

FIRST REGULAR SESSION

SENATE BILL NO. 352

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

1481S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to parental rights in public schools.

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 167.195, to read as
3 follows:

167.195. 1. A parent or guardian may file with the
2 school board a formal objection to any school policy,
3 practice, or procedure which applies to the parent,
4 guardian, or his or her child, including any instructional
5 material or method not required by state statute, rule, or
6 regulation, which infringes on the parent's or guardian's
7 parental rights, including, but not limited to, decisions on
8 the child's care and custody, upbringing, education,
9 religious instruction, place of habitation, or physical or
10 mental health care. School boards shall provide by general
11 rule not inconsistent with this section for the procedure
12 and conduct for filing and responding to such objections.

13 2. Within thirty days of receipt of the objection, the
14 school board shall issue a response denying the parent's
15 objection or describing an implementation plan to
16 immediately exempt the child from the policy, practice, or
17 procedure to which the parent or guardian objected.

18 3. A parent or guardian whose formal objection has
19 been denied shall have the right to appeal such decision to
20 the department of elementary and secondary education. The
21 appeal shall be taken within fifteen days of the decision of
22 the school board and may be taken by filing a notice of
23 appeal with the department. Such appeal shall be heard as
24 provided in chapter 536.

25 4. In addition to any other remedy which may be
26 available in an agency action brought pursuant to this
27 section, or in a civil action arising therefrom, a parent or
28 guardian shall be awarded the greater of one thousand five
29 hundred dollars or the total amount of the parent's or
30 guardian's contributions to local property taxes in the
31 preceding year if the school district fails to show by clear
32 and convincing evidence that it complied with subsection 2
33 of this section. Such award shall be used only for the
34 educational expenses of the parent's or guardian's child.

35 5. The department may promulgate rules to implement
36 the provisions of this section. Any rule or portion of a
37 rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall
39 become effective only if it complies with and is subject to
40 all of the provisions of chapter 536 and, if applicable,
41 section 536.028. This section and chapter 536 are
42 nonseverable and if any of the powers vested with the
43 general assembly pursuant to chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are
45 subsequently held unconstitutional, then the grant of
46 rulemaking authority and any rule proposed or adopted after
47 August 28, 2021, shall be invalid and void.

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