

FIRST REGULAR SESSION

HOUSE BILL NO. 165

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

0188H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 170, RSMo, by adding thereto one new section relating to discrimination in education, with an emergency clause.

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

Section A. Chapter 170, RSMo, is amended by adding thereto one new section, to be
2 known as section 170.348, to read as follows:

**170.348. 1. As used in this section, "public school" has the same definition as in
2 section 160.011.**

**3 2. (1) No pupil in any public school shall be required to engage in any form of
4 mandatory gender or sexual diversity training or counseling. Any orientation or
5 requirement that presents any form of race or sex stereotyping or a bias on the basis of
6 race or sex is prohibited.**

7 (2) This subsection shall not be construed to prohibit voluntary counseling.

**8 3. (1) No school or school employee shall compel a teacher or student to adopt,
9 affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil
10 Rights Act of 1964, as amended, including, but not limited to, the following:**

11 (a) One race or sex is inherently superior to another race or sex;

**12 (b) An individual, by virtue of the individual's race or sex, is inherently racist,
13 sexist, or oppressive, whether consciously or unconsciously;**

**14 (c) An individual should be discriminated against or receive adverse treatment
15 solely or partly because of the individual's race or sex;**

**16 (d) Members of one race or sex cannot and should not attempt to treat others
17 without respect to race or sex;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (e) An individual's moral character is necessarily determined by the individual's
19 race or sex;

20 (f) An individual, by virtue of the individual's race or sex, bears responsibility
21 for actions committed in the past by other members of the same race or sex;

22 (g) An individual should feel discomfort, guilt, anguish, or any other form of
23 psychological distress on account of the individual's race or sex; or

24 (h) Meritocracy or traits such as a strong work ethic are racist or sexist or were
25 created by members of a particular race to oppress members of another race.

26 (2) This subsection shall not be construed to prohibit the teaching of concepts
27 that align with the academic performance standards, learning standards, or the
28 statewide assessment system as established under chapter 160.

29 4. If an individual holding a certificate of license to teach granted under chapter
30 168 violates this section, the state board of education shall begin disciplinary
31 proceedings against such individual under section 168.071.

32 5. (1) If the state board of education determines that a publicly funded local
33 education agency or online program of instruction has violated this section, the board
34 shall notify the entity of its violation.

35 (2) If such entity fails to comply with this section within thirty days of such
36 notification, the state board of education shall direct the department of elementary and
37 secondary education to withhold a maximum of ten percent of the monthly distribution
38 of state formula funding to such entity. After the board determines that such entity is in
39 compliance with this section, the department shall restore the distribution of the funding
40 to its original amount before the percentage of the distribution was withheld.

41 6. The state board of education may promulgate all necessary rules and
42 regulations for the administration of this section. Any rule or portion of a rule, as that
43 term is defined in section 536.010, that is created under the authority delegated in this
44 section shall become effective only if it complies with and is subject to all of the
45 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
46 536 are nonseverable and if any of the powers vested with the general assembly
47 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
48 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
49 and any rule proposed or adopted after the effective date of this section shall be invalid
50 and void.

Section B. Because immediate action is necessary to prohibit discrimination in
2 education, section A of this act is deemed necessary for the immediate preservation of the

3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.

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