

SECOND REGULAR SESSION

HOUSE BILL NO. 1739

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

3828H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 161 and 170, RSMo, by adding thereto three new sections relating to public elementary and secondary school students.

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

Section A. Chapters 161 and 170, RSMo, are amended by adding thereto three new sections, to be known as sections 161.841, 170.385, and 170.386, to read as follows:

161.841. 1. This section shall be known and may be cited as the "Parents' Bill of Rights Act of 2024".

2. (1) As used in this section, the term "parent" means a parent or legal guardian of a child enrolled in a school.

(2) As used in this section, the term "school" or "schools" shall mean a public school or school district as such terms are defined in section 160.011, including a charter school as defined in section 160.400 and any virtual school or virtual provider authorized under the provisions of section 161.670.

3. (1) This section shall be construed to empower parents to enforce the following rights to access records maintained by schools and the individual attendance centers of such schools in which their children are enrolled in a timely manner upon request as follows:

(a) The right to inspect materials provided to their minor child within two business days upon request including, but not limited to, curricula, books, materials, and other instructional materials, but excluding testing and examination materials in accordance with section 610.021;

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.

17 **(b) The right to receive upon request the name of any person who has taught**
18 **their minor child including, but not limited to, guest lecturers and outside presenters;**

19 **(c) The right to receive information about the names of individuals and**
20 **organizations receiving school contracts and funding in the school in which their child is**
21 **enrolled, provided that no personally identifiable information about any student is**
22 **released;**

23 **(d) The right to inspect personally identifiable education records, medical or**
24 **otherwise, concerning their minor child, in accordance with state and federal law,**
25 **provided that such disclosure does not violate privacy and confidentiality rights;**

26 **(e) The right to access information about the collection and transmission of their**
27 **minor child's personally identifiable education records, in accordance with state and**
28 **federal law;**

29 **(f) The right to know about records regarding situations affecting their minor**
30 **child's safety in school, provided that such disclosure does not violate privacy and**
31 **confidentiality rights; and**

32 **(g) The right to receive information about any school-sponsored event or**
33 **activity, provided that no personally identifiable information about any student is**
34 **released.**

35 **(2) Where the curricular materials being made available to parents for review**
36 **are proprietary, subject to copyright, trademark, or other intellectual property**
37 **protection, the review process shall include technical and procedural safeguards to**
38 **ensure that the materials are not able to be widely disseminated to the general public in**
39 **violation of the intellectual property rights of the publisher or any contractual**
40 **agreements between the publisher and the school, and that content validity is not**
41 **undermined.**

42 **4. No school shall require nondisclosure agreements or similar forms for a**
43 **parent's review of curricula. Each school shall allow parents, within two business days**
44 **upon request, to review or to make a copy of nonproprietary curriculum documents or**
45 **to receive such documents in an electronic format, provided that no request would**
46 **violate copyright, trademark, or other intellectual property protection or cause an**
47 **infringement of copyright protections provided under the federal Copyright Act of 1976**
48 **(17 U.S.C. Sections 101 et seq.), as amended. If more than twenty pages are being copied**
49 **using the school's equipment, the school may, at the school's discretion, charge the**
50 **parent a fee not to exceed ten cents per page for a paper copy not larger than nine by**
51 **fourteen inches, with the hourly fee for duplicating time not to exceed the average**
52 **hourly rate of pay for clerical staff of the school.**

53 **5. (1) As used in this subsection, "biometric data" means any information,**
54 **regardless of how it is captured, converted, stored, or shared, that is based on an**
55 **individual's biometric identifier and used to identify an individual.**

56 **(2) No school shall collect any biometric data of a minor child without obtaining**
57 **written parental consent before collecting such data, except for biometric data necessary**
58 **to create and issue appropriate school identification cards. Any school that collects any**
59 **biometric data of a minor child under this subsection shall ensure that all copies of such**
60 **data are destroyed within one year of such student's withdrawal of participation in all**
61 **school activities.**

62 **6. Each school board meeting or charter school governing board meeting**
63 **approving curricula shall be held in public in accordance with the Missouri sunshine**
64 **law as set forth in the provisions of chapter 610 and allow for public comments.**

65 **7. (1) Each school district and public school shall develop policies and**
66 **procedures for such school district or public school to follow to notify parents in a timely**
67 **manner of incidents pertaining to their student's safety including, but not limited to, the**
68 **following:**

69 **(a) Any act or instance reportable under subsection 1, 2, or 3 of section 167.117;**

70 **(b) All reported incidents directly pertaining to their student's safety that result**
71 **in any violation of the school's safety policy;**

72 **(c) Any instance of a teacher or other school employee being detained or**
73 **arrested for or charged with any felony that directly pertains to their student's safety,**
74 **regardless of whether the alleged offense took place on school premises or off school**
75 **premises;**

76 **(d) Any instance of a teacher or other school employee being detained or**
77 **arrested for or charged with any misdemeanor that directly pertains to their student's**
78 **safety, regardless of whether the alleged offense took place on school premises or off**
79 **school premises; and**

80 **(e) Any instance of a guest or visitor to the school being detained or arrested for**
81 **or charged with felony or misdemeanor charges, provided that the alleged offense**
82 **occurred on school premises and directly pertains to their student's safety.**

83 **(2) No personally identifiable information about any individual involved in**
84 **reports made under subdivision (1) of this subsection shall be released.**

85 **8. No school shall provide any school records as described in this section in**
86 **violation of any relevant state or federal law or policy protecting or limiting access to**
87 **such school records. Nothing in this section shall be construed to violate any provision**
88 **of chapter 610 or other provisions of law regarding records that are protected from**
89 **disclosure.**

170.385. 1. No nurse, counselor, teacher, principal, contracted personnel, or other administrative official at a public elementary or secondary school or public charter school shall encourage a student under eighteen years of age to adopt a gender identity or sexual orientation.

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

(1) "Gender identity", the preconceived notion of someone's psychological, behavioral, social, and cultural aspects of being a biological male or biological female. For the purposes of this section, a biological male shall be someone with the biological indicators of a male in the context of reproductive potential or capacity, such as the presence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous external genitalia present at birth. A biological female shall be someone with the biological indicators of a female in the context of reproductive potential or capacity, such as the absence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth;

(2) "Sexual orientation", one's actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone.

170.386. 1. For the purposes of this section, the following terms shall mean:

(1) "Documented identity", a student's registered gender or sex as confirmed by the student's parent when enrolling the student in a school. If a student's parent does not register such student's gender or sex when enrolling the student in a school, such student's documented identity shall be the student's biological sex as correctly stated on the student's official birth certificate as described in subsection 11 of this section or, if the student's official birth certificate is unobtainable, another government record;

(2) "Parent", the parent or legal guardian of a student;

(3) "Personal pronouns", pronouns used to refer to persons. Female personal pronouns are "she", "her", or "hers", and male personal pronouns are "he", "him", or "his";

(4) "School", any public elementary or secondary school or public charter school;

(5) "School official", any school official at a public elementary or secondary school or public charter school, including nurses, counselors, teachers, principals, and other contracted personnel;

(6) "Student", any person who attends a public elementary or secondary school or public charter school;

19 (7) "Teacher", any person who is duly certified under the laws governing the
20 certification of teachers including, but not limited to, any classroom teacher, school
21 counselor, substitute teacher, supervisor, principal, supervising principal,
22 superintendent, or assistant superintendent.

23 2. If a student approaches a school official to express discomfort or confusion
24 about the student's documented identity, the school official shall notify the student's
25 parent of the discussion within twenty-four hours.

26 3. If a student asks a school official to refer to the student using personal
27 pronouns that are associated with a gender other than the student's documented
28 identity, the school official shall notify the student's parent of the discussion within
29 twenty-four hours.

30 4. A school official shall not allow a student to use a name in class other than the
31 name provided by the student's parent when registering the student without first
32 obtaining written permission from the student's parent.

33 5. A school official shall not encourage a student to wear or not wear any
34 particular item of clothing without first obtaining written permission from the student's
35 parent, unless such clothing is necessary to enforce the school dress code; participate in
36 school sports, clubs, or extracurricular activities; or to ensure a student's physical
37 safety.

38 6. A school official shall not encourage a student to pursue gender reassignment
39 therapy or any medical or surgical service that seeks to surgically alter or remove
40 healthy physical or anatomical characteristics or features that are typical for the
41 individual's biological sex in order to instill or create physiological or anatomical
42 characteristics that resemble a sex different from the individual's biological sex,
43 including, but not limited to, genital or nongenital gender reassignment surgery
44 performed for the purpose of assisting an individual with a gender transition.

45 7. Any public school employee who discloses a violation of this section by a
46 school official shall be protected from any manner of retaliation as set forth in section
47 105.055.

48 8. (1) If a school district discovers that a teacher has knowingly violated any
49 provision of this section, the district shall file charges seeking to suspend or revoke the
50 teacher's license to teach based upon charges of incompetence, immorality, or neglect of
51 duty, pursuant to the provisions of section 168.071.

52 (2) The state board of education shall promptly investigate any claim from a
53 parent of a public school student that a teacher of such student has knowingly violated
54 any provision of this section in relation to such student. If the state board of education
55 finds that such claim is valid, the state board of education shall, upon hearing, suspend

56 or revoke such teacher's license to teach based upon charges of incompetence,
57 immorality, or neglect of duty, pursuant to the provisions of section 168.071.

58 (3) The board of nursing shall promptly investigate any claim from a parent that
59 a school nurse has knowingly violated any provision of this section in relation to such
60 parent's student. If the board finds that such claim is valid, the board shall cause a
61 complaint to be filed against such school nurse with the administrative hearing
62 commission as provided by chapter 621 on grounds of unethical or unprofessional
63 conduct involving a minor, pursuant to the provisions of section 335.066.

64 (4) If a school discovers that any other school official has knowingly violated any
65 provision of this section, the school shall, upon proof or conviction of such violation,
66 terminate the employment of such official on grounds of gross misconduct, and the
67 official shall be ineligible to work in any school for a period of four years.

68 9. The attorney general may bring a civil action, including an action for
69 injunctive relief, against a school district or school for any violation of this section. Such
70 action shall be brought in the county where the violation occurred.

71 10. Any parent of a minor child may bring a civil action, including an action for
72 injunctive relief or for damages, against the school district or public school in which
73 their child is enrolled for any violation of this section which causes harm to their child.
74 Such action shall be brought in the county where the violation occurred. If the parent
75 prevails, the court shall award to such parent court costs and reasonable attorney's fees
76 and any other damages or remedy which in the judgment of the court shall be
77 appropriate.

78 11. For purposes of this section, a statement of a student's biological sex on the
79 student's official birth certificate or another government record shall be deemed to have
80 correctly stated the student's biological sex only if the statement was:

- 81 (1) Entered at or near the time of the student's birth; or
82 (2) Modified to correct any scrivener's error in the student's biological sex.

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