

FIRST REGULAR SESSION

HOUSE BILL NO. 634

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0414H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to protections of parental rights.

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

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.845, to read as follows:

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

- 2 (1) "Department", the department of elementary and secondary education;
3 (2) "Parent", a parent, guardian, or other person having control or custody of a
4 child;
5 (3) "School", a public school or charter school.

6 2. Before July 1, 2024, the department shall develop model procedures for
7 notifying a pupil's parent if there is a change in such pupil's services or monitoring
8 related to such pupil's mental, emotional, or physical health or well-being and a school's
9 ability to provide a safe and supportive learning environment for such pupil. The
10 procedures shall reinforce the fundamental right of a parent to make decisions
11 regarding the upbringing and control of such parent's children by requiring school
12 personnel to encourage a pupil to discuss issues relating to such pupil's well-being with
13 such pupil's parent or to facilitate discussion of the issue with such parent. Such model
14 procedures shall not prohibit a pupil's parent from accessing any of such pupil's
15 education and health records that are created, maintained, or used by the school as
16 required by state law. For the 2024-25 school year and all subsequent school years, each
17 school shall adopt such model procedures.

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 **3. No school shall adopt procedures or pupil support forms that prohibit school**
19 **personnel from notifying a pupil's parent about such pupil's mental, emotional, or**
20 **physical health or well-being, a change in related services or monitoring, or that**
21 **encourage or have the effect of encouraging a pupil to withhold such information from**
22 **the pupil's parent. No school personnel shall discourage or prohibit parental**
23 **notification of and involvement in critical decisions affecting a pupil's mental,**
24 **emotional, or physical health or well-being. This subsection shall not be construed to**
25 **prohibit a school from adopting procedures that permit school personnel to withhold**
26 **such information from a pupil's parent if a reasonably prudent person would believe**
27 **that disclosure would result in abuse or neglect as defined by state law.**

28 **4. No classroom instruction by school personnel or third parties relating to**
29 **sexual orientation or gender identity shall occur. This subsection shall not be construed**
30 **to prohibit voluntary counseling.**

31 **5. Pupil support services training developed or provided by a school to school**
32 **personnel shall adhere to pupil services guidelines, standards, and frameworks**
33 **established by the department.**

34 **6. At the beginning of each school year, each school shall notify a pupil's parent**
35 **of each health care service offered at such pupil's school and the option to withhold**
36 **consent for or decline any specific service. Parental consent to a health care service**
37 **under this subsection shall not be construed to waive the parent's right to access such**
38 **pupil's educational or health records or to be notified about a change in such pupil's**
39 **services or monitoring as provided by this section.**

40 **7. No school shall administer a well-being questionnaire or health screening**
41 **form to a pupil in kindergarten to grade three until after the school provides the**
42 **questionnaire or health screening form to the pupil's parent and obtains the permission**
43 **of the parent.**

44 **8. (1) Each school shall adopt procedures for a pupil's parent to notify the**
45 **principal, or such principal's designee, regarding concerns under this section at such**
46 **pupil's school. Such procedures shall contain the process for resolving such concerns**
47 **and shall require that, if such concerns remain unresolved fourteen calendar days after**
48 **such notification by the parent, the school shall immediately either resolve such**
49 **concerns or provide a statement of the reasons for not resolving such concerns. Each**
50 **school shall adopt policies to notify such pupil's parent of the procedures required under**
51 **this subsection.**

52 **(2) If a concern is not resolved by the school under subdivision (1) of this**
53 **subsection, a pupil's parent may:**

54 **(a) Request the state board of education to appoint a neutral mediator from a list**
55 **maintained by the department. Any mediator on such list shall be a member of the**
56 **Missouri Bar in good standing and have at least five years of experience in**
57 **administrative law. The mediator shall determine facts relating to the dispute over**
58 **the school's procedure or practice, consider information provided by the school, and**
59 **render a recommended decision for resolution to the state board within fifteen days**
60 **after receipt of the parent's request for appointment of a mediator. The state board**
61 **shall approve or reject the recommended decision at its next regularly scheduled**
62 **meeting that is more than seven calendar days and no more than thirty days after the**
63 **date the recommended decision is transmitted to the state board or at a meeting called**
64 **by the state board president for the purpose of approving or rejecting such**
65 **recommended decision. The costs of the mediator shall be borne by the school. The**
66 **state board shall adopt rules and develop forms necessary to implement this paragraph;**
67 **or**

68 **(b) Bring an action against the school requesting a declaratory judgment that**
69 **the school procedure or practice violates this section and seeking appropriate injunctive**
70 **relief or actual damages, or both. A court may award damages and shall award**
71 **reasonable attorney's fees and court costs to a parent who receives declaratory or**
72 **injunctive relief.**

73 **(3) No provision of this subsection shall be construed to abridge or alter any**
74 **rights and remedies afforded by the general assembly or common law.**

75 **9. Before July 1, 2024, the department shall review and update, as necessary,**
76 **school counseling frameworks and standards; educator practices and professional**
77 **conduct principles; and any other pupil services personnel guidelines, standards, or**
78 **frameworks in accordance with the requirements of this section.**

79 **10. The department and the state board of education may promulgate all**
80 **necessary rules and regulations for the administration of this section. Any rule or**
81 **portion of a rule, as that term is defined in section 536.010, that is created under the**
82 **authority delegated in this section shall become effective only if it complies with and is**
83 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
84 **section and chapter 536 are nonseverable and if any of the powers vested with the**
85 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
86 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
87 **rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be**
88 **invalid and void.**