

SENATE BILL NO. 728

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3235S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 161 and 170, RSMo, by adding thereto three 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 and 170, RSMo, are amended by adding thereto three new sections, to be known as sections 161.841, 170.385, and 170.386, 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

20 instructional materials, but excluding testing and
21 examination materials in accordance with section 610.021;

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

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

30 (d) The right to inspect personally identifiable
31 education records, medical or otherwise, concerning their
32 minor child, in accordance with state and federal law,
33 provided that such disclosure does not violate privacy and
34 confidentiality rights;

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

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

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

46 (2) Where the curricular materials being made
47 available to parents for review are proprietary, subject to
48 copyright, trademark, or other intellectual property
49 protection, the review process shall include technical and
50 procedural safeguards to ensure that the materials are not
51 able to be widely disseminated to the general public in

52 violation of the intellectual property rights of the
53 publisher or any contractual agreements between the
54 publisher and the school, and that content validity is not
55 undermined.

56 4. No school shall require nondisclosure agreements or
57 similar forms for a parent's review of curricula. Each
58 school shall allow parents, within two business days upon
59 request, to review or to make a copy of nonproprietary
60 curriculum documents or to receive such documents in an
61 electronic format, provided that no request would violate
62 copyright, trademark, or other intellectual property
63 protection or cause an infringement of copyright protections
64 provided under the federal Copyright Act of 1976 (17 U.S.C.
65 Sections 101, et seq.), as amended. If more than twenty
66 pages are being copied using the school's equipment, the
67 school may, at the school's discretion, charge the parent a
68 fee not to exceed ten cents per page for a paper copy not
69 larger than nine by fourteen inches, with the hourly fee for
70 duplicating time not to exceed the average hourly rate of
71 pay for clerical staff of the school.

72 5. (1) As used in this subsection, "biometric data"
73 means any information, regardless of how it is captured,
74 converted, stored, or shared, that is based on an
75 individual's biometric identifier and used to identify an
76 individual.

77 (2) No school shall collect any biometric data of a
78 minor child without obtaining written parental consent
79 before collecting such data, except for biometric data
80 necessary to create and issue appropriate school
81 identification cards. Any school that collects any
82 biometric data of a minor child under this subsection shall
83 ensure that all copies of such data are destroyed within one

84 year of such student's withdrawal of participation in all
85 school activities.

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

91 7. (1) Each school district and public school shall
92 develop policies and procedures for such school district or
93 public school to follow to notify parents in a timely manner
94 of incidents pertaining to their student's safety including,
95 but not limited to, the following:

96 (a) Any act or instance reportable under subsection 1,
97 2, or 3 of section 167.117;

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

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

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

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

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

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

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

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

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

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

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

3 (1) "Documented identity", a student's registered
4 gender or sex as confirmed by the student's parent when
5 enrolling the student in a school. If a student's parent
6 does not register such student's gender or sex when
7 enrolling the student in a school, such student's documented
8 identity shall be the student's biological sex as correctly
9 stated on the student's official birth certificate as
10 described in subsection 11 of this section or, if the
11 student's official birth certificate is unobtainable,
12 another government record;

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

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

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

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

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

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

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

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

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

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

51 6. A school official shall not encourage a student to
52 pursue gender reassignment therapy or any medical or
53 surgical service that seeks to surgically alter or remove
54 healthy physical or anatomical characteristics or features
55 that are typical for the individual's biological sex in
56 order to instill or create physiological or anatomical
57 characteristics that resemble a sex different from the

58 individual's biological sex, including, but not limited to,
59 genital or nongenital gender reassignment surgery performed
60 for the purpose of assisting an individual with a gender
61 transition.

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

66 8. (1) If a school district discovers that a teacher
67 has knowingly violated any provision of this section, the
68 district shall file charges seeking to suspend or revoke the
69 teacher's license to teach based upon charges of
70 incompetence, immorality, or neglect of duty, pursuant to
71 the provisions of section 168.071.

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

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

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

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

101 10. Any parent of a minor child may bring a civil
102 action, including an action for injunctive relief or for
103 damages, against the school district or public school in
104 which their child is enrolled for any violation of this
105 section which causes harm to their child. Such action shall
106 be brought in the county where the violation occurred. If
107 the parent prevails, the court shall award to such parent
108 court costs and reasonable attorney's fees and any other
109 damages or remedy which in the judgment of the court shall
110 be appropriate.

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

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

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

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