AN ACT

To amend chapter 161, RSMo, by adding thereto three new sections relating to elementary and secondary education, with an emergency clause.

Section A. Chapter 161, RSMo, is amended by adding thereto three new sections, to be known as sections 161.228, 161.851, and 161.852, to read as follows:

161.228. 1. School districts shall be required to provide notification to parents or guardians in the form of prior, positive written consent regardless of funding source for each and every survey, evaluation, or analysis when the following topics shall or may be asked of a student. The provisions of this subsection shall also apply to verbal or discussion questions on the following topics and shall require prior, written consent from the parent or guardian of a minor child. Prior, written consent will be required of the student when such student is not a minor. Consent given shall be specific to the activity, include the approximate planned date or dates of the activity, be in written form, and shall be signed and dated by the parent or guardian of the minor child or student, if not a minor. Topics subject to the provisions of this subsection shall include:

1. Political affiliations or beliefs of the student or the student’s parent or guardian;
(2) Mental and psychological problems of the student or the student’s family;
(3) Sex behavior or attitudes;
(4) Illegal, anti-social, self-incriminating, or demeaning behavior;
(5) Critical appraisals of other individuals with whom respondents have close family relationships;
(6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
(7) Religious practices, affiliations, or beliefs of the student or student’s parent; or
(8) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

2. (1) School districts shall be required to receive positive prior, written parent or guardian consent for a minor child or consent from the student if not a minor for the creation of a student psychological/social-emotional profile. Consent for creation of a profile may include but is not limited to data from the following two sources:

(a) A student’s completion of surveys, evaluations, and analysis, subject to the consent limits under the provisions of this section; and

(b) Teacher and school staff collection of information and their completion of surveys, evaluations and analysis based on their observations, inventories, and knowledge of a student.

If consent is not provided, no information may be collected and maintained from either the student or by teachers and
staff and no psychological/social-emotional profile may be created for a student.

(2) Psychological/social emotional student profiles shall not be summarized, consolidated, nor inventoried for any grouping of students such as classroom, grade, school, or district and shall not be used to develop or choose level I intervention programs under the Missouri comprehensive school counseling program.

(3) Third parties used to design surveys, collect this data, and create a psychological/social-emotional profile of a student shall not maintain this data for more than sixty days without a separate prior, written parent or guardian consent for a minor child or consent of a student if not a minor.

(4) The access and disclosure of a student psychological/social-emotional profile shall not be shared with non-medically licensed teachers and staff without specific, separate, prior written consent of the parent or guardian or the student if not a minor.

(5) A student’s psychological/social-emotional profile shall not become part of a permanent record nor transferred to any state or federally maintained data system, third parties, nor other schools without specific, separate prior, written consent of the parent or guardian or the student if not a minor.

3. Schools shall provide notice of the provisions of this section to parents bi-annually at the beginning of each semester. This disclosure shall include the consents required, the school sources of data for the creation of psychological/social-emotional profiles on students, and the protections and safeguards of psychological data regarding
access, disclosure to third parties, and transfer to other schools and consents required.

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

2. For the purposes of this section, the term "parent" shall mean any person who has charge, control, or custody of a minor child, whether as a natural parent, adoptive parent, or legal guardian.

3. No governmental entity, school district, or other public institution shall infringe on the fundamental rights of a parent to direct the upbringing, education, health care, or mental health of such parent's minor child without first demonstrating that such infringement is reasonable, narrowly tailored to achieve a compelling state interest, and that such interest could not otherwise be served by less restrictive means.

4. For the purposes of subsection 3 of this section, a parent's fundamental rights to direct the upbringing, education, health care, and mental health of such parent's minor child shall include:

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

   (2) The right to enroll such child in a public school, parochial school, home school program, or other available schooling option, to the extent otherwise authorized by law;

   (3) The right to direct the education of such child, including the right to access and review the following information:

       (a) All school records relating to such child, including a regular report of such child's academic performance and attendance;
(b) Such child's statewide, standardized assessment results;
(c) School district instructional materials;
(d) School district policies for promotion or retention, including graduation requirements; and
(e) Information relating to the state's academic performance standards, report card requirements, attendance requirements, and instructional materials requirements;
(4) The right to participate in parent-teacher associations and organizations sanctioned by the school district or department of elementary and secondary education;
(5) The right, pursuant to section 162.720, to request a review of a school district's determination that such child did not qualify to receive services through such district's gifted education program;
(6) The right to make health care decisions for such child, except as otherwise prohibited by law;
(7) The right to consent in writing before biometric data, as defined in section 302.170, regarding such child is made, shared, or stored, except as required by law or court order; and
(8) The right to consent in writing before any governmental entity, school district, or other public institution produces a video or audio recording of such child, unless such recording is made for the purposes of:
(a) A court proceeding, forensic interview, or criminal or other investigation related to the welfare of such child;
(b) The maintenance of order and discipline in a school building, on school grounds, and on student transportation vehicles;
(c) A legitimate academic or extracurricular activity;
(d) Regular classroom instruction;
(e) Security or surveillance of school buildings, school grounds, or student transportation vehicles; or
(f) A photo identification card.

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

(1) A plan for parental participation in schools, including through cooperation with teachers regarding homework, school attendance, and discipline;
(2) Procedures for a parent to receive information about his or her child's course of study, including the source of any supplemental educational materials;
(3) Procedures for a parent to object to instructional materials and other materials used in the classroom based on such parent's beliefs regarding morality, sexuality, religion, or other issues related to the well-being, education, and upbringing of such parent's child;
(4) Procedures for a parent to withdraw his or her child from any portion of the school district's health education related to human sexuality and sexually transmitted diseases;
(5) Procedures for a parent to learn about the nature and purpose of clubs and other extracurricular activities offered at his or her child's school;
(6) Procedures for providing parents with other information to which such parents have a right of access pursuant to subsection 4 of this section.

6. The department of elementary and secondary education shall develop, and every school district shall utilize, the following forms:
(1) A form that authorizes a parent to object to and opt out of any instructional materials or materials used in the child's classroom as described in subdivisions (3) and (4) of subsection 5 of this section. Such form shall be made available to every parent at the beginning of a school year by each school district;

(2) A form that is sent to every parent by the school district at the beginning of every school year that allows a parent to ask for notification in advance by the school attended by the parent's child whenever a teacher intends to teach a divisive or controversial topic that may conflict with a parent's belief that all persons, regardless of race, ethnicity, color, national origin, or ancestry, should be treated equally. If a parent submits such form to the child's school, the school shall provide notice at least two weeks in advance of the teaching of any such divisive or controversial topic.

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

8. A parent may file a formal request in writing with the superintendent of his or her child's school district for access to any information to which such parent has a right of access pursuant to this section. The superintendent shall provide such information to the parent within ten days, and may do so by any reasonable means, including by directing the parent to electronic resources to the extent such resources are responsive to the parent's request. If
the superintendent denies such request or does not respond
within ten days, the parent may file an appeal with the
school board. The school board shall place the parent's
appeal on the agenda for the next public meeting of the
board, provided that the school board may instead place such
appeal on the agenda for the public meeting of the board to
occur subsequent to the next such meeting if the appeal is
filed within seven days of the next such meeting.

9. No employee of any governmental entity, school
district, or other public institution shall encourage,
coerce, or attempt to coerce a minor child to withhold
information from such child's parents, provided however that
any such person required to report suspected abuse or
neglect pursuant to sections 210.109 to 210.183 may
encourage a minor child to withhold information where
disclosure could reasonably result in abuse or neglect.
Notwithstanding any other provision of law to the contrary,
any person found in violation of this subsection may be
subject to disciplinary action by his or her employer.

10. This section shall not be construed to:

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

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

(3) Prohibit a court of competent jurisdiction, a law
enforcement officer, or employees of a governmental entity
or other public institution responsible for child welfare
from acting within the reasonable and prudent scope of such
court or person's official capacity and authority;

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

(5) Limit the inalienable rights of a parent, whether or not enumerated in the provisions of this section.

11. (1) A parent may file with the school board a formal objection to any school policy, practice, or procedure which violates any provision of this section. School boards shall provide by general rule not inconsistent with this section for the procedure and conduct for filing and responding to such objections. Within thirty days of receipt of the objection, the school board shall issue a response denying the parent's objection or describing an implementation plan to immediately correct the violation.

(2) The school board may deny any objection alleging a de minimis infringement of parental rights or if the requested accommodation is unreasonable. An alleged infringement of parental rights shall be considered de minimis if it does not materially infringe upon any right provided in this section.

(3) A parent whose formal objection has been denied shall have the right to appeal such decision to the department of elementary and secondary education. The appeal shall be taken within fifteen days of the decision of the school board and may be taken by filing a notice of appeal with the department of elementary and secondary education. Such appeal shall be heard as provided in chapter 536.

(4) Following a final decision by the department of elementary and secondary education in an appeal taken pursuant to subdivision (3) of this subsection, a parent may seek judicial review of such decision in the circuit court for the county in which the school district is located.
(a) Upon a finding by a preponderance of the evidence that a school district has knowingly violated the provisions of this section, a parent shall be awarded one thousand dollars per violation and the payment by the school district to the parent of all costs and reasonable attorney fees.

(b) Upon a finding by a preponderance of the evidence that a school district has purposely violated the provisions of this section, a parent shall be awarded ten thousand dollars per violation and the payment by the school district to the parent of all costs and reasonable attorney fees.

12. 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.

13. The department of elementary and secondary education may promulgate rules to implement the provisions of 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.

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.

Section B. Because of 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.