

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 4, 42, & 89

102ND GENERAL ASSEMBLY

1064S.06C

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 160.516, RSMo, and to enact in lieu thereof five new sections relating to transparency in elementary and secondary education, with penalty provisions.

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

Section A. Section 160.516, RSMo, is repealed and five
2 new sections enacted in lieu thereof, to be known as sections
3 160.516, 161.841, 161.852, 170.355, and 170.370, to read as
4 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 **and**
7 **charter school governing board** shall be [responsible for the
8 approval and adoption of] **required to approve and adopt the**
9 curriculum used by the school district **or charter school at**
10 **least two months prior to implementation.** The provisions of
11 this subsection shall not apply to schools and instructional
12 programs administered by the state board of education and
13 the department of elementary and secondary education or to
14 school districts that are classified as unaccredited.

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

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

19 3. The school board for each school district and each
20 charter school governing board shall adopt policies and
21 procedures to ensure the approved and adopted curricula
22 presented under subsection 1 of this section are properly
23 implemented in the classroom. The choice of academic class
24 offerings and curriculum materials shall ensure schools meet
25 the purpose of education as provided in the Missouri
26 Constitution and the Constitution of the United States.

27 4. At least five years of data showing percentages of
28 students by grade level, subject, and percentage level of
29 students at or above grade level based on state assessment
30 scores shall be posted in the same section as the curricula
31 on the school district's and charter school's website, shall
32 be available for inspection at each individual attendance
33 center of a school district or charter school, and shall be
34 posted on the portal established in section 161.852.

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

3 2. (1) As used in this section, the term "parent"
4 means a child's parent, guardian, or other person having
5 legal control or custody of the child;

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 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:

16 (a) The right to know what their minor child is being
17 taught in school including, but not limited to, curricula,
18 books, source materials, and other instructional materials;

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

22 (c) The right to receive, upon request, information
23 about individuals and organizations receiving school
24 contracts and funding in the school in which their child is
25 enrolled;

26 (d) The right to view or receive all school records,
27 medical or otherwise, concerning their minor child;

28 (e) The right to access information about the
29 collection and transmission of their minor child's data;

30 (f) The right to know about records regarding
31 situations affecting their minor child's safety in school,
32 provided that such disclosure does not violate privacy and
33 confidentiality rights.

34 (2) Where the curricular materials being made
35 available to parents for review are subject to copyright,
36 trademark, or other intellectual property protection, the
37 review process shall include technical and procedural
38 safeguards to ensure that the materials are not able to be
39 widely disseminated to the general public in violation of
40 the intellectual property rights of the publisher and that
41 content validity is not undermined.

42 4. No school or individual attendance centers of such
43 school shall require nondisclosure agreements or similar
44 forms for a parent's review of curricula. Each public
45 school or school district shall allow parents, upon request,
46 to make a copy of curriculum documents or to receive such
47 documents in an electronic format, provided that no request

48 would cause an infringement of copyright protections
49 provided under the federal Copyright Act of 1976 (17 U.S.C.
50 101, et seq.), as amended.

51 5. No school or individual attendance centers of such
52 school shall collect any biometric data of a minor child
53 without obtaining written parental consent before collecting
54 such data or information, except for biometric data
55 necessary to create and issue appropriate school
56 identification cards.

57 6. Each school board meeting or charter school
58 governing board meeting pertaining to curricula shall be
59 held in public and allow for public comments.

60 7. Each school and individual attendance centers of
61 such school shall notify parents in a timely manner of all
62 reported incidents directly pertaining to their student's
63 safety that result in any felony or misdemeanor charges
64 filed against teachers, other school employees, or any
65 guests or visitors.

66 8. No school district or public school shall provide
67 any school records as described in this section in violation
68 of any relevant state or federal law or policy protecting or
69 limiting access to such school records. Nothing in this
70 section shall be construed to violate any provision of
71 chapter 610 or other provisions of law regarding records
72 that are protected from 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 and providing citizens access to every school district's
6 curriculum, textbooks, source materials, and syllabi

7 provided that the posting of such material does not violate
8 intellectual property rights.

9 2. The portal shall consist of an easy-to-search
10 database, including but not limited to all curriculum taught
11 by a school and the cost associated with speakers and guests
12 used by a school in their professional development
13 activities.

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

18 4. A school shall submit any updates to the
19 information outlined in subsection 2 of this section monthly.

20 5. The school board of each school district and the
21 governing board of each charter school shall ensure the
22 disclosure of a listing of all materials under subsection 2
23 of this section.

24 6. The portal shall list the name of each school board
25 member, the school district the member serves, the member's
26 election date, and the expiration date of the member's
27 term. A school board shall submit any updates to this
28 information to the department of elementary and secondary
29 education monthly.

30 7. The portal shall include names of presenters and
31 distributed materials from all administrator, teacher, and
32 staff professional development and instructional programs
33 offered to public schools, and shall be fully transparent
34 and available to parents of students enrolled at such
35 schools. Lists by schools showing date of attendance, name
36 and position of district attendee, program name, and
37 description shall be provided by request and free of
38 charge. No on-site program shall be provided by a school or

39 attendance center thereof prior to the school's governing
40 board approving and adopting the on-site program. Lists of
41 schools that have approved the on-site program shall be
42 provided on the department's website.

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

53 9. The portal shall include an easy-to-search database
54 of all of a public school district's or public charter
55 school's financial transactions related to:

56 (1) All bonds issued by any public school district or
57 public charter school after August 28, 2023;

58 (2) The revenue stream pledged to repay any such bonds
59 or obligations;

60 (3) All forms of compensation and benefits paid to or
61 on behalf of public school districts and public charter
62 schools; and

63 (4) All debt incurred by any public charter school.

64 This information shall be supplied to the department of
65 elementary and secondary education within the number of days
66 and in a manner to be determined by the department. Within
67 seven calendar days of receiving such information, the
68 department shall upload such information onto the portal.

69 10. The department of elementary and secondary
70 education may promulgate rules to implement this section.
71 Any rule or portion of a rule, as that term is defined in
72 section 536.010, that is created under the authority
73 delegated in this section shall become effective only if it
74 complies with and is subject to all of the provisions of
75 chapter 536 and, if applicable, section 536.028. This
76 section and chapter 536 are nonseverable and if any of the
77 powers vested with the general assembly pursuant to chapter
78 536 to review, to delay the effective date, or to disapprove
79 and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed
81 or adopted after the effective date of this act shall be
82 invalid and void.

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

3 (1) "Parent", a student's parent, guardian, or other
4 person having legal control or custody of the student;

5 (2) "School", a public school or school district as
6 such terms are defined in section 160.011, including a
7 charter school as defined in section 160.400.

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

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

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

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

24 3. No curriculum, instructional materials, course of
25 instruction, or unit of study offered by any school shall
26 advocate, affirm as true, or endorse any idea, concept,
27 position, or viewpoint nor direct or otherwise compel
28 students to personally affirm, adopt, or adhere to any
29 ideas, concept, position, or viewpoint in violation of
30 subsection 2 of this section.

31 4. Courses on critical race theory or units of study
32 on critical race theory within a course shall not be offered
33 at any grade level by any public elementary or secondary
34 school or by any preschool, early childhood education, or
35 pre-kindergarten program offered by a public school district
36 or charter school.

37 5. No course of instruction, unit of study,
38 professional development, or training program shall direct
39 or otherwise compel teachers to personally affirm, adopt, or
40 adhere to any idea, concept, position, or viewpoint in
41 violation of subsection 2 of this section.

42 6. No school employee, when acting in the course of
43 such employee's official duties during contracted hours,
44 shall participate in, or carry out any act or communication
45 that would violate subsection 2 of this section nor teach,
46 advocate, affirm as true, or endorse any idea, concept,
47 position, or viewpoint in violation of subsection 2 of this
48 section.

49 7. No school district, public school, or charter
50 school may require a student, teacher, administrator, or
51 other employee to attend or participate in a training,
52 seminar, continuing education, orientation, or therapy that
53 a reasonable person believes promotes any belief or concept
54 described in subsection 2 of this section.

55 8. Nothing in this section shall be construed as
56 prohibiting:

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

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

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

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

73 (5) Teachers from discussing current events in a
74 historical context;

75 (6) Courses in African American history, Native
76 American history, and women's history; or

77 (7) The use of curriculum that teaches the topics of
78 sexism, slavery, racial oppression, racial segregation,
79 affirmative action, or racial discrimination, including
80 topics related to the enactment and enforcement of laws

81 resulting in religious and ethnic discrimination, sexism,
82 racial oppression, segregation, and discrimination.

83 9. This section shall not be construed to prohibit
84 teachers or students from discussing public policy issues,
85 current events, or ideas that individuals may find
86 unwelcome, disagreeable, or offensive.

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

90 11. If a parent learns that a teacher is in violation
91 of this section, and such teacher is acting independently,
92 then such parent may file a complaint with the department of
93 elementary and secondary education about the violation of
94 this section. The department shall send such complaint to
95 the state board of education. The state board of education
96 shall hold a contested case hearing under chapter 536
97 between the parent and the school district within thirty
98 days of receiving such complaint. If the state board of
99 education agrees that a violation of this section has
100 occurred, the parent shall have an amount equal to the state
101 adequacy target deposited into accounts established for the
102 parent's children under sections 166.400 to 166.456 for the
103 parent's children to be paid by the school district in which
104 the teacher is employed. Such account funds shall be
105 available to use until the youngest child graduates from
106 high school.

107 12. (1) If a parent learns that a teacher is in
108 violation of this section, and such violation is occurring
109 throughout the school district, then such parent may file a
110 complaint with the department of elementary and secondary
111 education about the violation of this section. The
112 department shall send such complaint to the state board of

113 education. The state board of education shall hold a
114 contested case hearing under chapter 536 between the parent
115 and the school district within thirty days of receiving such
116 complaint. If the state board of education agrees that a
117 violation of this section has occurred, the following
118 penalties shall apply:

119 (a) Upon a first offense, such district shall have
120 five percent of its state aid under chapter 163 withheld by
121 the department, until the district presents evidence to the
122 department that the district is no longer in violation of
123 this section;

124 (b) Upon a second offense, such district shall have
125 ten percent of its state aid under chapter 163 withheld by
126 the department, until the district presents evidence to the
127 department that the district is no longer in violation of
128 this section; and

129 (c) Upon a third offense, such district shall be
130 classified as unaccredited by the department until the
131 district presents evidence to the department that the
132 district is no longer in violation of this section.

133 (2) If a public school or public charter school
134 knowingly violates any provision of this section, or if an
135 employee of a public school or public charter school
136 knowingly violates any provision of this section, the public
137 school or public charter school where such violation
138 occurred shall be liable to the injured party in an action
139 at law, suit in equity, or other proper proceeding for
140 redress, and subject to a civil penalty of five hundred
141 dollars per occurrence. Any person injured under this
142 section shall have standing to pursue an action in the
143 circuit court of Cole County. The court shall hold a
144 hearing on the motion for temporary restraining order and

145 preliminary injunction within thirty days of service of the
146 petition. In such action, the court may award the pursuing
147 party, other than the state of Missouri or any political
148 subdivision of the state, reasonable attorney fees and costs.

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 cover the provisions and principles of the Constitution of
7 the United States, American history, and American
8 institutions. The patriotic and civics training program
9 shall also cover the provisions and principles of the
10 Constitution of Missouri.

11 3. Subject to appropriation, each elementary and
12 secondary education teacher that completes the training
13 program shall receive a one-time bonus of three thousand
14 dollars to be paid by the department.

15 4. The department of elementary and secondary
16 education shall promulgate rules and regulations to
17 implement the provisions of this section. Any rule or
18 portion of a rule, as that term is defined in section
19 536.010, that is created under the authority delegated in
20 this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and,
22 if applicable, section 536.028. This section and chapter
23 536 are nonseverable and if any of the powers vested with
24 the general assembly pursuant to chapter 536 to review, to
25 delay the effective date, or to disapprove and annul a rule
26 are subsequently held unconstitutional, then the grant of

27 rulemaking authority and any rule proposed or adopted after
28 August 28, 2023, shall be invalid and void.

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