

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2189
101ST GENERAL ASSEMBLY

4519H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 160.516, RSMo, and to enact in lieu thereof four new sections relating to transparency of training, instructional, and curricular materials in public schools and charter schools, with an emergency clause.

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

Section A. Section 160.516, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 160.516, 161.023, 161.852, and 170.360, to read as follows:

160.516. 1. Notwithstanding the provisions of section 160.514, the state board of education and the department of elementary and secondary education shall not be authorized to mandate and are expressly prohibited from mandating **or promoting** the curriculum, textbooks, or other instructional materials to be used in public schools. Each local school board shall be ~~[responsible for the approval and adoption of]~~ **required to approve and adopt the curriculum used by the school district at least six months prior to implementation.** The provisions of this subsection shall not apply to schools and instructional programs administered by the state board of education and the department of elementary and secondary education or to school districts that are classified as unaccredited.

2. The state board of education and the department of elementary and secondary education shall not require districts to use any appendix to the common core state standards.

3. The school board for each school district shall adopt policies and procedures to ensure the approved and adopted curricula presented under subsection 1 of this section are properly implemented in the classroom. The choice of academic class offerings and curriculum materials:

(1) Shall not be based on surveys, inventories, or other evaluations, analyses, or assessments of:

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 **(a) Student, family, or community immutable and other identifying**
19 **characteristics including, but not limited to, race, binary sex, gender choices, religion,**
20 **disabilities, or income;**

21 **(b) Psychological or social emotional data; or**

22 **(c) Trauma and other psychological and emotional problems; and**

23 **(2) Shall ensure schools meet the purpose of education as provided in the**
24 **Missouri Constitution and disseminate the knowledge and intelligence needed to ensure**
25 **the rights and liberties of legal United States citizens in Missouri.**

26 **4. At least five years of data showing percentages of students by grade level,**
27 **subject, and percentage level of proficiency based on state assessment scores shall be**
28 **posted in the same section as the curricula on the district's website and shall also be**
29 **available for inspection at each school within the district.**

161.023. 1. All administrator, teacher, and staff professional development and
2 **instructional programs offered to schools that are paid for with state funds, whether**
3 **offered directly by the department of elementary and secondary education, another**
4 **state agency, or by a third-party contractor, shall be fully transparent and available to**
5 **the public as follows:**

6 **(1) All program materials, videos, links, and resources shall be publicly available**
7 **at no charge on the department's website;**

8 **(2) All program offerings shall be open for public attendance. All program**
9 **offerings shall be listed in one location on the department's website by date and show**
10 **the title of the program, program description, location, and time. Programs shall be**
11 **publicly posted at least thirty days in advance, with exceptions applying only when the**
12 **program is added with fewer than thirty days notice based on an emergency as detailed**
13 **by the school. Any resident of the state shall be allowed access in some manner to the**
14 **program. Audio and video recordings of these programs shall be required and**
15 **accessible to the public free of charge for at least three years after the event date. If a**
16 **program recording was not made or maintained, the program date, name, and**
17 **description shall still be listed on the website for three years after the event date has**
18 **passed with a clear explanation as to why a recording is not available;**

19 **(3) Lists by school district showing date of attendance, name and position of**
20 **district attendee, program name, and description shall be provided by request and free**
21 **of charge to Missouri residents for the prior three years;**

22 **(4) No on-site program shall be provided by a school prior to the local school**
23 **board approving and adopting the state program; and**

24 **(5) Lists of local school boards that have approved the state program shall be**
25 **provided on the department's website.**

26 **2. For programs offered to schools by third-party contractors, the department**
27 **shall maintain data and information on the department's website related to those**
28 **programs including, but not limited to, a breakdown by school district for each Missouri**
29 **state-funded program showing the amount paid to the third-party contractor by year**
30 **and by program, detailing the public funds spent on categories of program promotion,**
31 **development, training, local implementation, and other miscellaneous costs such as**
32 **travel and physical materials for the prior three years.**

33 **3. Information describing all items required to be made available to the public**
34 **under this section and instructions for viewing such information on the department's**
35 **website shall be posted on the Missouri education transparency and accountability**
36 **portal created under section 161.852.**

161.852. 1. The commissioner of education shall establish the "Missouri
2 **Education Transparency and Accountability Portal", which shall be an internet-based**
3 **tool creating transparency in Missouri's public education system and providing citizens**
4 **access to every school district's curricula, source materials, and professional**
5 **development materials.**

6 **2. The portal shall consist of an easy-to-search database including, but not**
7 **limited to, the following:**

8 **(1) All curricula taught by the school district;**

9 **(2) All source materials used to develop a district's curricula;**

10 **(3) All documents used by a school district in the professional development of the**
11 **district's faculty and staff including, but not limited to, administrators, teachers,**
12 **counselors, and classroom support staff;**

13 **(4) All source materials used to develop the documents used by a school district**
14 **in its professional development materials as outlined in subdivision (3) of this**
15 **subsection;**

16 **(5) All speakers and guests used by a school district in its professional**
17 **development activities;**

18 **(6) The costs associated with speakers and guests used by a school district in its**
19 **professional development activities; and**

20 **(7) Information required to be posted on the portal under sections 161.023 and**
21 **170.360.**

22 **3. The commissioner of education shall establish an online form that each school**
23 **district in this state shall complete with information required under subsection 2 of this**
24 **section.**

25 **4. A school district shall submit any updates to the information outlined in**
26 **subsection 2 of this section within five business days of the information changing.**

27 **5. The commissioner of education shall update the portal with the information**
28 **required by this section to be submitted by each school district no less than weekly and**
29 **shall ensure that the portal is maintained as the primary centralized source of**
30 **information about the curricula and instructional materials used by public school**
31 **districts.**

32 **6. The department of elementary and secondary education may promulgate**
33 **rules to implement this section. Any rule or portion of a rule, as that term is defined in**
34 **section 536.010, that is created under the authority delegated in this section shall**
35 **become effective only if it complies with and is subject to all of the provisions of chapter**
36 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
37 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
38 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
39 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
40 **adopted after August 28, 2022, shall be invalid and void.**

170.360. 1. (1) School districts and charter schools shall display the following
2 **information on the school website in an easily accessible location:**

3 **(a) All training materials used for staff and faculty training related to**
4 **nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias;**

5 **(b) All instructional or curricular materials relating to nondiscrimination,**
6 **diversity, equity, inclusion, race, ethnicity, sex, or bias. Such instructional materials**
7 **shall identify, at a minimum:**

8 **a. The title, author, organization, and any website associated with each material**
9 **and activity;**

10 **b. A brief description of the instructional material;**

11 **c. A link to the instructional material, if publicly available on the internet, or**
12 **information on how to request review of a copy of the instructional material; and**

13 **d. If the instructional material was created by a staff or faculty member, the**
14 **identity of such person; and**

15 **(c) Any procedures for the documentation, review, or approval of the training,**
16 **instructional, or curricular materials used for staff and faculty training or student**
17 **instruction at the school, including by the principal, curriculum administrators, or other**
18 **teachers.**

19 **(2) Nothing in this subsection shall be construed to require the digital**
20 **reproduction or posting of copies of instructional materials if such reproduction or**
21 **posting would infringe upon a copyright; provided that, such copyrighted material shall**
22 **be made available upon request to the extent authorized by law.**

23 **2. The information required by subsection 1 of this section shall be displayed**
24 **online within seven days after the first instance of training or instruction in which the**
25 **materials are used. Such information shall remain displayed on the school website for at**
26 **least two years. Information describing all items required to be made available to the**
27 **public under this section and instructions for viewing such information on the school**
28 **website shall be posted on the Missouri education transparency and accountability**
29 **portal created under section 161.852.**

30 **3. Any employee of a school district that discloses a violation of this section shall**
31 **be protected from any manner of retaliation as set forth in section 105.055.**

32 **4. (1) Suit for alleged violations of this section may be brought by the**
33 **department of elementary and secondary education; the attorney general; the**
34 **prosecuting attorney, county counselor, or circuit attorney for the city or county in**
35 **which the school district, public school, or charter school alleged to have violated this**
36 **section is located; or any aggrieved person, taxpayer, or citizen residing in such city or**
37 **county.**

38 **(2) Such suit shall be initiated in the circuit court for the city or county in which**
39 **the school district, public school, or charter school alleged to have violated this section is**
40 **located.**

41 **(3) Upon a finding by a preponderance of the evidence that a school district,**
42 **public school, or charter school has violated this section, the court shall issue such**
43 **injunctive relief reasonably necessary to correct such violation.**

44 **(4) Upon a finding by a preponderance of the evidence that a school district,**
45 **public school, or charter school has knowingly violated this section, the court shall issue**
46 **a civil penalty in an amount up to one thousand dollars and may order the payment by**
47 **such district or school of all costs and reasonable attorney's fees to any party**
48 **successfully establishing such violation.**

49 **(5) Upon a finding by a preponderance of the evidence that a school district,**
50 **public school, or charter school has purposefully violated this section, the court shall**
51 **issue a civil penalty in an amount up to ten thousand dollars and may order the payment**
52 **by such district or school of all costs and reasonable attorney's fees to any party**
53 **successfully establishing such violation.**

54 **5. A school district or charter school that doubts whether any action or decision**
55 **would violate this section may bring suit at such district's or school's expense in the**
56 **circuit court of the city or county in which such district or school is located to ascertain**
57 **the propriety of any such action or decision. Review of such action or decision may**
58 **include consideration of a proposed use of school resources or of particular pieces of**
59 **training, instructional, or curricular material.**

60 **6. A school district or charter school that doubts whether any action or decision**
61 **would violate this section may seek a formal opinion of the attorney general to ascertain**
62 **the propriety of any such action or decision. Review of such action or decision may**
63 **include consideration of a proposed use of school resources or of particular pieces of**
64 **training, instructional, or curricular material.**

 Section B. Because of the need to ensure that parents are aware of the education their
2 children are receiving for the upcoming school year, section A of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and section A of this
5 act shall be in full force and effect upon its passage and approval.

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