

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 223
AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to student surveys, with penalty provisions.

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

Section A. Chapter 167, RSMo, is amended by adding thereto
2 one new section, to be known as section 167.2025, to read as
3 follows:

167.2025. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Parent", a child's parent, legal guardian, or
4 other person standing in loco parentis for a child;

5 (2) "Presenting", offering in person or via any means
6 of communication provided, maintained, supervised, hosted,
7 monitored, or otherwise controlled by the school;

8 (3) "Protection of Pupil Rights Amendment" or "PPRA",
9 the federal Protection of Pupil Rights Amendment, as set
10 forth in 20 U.S.C. 1232h, as amended;

11 (4) "School", any institution of elementary or
12 secondary education that is subject to the PPRA and receives
13 state funding. The term shall be construed to include
14 charter schools;

15 (5) "Survey", any method or tool used to gather
16 information from students, including, but not limited to,
17 any survey, questionnaire, quiz, analysis, evaluation, or
18 other class activity.

19 2. At least twenty-four hours prior to presenting a
20 survey to a student, a school shall notify the parent of
21 such student, disclose the full contents of the survey to

22 such parent, and obtain written parental consent if the
23 survey asks any question relating to any of the following
24 items protected under the federal Protection of Pupil Rights
25 Amendment:

26 (1) Political affiliations or beliefs of the student
27 or the student's parent;

28 (2) Mental or psychological problems of the student or
29 the student's family, including, but not limited to,
30 substance abuse issues;

31 (3) Sexual behavior or attitudes;

32 (4) Illegal, antisocial, self-incriminating, or
33 demeaning behavior;

34 (5) Critical appraisals of other individuals with whom
35 the student has close family relationships;

36 (6) Legally recognized privileged or analogous
37 relationships, such as those of lawyers, physicians, and
38 ministers;

39 (7) Religious practices, affiliations, or beliefs of
40 the student or the student's parent; or

41 (8) Income, except as required by law to determine
42 eligibility for participation in a program or for receiving
43 financial assistance under such program.

44 3. The information required to be disclosed to parents
45 pursuant to subsection 2 of this section may be posted on
46 the school's website on a page that is easily accessible to
47 parents, provided that notification of such posting is
48 provided to parents by individual communication through the
49 school's ordinary parent information system.

50 4. The attorney general or the prosecuting or circuit
51 attorney in the county in which a violation of this section
52 occurs may bring a civil action, including an action for
53 injunctive relief, against any school district or charter
54 school, as well as any school board member, charter school

55 governing body member, or other school district, public
56 school, or charter school officer or employee, including
57 counselors, teachers, principals, contracted personnel, or
58 other paid or unpaid agents or officials of the school, for
59 any intentional or grossly negligent act or omission that
60 constitutes a violation of this section, or for negligent
61 supervision of an individual leading to a violation of this
62 section. Such action shall be brought in the county where
63 the violation occurred. If the court finds the defendant's
64 act or omission constitutes gross negligence by a
65 preponderance of the evidence, the court shall impose a fine
66 of five hundred dollars per violation. If the court finds
67 the defendant's negligent supervision or act or omission
68 constitutes an intentional violation of this section by a
69 preponderance of the evidence, the court shall impose a fine
70 of two thousand dollars per violation.

71 5. Any parent or guardian may bring a civil action
72 against any school district or charter school, as well as
73 any school board member, charter school governing body
74 member, or other school district, public school, or charter
75 school officer or employee, including counselors, teachers,
76 principals, contracted personnel, or other paid or unpaid
77 agents or officials of the school in which such parent or
78 guardian's child is enrolled, for any intentional or grossly
79 negligent act or omission that constitutes a violation of
80 this section that affects such parent or guardian's child,
81 or for negligent supervision of an individual leading to a
82 violation of this section that affects such parent or
83 guardian's child. Such action shall be brought in the
84 county where the violation occurred. If the parent or
85 guardian prevails in establishing that the defendant's act
86 or omission constitutes gross negligence by a preponderance
87 of the evidence, the court shall award to the parent or

88 guardian five hundred dollars per violation plus court costs
89 and reasonable attorney's fees. If the parent or guardian
90 prevails in establishing the defendant's negligent
91 supervision or that the defendant's act or omission
92 constitutes an intentional violation by a preponderance of
93 the evidence, the court shall award to the parent or
94 guardian two thousand dollars per violation plus court costs
95 and reasonable attorney's fees.