

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 4, 42, & 89

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Section A. Sections 160.516, 160.522, 163.011, and 2 163.161, RSMo, are repealed and nine new sections enacted in 3 lieu thereof, to be known as sections 160.516, 160.522, 161.841, 4 161.852, 161.854, 163.011, 163.161, 170.355, and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

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

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

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.