

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1085

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to the social transition of minors in public schools.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.172, to read as follows:

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

(1) "Biological sex", as defined in section 191.1720;

(2) "Gender transition", as defined in section 191.1720;

(3) "Parent", a parent, legal guardian, or other person having charge, control, or custody of a student;

(4) "Public school", as defined in section 160.011. The term shall be construed to include a charter school;

(5) "Social transition", the process of a minor student changing his or her gender presentation or expression, with the goal of such minor student being perceived and treated as a gender different from the student's biological sex, and which may involve social or behavioral changes or changes to physical appearance, including, but not limited to, the following:

(a) The use of pronouns or titles for the minor student that do not correspond to the student's biological sex, either in school records or otherwise; or

(b) The use of names other than the student's legal name, or a nickname or derivative thereof, either in school records or otherwise;

(6) "Staff member", a teacher, school employee, volunteer, contractor, or other individual authorized to provide services at a public school, including, but not limited to, any individual in a position of authority or responsibility, such as a counselor or health care worker.

2. Each staff member of a public school:

(1) Shall not encourage or coerce a minor student to withhold information from the minor student's parent;

(2) Shall not withhold from a minor student's parent information that relates to the physical, emotional, or mental health of the minor student;

(3) Shall notify a minor student's parent within twenty-four hours of receiving any request by the minor student to participate in or facilitate the social transition of the minor student, including any request by the minor student to:

(a) Be referred to by pronouns or titles that do not correspond to the minor student's biological sex, either in school records or otherwise;

(b) Be referred to using names other than the minor student's legal name, or a nickname or derivative thereof, either in school records or otherwise;

(c) Use restrooms, locker rooms, changing rooms, or overnight lodging designated for the opposite biological sex; or

(d) Participate on an athletic team or any other sex-separated school activity designated for the opposite biological sex.

3. No staff member of any public school shall:

- (1) Participate in or engage in any conduct that facilitates the social transition of any minor student;
- (2) Deliver any presentation or lesson to any minor student regarding gender transition or social transition; or
- (3) Refer to a minor student by a title or pronoun that does not correspond to the student's biological sex, or by a name other than the student's legal name or a nickname or derivative thereof.

4. A staff member or student shall not be subject to any disciplinary action or other adverse action for:

(1) Declining to address a person using a name other than the person's legal name, or a derivative thereof, or by a pronoun or title that is inconsistent with the person's biological sex; or

(2) Declining to identify his or her pronouns.

5. Any public school staff member who discloses a violation of this section by another staff member shall be protected from any manner of retaliation as set forth in section 105.055.

6. (1) If a school district discovers that a staff member who holds a certificate of license to teach has knowingly violated any provision of this section, the school district shall initiate disciplinary proceedings against that staff member, up to and including suspension or revocation of the license and suspension or termination of employment, as appropriate, based upon evidence of incompetence, immorality, or neglect of duty, pursuant to the provisions of section 168.071.

(2) If a charter school discovers that a staff member who holds a certificate of license to teach has knowingly violated any provision of this section, the charter school shall initiate disciplinary proceedings against that staff member, up to and including suspension or termination of

employment, and may refer the matter to the department of elementary and secondary education for the filing of charges seeking to suspend or revoke the staff member's license pursuant to subsection 3 of section 168.071, as appropriate.

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

8. Any parent of a minor student may bring a civil action, including an action for injunctive relief or for damages, against the staff member or against the school district or public school in which such minor student is enrolled for any violation of this section. 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.

9. Any staff member may bring a civil action, including an action for injunctive relief or for damages, against the school district or public school that employs the staff member for any violation of subsection 4 or 5 of this section. Such action shall be brought in the county where the violation occurred. If the staff member prevails, the court shall award to such staff member court costs and reasonable attorney's fees and any other damages or remedy which in the judgement of the court shall be appropriate.