

# SENATE BILL NO. 223

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

0850S.02I

KRISTINA MARTIN, Secretary

## AN ACT

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

*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) "Protection of Pupil Rights Amendment" or "PPRA",  
6 the federal Protection of Pupil Rights Amendment, as set  
7 forth in 20 U.S.C. 1232h, as amended;

8 (3) "School", any institution of elementary or  
9 secondary education that is subject to the PPRA and receives  
10 state funding;

11 (4) "Survey", any method or tool used to gather  
12 information from students, including, but not limited to,  
13 any survey, questionnaire, quiz, analysis, evaluation, or  
14 other class activity.

15 2. At least twenty-four hours prior to presenting a  
16 survey to a student, a school shall notify the parent of  
17 such student, disclose the full contents of the survey to  
18 such parent, and obtain written parental consent if the  
19 survey asks any question relating to any of the following

20 items protected under the federal Protection of Pupil Rights  
21 Amendment:

22 (1) Political affiliations or beliefs of the student  
23 or the student's parent;

24 (2) Mental or psychological problems of the student or  
25 the student's family, including, but not limited to,  
26 substance abuse issues;

27 (3) Sexual behavior or attitudes;

28 (4) Illegal, antisocial, self-incriminating, or  
29 demeaning behavior;

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

32 (6) Legally recognized privileged or analogous  
33 relationships, such as those of lawyers, physicians, and  
34 ministers;

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

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

40 3. The information required to be disclosed to parents  
41 pursuant to subsection 2 of this section may be posted on  
42 the school's website on a page that is easily accessible to  
43 parents.

44 4. The attorney general or the prosecuting or circuit  
45 attorney in the county in which a violation of this section  
46 occurs may bring a civil action, including an action for  
47 injunctive relief, against any school counselor, teacher,  
48 principal, contracted personnel, or other employee, agent,  
49 or official of a school who violates any of the provisions  
50 of this section. Such action shall be brought in the county  
51 where the violation occurred.

52           5. Any parent of a student may bring a civil action,  
53 including an action for injunctive relief or for damages,  
54 against any counselor, teacher, principal, contracted  
55 personnel, or other agent or official of the school in which  
56 their child is enrolled, for any violation of this section  
57 which causes harm to their child. Such action shall be  
58 brought in the county where the violation occurred. If the  
59 parent prevails, the court shall award to such parent court  
60 costs and reasonable attorney's fees and any other damages  
61 or remedy which in the judgment of the court shall be  
62 appropriate.

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