

SENATE BILL NO. 647

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3776S.01H

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 167.196, to read as
3 follows:

167.196. 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. The
18 school board may deny any objection alleging a de minimis

19 infringement of parental rights or if the requested
20 accommodation is unreasonable. An alleged infringement of
21 parental rights shall be considered de minimis if it is not
22 related to the content of curriculum or instruction and does
23 not have a material impact on the child's care and custody,
24 upbringing, education, religious instruction, place of
25 habitation, or physical or mental health care.

26 3. A parent or guardian whose formal objection has
27 been denied shall have the right to appeal such decision to
28 the department of elementary and secondary education. The
29 appeal shall be taken within fifteen days of the decision of
30 the school board and may be taken by filing a notice of
31 appeal with the department. Such appeal shall be heard as
32 provided in chapter 536.

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

43 5. The department may promulgate rules to implement
44 the provisions of this section. Any rule or portion of a
45 rule, as that term is defined in section 536.010, that is
46 created under the authority delegated in this section shall
47 become effective only if it complies with and is subject to
48 all of the provisions of chapter 536 and, if applicable,
49 section 536.028. This section and chapter 536 are
50 nonseverable and if any of the powers vested with the

51 general assembly pursuant to chapter 536 to review, to delay
52 the effective date, or to disapprove and annul a rule are
53 subsequently held unconstitutional, then the grant of
54 rulemaking authority and any rule proposed or adopted after
55 August 28, 2022, shall be invalid and void.

✓