SECOND REGULAR SESSION

SENATE BILL NO. 645

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

AN ACT

To repeal sections 160.516 and 170.011, RSMo, and to enact in lieu thereof five new sections relating to the use of certain training, instructional, and curricular materials in public schools and charter schools, with an emergency clause.

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

Section A. Sections 160.516 and 170.011, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.516, 161.023, 161.852, 170.011, and 170.360, to read as follows:

160.516. 1. Notwithstanding the provisions of section 160.514, the state board of education and the department of elementary and secondary education shall not be authorized to mandate and are expressly prohibited from mandating or promoting the curriculum, textbooks, or other instructional materials to be used in public schools. Each local school board shall be required to approve and adopt the curriculum used by the school district at least six months prior to implementation. The provisions of this subsection shall not apply to schools and instructional programs administered by the state board of education and the department of elementary and secondary education or to school districts that are classified as unaccredited.

2. The state board of education and the department of elementary and secondary education shall not require

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
districts to use any appendix to the common core state
standards.

3. The school board for each school district shall
adopt policies and procedures to ensure the approved and
adopted curriculums presented under subsection 1 of this
section are properly implemented in the classroom. The
choice of academic class offerings and curriculum materials:
(1) Shall not be based on surveys, inventories, or
other evaluations, analyses, or assessments of:
   (a) Student, family, or community immutable and other
identifying characteristics, including race, binary sex,
gender choices, religion, disabilities, or income;
   (b) Psychological/social emotional data;
   (c) Trauma and other psychological and emotional
problems;
(2) Shall ensure schools meet the purpose of education
   as provided in the Missouri Constitution and disseminate the
   knowledge and intelligence needed to ensure the rights and
   liberties of legal United States citizens in Missouri.

4. At least five years of data showing percentages of
students by grade level, subject, and percentage level of
proficiency based on state assessment scores shall be posted
in the same section as the curricula on the district's
website and shall also be available for inspection at each
school within the district.

161.023. 1. All administrator, teacher and staff
professional development and instructional programs offered
to schools that are paid for with state funds, whether
offered directly by the department of elementary and
secondary education, another state agency, or by a third-
party contractor, shall be fully transparent and available
to the public as follows:
(1) All program materials, videos, links, and resources shall be publicly available at no charge on the department's website;

(2) All program offerings shall be open for public attendance. All program offerings shall be listed in one location on the department's website by date and show the title of the program, program description, location, and time. Programs shall be publicly posted at least thirty days in advance, with exceptions applying only when the program is added with fewer than thirty days notice based on an emergency as detailed by the school. Any resident of the state shall be allowed access in some manner to the program. Audio and video recordings of these programs shall be required and accessible to the public free of charge for at least three years after the event date. If a program recording was not made or maintained, the program date, name, and description shall still be listed on the website for three years after the event date has passed with a clear explanation as to why a recording is not available;

(3) Lists by school district showing date of attendance, name and position of district attendee, program name and description shall be provided by request and free of charge to Missouri residents for the prior three years;

(4) No on-site program shall be provided by a school prior to the local school board approving and adopting the state program;

(5) Lists of local school boards that have approved the state program shall be provided on the department's website.

2. In addition, for programs offered to schools by third-party contractors, the department shall maintain data and information on the department's website related to those
programs including a breakdown by school district for each
Missouri state funded program showing the amount paid to the
third-party contractor by year and by program detailing the
public funds spent on categories of program promotion,
development, training, local implementation, and other
miscellaneous costs, such as travel and physical materials
for the prior three years.

161.852. 1. The commissioner of education shall
establish the Missouri Education Transparency and
Accountability Portal which shall be an internet-based tool
creating transparency in Missouri's public education system
and providing citizens access to every school district's
curriculum, source materials, and professional development
materials.

2. The portal shall consist of an easy-to-search
database, including but not limited to the following:
   (1) All curriculum taught by the school district;
   (2) All source materials used to develop a district's
curriculum;
   (3) All documents used by a school district in the
   professional development of the district's faculty and
   staff, including but not limited to administrators,
teachers, counselors, and classroom support staff;
   (4) All source materials used to develop the documents
   used by a school district in their professional development
   materials as outlined in subdivision (3) of this subsection;
   (5) All speakers and guests used by a school district
   in their professional development activities; and
   (6) The cost associated with speakers and guests used
   by a school district in their professional development
   activities.
3. The commissioner of education shall establish an online form that each school district in this state shall complete with information required under subsection 2 of this section.

4. A school district shall submit any updates to the information outlined in subsection 2 of this section within five businesses days of the information changing.

5. The commissioner of education shall update the portal with the information required by this section to be submitted by each school district no less than weekly and shall ensure that the portal is maintained as the primary centralized source of information about the curriculum and instructional materials used by public school districts.

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

170.011. 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and American literature so students gain an understanding of our government institutions shall be given in all public and private schools in the state of Missouri, except proprietary
schools, and shall begin not later than the seventh grade and continue [in] throughout high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. These courses shall promote an overall positive and comprehensive history and understanding of the United States. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local
governments, and of the government of the United States, and in the electoral process.

2. American history courses at the elementary and secondary levels shall include in their proper time-line sequence specific referrals to the details and events of the racial equality movement that have caused major changes in United States and Missouri laws and attitudes.

3. No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he or she has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history, American institutions, and American civics. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.
4. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.

5. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.

170.360. 1. School districts and charter schools shall display the following information on the school website in an easily accessible location:

(1) All training materials used for staff and faculty training related to nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias;

(2) All instructional or curricular materials relating to nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias. Such instructional materials shall identify, at a minimum:

(a) The title, author, organization, and any website associated with each material and activity;

(b) A brief description of the instructional material;

(c) A link to the instructional material, if publicly available on the internet, or information on how to request review of a copy of the instructional material; and
(d) If the instructional material was created by a staff or faculty member, the identity of such person; and

(3) Any procedures for the documentation, review, or approval of the training, instructional, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

Nothing in this subsection shall be construed to require the digital reproduction or posting of copies of instructional materials if such reproduction or posting would infringe upon a copyright, provided that such copyrighted material shall be made available upon request to the extent authorized by law.

2. The information required by subsection 1 of this section shall be displayed online within seven days after the first instance of training or instruction in which the materials are used. Such information shall remain displayed on the school website for at least two years.

3. No school district, and no public charter school for the purposes of subdivision (2) of this subsection only, shall:

   (1) Permit teachers or administrators to require or make part of a course or award a grade or course credit, including extra credit, for a student's:

   (a) Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

   (b) Participation in any internship, practicum, or similar activity involving social or public-policy advocacy;
(2) Direct or otherwise compel a teacher, administrator, or student personally to affirm, adopt, or adhere to any belief or concept that:

(a) The United States or the state of Missouri is fundamentally or irredeemably racist or sexist;

(b) An individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(c) An individual, by virtue of sex, race, ethnicity, religion, color, or national origin, should be blamed for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin; or

(d) An individual’s moral character is necessarily determined, in whole or in part, by his or her sex, race, ethnicity, religion, color, or national origin;

(3) Use public funds to contract with, hire, or otherwise engage speakers, consultants, diversity trainers, and other persons:

(a) To engage students, teachers, administrators, and other employees in activism or advocacy described in subdivision (1) of this subsection;

(b) To direct or otherwise compel a teacher, administrator, or student personally to affirm, adopt, or adhere to any belief or concept described in subdivision (2) of this subsection; or

(c) To advocate concepts described in subdivision (2) of this subsection unless:

   a. The school district expressly makes clear that it does not sponsor, approve, or endorse such beliefs and concepts; and
b. The school district affords students, teachers, administrators, and other employees the opportunity to opt out of any speeches by or sessions with such persons.

4. No school district, public school, or charter school may require a student, teacher, administrator, or other employee to attend or participate in a training, seminar, continuing education, orientation, or therapy that promotes any belief or concept described in subdivision (2) of subsection 3 of this section.

5. Nothing in this section shall be construed as prohibiting:

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

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

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

   (4) Discussion of beliefs or concepts described in subdivision (2) of subsection 3 of this section or the assignment of materials that incorporate such beliefs or concepts for educational purposes, provided that the public school expressly makes clear that it does not sponsor, approve, or endorse such beliefs or concepts; or

   (5) The use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the
enactment and enforcement of laws resulting in sexism,
racial oppression, segregation, and discrimination.

6. Any employee of a school district that discloses a
violation of this section shall be protected from any manner
of retaliation as set forth in section 105.055.

7. (1) Suit for alleged violations of this section
may be brought by the department of elementary and secondary
education; the attorney general; the prosecuting attorney,
county counselor, or circuit attorney for the city or county
in which the school district, public school, or charter
school alleged to have violated this section is located; or
any aggrieved person, taxpayer, or citizen residing in such
city or county.

   (2) Such suit shall be initiated in the circuit court
for the city or county in which the school district, public
school, or charter school alleged to have violated this
section is located.

   (3) Upon a finding by a preponderance of the evidence
that a school district, public school, or charter school has
violated this section, the court shall issue such injunctive
relief reasonably necessary to correct such violation.

   (4) Upon a finding by a preponderance of the evidence
that a school district, public school, or charter school has
knowingly violated this section, the court shall issue a
civil penalty in an amount up to one thousand dollars and
may order the payment by such district or school of all
costs and reasonable attorney fees to any party successfully
establishing such violation.

   (5) Upon a finding by a preponderance of the evidence
that a school district, public school, or charter school has
purposefully violated this section, the court shall issue a
civil penalty in an amount up to ten thousand dollars and
may order the payment by such district or school of all costs and reasonable attorney fees to any party successfully establishing such violation.

8. A school district or charter school which is in doubt whether any action or decision would violate this section may bring suit at such district or school's expense in the circuit court of the city or county in which such district or school is located to ascertain the propriety of any such action or decision. Review of such action or decision may include consideration of a proposed use of school resources or of particular pieces of training, instructional, or curricular material.

9. A school district or charter school which is in doubt whether any action or decision would violate this section may seek a formal opinion of the attorney general to ascertain the propriety of any such action or decision. Review of such action or decision may include consideration of a proposed use of school resources or of particular pieces of training, instructional, or curricular material.

Section B. Because the need to ensure that parents are aware of the education their children are receiving for the upcoming school year, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.