

SENATE SUBSTITUTE
FOR
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.

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 The term shall be construed to include a charter school;

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

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

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

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

28 2. Each staff member of a public school:

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

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

34 (3) Shall notify a minor student's parent by phone or
35 email within twenty-four hours of receiving any request by
36 the minor student to participate in or facilitate the social
37 transition of the minor student, including, but not limited
38 to, any request by the minor student to:

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

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

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

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

51 3. No staff member of any public school shall:

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

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

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

66 (2) Declining to identify his or her pronouns.

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

71 6. (1) If a school district discovers that a staff
72 member who holds a certificate of license to teach has
73 knowingly violated any provision of this section, the school
74 district shall initiate disciplinary proceedings against
75 that staff member, up to and including suspension or
76 revocation of the license and suspension or termination of
77 employment, as appropriate, based upon evidence of
78 incompetence, immorality, or neglect of duty, pursuant to
79 the provisions of section 168.071.

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

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

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

94 8. Any parent of a minor student may bring a civil
95 action, including an action for injunctive relief or for
96 damages, against the staff member or against the school
97 district or public school in which such minor student is
98 enrolled for any violation of this section. Such action
99 shall be brought in the county where the violation
100 occurred. If the parent prevails, the court shall award to
101 such parent court costs and reasonable attorney's fees and
102 any other damages or remedy which in the judgment of the
103 court shall be appropriate.

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