

SENATE BILL NO. 42

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1047S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 160, 161, and 167, RSMo, by adding thereto four new sections relating to elementary and secondary education.

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

Section A. Chapters 160, 161, and 167, RSMo, are amended
2 by adding thereto four new sections, to be known as sections
3 160.2550, 161.856, 161.1140, and 167.177, to read as follows:

160.2550. 1. As used in this section, the term

"divisive concepts" shall mean concepts that:

3 (1) **One race or sex is inherently superior to another**
4 **race or sex;**

5 (2) **The United States is fundamentally racist or**
6 **sexist;**

7 (3) **An individual, by virtue of his or her race or**
8 **sex, is inherently racist, sexist, or oppressive, whether**
9 **consciously or unconsciously;**

10 (4) **An individual should be discriminated against or**
11 **receive adverse treatment solely or partly because of his or**
12 **her race or sex;**

13 (5) **Members of one race or sex cannot avoid treating**
14 **others differently with respect to race or sex;**

15 (6) **An individual's moral character is necessarily**
16 **determined by his or her race or sex;**

17 (7) An individual, by virtue of his or her race or
18 sex, bears responsibility for actions committed in the past
19 by other members of the same race or sex;

20 (8) Any individual should feel discomfort, guilt,
21 anguish, or any other form of psychological distress on
22 account of his or her race or sex;

23 (9) Meritocracy or traits such as a hard work ethic
24 are racist or sexist, or were created by a particular race
25 to oppress another race;

26 (10) Promote any form of race or sex stereotyping,
27 including ascribing character traits, values, moral and
28 ethical codes, privileges, status, or beliefs to a race,
29 sex, or an individual because of his or her race or sex; or

30 (11) Promote any form of race or sex scapegoating,
31 including assigning fault, blame, or conscious or
32 unconscious bias to one or more members of a race or sex and
33 including claims that, consciously or unconsciously, any
34 person is inherently racist, sexist, or inclined to oppress
35 others by virtue of their race or sex.

36 2. School districts are prohibited from the following:

37 (1) Teaching about The 1619 Project or any successor
38 theory or concept, critical race theory or any successor
39 theory or concept, any divisive concepts, or any successor
40 concepts or theories substantially similar to The 1619
41 Project or critical race theory;

42 (2) Implementing training or orientation for teachers
43 or staff that involves racial stereotyping or that seeks to
44 assign blame to individuals based on race or sex;

45 (3) Creating projects or assignments that compel
46 students to lobby or engage in political activism on behalf
47 of a specific policy or social issue;

48 (4) Forcing teachers to discuss a current
49 controversial topic of public policy or any particular
50 social issues. If a teacher does choose to teach such
51 topics, the teaching shall be done with an aim to teach the
52 issue from both sides and without showing preference or
53 deference to one perspective;

54 (5) Enforcing policies at schools that prevent
55 students from engaging in and discussing concepts and topics
56 of traditional American history such as founding documents
57 and the founding fathers.

58 3. In adopting the essential knowledge and skills for
59 the social studies curriculum for each grade level from
60 kindergarten through grade twelve, each school district
61 shall adopt essential knowledge and skills that develop each
62 student's civic knowledge, including:

63 (1) An understanding of:

64 (a) The fundamental moral, political, and intellectual
65 foundations of the American experiment in self-government;

66 (b) The history, qualities, traditions, and features
67 of civic engagement in the United States;

68 (c) The structure, function, and processes of
69 government institutions at the federal, state, and local
70 levels;

71 (d) The founding documents of the United States,
72 including:

73 a. The Declaration of Independence;

74 b. The United States Constitution;

75 c. The Federalist Papers, including Essays 10 and 51;

76 d. Excerpts from Alexis de Tocqueville's Democracy in
77 America;

78 e. The transcript of the first Lincoln-Douglas debate;

79 and

80 f. The writings of the founding fathers of the United
81 States; and

82 (e) The history and importance of:

83 a. The federal Civil Rights Act of 1964, as amended;
84 and

85 b. The Thirteenth, Fourteenth, and Nineteenth
86 Amendments to the United States Constitution;

87 (2) The ability to:

88 (a) Analyze and determine the reliability of
89 information sources;

90 (b) Formulate and articulate reasoned positions;

91 (c) Understand the manner in which local, state, and
92 federal government works and operates through the use of
93 simulations and models of governmental and democratic
94 processes;

95 (d) Actively listen and engage in civil discourse,
96 including discourse with those with different viewpoints;

97 (e) Responsibly participate as a citizen in a
98 constitutional democracy; and

99 (f) Effectively engage with governmental institutions
100 at the local, state, and federal levels; and

101 (3) An appreciation of:

102 (a) The importance and responsibility of participating
103 in civic life;

104 (b) A commitment to the United States and its form of
105 government; and

106 (c) A commitment to free speech and civil discourse.

107 4. School districts are prohibited from accepting
108 private funding for the purposes of teaching any curriculum
109 substantially similar to critical race theory or The 1619
110 Project.

111 5. The attorney general may investigate school
112 districts to determine compliance with this section. If any
113 school district is determined to have violated the
114 provisions of this section, such district shall have fifty
115 percent of its state aid under chapter 163 withheld, until
116 the district presents evidence to the department of
117 elementary and secondary education that the district is no
118 longer in violation of this section.

 161.856. 1. This section shall be known and may be
2 cited as the "Sunlight in Learning Act".

3 2. The department of elementary and secondary
4 education shall ensure that the following information is
5 displayed on each school and charter school website in an
6 easily and publicly accessible location:

7 (1) All instructional or training materials and
8 activities used for staff and faculty training;

9 (2) All learning materials and activities used for
10 student instruction. Such display of materials or
11 activities shall identify, at a minimum:

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

14 (b) A link to the learning material, if publicly
15 available on the internet; or, if not freely and publicly
16 available, a brief description of the learning material and
17 information on how to request review of a copy of the
18 learning material;

19 (c) If the learning material was created for non-
20 public use, the identity of the teacher, staff member,
21 school official, or outside presenter who created it. Such
22 identification may be indicated by a personal title and last
23 initial if referring to a teacher, staff member, or school
24 official;

25 (d) The full text or a copy of any learning materials
26 or educational activities, including presentations, videos,
27 and audio recordings, used for student instruction at the
28 school, if those works were created by the school board or a
29 teacher or staff member employed under the authority of the
30 school board. This section does not require the posting of
31 academic assessments or academic tests;

32 (e) If the activity involves service-learning,
33 internships, or collaboration with outside organizations
34 after regular school hours for course credit, the name of
35 the organization should be listed, along with the number of
36 students engaged in service-learning, internships, or
37 collaboration with that organization. The name of the
38 students involved shall not be posted;

39 (3) Any procedures for the documentation, review, or
40 approval of the lesson plans, training, learning, or
41 curricular materials, or activities used for staff and
42 faculty training or student instruction at the school,
43 including by the principal, curriculum administrators, or
44 other teachers; and

45 (4) At each school with a catalog or documented
46 inventory of the resources available to students in its
47 school library, a listing of available resources in the
48 library.

49 3. For the purposes of this section, the following
50 terms mean:

51 (1) "Activities", include but are not limited to
52 assemblies, guest lectures, action-oriented civics learning
53 assignments or projects, including the actual or simulated
54 contacting of government officials or any requirement to
55 advocate for or comment on a contemporary political or
56 social issue or participate in organized political activity,

57 social demonstrations, or other field trips or projects,
58 service-learning, internships, or other forms of
59 collaboration with outside organizations after regular
60 school hours for course credit or as a class project or
61 assignment, or other educational events facilitated by the
62 institution's faculty or staff, including those conducted by
63 outside individuals or organizations, excluding
64 presentations given by students enrolled at the school;

65 (2) "Learning materials", include, but are not limited
66 to, the following: all textbooks, reading materials, videos,
67 audio recordings, presentations, digital materials,
68 websites, instructional handouts and worksheets, syllabi,
69 and online applications for a phone, laptop, or tablet;

70 (3) "Lesson plan", the daily, weekly, or other
71 routinely produced guide, description, or outline of the
72 instruction to be provided by a teacher to students at the
73 school;

74 (4) "Original materials", learning materials owned or
75 licensed by the school district, school, charter school,
76 faculty, or staff that are used for student instruction;

77 (5) "Used for student instruction":

78 (a) Assigned, distributed, or otherwise presented to
79 students in any course for which students receive academic
80 credit; or in any educational capacity in which
81 participation of the student body is required by the school
82 or in which a majority of students in a given grade level
83 participate;

84 (b) Applies also to any materials from among which
85 students are required to select one or more, if the
86 available selection is restricted to specific titles.

87 4. Nothing in subsection 2 of this section shall be
88 construed to require the digital reproduction or posting of

89 copies of the learning materials themselves, where such
90 reproduction would infringe upon copyrighted material; but
91 in such cases, the school should offer a link to a publicly
92 available website describing and offering access to the
93 learning materials, if possible; and upon request, if the
94 materials are not offered free of charge, provide the
95 learning materials for public inspection, as required under
96 paragraph (b) of subdivision (2) subsection 2 of this
97 section, at the school building where the learning materials
98 or activities are used for student instruction, and no later
99 than thirty days after requested. To the extent
100 practicable, each school shall make any and all learning
101 materials, including original materials, available for
102 public inspection and allow the public to copy, scan,
103 duplicate, or photograph portions of original materials
104 within the limits of "fair use" under Section 107 of the
105 federal Copyright Act. Copyrighted digital learning
106 materials shall be made available for public inspection as
107 required under subsections 13 and 14 of this section.

108 5. Subsection 2 of this section shall not require the
109 separate reporting of individual components of learning
110 materials that are published together as a single volume.
111 Articles, videos, or other materials from websites that are
112 used for student instruction should be identified, where
113 possible, with an internet address specific to the relevant
114 content used for student instruction.

115 6. The information required by subsection 2 of this
116 section shall be displayed online prior to the first
117 instance of training or instruction, or, at the latest,
118 fourteen days after the training or instruction. Such
119 information shall be organized by school, grade, teacher,
120 and subject, and remain displayed on the school website for

121 at least two years. For privacy purposes, teachers and
122 staff employed by the school may request that a school use a
123 personal title and last initial in lieu of a full name. The
124 date of the latest modification or update to such
125 information shall be displayed on the same website location.

126 7. To prepare and host the listing of materials and
127 activities pursuant to subsection 2 of this section, a
128 school:

129 (1) May utilize a collaborative online document or
130 spreadsheet software that allows multiple authorized users
131 to update or make additions to posted content on an ongoing
132 basis, as long as a link to the listing is publicly
133 accessible via the school website;

134 (2) May satisfy the requirements of subdivision (2) of
135 subsection 2 of this section by posting a copy or the full
136 text of the lesson plans submitted to the school principal
137 or other staff by instructors at the school in the current
138 year, provided that the lesson plans provide equivalent
139 detail of the learning materials and activities used for
140 student instruction as required by subdivision (2) of
141 subsection 2 of this section, and that any such learning
142 materials and activities not recorded on the lesson plans
143 are also disclosed via a publicly accessible portion of the
144 school website in the manner prescribed by subdivision (2)
145 of subsection 2 of this section.

146 8. The listing of materials and activities pursuant to
147 subsection 2 of this section shall be created and displayed
148 in searchable or sortable electronic formats.

149 9. A school whose materials or activities are selected
150 independently by instructors at a school with fewer than
151 twenty enrolled students is not required to post a list of
152 learning materials and activities pursuant to this section.

153 10. The attorney general, commissioner of education,
154 state auditor, prosecuting or circuit attorney for the
155 county in which an alleged violation of this section occurs,
156 or a resident of the school district in which an alleged
157 violation of this section occurs, may initiate a suit in the
158 jurisdiction in which the school district, public school,
159 public charter school, or other governmental entity
160 responsible for the oversight of public secondary or
161 elementary schools is located for the purpose of complying
162 with this section.

163 11. An attorney acting on behalf of a school district,
164 public school, public charter school, or the department of
165 elementary and secondary education may request a legal
166 opinion of the prosecuting attorney or the attorney general
167 as to whether a particular piece of training, learning, or
168 curricular material or activity fits under this section and
169 has been disclosed in a manner complying with this section.

170 12. The court which has jurisdiction over the school
171 district or charter school may order the production of any
172 learning materials or other materials or activities, as
173 specified in this section, improperly withheld from the
174 complainant. In such a case, the court shall determine the
175 matter de novo, and may examine the contents of such
176 materials in camera to determine whether such materials or
177 any part thereof shall be withheld. The court may assess
178 against the school district or charter school reasonable
179 attorney fees and other costs reasonably incurred in any
180 case under this section in which the complainant has
181 prevailed. In the event of noncompliance with the order of
182 the court, the court may punish for contempt the responsible
183 official or employee. Courts shall not entertain complaints
184 under this section unless complainants have first attempted

185 to remedy the alleged noncompliance by contacting school
186 officials, and if not resolved to the satisfaction of the
187 complainant by school officials within fifteen days, by
188 contacting the school board, who shall have forty-five days
189 to resolve the alleged noncompliance.

190 13. Neither the department nor the school board of a
191 public school, including the governing body of a public
192 charter school, nor any staff employed thereby and acting in
193 the course of their official duties, shall purchase or
194 contract for copyrighted learning materials to be used for
195 student instruction at the school, including the renewal of
196 subscription-based materials for which students are provided
197 individual login credentials or access via electronic
198 personal devices, unless provision is made to allow parents
199 and guardians of enrolled students to review the materials
200 within thirty days of the submission of a written request to
201 the school. The means of provision shall include at least
202 one of the following:

203 (1) Providing access to the materials at the school
204 site during the school's normal hours of operation within
205 thirty days of written request;

206 (2) Providing temporary remote access or login
207 credentials to at least one copy of the materials for review
208 for at least a twenty-four-hour period following each
209 request, not to exceed one request per item per household
210 during each thirty-day period.

211 14. The parent or guardian reviewing copyrighted
212 digital materials shall not be required as a condition of
213 reviewing the materials to enter into terms of a
214 nondisclosure agreement nor waive any rights beyond
215 complying with federal copyright law.

216 15. The department of elementary and secondary
217 education may promulgate rules to carry out the provisions
218 of this section. Any rule or portion of a rule, as that
219 term is defined in section 536.010, that is created under
220 the authority delegated in this section shall become
221 effective only if it complies with and is subject to all of
222 the provisions of chapter 536 and, if applicable, section
223 536.028. This section and chapter 536 are nonseverable and
224 if any of the powers vested with the general assembly
225 pursuant to chapter 536 to review, to delay the effective
226 date, or to disapprove and annul a rule are subsequently
227 held unconstitutional, then the grant of rulemaking
228 authority and any rule proposed or adopted after August 28,
229 2023, shall be invalid and void.

 161.1140. 1. This act may be cited as the "Parents'
2 Bill of Rights Act of 2023".

3 2. No school district shall deny to the parent or
4 guardian of a minor child any or all of the following rights:

5 (1) The right to fully review, in physical or digital
6 optical character recognition format, and make copies of,
7 the curricula, books, and other educational materials used
8 by the school attended by their minor child or school
9 district that serves such school. This right shall be
10 understood to:

11 (a) Include a right to affirmative disclosure of class
12 syllabi and reading lists to the parent or guardian of a
13 minor child by the school attended by their minor child or
14 school district that serves such school; and

15 (b) Prohibit a requirement that an individual sign a
16 nondisclosure agreement as a condition to viewing or
17 otherwise accessing curricular materials;

18 (2) The right to access information on the teachers,
19 guest lecturers, and outside presenters who engage with
20 students at the school attended by their minor child. This
21 right shall be understood to prohibit schools from
22 permitting or requiring the attendance of minor children at
23 school assemblies, field trips, and other extracurricular
24 activities, absent affirmative consent from their parent or
25 guardian;

26 (3) The right to access information on all third-party
27 individuals and organizations that receive contracts or
28 other funding through the school attended by their minor
29 child or the school district that serves such school;

30 (4) The right to visit their minor child at school
31 during school hours;

32 (5) The right to access all records generated by the
33 school attended by their minor child or the school district
34 that serves such school that concerns their minor child;

35 (6) The right to access information pertaining to the
36 collection and transmission of data regarding their minor
37 child by the school attended by their minor child or the
38 school district that serves such school. This right shall
39 be understood to:

40 (a) Include a right to access information on any
41 outside entity, including an accreditor, marketing
42 consultancy, or third-party clearing-house, to which student
43 data, whether anonymized or not, is transferred;

44 (b) Prohibit the collection, by the school attended by
45 their minor child or the school district that serves such
46 school, of any biometric data or other sensitive personal
47 information from the minor child, absent affirmative consent
48 by a parent or guardian of the minor child; and

49 (c) Require that schools and school districts serving
50 such schools make available processes by which the parent or
51 guardian of a minor child can object in writing to, and deny
52 consent to, the use of videographic, photographic, or audio
53 depictions of their minor child by the school or school
54 district serving such school;

55 (7) The right to be heard at school board meetings or
56 other governance hearings pertaining to the school attended
57 by their minor child or the school district that serves such
58 school. This right shall be understood to require that
59 school board meetings or other governance hearings
60 pertaining to curricula, safety, and other student issues be
61 conducted publicly and allow for public comments;

62 (8) The right to be notified of situations affecting
63 the safety of their minor child at school. This right shall
64 be understood to require, but is not limited to requiring,
65 that schools notify parents or guardians in a timely manner
66 of any or all of the following incidents:

67 (a) Physical assaults occurring in or around the
68 school;

69 (b) Sexual assaults occurring in or around the school;

70 (c) Appearances of weapons in or around the school;

71 (d) Drug use or possession in or around the school;

72 (e) Police investigations in or around the school; and

73 (f) Crimes, including misdemeanors, committed by
74 teachers or other school or school district employees,
75 whether such offenses were committed on or off the campus of
76 a school;

77 (9) The right to object to the instructional materials
78 and other materials used in their child's classroom based on
79 the parent's beliefs that such materials are inappropriate

80 for whatever reason and to be assured that such
81 objectionable materials are not taught to the parent's child.

82 3. Any person who is denied one or more of the rights
83 identified in subsection 2 of this section may bring a civil
84 action in any court of competent jurisdiction for injunctive
85 relief.

86 4. In any case in which the attorney general has
87 reason to believe that an interest of the residents of this
88 state has been or is threatened or adversely affected by the
89 engagement of any entity in an act or practice denying one
90 or more of the rights identified in subsection 2 of this
91 section, the attorney general may bring a civil action on
92 behalf of the residents of the state in a court of competent
93 jurisdiction to obtain injunctive relief.

94 5. If a school district is found by a court of a
95 competent jurisdiction in a final judgment not subject to
96 further appeal to have violated the provisions of this
97 section, the department of elementary and secondary
98 education may withhold up to fifty percent of the state aid
99 for such district due to such school district under chapter
100 163 for the following fiscal year.

167.177. 1. Any school district in the state may
2 adopt the provisions of subsections 2 and 3 of this section
3 if approved by vote of residents of the school district.

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

5 (1) "Public school", the same definition as in section
6 160.011;

7 (2) "Sex", an individual's biological sex based solely
8 on an individual's reproductive biology and genetics at
9 birth.

10 3. No public school shall knowingly allow a student of
11 the male sex who is enrolled in such public school to

12 participate on a school-sponsored athletic team that is
13 exclusively for students of the female sex.

14 4. Beginning July 1, 2024, the joint committee on
15 education shall study student athletic events that are
16 exclusively for males or exclusively for females and the
17 impact of a policy that prohibits participation in those
18 events by individuals who are of the opposite sex. Before
19 January 1, 2025, the joint committee shall report its
20 findings and recommendations, with any legislation required
21 to implement the recommendations, to the general assembly.

22 5. The attorney general may investigate any school
23 district that he or she believes may be in violation of this
24 section. Any school district found to be in violation of
25 this section shall have fifty percent of any state revenues
26 appropriated to such school district pursuant to chapter 163
27 withheld until such school district provides evidence to the
28 department of elementary and secondary education that the
29 school district is in compliance with this section.

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