to the state adequacy  
96 target deposited annually until the student turns eighteen  
97 years of age into accounts established for the parent's  
98 children under sections 166.400 to 166.456 for the parent's  
99 children to be paid by the school in which the violation  
100 occurred. Such account funds shall be available to use  
101 pursuant to the provisions of sections 166.400 to 166.456  
102 and 29 U.S.C. 529, and shall be used for educational  
103 purposes only. Any usage of such funds for purposes not  
104 related to qualified education expenses or qualified higher  
105 education expenses, as those terms are defined in section  
106 166.410, shall be subject to penalties pursuant to section  
107 166.430 and 29 U.S.C. 529.

170.370. 1. The department of elementary and  
2 secondary education shall develop a patriotic and civics  
3 training program in order to prepare teachers to teach the  
4 principles of American civics and patriotism.

5 2. The patriotic and civics training program shall  
6 include but not be limited to:

7 (1) An understanding of:

8 (a) The fundamental moral, political, and intellectual  
9 foundations of the American experiment in self-government;

10 (b) The history, qualities, and traditions of civic  
11 engagement in the United States;

12 (c) The structure, function, and processes of  
13 government institutions at the federal, state, and local  
14 levels;

15 (d) The founding documents of the United States,  
16 including:

17 a. The Declaration of Independence;

18 b. The United States Constitution;

19 c. The Federalist Papers, including Essays 10 and 51;

- 20 d. Alexis de Tocqueville's Democracy in America;
- 21 e. The transcript of the first Lincoln-Douglas debate;
- 22 f. The writings of the founding fathers of the United  
23 States; and
- 24 g. The writings of Reverend Martin Luther King, Jr;
- 25 (e) The history and importance of:
- 26 a. The federal Civil Rights Act of 1964, as amended;
- 27 and
- 28 b. The Thirteenth, Fourteenth, and Nineteenth  
29 Amendments to the United States Constitution;
- 30 (f) The provisions and principles of the constitution  
31 of Missouri; and
- 32 (g) Cultural history;
- 33 (2) The ability to:
- 34 (a) Analyze and determine the reliability of  
35 information sources;
- 36 (b) Formulate and articulate reasoned positions;
- 37 (c) Understand the manner in which local, state, and  
38 federal government works and operates;
- 39 (d) Actively listen and engage in civil discourse,  
40 including discourse with those with different viewpoints;
- 41 (e) Responsibly participate as a citizen in a  
42 constitutional democracy;
- 43 (f) Effectively engage with governmental institutions  
44 at the local, state, and federal levels; and
- 45 (3) An appreciation of:
- 46 (a) The importance and responsibility of participating  
47 in civic life; and
- 48 (b) A commitment to free speech, the bill of rights,  
49 and civil discourse.
- 50 3. Subject to appropriation, each elementary and  
51 secondary education teacher that completes the training



52 program shall receive a one-time bonus of three thousand  
53 dollars to be paid by the department.

54 4. The department of elementary and secondary  
55 education shall promulgate rules and regulations to  
56 implement the provisions of this section. Any rule or  
57 portion of a rule, as that term is defined in section  
58 536.010, that is created under the authority delegated in  
59 this section shall become effective only if it complies with  
60 and is subject to all of the provisions of chapter 536 and,  
61 if applicable, section 536.028. This section and chapter  
62 536 are nonseverable and if any of the powers vested with  
63 the general assembly pursuant to chapter 536 to review, to  
64 delay the effective date, or to disapprove and annul a rule  
65 are subsequently held unconstitutional, then the grant of  
66 rulemaking authority and any rule proposed or adopted after  
67 August 28, 2023, shall be invalid and void.

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