

FIRST REGULAR SESSION

# SENATE BILL NO. 4

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

1064S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 37.850 and 160.516, RSMo, and to enact in lieu thereof six 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Section A. Sections 37.850 and 160.516, RSMo, are repealed  
2 and six new sections enacted in lieu thereof, to be known as  
3 sections 37.850, 160.516, 161.841, 161.852, 170.355, and  
4 170.370, to read as follows:

37.850. 1. The commissioner of administration shall  
2 maintain the Missouri accountability portal established in  
3 executive order 07-24 as a free, internet-based tool  
4 allowing citizens to demand fiscal discipline and  
5 responsibility.

2. The Missouri accountability portal shall consist of  
7 an easy-to-search database of financial transactions related  
8 to:

9 (1) The purchase of goods and services and the  
10 distribution of funds for state programs;

11 (2) All bonds issued by any public institution of  
12 higher education, **public school district**, or political  
13 subdivision of this state or its designated authority after  
14 August 28, 2013;

15 (3) All obligations issued or incurred pursuant to  
16 section 99.820 by any political subdivision of this state or  
17 its designated authority; [and]

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

18           (4) The revenue stream pledged to repay such bonds or  
19 obligations;

20           (5) **All forms of compensation and benefits paid to or**  
21 **on behalf of public employees, including employees of**  
22 **political subdivisions, public institutions of higher**  
23 **education, public school districts, and public charter**  
24 **schools;** and

25           (6) All debt incurred by any public charter school.

26           3. The Missouri accountability portal shall be updated  
27 each state business day and maintained as the primary source  
28 of information about the activity of Missouri's government.

29           4. Upon the conducting of a withholding or a release  
30 of funds, the governor shall submit a report stating all  
31 amounts withheld from the state's operating budget for the  
32 current fiscal year, as authorized by Article IV, Section 27  
33 of the Missouri Constitution which shall be:

34           (1) Conspicuously posted on the accountability portal  
35 website;

36           (2) Searchable by the amounts withheld or released  
37 from each individual fund; and

38           (3) Searchable by the total amount withheld or  
39 released from the operating budget.

40           5. Every political subdivision of the state, including  
41 public institutions of higher education [but excluding],  
42 **public school districts, and public charter schools** shall  
43 supply all information described in subsection 2 of this  
44 section to the office of administration within [seven days  
45 of issuing or incurring such corresponding bond or  
46 obligation. For all such bonds or obligations issued or  
47 incurred prior to August 28, 2013, every such political  
48 subdivision and public institution of higher education shall  
49 have ninety days to supply such information to] **the number of**

50 **days and in a manner to be determined by** the office of  
51 administration.

52 6. Every school district and public charter school  
53 shall supply all information described in **subdivisions (2),**  
54 **(4), (5), and (6) of** subsection 2 of this section to the  
55 department of elementary and secondary education [**within**  
56 **seven days of issuing such bond, or incurring such debt**].

57 The department of elementary and secondary education shall  
58 have [**forty-eight hours**]**seven calendar days** to deliver such  
59 information to the office of administration. [**For all such**  
60 **bonds issued or debt incurred prior to August 28, 2013,**  
61 **every school district and public charter school shall have**  
62 **ninety days to supply such information to the department of**  
63 **elementary and secondary education. The department of**  
64 **elementary and secondary education shall have forty-eight**  
65 **hours to deliver such information to the office of**  
66 **administration.]**

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.

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 proficiency based on state assessment scores shall be posted  
30 in the same section as the curricula on the school  
31 district's and charter school's website, shall be available  
32 for inspection at each individual attendance center of a  
33 school district or charter school, and shall be posted on  
34 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.

11           3. This section shall be construed to empower parents  
12 to enforce the following rights to access records maintained

13 by schools and the individual attendance centers of such  
14 schools in which their children are enrolled:

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

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

21 (3) The right to receive information about individuals  
22 and organizations receiving school contracts and funding in  
23 the school in which their child is enrolled;

24 (4) The right to view or receive all school records,  
25 medical or otherwise, concerning their minor child;

26 (5) The right to access information about the  
27 collection and transmission of their minor child's data;

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

32 4. No school or individual attendance centers of such  
33 school shall require nondisclosure agreements or similar  
34 forms for a parent's review of curricula. Each public  
35 school or school district shall provide parents, upon  
36 request, with an electronic version or one paper copy of  
37 curriculum documents.

38 5. No school or individual attendance centers of such  
39 school shall collect any biometric data of a minor child  
40 without obtaining written parental consent before collecting  
41 such data or information.

42 6. Each school board meeting or charter school  
43 governing board meeting pertaining to curricula shall be  
44 held in public and allow for public comments.

45           7. Each school and individual attendance centers of  
46 such school shall notify parents in a timely manner of all  
47 reported incidents directly pertaining to their student's  
48 safety that result in any felony or misdemeanor charges  
49 filed against teachers or other school employees.

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

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

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

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

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

          6. All administrator, teacher, and staff professional  
24 development and instructional programs offered to schools  
25 shall be fully transparent and available to parents of  
26 students enrolled at such schools. Lists by schools showing  
27

28 date of attendance, name and position of district attendee,  
29 program name, and description shall be provided by request  
30 and free of charge. No on-site program shall be provided by  
31 a school or attendance center thereof prior to the school's  
32 governing board approving and adopting the on-site program.  
33 Lists of schools that have approved the on-site program  
34 shall be provided on the department's website.

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

45 8. The department of elementary and secondary  
46 education may promulgate rules to implement this section.  
47 Any rule or portion of a rule, as that term is defined in  
48 section 536.010, that is created under the authority  
49 delegated in this section shall become effective only if it  
50 complies with and is subject to all of the provisions of  
51 chapter 536 and, if applicable, section 536.028. This  
52 section and chapter 536 are nonseverable and if any of the  
53 powers vested with the general assembly pursuant to chapter  
54 536 to review, to delay the effective date, or to disapprove  
55 and annul a rule are subsequently held unconstitutional,  
56 then the grant of rulemaking authority and any rule proposed  
57 or adopted after the effective date of this act shall be  
58 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. No school shall offer a course on critical race  
32 theory in grades kindergarten through twelve.



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

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

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

51           8. Nothing in this section shall be construed as  
52 prohibiting:

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

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

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

63           (4) Discussion of beliefs or concepts described in  
64 subsection 2 of this section or the assignment of materials

65 that incorporate such beliefs or concepts for educational  
66 purposes, provided that the public school expressly makes  
67 clear that it does not sponsor, approve, or endorse such  
68 beliefs or concepts;

69 (5) Teachers from discussing current events in a  
70 historical context;

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

73 (7) The use of curriculum that teaches the topics of  
74 sexism, slavery, racial oppression, racial segregation,  
75 affirmative action, or racial discrimination, including  
76 topics related to the enactment and enforcement of laws  
77 resulting in religious and ethnic discrimination, sexism,  
78 racial oppression, segregation, and discrimination.

79 9. This section shall not be construed to prohibit  
80 teachers or students from discussing public policy issues,  
81 current events, or ideas that individuals may find  
82 unwelcome, disagreeable, or offensive.

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

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

97 adequacy target deposited into accounts established for the  
98 parent's children under sections 166.400 to 166.456 for the  
99 parent's children to be paid by the school district in which  
100 the teacher is employed. Such account funds shall be  
101 available to use until the youngest child graduates from  
102 high school.

103 12. If a parent learns that a teacher is in violation  
104 of this section, and such violation is occurring throughout  
105 the school district, then such parent may file a complaint  
106 with the department of elementary and secondary education  
107 about the violation of this section. The department shall  
108 send such complaint to the state board of education. The  
109 state board of education shall hold a contested case hearing  
110 under chapter 536 between the parent and the school district  
111 within thirty days of receiving such complaint. If the  
112 state board of education agrees that a violation of this  
113 section has occurred, the following penalties shall apply:

114 (1) Upon a first offense, such district shall have  
115 five percent of its state aid under chapter 163 withheld by  
116 the department, until the district presents evidence to the  
117 department that the district is no longer in violation of  
118 this section;

119 (2) Upon a second offense, such district shall have  
120 ten 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; and

124 (3) Upon a third offense, such district shall be  
125 classified as unaccredited by the department until the  
126 district presents evidence to the department that the  
127 district is no longer in violation of this section.

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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