

SENATE BILL NO. 1225

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5755S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to training, instructional, and curricular materials on a school website.

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

Section A. Chapter 161, RSMo, is amended by adding thereto
2 one new section, to be known as section 161.856, to read as
3 follows:

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 resides has jurisdiction over the
171 school district or charter school may order the production
172 of any learning materials or other materials or activities,
173 as 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 2022, shall be invalid and void.

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