

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2748

AN ACT

To repeal section 167.720, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education, with an emergency clause for a certain section.

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

Section A. Section 167.720, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 160.092, 160.093, 160.231, 162.192, and 167.720, to read as follows:

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

(1) "Charter school", a school established pursuant to the provisions of sections 160.400 to 160.425;

(2) "Department", the department of elementary and secondary education;

(3) "School district", the same meaning as such term is defined in section 160.011.

2. Each school district and charter school serving students in grades nine through twelve, inclusive, or any combination thereof, shall annually participate in the presidential youth fitness program or a state-approved equivalent fitness program intended to promote physical discipline and pride in students. Each school district and charter school shall report student results and notify each student's parents or legal guardians of such student's individual results. Top-performing school districts and

charter schools shall be recognized by the department for their accomplishments.

3. Each school district and charter school shall annually certify compliance with this section to the department in a form and manner prescribed by the department. The department shall monitor compliance and may require corrective action plans for any school district or charter school found to be noncompliant.

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

(1) "Charter school", a school established pursuant to the provisions of sections 160.400 to 160.425;

(2) "Department", the department of elementary and secondary education;

(3) "Elementary school student", a student enrolled in kindergarten through grade five;

(4) "School day", the same meaning as such term is defined in section 160.041;

(5) "School district", the same meaning as such term is defined in section 160.011.

2. Each school district and charter school shall provide each elementary school student enrolled in such district or school a minimum of twenty minutes of physical activity during each school day in accordance with the provisions of this section. The physical activity required under this section shall consist of unstructured, student-directed play designed to promote moderate to vigorous physical movement. Such activity shall be provided outdoors when weather and safety conditions permit, as determined pursuant to guidelines established by the department. When outdoor activity is not reasonably feasible due to weather, safety, or facility constraints, the school district or charter school shall provide indoor space for such activity.

3. The physical activity required under this section shall not include:

(1) Instruction provided during a physical education course;

(2) Time spent walking to or from a class; or

(3) Time during which a student is permitted to use an electronic device for entertainment or noninstructional purposes.

4. A school district or charter school shall not withhold the physical activity required under this section as a form of punishment or disciplinary action, except when a student poses an immediate threat to the safety of the student or others, as documented in accordance with school district or charter school policy.

5. Each school district and charter school shall annually certify compliance with this section to the department in a form and manner prescribed by the department. The department shall monitor compliance and may require corrective action plans for any school district or charter school found to be noncompliant.

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

(1) "Multiple-occupancy restroom or changing area", an area in a private school building designed or designated to be used by more than one individual at a time and where individuals may be in various stages of undress in the presence of other individuals. The term includes, but is not limited to, a school restroom, locker room, changing room, or shower room;

(2) "Sex", the physical condition of being male or female based on genetics and physiology as identified on the individual's original birth certificate.

2. A private school that serves students in prekindergarten to grade twelve may establish, to ensure privacy and safety, one or more multiple-occupancy restrooms or changing areas designated as follows:

- (1) For the exclusive use of the male sex; or
- (2) For the exclusive use of the female sex.

3. The provisions of this section shall not apply to individuals entering a multiple-occupancy restroom or changing area designated for use by the opposite sex when entering:

- (1) For custodial, maintenance, or inspection purposes;
- (2) To render emergency medical assistance; or
- (3) As a parent or guardian accompanying their child, who is eight years of age or younger, with the permission of the school.

4. (1) No political subdivision shall adopt any ordinance, rule, or regulation prohibiting a private school from establishing one or more multiple-occupancy restrooms or changing areas as provided in this section.

(2) If a political subdivision adopts an ordinance, rule, or regulation in violation of subdivision (1) of this subsection, such political subdivision shall pay the attorney's fees and costs incurred by a private school in such private school's legal defense against such ordinance, rule, or regulation.

162.192. 1. For purposes of this section, "financial ledger" means a searchable, machine-readable, publicly accessible database maintained by a school district or charter school that:

- (1) Sets forth all financial transactions conducted with school district or charter school funds, including, but not limited to, the school funds established pursuant to section 165.011;

(2) Is available without login credentials, registration, or fees;

(3) Is downloadable and exportable in formats including, but not limited to, comma-separated values (CSV) format and Microsoft Excel format;

(4) Records all transactions using Missouri financial accounting manual classification categories, as applicable; and

(5) Includes the following minimum required data fields for each financial transaction, and is searchable and filterable by such fields, at minimum:

(a) Transaction date;

(b) Transaction amount;

(c) Revenue or expenditure designation;

(d) Fund code;

(e) Function code;

(f) Object code;

(g) Vendor or payee name; and

(h) Description or memo field.

2. Notwithstanding any provision of law to the contrary, each school district and charter school shall maintain a financial ledger on its publicly accessible website. The homepage of each public or charter school's website shall include a direct link to the financial ledger of the school district or charter school that has oversight responsibility for that public or charter school. The link shall make the financial ledger accessible within one click, shall be clearly labeled as a link to the school district's or charter school's financial ledger, and shall be functional and mobile-responsive. The department may provide standardized language or icons that public and charter schools may use for the purpose of ensuring compliance with this subsection.

3. A school district's or charter school's financial ledger shall be updated at least monthly. Details of each calendar month's financial transactions shall be posted no later than forty-five days after the close of that calendar month.

4. For historical record keeping purposes, a school district or charter school shall maintain complete financial ledger data on its publicly accessible website for no fewer than five prior fiscal years.

5. A school district or charter school may redact protected personal information on the financial ledger only to the extent required by applicable law. Vendor names, amounts, and accounting codes shall not be redacted. Payroll data may be presented in aggregated form where disclosure of individual information is restricted.

6. Debt obligations shall be posted in a separate section of the financial ledger, with disclosure of the following information:

- (1) Outstanding debt balances;
- (2) Issuance dates;
- (3) Repayment schedules;
- (4) Annual debt service amounts; and
- (5) Debt service as a percentage of total expenditures.

7. The department may provide or approve standardized templates or platforms a school district or charter school may use to comply with the provisions of this section. A school district or charter school may use a third-party template or platform that is approved by the department.

8. The department may provide guidance to assist school districts and charter schools in complying with the provisions of this section. Such guidance may include:

- (1) High-level expenditure summaries by classification category under the Missouri financial accounting manual;

(2) Standardized definitions of terms to be used in the financial ledger; and

(3) Clear explanations of methodology and limitations applicable to the compilation and presentation of financial ledger data.

9. School districts and charter schools shall annually certify compliance with this section to the department. The department shall promulgate rules establishing procedures and timelines for school districts and charter schools to certify compliance.

10. If the department finds that any school district or charter school has violated a provision of this section, the department may withhold up to one percent of the state aid to which the school district or charter school is entitled under chapter 160 or 163 for the current school year until the school district or charter school proves to the satisfaction of the department that the school district or charter school is no longer in violation of this section.

11. The department shall establish a process for members of the public to file complaints with the department if they believe a school district or charter school has violated any provision of this section. The department may establish a public compliance dashboard on the department's website to enable members of the public to check whether a particular school district or charter school is certified as in compliance with the provisions of this section.

12. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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

(1) "Bilateral coordination", the coordinated use of both sides of the human body, including, but not limited to, crossing the mid-line, and symmetrical, asymmetrical, reciprocal, and sequential movements;

(2) "Bone-strengthening activity", physical activity that is primarily designed to increase the strength of specific sites in bones that make up the skeletal system. Bone-strengthening activity produces an impact or tension force on the bones that promotes bone growth and strength;

(3) "Moderate physical activity", low- to medium-impact physical exertion designed to increase an individual's heart rate to rise to at least seventy-five percent of his or her maximum heart rate. Activities in this category may include, but are not limited to, running, calisthenics, aerobic exercise, etc.;

(4) "Muscle-strengthening activity", physical activity and exercise that increases skeletal muscle strength, power, endurance, and mass;

[(2)] (5) "Physical education", instruction in healthy active living by a teacher certificated to teach physical education structured in such a way that it is a regularly scheduled class for students;

[(3)] (6) "Recess", a structured play environment outside of regular classroom instructional activities, where

students are allowed to engage in supervised safe active free play;

(7) "Vigorous physical activity", high-intensity physical exertion designed to increase an individual's heart rate to at least ninety percent of his or her maximum heart rate.

2. **[Beginning with the school year 2010-11:]**

(1) For all school years prior to the 2027-28 school year, school districts shall ensure that students in elementary schools participate in moderate physical activity for the entire school year, including students in alternative education programs. Students in the elementary schools shall participate in moderate physical activity for an average of one hundred fifty minutes per five-day school week, or an average of thirty minutes per day.

(2) Beginning with the 2027-28 school year, for the purpose of improving learning outcomes, behavioral outcomes, mental health, and physical health across the state of Missouri, each school district and charter school governing board shall adopt a written policy which ensures that all students in elementary school participate in supervised daily physical activity for thirty consecutive minutes of each school day, as the term "school day" is defined in section 160.041. Such policy shall include, to the greatest extent possible, the following standards:

(a) Twenty minutes of daily moderate physical activity to vigorous physical activity;

(b) An average of sixty minutes per school week for both muscle-strengthening activity and bone-strengthening activity; and

(c) Weekly bilateral coordination, which prioritizes core, balance, and mobility.

(3) Students with disabilities shall participate in [moderate] physical activity as prescribed in subdivisions (1) and (2) of this subsection to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act[;].

[(2)] 3. Each year the commissioner of education shall select for recognition students, schools and school districts that are considered to have achieved [improvement] excellence in fitness[;].

[(3)] 4. Students in middle schools may at the school's discretion participate in at least two hundred twenty-five minutes of physical activity per school week[;].

[(4)] 5. In addition to the requirements of subsection 2 of this section, a minimum of one recess period of twenty minutes per day shall be provided for children in elementary schools, which may be incorporated into the lunch period.

6. Any requirement of this section above the state minimum physical education requirement may be met by additional physical education instruction, or by other activities approved by the individual school district under the direction of any certificated teacher or administrator or other school employee under the supervision of a certificated teacher or administrator.

Section B. Because immediate action is necessary to protect private schools from liability and allow preparation for the 2026-27 school year, the enactment of section 160.231 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 160.231 of this act shall be in full force and effect upon its passage and approval.