

HCS SS#2 SCS SBs 4, 42 & 89 -- Elementary and Secondary Education

SPONSOR: Koenig

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 9 to 7. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 5 to 4.

The following is a summary of the House Committee Substitute for SB 4.

#### SCHOOL CURRICULUM (Section 160.516)

This bill requires school districts, charter schools, and virtual schools to approve and adopt the curriculum to be used by the school district, charter school, or virtual school at least two months prior to implementation. The choice of academic class offerings and curriculum materials must ensure that schools meet the purpose of education as provided by the state and federal constitution.

#### SCHOOL ACCOUNTABILITY REPORTING (Section 160.522)

The bill requires the Department of Elementary and Secondary Education to develop and maintain an online accountability report card. Districts shall maintain the report card information and provide clearly labeled links to the Department's page for each school attendance center, district, or charter school. The specifications and criteria for the report card are outlined in the bill. Specific information relating to curricula used in the district to include textbook, course outline, and reading lists must be provided along with district academic performance information on the statewide assessment. Financial reports and audits shall be included, including expenditures, tax rates, and revenues for each school and district.

The report card must include a comparison to the state average for all numerical fields and be comparable to other district or school data on an attendance center level. Report cards shall maintain at least five years of comparable data and a means for any user to provide feedback for ease of use and understandability.

#### MISSOURI CHILDHOOD HERO ACT (Section 160.771)

The bill establishes the "Missouri Childhood Hero Act" which requires school districts to adopt a policy to address school bullying and discipline that contains provisions that a "zero-

tolerance" policy shall not be used by the district for either a victim of bullying or for anyone that intervenes on behalf of someone being bullied.

#### PARENTS' BILL OF RIGHTS ACT OF 2023 (Section 161.841)

This bill establishes the "Parents' Bill of Rights Act of 2023", which shall empower parents to enforce rights, as delineated in the bill, to access records maintained by schools in which their children are enrolled in a timely manner or as specified in the Act.

No school shall require nondisclosure agreements for a parent's review of curricula, and each school shall allow parents, within two business days upon request, to review or make a copy of curriculum documents or to receive such documents in an electronic format, provided that no request would cause an infringement of copyright protections under the federal Copyright Act of 1976. If more than 20 pages are being copied using the school's equipment, the school may, at the school's discretion, charge the parent a fee described in the Act. Where the curricular materials being made available to parents for review are subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher or any contractual agreements between the publisher and the school, and that content validity is not undermined.

No school shall collect any biometric data of a minor child without obtaining parental consent, except for biometric data necessary to create and issue appropriate school identification cards. A school that collects such data shall ensure that all copies of such data are destroyed within one year of a student's withdrawal of participation in all school activities.

Finally, each school shall notify parents of certain safety incidents and criminal charges filed against teachers, employees, and any guests or visitors to a school, as outlined in the Act.

#### SCHOOL-ISSUED ELECTRONIC DEVICES (Section 161.854)

The bill specifies that any school that provides school-issued electronic devices to students shall implement technology solutions that prohibit students' access to pornography.

#### SCHOOL BOARD VACANCIES (Sections 162.471, 162.492, and 162.611)

The bill modifies the current process for school board vacancies for urban school districts and for the St. Louis City school district to allow for vacancies to be filled by the board.

These provisions are similar to SB 393 (2023) and HB 914 (2023)

#### WEIGHTED AVERAGE DAILY ATTENDANCE (Section 163.011)

The bill changes the weighting of students who receive free and reduced price lunch from 25% to 30% in the calculation of weighted average daily attendance. Under the bill, students who are homeless are weighted at 15% in the calculation of weighted average daily attendance.

This section is similar to SB 251 and SB 485 (2023).

#### STATE AID FOR TRANSPORTATION OF PUPILS (Section 163.161)

The bill provides that any school district that operates magnet schools as part of a master desegregation settlement agreement shall not be considered inefficient for purposes of state aid for transportation of pupils attending such magnet schools and shall not receive a penalty for the magnet school transportation portion of the overall transportation budget as a result thereof.

This section is similar to HB 672 (2023).

#### TEACHER BILL OF RIGHTS (Section 168.781)

This bill establishes the "Teacher Bill of Rights" and provides an affirmation of the effect that teachers have on a student's learning environment.

The bill provides a description of rights including but not limited to the following:

- (1) Teachers have the right to be free from physical, oral, written or electronically generated abuse from a student or a parent of a student;
- (2) To be evaluated for competency by an administrator;
- (4) To be treated with civility and respect as a professional;
- (5) To be free from any requirement by school administration to perform tasks unrelated to such teacher's employment;
- (6) To be provided classroom preparation time each day during the regular classroom hours; and

(7) To be free from coercion to participate in or promote a political, social, religious, or moral position that violates a personal religious conviction.

School districts are required to inform parents, students, and teachers of these rights and provide a copy of such to each teacher at the beginning of each school year. Districts shall post the rights in a prominent place in each school and administrative building, and provide a copy to a parent of each student who attends a school. Districts shall also post the rights listed in this section on their website.

#### DISCUSSION OF CERTAIN CONCEPT AND BELIEFS IN PUBLIC SCHOOLS (Section 170.355)

No school or school employee shall compel teachers to teach, or a student or teacher to personally adopt, adhere to, or profess a position or viewpoint a reasonable person would conclude violates certain public policy expressed in the bill including but not limited to: that individuals of any race, ethnicity, color, or national origin are inherently superior or inferior and that individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by others.

No school may require a student or employee to attend or participate in a certain training, instruction, or therapy that a reasonable person believes would conclude violates this provision.

This bill shall not be construed to prohibit Constitutionally protected speech, access to research or study materials, or the discussion or assignment of materials for educational purposes.

The bill shall not be construed to prevent teachers from discussing current events in a historical context or courses including, but not limited to, African American history, Native American history, women's history, Asian American History and Hispanic history.

The bill additionally provides that a school shall post on its website the names of all books required for students and provide parents access to the digital library catalogue for the attendance center where the parent's student is enrolled, and adopt a written educational material challenge policy.

Any employee of a school who discloses a violation of these provisions shall be protected from any manner of retaliation as provided by current law.

If a parent learns that a teacher of the parent's student is in violation of the bill, then the parent may file a complaint with the school's board, which shall address such complaint and resolve the concern. If the parent remains unsatisfied the parent may send the complaint to the State Board of Education. The Board shall hold a contested case hearing between the parent and the school within 30 days of receiving such a complaint.

Upon a determination by the Board that a violation is occurring, a penalty as stated in the bill shall apply.

#### PATRIOTIC AND CIVICS TRAINING PROGRAM (Section 170.370)

The Department of Elementary and Secondary Education shall develop a patriotic and civics training program to prepare teachers to teach the principles of American civics and patriotism. Subject to appropriation, each teacher that completes the training shall receive a one-time bonus of \$3000 to be paid by the Department.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate Perfected version of the bill.

**PROPONENTS:** Supporters say that this bill provides for additional school transparency that parents deserve. School districts are for the most part already complying with the provisions of the language and this just adds some consequences for the bad actors. There are protections for discussions that fall under "freedom of speech" and this language would not prohibit classes on current events or limit student expression of controversial ideas. The bill includes provisions relating to the promotion of patriotism.

Testifying in person for the bill were Senator Koenig; Missouri Baptist Convention; and the Opportunity Solutions Project.

**OPPONENTS:** Those who oppose the bill say that the language in the bill will stifle classroom conversations and teachers will be unable to know if they are in violation of a provision that could cost them their jobs and the district thousands of dollars. There are problems with a personal incentive for reporting as this will bring out those seeking a gain rather than an actual improvement to the system. Concerns were addressed with the lack of local district control over what topics could be covered.

Testifying in person against the bill were Pro Choice Missouri; ACLU of Missouri; Jere Hochman; Dava-Leigh Brush; Missouri School

Boards' Association; Jamie Cayley; Missouri State Teachers Association; Missouri NEA; and Missouri NAACP and PROMO.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under "House Testimony on Senate Bills" on the House website.