

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 728

AN ACT

To amend chapters 161, 170, and 171, RSMo, by adding thereto four new sections relating to public elementary and secondary school students.

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

Section A. Chapters 161, 170, and 171, RSMo, are amended by adding thereto four new sections, to be known as sections 161.841, 170.385, 170.386, and 171.425, to read as follows:

161.841. 1. This section shall be known and may be cited as the "Parents' Bill of Rights Act of 2024".

2. (1) As used in this section, the term "parent" means a parent or legal guardian of a child enrolled in a school.

(2) As used in this section, the term "school" or "schools" shall mean a public school or school district as such terms are defined in section 160.011, including a charter school as defined in section 160.400 and any virtual school or virtual provider authorized under the provisions of section 161.670.

3. (1) This section shall be construed to empower parents to enforce the following rights to access records maintained by schools and the individual attendance centers of such schools in which their children are enrolled in a timely manner upon request as follows:

(a) The right to inspect materials provided to their minor child within two business days upon request including, but not limited to, curricula, books, materials, and other instructional materials, but excluding testing and examination materials in accordance with section 610.021;

(b) The right to receive upon request the name of any person who has taught their minor child including, but not limited to, guest lecturers and outside presenters;

(c) The right to receive information about the names of individuals and organizations receiving school contracts and funding in the school in which their child is enrolled, provided that no personally identifiable information about any student is released;

(d) a. The right to be given the opportunity to view and submit comments on all textbooks and instructional materials under review by the school or a review committee of the school. A copy of all textbooks and instructional materials under review shall be made readily available online and in person for this purpose. Reasonable safeguards against unauthorized use, reproduction, and distribution shall be provided. The parental right established in this subparagraph shall also apply to members of the public.

b. Publishers and other content providers shall be provided the opportunity to submit comments in response to any evaluation of textbooks or other instructional materials by the school or a review committee of the school. Publishers and content providers shall be given the opportunity to review any evaluation prior to its posting online and shall be given at least ten business days to respond.

c. All comments submitted in relation to a reviewed textbook or instructional material pursuant to the provisions of this paragraph shall be posted online for ready access by any interested party;

(e) The right to inspect personally identifiable education records, medical or otherwise, concerning their minor child, in accordance with state and federal law,

provided that such disclosure does not violate privacy and confidentiality rights;

(f) The right to access information about the collection and transmission of their minor child's personally identifiable education records, in accordance with state and federal law;

(g) The right to know about records regarding situations affecting their minor child's safety in school, provided that such disclosure does not violate privacy and confidentiality rights; and

(g) The right to receive information about any school-sponsored event or activity provided that no personally identifiable information about any student is released.

(2) Where the curricular materials being made available to parents for review are proprietary, subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher or any contractual agreements between the publisher and the school, and that content validity is not undermined.

4. No school shall require nondisclosure agreements or similar forms for a parent's review of curricula. Each school shall allow parents, within two business days upon request, to review or to make a copy of nonproprietary curriculum documents or to receive such documents in an electronic format, provided that no request would violate copyright, trademark, or other intellectual property protection or cause an infringement of copyright protections provided under the federal Copyright Act of 1976 (17 U.S.C. Sections 101, et seq.), as amended. If more than twenty

pages are being copied using the school's equipment, the school may, at the school's discretion, charge the parent a fee not to exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the school.

5. (1) As used in this subsection, "biometric data" means any information, regardless of how it is captured, converted, stored, or shared, that is based on an individual's biometric identifier and used to identify an individual.

(2) No school shall collect any biometric data of a minor child without obtaining written parental consent before collecting such data, except for biometric data necessary to create and issue appropriate school identification cards. Any company that is provided biometric data of students in order to produce appropriate school identification cards shall not sell such biometric data and shall ensure that any copies of such biometric data are destroyed upon the successful production of such identification cards. Any school that collects any biometric data of a minor child under this subsection shall ensure that all copies of such data are destroyed within one year of such student's withdrawal of participation in all school activities.

6. Each school board meeting or charter school governing board meeting approving curricula shall be held in public in accordance with the Missouri sunshine law as set forth in the provisions of chapter 610 and allow for public comments.

7. (1) Each school district and public school shall develop policies and procedures for such school district or public school to follow to notify parents in a timely manner

of incidents pertaining to their student's safety including, but not limited to, the following:

(a) Any act or instance reportable under subsection 1, 2, or 3 of section 167.117;

(b) All reported incidents directly pertaining to their student's safety that result in any violation of the school's safety policy;

(c) Any instance of a teacher or other school employee being detained or arrested for or charged with any felony that directly pertains to their student's safety, regardless of whether the alleged offense took place on school premises or off school premises;

(d) Any instance of a teacher or other school employee being detained or arrested for or charged with any misdemeanor that directly pertains to their student's safety, regardless of whether the alleged offense took place on school premises or off school premises; and

(e) Any instance of a guest or visitor to the school being detained or arrested for or charged with felony or misdemeanor charges, provided that the alleged offense occurred on school premises and directly pertains to their student's safety.

(2) No personally identifiable information about any individual involved in reports made under subdivision (1) of this subsection shall be released.

8. No school shall provide any school records as described in this section in violation of any relevant state or federal law or policy protecting or limiting access to such school records. Nothing in this section shall be construed to violate any provision of chapter 610 or other provisions of law regarding records that are protected from disclosure.

170.385. 1. No nurse, counselor, teacher, principal, contracted personnel, or other administrative official at a public elementary or secondary school or public charter school shall encourage a student under the age of eighteen years old to adopt a gender identity or sexual orientation.

2. As used in this section, the following terms shall mean:

(1) "Gender identity", the preconceived notion of someone's psychological, behavioral, social, and cultural aspects of being a biological male or biological female. For the purposes of this section, a biological male shall be someone with the biological indicators of a male in the context of reproductive potential or capacity, such as the presence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous external genitalia present at birth. A biological female shall be someone with the biological indicators of a female in the context of reproductive potential or capacity, such as the absence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth;

(2) "Sexual orientation", one's actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone.

170.386. 1. For the purposes of this section, the following terms shall mean:

(1) "Documented identity", a student's registered gender or sex as confirmed by the student's parent when enrolling the student in a school. If a student's parent does not register such student's gender or sex when

enrolling the student in a school, such student's documented identity shall be the student's biological sex as correctly stated on the student's official birth certificate as described in subsection 11 of this section or, if the student's official birth certificate is unobtainable, another government record;

(2) "Parent", the parent or legal guardian of a student;

(3) "Personal pronouns", pronouns used to refer to persons. Female personal pronouns are "she", "her", or "hers", and male personal pronouns are "he", "him", or "his";

(4) "School", any public elementary or secondary school or public charter school;

(5) "School official", any school official at a public elementary or secondary school or public charter school, including nurses, counselors, teachers, principals, and other contracted personnel;

(6) "Student", any person who attends a public elementary or secondary school or public charter school;

(7) "Teacher", any person who is duly certified under the laws governing the certification of teachers, including but not limited to any classroom teacher, school counselor, substitute teacher, supervisor, principal, supervising principal, superintendent, or assistant superintendent.

2. If a student approaches a school official to express discomfort or confusion about the student's documented identity, the school official shall notify the student's parent of the discussion within twenty-four hours.

3. If a student asks a school official to refer to the student using personal pronouns that are associated with a gender other than the student's documented identity, the school official shall notify the student's parent of the discussion within twenty-four hours.

4. A school official shall not allow a student to use a name in class other than the name provided by the student's parent when registering the student without first obtaining written permission from the student's parent.

5. A school official shall not encourage a student to wear or not wear any particular item of clothing without first obtaining written permission from the student's parent, unless such clothing is necessary to enforce the school dress code; participate in school sports, clubs, or extracurricular activities; or to ensure a student's physical safety.

6. A school official shall not encourage a student to pursue gender reassignment therapy or any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including, but not limited to, genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

7. Any public school employee who discloses a violation of this section by a school official shall be protected from any manner of retaliation as set forth in section 105.055.

8. (1) If a school district discovers that a teacher has knowingly violated any provision of this section, the district shall file charges seeking to suspend or revoke the teacher's license to teach based upon charges of incompetence, immorality, or neglect of duty, pursuant to the provisions of section 168.071.

(2) The state board of education shall promptly investigate any claim from a parent of a public school student that a teacher of such student has knowingly violated any provision of this section in relation to such student. If the state board of education finds that such claim is valid, the state board of education shall, upon hearing, suspend or revoke such teacher's license to teach based upon charges of incompetence, immorality, or neglect of duty, pursuant to the provisions of section 168.071.

(3) The board of nursing shall promptly investigate any claim from a parent that a school nurse has knowingly violated any provision of this section in relation to such parent's student. If the board finds that such claim is valid, the board shall cause a complaint to be filed against such school nurse with the administrative hearing commission as provided by chapter 621 on grounds of unethical or unprofessional conduct involving a minor, pursuant to the provisions of section 335.066.

(4) If a school discovers that any other school official has knowingly violated any provision of this section, the school shall, upon proof or conviction of such violation, terminate the employment of such official on grounds of gross misconduct, and the official shall be ineligible to work in any school for a period of four years.

9. The attorney general may bring a civil action, including an action for injunctive relief, against a school district or school for any violation of this section. Such action shall be brought in the county where the violation occurred.

10. Any parent of a minor child may bring a civil action, including an action for injunctive relief or for damages, against the school district or public school in which their child is enrolled for any violation of this

section which causes harm to their child. Such action shall be brought in the county where the violation occurred. If the parent prevails, the court shall award to such parent court costs and reasonable attorney's fees and any other damages or remedy which in the judgment of the court shall be appropriate.

11. For purposes of this section, a statement of a student's biological sex on the student's official birth certificate or another government record shall be deemed to have correctly stated the student's biological sex only if the statement was:

(1) Entered at or near the time of the student's birth; or

(2) Modified to correct any scrivener's error in the student's biological sex.

171.425. 1. For the purposes of this section, the following terms shall mean:

(1) "Biological sex", the physical condition of being male or female, identified at birth by a person's anatomy and indicated on their birth certificate;

(2) "Minor", any person less than eighteen years of age;

(3) "Public school", the same as defined in section 160.011.

2. In every public school setting in which a minor may be in a state of undress in the presence of other people, school personnel shall provide separate, distinct areas designated for use by minors based on their biological sex to ensure the personal privacy and safety of minors.

3. Every public school shower room, locker room, and restroom designated for use by minors and which is accessible by multiple individuals at the same time shall be designated for and used only by minors of the same

biological sex. At no time shall a minor be allowed to access a public school shower room, locker room, or restroom designated for use by the opposite biological sex.

4. (1) A minor who asserts to school officials that his or her gender is different from his or her biological sex may be provided with alternative shower room, locker room, or restroom accommodations, provided that a parent or legal guardian of a minor who makes such assertion shall provide written consent to use of such alternative accommodations. Such accommodations shall not include the use of shower rooms, locker rooms, or restrooms designated for use by minors of the opposite biological sex.

(2) Acceptable accommodations may include, but are not limited to, controlled use of faculty shower rooms, locker rooms, or restrooms, or access to single-stall restrooms and unisex bathrooms.

5. A school district that violates any provision of this section shall not be entitled to receive any state aid under chapter 163 and shall be classified as unaccredited until the district proves to the satisfaction of the department of elementary and secondary education that the district is no longer in violation of this section.