

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2426

103RD GENERAL ASSEMBLY

4672H.02P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof five new sections relating to parental rights.

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

Section A. Section 431.061, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 1.390, 1.391, 161.854, 162.192, and 431.061, to read as follows:

1.390. 1. A parent has a fundamental liberty and fundamental interest in the care, custody, and control of such parent's child, including the right to direct the upbringing, education, health care, and mental health of the child free from government interference.

2. A governmental authority shall not interfere with the fundamental right of a parent to direct the upbringing, education, health care, and mental health of that parent's child, unless the governmental authority demonstrates that the interference furthers a compelling governmental interest as applied to the parent and the child, and is the least restrictive means of furthering that compelling governmental interest. Any such interference shall be subject to judicial review by a court of competent jurisdiction, which shall determine if the governmental authority has satisfied the burden of proof set forth in this subsection.

3. As used in this section, "parent" shall have the same meaning as such term is defined in subdivision (5) of section 211.021.

4. As used in this section, "child" means any unemancipated person who has not attained the age of eighteen years and who has not been adjudicated as an adult in a

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 **criminal proceeding and subsequently been committed to the custody of the department**
18 **of corrections.**

19 **5. This section applies to all state and local laws, resolutions, and ordinances and**
20 **to the implementation of such laws, resolutions, and ordinances, whether statutory or**
21 **otherwise, and whether adopted before or after August 28, 2026.**

22 **6. Nothing in this section or section 1.391 shall be construed as allowing any**
23 **person to cause physical injury to another person, to possess a weapon otherwise**
24 **prohibited by law, to fail to provide monetary support for a child, or to fail to provide**
25 **health care for a child suffering from a life-threatening condition.**

1.391. 1. All parental rights are exclusively reserved to a parent of a child
2 **without obstruction by or interference from this state, any political subdivision of this**
3 **state, any other governmental entity, or any other institution, including without**
4 **limitation, the following rights and responsibilities:**

5 **(1) To direct the education of the child, including the right to choose a public**
6 **school, private school, parochial school, parish school, home school, or family paced**
7 **education school, and the right to make reasonable choices within public schools for the**
8 **education of the child;**

9 **(2) To access and review all written and electronic educational records relating**
10 **to the child that are controlled by or in the possession of a school;**

11 **(3) To direct the upbringing of the child;**

12 **(4) To direct the moral or religious training of the child;**

13 **(5) To make and consent in writing to all physical and mental health care**
14 **decisions for the child;**

15 **(6) To access and review all health and medical records of the child;**

16 **(7) To consent in writing before a biometric scan of the child is made, shared, or**
17 **stored, except where such collection is required under chapter 43 or chapter 589;**

18 **(8) To consent in writing before any record of the child's blood or**
19 **deoxyribonucleic acid (DNA) is created, stored, or shared, unless authorized pursuant**
20 **to a court order or required under chapter 43 or chapter 589;**

21 **(9) To consent in writing before any governmental authority makes a video or**
22 **voice recording of the child, unless, without abrogating rights secured under the Fourth**
23 **Amendment to the United States Constitution, the video or voice recording is made**
24 **during or as a part of:**

25 **(a) A court proceeding;**

26 **(b) A law enforcement investigation;**

27 **(c) A forensic interview in a criminal or department of social services**
28 **investigation;**

29 (d) The security or surveillance of buildings or grounds; or

30 (e) A photo identification card;

31 (10) To be notified promptly if any governmental authority suspects that abuse,
32 neglect, or any criminal offense has been committed against the child, unless the
33 governmental authority reasonably believes that notifying the parent is likely to
34 endanger the life or physical safety of the child;

35 (11) To opt the child out of any personal analysis, evaluation, survey, or data
36 collection by a school district that would capture data for inclusion in the statewide
37 longitudinal student data system except what is necessary and essential for establishing
38 a student's educational record for a student of the school district;

39 (12) The right to have the child excused from school attendance for religious
40 purposes;

41 (13) The right to participate in parent-teacher organizations and other school
42 organizations that are sanctioned by the board of education of a school district;

43 (14) To receive, upon first contact with a representative of the department of
44 social services, an accurate written itemization containing all details of any reports or
45 allegations concerning abuse or neglect of the parent's child which the department of
46 social services has received, excluding only the name of the person who provided the
47 reports or made the allegations; and

48 (15) To view a publicly available, readily identifiable, and easily accessible
49 accounting of all financial transactions conducted with school district funds without
50 being required to submit a formal request or otherwise make direct contact with the
51 school district in which the parent's child is enrolled.

52 2. Except for law enforcement personnel, a governmental authority shall not
53 encourage or coerce a child to withhold information from the child's parent; nor shall a
54 governmental authority withhold from a child's parent information that is relevant to
55 the physical, emotional, or mental health of the child.

56 3. A parent who believes his or her rights have been violated under this section
57 or section 1.390 may assert that violation as a claim or defense in a judicial or
58 administrative proceeding, regardless of whether the government is a party to the
59 proceeding, and obtain appropriate relief against the government, including declaratory
60 relief, injunctive relief, compensatory damages, and reasonable attorney's fees and
61 costs.

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

2 (1) "Individualized education program" or "IEP", a written statement for a
3 child with a disability that is developed, reviewed, and revised in accordance with 34
4 CFR 300.320 to 300.324 and under 20 U.S.C. Section 1401, as amended;

5 (2) "Local educational agency" or "LEA", a public school or other political
6 subdivision of the state serving any student with an IEP;

7 (3) "Parent", as defined in 34 CFR 300.30, or an emancipated child acting on the
8 child's own behalf;

9 (4) "Placement", the setting in which a student with a disability will receive such
10 student's special education and related services;

11 (5) "Public school", the same definition as in section 160.011;

12 (6) "School day", the same definition as in section 160.041.

13 2. Each local educational agency shall implement parental consent procedures as
14 described in 34 CFR 300.300 and this section.

15 3. (1) Each local educational agency shall obtain written or electronic parental
16 consent for the following placements, removals, additions, changes, or reductions of
17 services in the individualized education program of a child with disabilities prior to such
18 placement, removal, addition, change, or reduction:

19 (a) Initial IEP placement and services;

20 (b) A placement change;

21 (c) The removal of a service or services; and

22 (d) The reduction or addition of service minutes of a service by more than
23 twenty-five percent.

24 (2) The LEA shall maintain written documentation of the date and signature of
25 parental consent for annual placement or revision to the IEP.

26 4. (1) (a) If the parents and local educational agency fail to reach an agreement
27 on the child's individualized education program within ten school days but reach an
28 agreement on certain IEP services or interim placement:

29 a. The child's current agreed-upon IEP shall be amended to include such areas
30 of agreement until the areas of disagreement are resolved; and

31 b. The local educational agency and the parents shall include an addendum in
32 the IEP that specifies the date by which the areas of disagreement shall be resolved,
33 provided that such date shall be within twenty school days of the initial meeting and
34 may be extended an additional twenty school days with consent from both parties if
35 sufficient progress is made or additional agreements are reached.

36 (b) If the local educational agency or the parents fail to reach an agreement at
37 any time during the IEP process, either party may request a dispute resolution option
38 including, but not limited to:

39 a. A facilitated IEP meeting;

40 b. A child complaint investigation;

41 c. State-paid mediation;

42 d. A due process complaint and hearing; or

43 e. Other dispute resolution options as outlined in the procedural safeguards
44 notice under 34 CFR 300.504.

45 (2) A local educational agency shall not proceed with implementing a child's
46 individualized education program without parental consent unless the LEA documents
47 reasonable efforts of attempts to arrange a mutually agreed-upon time and place, in
48 accordance with 34 CFR 300.322(d), and the parents have refused to attend or the LEA
49 obtains approval through a due process complaint and hearing in which the hearing
50 officer or commissioner finds that the IEP with the proposed change or changes
51 provides for a free appropriate public education for the student in accordance with 34
52 CFR 300.507 to 300.513.

53 5. Parents have the right to visit any program or classroom proposed for their
54 child before consenting to IEP changes if the child is identified as eligible for special
55 education services. A visit occurring under this subsection shall be scheduled before or
56 after regular school hours or at a mutually agreed-upon time to ensure that instruction
57 is not interrupted.

58 6. (1) The department of elementary and secondary education shall create or
59 establish a parental consent model form that each local educational agency shall use for
60 any action related to a child's individualized education program. Such form shall be
61 provided to the parents in the parent's native language, as described in 34 CFR 300.503,
62 and shall include at least the following:

63 (a) A "Does consent" box, signature line, and date line;

64 (b) A "Does NOT consent" box, signature line, and date line as well as a box
65 accompanying a statement that a parent who does not consent understands that the
66 LEA is relieved of any future claims related to nonprovision of any services not
67 consented to by the parent; and

68 (c) A "Partial consent" box, signature line, date line, and space for indicating the
69 areas of agreement.

70 (2) (a) A parental consent form shall not be required in situations where a
71 placement, removal, addition, change, or reduction of services in the IEP of a child with
72 disabilities occurs because of a violation of a code of student conduct in accordance with
73 34 CFR 300.530.

74 (b) On the date on which such placement, removal, addition, change, or
75 reduction of services in the IEP of a child with a disability occurs because of a violation
76 of a code of student conduct, the LEA shall notify the parents of that decision and
77 provide the parents with notice in accordance with 34 CFR 300.504.

78 7. This section shall not be construed to abrogate any parental right identified in
79 the federal Individuals with Disabilities Education Act (IDEA) and such act's
80 implementing regulations.

81 8. The provisions of this section shall become effective on July 1, 2027.

 162.192. 1. For purposes of this section, "financial ledger" means a searchable,
2 machine-readable, publicly accessible database maintained by a school district that:

3 (1) Sets forth all financial transactions conducted with school district funds,
4 including, but not limited to, the school funds established pursuant to section 165.011;

5 (2) Is available without login credentials, registration, or fees;

6 (3) Is downloadable and exportable in formats including, but not limited to,
7 comma-separated values (CSV) format and Microsoft Excel format;

8 (4) Records all transactions using Missouri financial accounting manual
9 classification categories, as applicable; and

10 (5) Includes the following minimum required data fields for each financial
11 transaction, and is searchable and filterable by such fields, at minimum:

12 (a) Transaction date;

13 (b) Transaction amount;

14 (c) Revenue or expenditure designation;

15 (d) Fund code;

16 (e) Function code;

17 (f) Object code;

18 (g) Vendor or payee name; and

19 (h) Description or memo field.

20 2. Notwithstanding any provision of law to the contrary, each school district
21 shall maintain a financial ledger on its publicly accessible website. The homepage of
22 each public school's website shall include a direct link to the financial ledger of the
23 school district that has oversight responsibility for that public school. The link shall
24 make the financial ledger accessible within one click, shall be clearly labeled as a link to
25 the school district's financial ledger, and shall be functional and mobile-responsive. The
26 department may provide standardized language or icons that public schools may use for
27 the purpose of ensuring compliance with this subsection.

28 3. A school district's financial ledger shall be updated at least monthly. Details
29 of each calendar month's financial transactions shall be posted no later than forty-five
30 days after the close of that calendar month.

31 4. For historical record keeping purposes, a school district shall maintain
32 complete financial ledger data on its publicly accessible website for no fewer than five
33 prior fiscal years.

34 **5. A school district may redact protected personal information on the financial**
35 **ledger only to the extent required by applicable law. Vendor names, amounts, and**
36 **accounting codes shall not be redacted. Payroll data may be presented in aggregated**
37 **form where disclosure of individual information is restricted.**

38 **6. Debt obligations shall be posted in a separate section of the financial ledger,**
39 **with disclosure of the following information:**

40 **(1) Outstanding debt balances;**

41 **(2) Issuance dates;**

42 **(3) Repayment schedules;**

43 **(4) Annual debt service amounts; and**

44 **(5) Debt service as a percentage of total expenditures.**

45 **7. The department may provide or approve standardized templates or platforms**
46 **a school district may use to comply with the provisions of this section. A school district**
47 **may use a third-party template or platform that is approved by the department.**

48 **8. The department may provide guidance to assist school districts in complying**
49 **with the provisions of this section. Such guidance may include:**

50 **(1) High-level expenditure summaries by classification category under the**
51 **Missouri financial accounting manual;**

52 **(2) Standardized definitions of terms to be used in the financial ledger; and**

53 **(3) Clear explanations of methodology and limitations applicable to the**
54 **compilation and presentation of financial ledger data.**

55 **9. School districts shall annually certify compliance with this section to the**
56 **department. The department shall promulgate rules establishing procedures and**
57 **timelines for school districts to certify compliance.**

58 **10. If the department finds that any school district has violated a provision of**
59 **this section, the department may withhold state aid to which the school district is**
60 **entitled under chapter 163 until the school district proves to the satisfaction of the**
61 **department that the school district is no longer in violation of this section.**

62 **11. The department shall establish a process for members of the public to file**
63 **complaints with the department if they believe a school district has violated any**
64 **provision of this section. The department may establish a public compliance dashboard**
65 **on the department's website to enable members of the public to check whether a**
66 **particular school district is certified as in compliance with the provisions of this section.**

67 **12. The department shall promulgate rules to implement the provisions of this**
68 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
69 **created under the authority delegated in this section shall become effective only if it**
70 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

71 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
72 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
73 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
74 **then the grant of rulemaking authority and any rule proposed or adopted after August**
75 **28, 2026, shall be invalid and void.**

431.061. 1. In addition to such other persons as may be so authorized and
2 empowered, any one of the following persons if otherwise competent to contract, is
3 authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or
4 other treatment or procedures, including immunizations, not prohibited by law:

- 5 (1) Any adult eighteen years of age or older for himself;
- 6 (2) Any parent for his minor child in his legal custody;
- 7 (3) Any minor who has been lawfully married and any minor parent or legal
8 custodian of a child for himself, his child and any child in his legal custody;
- 9 (4) Any minor ~~[for himself]~~ in case of:
10 (a) ~~Pregnancy, but excluding abortions;~~
11 (b) ~~Venereal disease;~~
12 (c) ~~Drug or substance abuse including those referred to in chapter 195]~~ **pregnancy,**
13 **but excluding abortions;**
- 14 (5) Any adult standing in loco parentis, whether serving formally or not, for his minor
15 charge in case of emergency as defined in section 431.063;
- 16 (6) Any guardian of the person for his ward;
- 17 (7) Any relative caregiver of a minor child as provided for under section 431.058.

18 2. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all
19 relationships set forth in subsection 1 of this section shall include the adoptive and step-
20 relationship as well as the natural relationship and the relationship by the half blood as well as
21 by the whole blood.

22 3. A consent by one person so authorized and empowered shall be sufficient
23 notwithstanding that there are other persons so authorized and empowered or that such other
24 persons shall refuse or decline to consent or shall protest against the proposed surgical,
25 medical or other treatment or procedures.

26 4. Any person acting in good faith and not having been put on notice to the contrary
27 shall be justified in relying on the representations of any person purporting to give such
28 consent, including, but not limited to, his identity, his age, his marital status, and his
29 relationship to any other person for whom the consent is purportedly given.