

# SENATE BILL NO. 1181

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3242S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 170, RSMo, by adding thereto one new section relating to discussion of certain concepts in public schools.

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

Section A. Chapter 170, RSMo, is amended by adding thereto one new section, to be known as section 170.355, to read as follows:

**170.355. 1. As used in this section, the following terms mean:**

(1) "Parent", a parent or legal guardian of a child enrolled in a school;

(2) "School", 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.

2. No school or school employee shall compel a teacher to teach or a student or teacher to personally adopt, affirm, adhere to, or profess a position or viewpoint that a reasonable person would conclude violates the public policy expressed in this section or in section 1.200 or article I, section 2 of the Constitution of Missouri. Such violations include the following:

(1) That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;

19           (2) That individuals should be adversely or  
20 advantageously treated on the basis of individual race,  
21 ethnicity, color, or national origin; or

22           (3) That individuals, by virtue of their race,  
23 ethnicity, color, or national origin, bear collective guilt  
24 and are inherently responsible for actions committed in the  
25 past by others.

26           3. No curriculum, instructional materials, course of  
27 instruction, or unit of study offered by any school shall  
28 direct or otherwise compel students to personally affirm,  
29 adopt, or adhere to any idea, concept, position, or  
30 viewpoint a reasonable person would conclude is in violation  
31 of subsection 2 of this section.

32           4. No course of instruction, unit of study, or  
33 professional development or training program shall contain  
34 any idea, concept, position, or viewpoint in violation of  
35 subsection 2 of this section.

36           5. No school employee, when acting in the course of  
37 such employee's official duties during contracted hours,  
38 shall participate in, or carry out, any act or communication  
39 that would violate subsection 2 of this section.

40           6. No school may require a student, teacher,  
41 administrator, or other employee to attend or participate in  
42 a training, seminar, continuing education, orientation, or  
43 therapy that a reasonable person believes promotes any  
44 belief or concept described in subsection 2 of this section.

45           7. Nothing in this section shall be construed as  
46 prohibiting:

47           (1) Speech protected by article I, section 8 of the  
48 Constitution of Missouri or the First Amendment to the  
49 Constitution of the United States;

50           (2) Voluntary attendance in a training session,  
51 seminar, continuing education, orientation, or therapy,  
52 provided that there is no inducement or coercion for such  
53 attendance;

54           (3) Access to sources on an individual basis that  
55 advocate concepts described in subsection 2 of this section  
56 for the purpose of research or independent study;

57           (4) Discussion of beliefs or concepts described in  
58 subsection 2 of this section or the assignment of materials  
59 that incorporate such beliefs or concepts for educational  
60 purposes, provided that the school expressly makes clear  
61 that it does not sponsor, approve, or endorse such beliefs  
62 or concepts;

63           (5) Discussion by teachers of current events in a  
64 historical context;

65           (6) Courses including, but not limited to, African  
66 American history, Native American history, women's history,  
67 Asian American history, and Hispanic history; or

68           (7) The use of curriculum that teaches the topics of  
69 sexism, slavery, racial oppression, racial segregation,  
70 affirmative action, or racial discrimination, including  
71 topics related to the enactment and enforcement of laws  
72 resulting in religious and ethnic discrimination, sexism,  
73 racial oppression, segregation, and discrimination.

74           8. The provisions of this section shall not be  
75 construed to prohibit teachers or students from discussing  
76 public policy issues, current events, or ideas that  
77 individuals may find unwelcome, disagreeable, or offensive.

78           9. A school shall post on its website the names of all  
79 books required for any of the students of such school and  
80 provide parents access to the digital library catalogue for  
81 the attendance center where the parent's student is enrolled.

82           10. Any employee of a school may disclose a violation  
83 of this section pursuant to the provisions of section  
84 105.055.

85           11. Any parent of a student enrolled in a school may  
86 bring a civil action, including an action for injunctive  
87 relief or for damages, against the school district or school  
88 in which their child is enrolled for any violation of this  
89 section which causes harm to their child. Such action shall  
90 be brought in the county where the violation occurred. If  
91 the parent prevails, the court shall award to such parent  
92 court costs and reasonable attorney's fees and any other  
93 damages or remedy which in the judgment of the court shall  
94 be appropriate.

95           12. (1) If a school district discovers that a teacher  
96 has knowingly violated any provision of this section, the  
97 district shall file charges seeking to suspend or revoke the  
98 teacher's license to teach based upon charges of  
99 incompetence, immorality, or neglect of duty, pursuant to  
100 the provisions of section 168.071.

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

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