

SENATE BILL NO. 1276

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5691S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 160.011 as enacted by senate bill no. 727, one hundred second general assembly, second regular session, and to enact in lieu thereof six new sections relating to discrimination in public entities, with a severability clause.

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

Section A. Section 160.011 as enacted by senate bill no. 2 727, one hundred second general assembly, second regular 3 session, is repealed and six new sections enacted in lieu 4 thereof, to be known as sections 105.1701, 105.1702, 160.011, 5 160.2800, 174.800, and 213.136, to read as follows:

105.1701. 1. (1) The governing body of a public 2 school, including an elementary school, high school, or 3 charter school, shall ensure that the following information 4 is displayed on the school website in a publicly accessible 5 location:

6 (a) All training materials, including materials for 7 instructors, concerning or used for staff and faculty 8 training on all matters of nondiscrimination, diversity, 9 equity, inclusion, race, ethnicity, sex, or bias, or any 10 combination of these concepts with other concepts;

11 (b) All instructional or curricular materials 12 concerning nondiscrimination, diversity, equity, inclusion, 13 race, ethnicity, sex, or bias, or any combination of these

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 concepts with other concepts. Such instructional materials
15 shall identify, at a minimum:

16 a. The title, author, organization, and any website
17 associated with each instructional material;

18 b. A brief description of the instructional material;

19 c. A link to the instructional material, if publicly
20 available on the internet, or information on how to request
21 review of a copy of the instructional material; and

22 d. The identity of the teacher, if the instructional
23 material was created by the teacher; and

24 (c) Any procedures for the documentation, review, or
25 approval of the training, instructional, or curricular
26 materials used for staff and faculty training or student
27 instruction at the school, including by the principal,
28 curriculum administrators, or other teachers.

29 (2) Nothing in this subsection shall be construed to
30 require the digital reproduction or posting of copies of the
31 instructional materials themselves if such reproduction
32 would infringe upon copyrighted material; but in such cases,
33 original materials should still be linked, if possible, or
34 provided upon request, as required under subparagraph c. of
35 paragraph (b) of subdivision (1) of this subsection.

36 2. (1) Each state agency and political subdivision
37 shall post on its website in a publicly accessible location
38 all training materials, including materials for instructors,
39 for training provided to employees of the agency or
40 political subdivision on all matters of nondiscrimination,
41 diversity, equity, inclusion, race, ethnicity, sex, or bias,
42 or any combination of these concepts with other concepts,
43 except any materials that the agency or political
44 subdivision is required to keep confidential.

45 (2) Nothing in this subsection shall be construed to
46 require the digital reproduction or posting of copies of the
47 instructional materials themselves if such reproduction
48 would infringe upon copyrighted material; but in such cases,
49 original materials should still be linked, if possible, or
50 provided upon request.

105.1702. 1. A public school, including an elementary
2 school, high school, or charter school, state agency, or
3 political subdivision shall not:

4 (1) Require or otherwise compel a student, teacher,
5 administrator, or other employee to affirm, adopt, or adhere
6 to any belief or concept that:

7 (a) One race, sex, ethnicity, religion, or national
8 origin is inherently superior or inferior to another race,
9 sex, ethnicity, religion, or national origin;

10 (b) An individual, by virtue of his or her race, sex,
11 ethnicity, religion, or national origin should be blamed for
12 actions committed in the past by other members of the same
13 race, sex, ethnicity, religion, or national origin; or

14 (c) An individual's moral character is necessarily
15 determined, in whole or in part, by his or her race, sex,
16 ethnicity, religion, or national origin;

17 (2) Use public funds to contract with, hire, or
18 otherwise engage consultants, trainers, or other persons to:

19 (a) Direct or otherwise compel a student, teacher,
20 administrator, or other employee to affirm, adopt, or adhere
21 to any belief or concept described in subdivision (1) of
22 this subsection; or

23 (b) Advocate concepts described in subdivision (1) of
24 this subsection, unless:

25 a. The school, agency, or political subdivision
26 expressly makes clear that it does not sponsor, approve, or
27 endorse such concepts or materials; and

28 b. The school, agency, or political subdivision
29 affords students, teachers, administrators, and other
30 employees the opportunity to opt out of any speeches by or
31 sessions with such outside contractors; or

32 (3) Require a student, teacher, administrator, or
33 other employee to attend or participate in a training,
34 seminar, continuing education, orientation, or therapy that
35 promotes any concept described in subdivision (1) of this
36 subsection.

37 2. Nothing in this section shall be construed as
38 prohibiting:

39 (1) Speech protected by the First Amendment of the
40 U.S. Constitution or Article I, Section 8 of the
41 Constitution of Missouri;

42 (2) Voluntary attendance at a training session,
43 seminar, continuing education, orientation, or therapy,
44 provided that no inducement or coercion for such attendance
45 exists;

46 (3) Access to sources on an individual basis that
47 advocate concepts described in subdivision (1) of subsection
48 1 of this section for the purpose of research or independent
49 study; or

50 (4) Discussion of concepts described in subdivision
51 (1) of subsection 1 of this section or the assignment of
52 materials that incorporate such concepts for educational
53 purposes, provided that the public school, including a
54 public primary school, public secondary school, or public
55 charter school, state agency, or political subdivision

56 **expressly makes clear that it does not sponsor, approve, or**
57 **endorse such concepts or materials.**

160.011. As used in chapters 160, 161, 162, 163, 164,
2 165, 167, 168, 170, 171, 177 and 178, the following terms
3 mean:

4 (1) "District" or "school district", when used alone,
5 may include seven-director, urban, and metropolitan school
6 districts;

7 (2) "Elementary school", a public school giving
8 instruction in a grade or grades not higher than the eighth
9 grade;

10 (3) "Family literacy programs", services of sufficient
11 intensity in terms of hours, and of sufficient duration, to
12 make sustainable changes in families that include:

13 (a) Interactive literacy activities between parents
14 and their children;

15 (b) Training of parents regarding how to be the
16 primary teacher of their children and full partners in the
17 education of their children;

18 (c) Parent literacy training that leads to high school
19 completion and economic self sufficiency; and

20 (d) An age-appropriate education to prepare children
21 of all ages for success in school;

22 (4) "Graduation rate", the quotient of the number of
23 graduates in the current year as of June thirtieth divided
24 by the sum of the number of graduates in the current year as
25 of June thirtieth plus the number of twelfth graders who
26 dropped out in the current year plus the number of eleventh
27 graders who dropped out in the preceding year plus the
28 number of tenth graders who dropped out in the second
29 preceding year plus the number of ninth graders who dropped
30 out in the third preceding year;

31 (5) "High school", a public school giving instruction
32 in a grade or grades not lower than the ninth nor higher
33 than the twelfth grade;

34 (6) "Metropolitan school district", any school
35 district the boundaries of which are coterminous with the
36 limits of any city which is not within a county;

37 (7) **"Proxy discrimination", the use of a facially**
38 **neutral factor in student admissions that correlates with**
39 **race, sex, color, ethnicity, ancestry, or national origin**
40 **for the purpose of discriminating against or granting a**
41 **preference to any individual or group on the basis of race,**
42 **sex, color, ethnicity, ancestry, or national origin. "Proxy**
43 **discrimination" includes the use of regional or feeder**
44 **school caps, quotas, or bonuses; zip codes; other geographic**
45 **or socioeconomic factors; and peer-group characteristics**
46 **within feeder or other zoned schools, if such factors are**
47 **used individually or in combination with other factors for**
48 **the purpose of discriminating against or granting a**
49 **preference to any individual or group on the basis of race,**
50 **sex, color, ethnicity, ancestry, or national origin;**

51 (8) "Public school" includes all elementary and high
52 schools operated at public expense;

53 [(8)] (9) "School board", the board of education
54 having general control of the property and affairs of any
55 school district;

56 [(9)] (10) "School term", a minimum of one thousand
57 forty-four hours of actual pupil attendance as scheduled by
58 the board pursuant to section 171.031 during a twelve-month
59 period in which the academic instruction of pupils is
60 actually and regularly carried on for a group of students in
61 the public schools of any school district, and, for a school
62 district that is located wholly or partially in a county

63 with a charter form of government or a school district that
64 is located wholly or partially in a city with more than
65 thirty thousand inhabitants, a minimum of one hundred sixty-
66 nine school days, as that term is defined in section
67 160.041, unless the district has adopted a four-day school
68 week as provided in section 171.028, in which case the
69 district school term shall have a minimum of one hundred
70 forty-two school days, as such term is defined in section
71 160.041. A school term may be within a school year or may
72 consist of parts of two consecutive school years, but does
73 not include summer school. A district may choose to operate
74 two or more terms for different groups of children. A
75 school term for students participating in a school flex
76 program as established in section 160.539 may consist of a
77 combination of actual pupil attendance and attendance at
78 college or technical career education or approved employment
79 aligned with the student's career academic plan for a total
80 of the required number of hours as provided in this
81 subdivision;

82 [(10)] (11) "Secretary", the secretary of the board of
83 a school district;

84 [(11)] (12) "Seven-director district", any school
85 district which has seven directors and includes urban
86 districts regardless of the number of directors an urban
87 district may have unless otherwise provided by law;

88 [(12)] (13) "Taxpayer", any individual who has paid
89 taxes to the state or any subdivision thereof within the
90 immediately preceding twelve-month period or the spouse of
91 such individual;

92 [(13)] (14) "Town", any town or village, whether or
93 not incorporated, the plat of which has been filed in the

94 office of the recorder of deeds of the county in which it is
95 situated;

96 (15) "Traditional academic success factors", the
97 following student admissions factors: standardized test
98 results that are not normed for different student groupings,
99 academic grades and similar academic records,
100 extracurricular activities and achievements that are
101 relevant to academic success, and academic recommendations
102 by teachers and other school officials;

103 [(14)] (16) "Urban school district", any district
104 which includes more than half of the population or land area
105 of any city which has not less than seventy thousand
106 inhabitants, other than a city which is not within a county.

160.2800. 1. All public schools, including charter
2 schools, with a selective admissions process shall publish a
3 comprehensive list of all factors and criteria that the
4 school, the admissions committee, and any other employee or
5 representative of the school may consider or use in the
6 admission decision-making process. This list shall include,
7 but not be limited to, any of the following factors and
8 criteria that may be considered or used:

9 (1) Academic qualifications, including GPA,
10 standardized test scores, and class rank;

11 (2) Extracurricular activities, community service, and
12 leadership experiences;

13 (3) Personal essays, statements of purpose, or other
14 written submissions;

15 (4) Letters of recommendation from teachers,
16 counselors, or other relevant individuals;

17 (5) Special talents, achievements, or awards;

18 (6) Socioeconomic background or other diversity-
19 related considerations;

- 20 (7) Legacy status;
- 21 (8) Financial or in-kind donations made by the
22 applicant, the applicant's family, or any person or business
23 associated with the applicant; and
- 24 (9) Any other factors that may be considered during
25 the evaluation process.

26 The list of factors and criteria shall be made publicly
27 available on the official website of each school and easily
28 accessible to prospective students, parents, and other
29 interested parties.

30 2. Each public school and charter school with a
31 selective admissions process shall submit an annual report
32 to the state board of education detailing all the admission
33 factors used during the previous academic year. The report
34 shall include the weight or significance assigned to each
35 factor, if applicable, and any changes made to the admission
36 criteria.

37 3. The state board of education shall compile the
38 reports received from public schools and charter schools and
39 publish a consolidated report that provides an overview of
40 the admission factors and their respective importance. This
41 consolidated report shall be made available to the public on
42 the website of the department of elementary and secondary
43 education.

44 4. No public school or charter school board member,
45 director, administrator, employee, or person making
46 admission decisions for a public school or charter school
47 shall:

- 48 (1) Discriminate against or grant preferential
49 treatment to any individual or group on the basis of race,
50 sex, color, ethnicity, ancestry, or national origin;

51 (2) Engage in proxy discrimination; or
52 (3) Seek information on students' race, sex, color,
53 ethnicity, ancestry, or national origin during the
54 application process for admission to such school unless
55 expressly required by federal law, and to the extent it is
56 required by federal law, and such information shall be
57 withheld to the maximum extent practicable from any
58 individual involved in admissions decisions to the end that
59 admissions decisions are blind as to the applicants' race,
60 sex, color, ethnicity, ancestry, and national origin.

61 5. In any civil action in a court of competent
62 jurisdiction challenging an instance of proxy discrimination
63 that violates this section, the plaintiff has the burden of
64 establishing a prima facie case of proxy discrimination
65 through statements, statistical evidence, projections, or
66 other evidence that a particular factor or combination of
67 factors other than traditional academic success factors was
68 selected at least in part for the purpose of discriminating
69 against or granting a preference to any individual or group
70 on the basis of race, sex, color, ethnicity, ancestry, or
71 national origin. To rebut such a prima facie case of proxy
72 discrimination, the defendant has the burden of proving that
73 the selection of the challenged factor or combination of
74 factors was solely for a lawful purpose and not for the
75 purpose of discriminating against or granting a preference
76 to any individual or group on the basis of race, sex, color,
77 ethnicity, ancestry, or national origin.

78 6. Any public school or charter school board member,
79 director, administrator, or employee may use traditional
80 academic success factors, and such use presumptively does
81 not constitute proxy discrimination. In any civil action in
82 a court of competent jurisdiction challenging the use of

83 traditional academic success factors, the plaintiff has the
84 burden of proving that the factors were manipulated,
85 weighted, or otherwise used with the specific intent of
86 discriminating against or granting a preference to an
87 individual or group on the basis of race, sex, color,
88 ethnicity, ancestry, or national origin and not simply with
89 knowledge that such use has or may have a disparate impact
90 on such individual or group.

91 7. Public schools and charter schools shall have a
92 grace period of nine months after August 28, 2026, to comply
93 with the disclosure requirements outlined in subsection 1 of
94 this section.

95 8. Noncompliance with this section may result in
96 penalties, including fines and potential loss of public
97 funding, as determined by the state board of education.

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

3 (1) "Proxy discrimination", the use of a facially
4 neutral factor in student admissions that correlates with
5 race, sex, color, ethnicity, ancestry, or national origin
6 for the purpose of discriminating against or granting a
7 preference to any individual or group on the basis of race,
8 sex, color, ethnicity, ancestry, or national origin. "Proxy
9 discrimination" includes the use of regional or feeder
10 school caps, quotas, or bonuses; zip codes; other geographic
11 or socioeconomic factors; and peer-group characteristics
12 within feeder or other zoned schools, if such factors are
13 used individually or in combination with other factors for
14 the purpose of discriminating against or granting a
15 preference to any individual or group on the basis of race,
16 sex, color, ethnicity, ancestry, or national origin;

17 (2) "Traditional academic success factors", the
18 following student admissions factors: standardized test
19 results that are not normed for different student groupings,
20 academic grades and similar academic records,
21 extracurricular activities and achievements that are
22 relevant to academic success, and academic recommendations
23 by teachers and other school officials.

24 2. Each state college and university with a selective
25 admissions process shall publish a comprehensive list of all
26 factors and criteria that the school, the admissions
27 committee, and any other employee or representative of the
28 school may consider or use in the admission decision-making
29 process. This list shall include, but not be limited to,
30 any of the following factors and criteria that may be
31 considered or used:

32 (1) Academic qualifications, including GPA,
33 standardized test scores, and class rank;

34 (2) Extracurricular activities, community service, and
35 leadership experiences;

36 (3) Personal essays, statements of purpose, or other
37 written submissions;

38 (4) Letters of recommendation from teachers,
39 counselors, or other relevant individuals;

40 (5) Special talents, achievements, or awards;

41 (6) Socioeconomic background or other diversity-
42 related considerations;

43 (7) Legacy status;

44 (8) Financial or in-kind donations made by the
45 applicant, the applicant's family, or any person or business
46 associated with the applicant; and

47 (9) Any other factors that may be considered during
48 the evaluation process.

49 The list of factors and criteria shall be made publicly
50 available on the official website of each state college and
51 university and easily accessible to prospective students,
52 parents, and other interested parties.

53 3. Each state college and university with a selective
54 admissions process shall submit an annual report to the
55 coordinating board for higher education detailing all the
56 admission factors used during the previous academic year.
57 The report shall include the weight or significance assigned
58 to each factor, if applicable, and any changes made to the
59 admission criteria.

60 4. The coordinating board for higher education shall
61 compile the reports received from each state college and
62 university and publish a consolidated report that provides
63 an overview of the admission factors and their respective
64 importance. This consolidated report shall be made
65 available to the public on the website of the department of
66 higher education and workforce development.

67 5. No state college or university board member,
68 director, administrator, employee, or any person making
69 admission decisions for the state college or university
70 shall:

71 (1) Discriminate against or grant preferential
72 treatment to any individual or group on the basis of race,
73 sex, color, ethnicity, ancestry, or national origin;

74 (2) Engage in proxy discrimination; or

75 (3) Seek information on students' race, sex, color,
76 ethnicity, ancestry, or national origin during the
77 application process for admission to such school unless
78 expressly required by federal law, and to the extent it is
79 required by federal law, and such information shall be
80 withheld to the maximum extent practicable from any

81 individual involved in admissions decisions to the end that
82 admissions decisions are blind as to the applicants' race,
83 sex, color, ethnicity, ancestry, and national origin.

84 6. In any civil action in a court of competent
85 jurisdiction challenging an instance of proxy discrimination
86 that violates this section, the plaintiff has the burden of
87 establishing a prima facie case of proxy discrimination
88 through statements, statistical evidence, projections, or
89 other evidence that a particular factor or combination of
90 factors other than traditional academic success factors was
91 selected at least in part for the purpose of discriminating
92 against or granting a preference to any individual or group
93 on the basis of race, sex, color, ethnicity, ancestry, or
94 national origin. To rebut such a prima facie case of proxy
95 discrimination, the defendant has the burden of proving that
96 the selection of the challenged factor or combination of
97 factors was solely for a lawful purpose and not for the
98 purpose of discriminating against or granting a preference
99 to any individual or group on the basis of race, sex, color,
100 ethnicity, ancestry, or national origin.

101 7. Any college or university board member, director,
102 administrator, or employee may use traditional academic
103 success factors and such use presumptively does not
104 constitute proxy discrimination. In any civil action in a
105 court of competent jurisdiction challenging the use of
106 traditional academic success factors, the plaintiff has the
107 burden of proving that the factors were manipulated,
108 weighted, or otherwise used with the specific intent of
109 discriminating against or granting a preference to an
110 individual or group on the basis of race, sex, color,
111 ethnicity, or national origin and not simply with knowledge

112 that such use has or may have a disparate impact on such
113 individual or group.

114 8. State colleges and universities shall have a grace
115 period of nine months after August 28, 2026, to comply with
116 the disclosure requirements outlined in subsection 1 of this
117 section.

118 9. Noncompliance with this section may result in
119 penalties, including fines and potential loss of public
120 funding, as determined by the coordinating board for higher
121 education.

213.136. 1. The state, including any political
2 subdivision thereof, or any public university system,
3 community college district, or public school district, shall
4 not discriminate against, or grant preferential treatment
5 to, any individual or group on the basis of race, color,
6 national origin, ancestry, or sex in the operation of public
7 employment, public education, or public contracting.

8 2. This section shall apply only to action taken after
9 the section's effective date.

10 3. Nothing in this section shall be interpreted as:

11 (1) Prohibiting bona fide qualifications based on sex
12 which are reasonably necessary to the normal operation of
13 public employment, public education, or public contracting;

14 (2) Invalidating any court order or consent decree
15 which is in force as of the effective date of this section;
16 or

17 (3) Prohibiting action that must be taken to establish
18 or maintain eligibility for any federal program, where
19 ineligibility would result in a loss of federal funds to the
20 state.

21 4. The remedies available for violations of this
22 section shall be the same, regardless of the injured party's

23 race, sex, color, ethnicity, or national origin, as are
24 otherwise available for violations of then-existing state
25 antidiscrimination law.

26 5. This section shall be self-executing. If any part
27 or parts of this section are found to be in conflict with
28 federal law or the United States Constitution, the section
29 shall be implemented to the maximum extent that federal law
30 and the United States Constitution permit.

Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

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