

SENATE BILL NO. 1085

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

4425S.02I

KRISTINA MARTIN, Secretary

AN ACT

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

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

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

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

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

4 (2) "Gender transition", as defined in section
5 191.1720;

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

8 (4) "Public school", as defined in section 160.011;

9 (5) "Social transition", encouraging or participating
10 with a minor student in changing his or her presentation or
11 expression, including, but not limited to, details such as
12 his or her name, appearance, or behavior, with the goal of
13 such minor student's being perceived and treated as a member
14 of the opposite biological sex to such student's own
15 biological sex, or with the goal of such minor student's not
16 being perceived and treated as a member of such student's

own biological sex, including, but not limited to, the following:

(a) The use of alternative pronouns or names for the minor student, either in school records or otherwise; and

(b) The minor student's use of sex-segregated privacy facilities or participation in sex-differentiated school-sponsored activities;

(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 shall inform the public school principal or such principal's designee, as soon as practicable but in any event within twenty-four hours, of a request from a minor student that such staff member participate in or support the social transition of such student. Each public school principal or such principal's designee shall, as soon as practicable but in any event within seventy-two hours of the initial conversation or request involving the student, inform all parents of such student that the student has requested that a staff member participate in or support the social transition of such student.

3. No staff member of any public school shall:

(1) Participate in, support, or engage in any conduct that facilitates the social transition of any minor student, including any counseling of a minor student at school that affirms such student's self-identification as a biological sex other than such student's actual biological sex; or

47 (2) Initiate a conversation with, or deliver any
48 presentation or lesson to, any minor student regarding
49 gender transition.

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

54 5. If a school district discovers that a staff member
55 who holds a certificate of license to teach has knowingly
56 violated any provision of this section, the school district
57 shall initiate proceedings seeking to terminate the
58 employment of that staff member and to suspend or revoke
59 such license, as applicable, based upon evidence of
60 incompetence, immorality, or neglect of duty, pursuant to
61 the provisions of section 168.071.

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

67 7. Any parent of a minor student may bring a civil
68 action, including an action for injunctive relief or for
69 damages, against the school district or public school in
70 which such minor student is enrolled for any violation of
71 this section. Such action shall be brought in the county
72 where the violation occurred. If the parent prevails, the
73 court shall award to such parent court costs and reasonable
74 attorney's fees and any other damages or remedy which in the
75 judgment of the court shall be appropriate.

✓