

SENATE BILL NO. 645

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3574S.04I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 160.516 and 170.011, RSMo, and to enact in lieu thereof five new sections relating to the use of certain 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. Sections 160.516 and 170.011, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be
3 known as sections 160.516, 161.023, 161.852, 170.011, and
4 170.360, to read as follows:

160.516. 1. Notwithstanding the provisions of section
2 160.514, the state board of education and the department of
3 elementary and secondary education shall not be authorized
4 to mandate and are expressly prohibited from mandating **or**
5 **promoting** the curriculum, textbooks, or other instructional
6 materials to be used in public schools. Each local school
7 board shall be [responsible for the approval and adoption
8 of] **required to approve and adopt the** curriculum used by the
9 school district **at least six months prior to**
10 **implementation.** The provisions of this subsection shall not
11 apply to schools and instructional programs administered by
12 the state board of education and the department of
13 elementary and secondary education or to school districts
14 that are classified as unaccredited.

15 2. The state board of education and the department of
16 elementary and secondary education shall not require

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 districts to use any appendix to the common core state
18 standards.

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

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

26 (a) Student, family, or community immutable and other
27 identifying characteristics, including race, binary sex,
28 gender choices, religion, disabilities, or income;

29 (b) Psychological/social emotional data;

30 (c) Trauma and other psychological and emotional
31 problems;

32 (2) Shall ensure schools meet the purpose of education
33 as provided in the Missouri Constitution and disseminate the
34 knowledge and intelligence needed to ensure the rights and
35 liberties of legal United States citizens in Missouri.

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

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

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

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

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

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

34 (5) Lists of local school boards that have approved
35 the state program shall be provided on the department's
36 website.

37 2. In addition, for programs offered to schools by
38 third-party contractors, the department shall maintain data
39 and information on the department's website related to those

40 programs including a breakdown by school district for each
41 Missouri state funded program showing the amount paid to the
42 third-party contractor by year and by program detailing the
43 public funds spent on categories of program promotion,
44 development, training, local implementation, and other
45 miscellaneous costs, such as travel and physical materials
46 for the prior three years.

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

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

- 10 (1) All curriculum taught by the school district;
11 (2) All source materials used to develop a district's
12 curriculum;
13 (3) All documents used by a school district in the
14 professional development of the district's faculty and
15 staff, including but not limited to administrators,
16 teachers, counselors, and classroom support staff;
17 (4) All source materials used to develop the documents
18 used by a school district in their professional development
19 materials as outlined in subdivision (3) of this subsection;
20 (5) All speakers and guests used by a school district
21 in their professional development activities; and
22 (6) The cost associated with speakers and guests used
23 by a school district in their professional development
24 activities.

25 3. The commissioner of education shall establish an
26 online form that each school district in this state shall
27 complete with information required under subsection 2 of
28 this section.

29 4. A school district shall submit any updates to the
30 information outlined in subsection 2 of this section within
31 five businesses days of the information changing.

32 5. The commissioner of education shall update the
33 portal with the information required by this section to be
34 submitted by each school district no less than weekly and
35 shall ensure that the portal is maintained as the primary
36 centralized source of information about the curriculum and
37 instructional materials used by public school districts.

38 6. The department of elementary and secondary
39 education may promulgate rules to implement this section.
40 Any rule or portion of a rule, as that term is defined in
41 section 536.010, that is created under the authority
42 delegated in this section shall become effective only if it
43 complies with and is subject to all of the provisions of
44 chapter 536 and, if applicable, section 536.028. This
45 section and chapter 536 are nonseverable and if any of the
46 powers vested with the general assembly pursuant to chapter
47 536 to review, to delay the effective date, or to disapprove
48 and annul a rule are subsequently held unconstitutional,
49 then the grant of rulemaking authority and any rule proposed
50 or adopted after August 28, 2022, shall be invalid and void.

170.011. 1. Regular courses of instruction in the
2 Constitution of the United States and of the state of
3 Missouri and in American history and **American literature so**
4 **students gain an understanding of our government**
5 institutions shall be given in all public and private
6 schools in the state of Missouri, except proprietary

7 schools, and shall begin not later than the seventh grade
8 and continue [in] **throughout** high school to an extent
9 determined by the state commissioner of education, and shall
10 continue in college and university courses to an extent
11 determined by the state commissioner of higher education.

12 **These courses shall promote an overall positive and**
13 **comprehensive history and understanding of the United**
14 **States.** In the 1990-91 school year and each year
15 thereafter, local school districts maintaining high schools
16 shall comply with the provisions of this section by offering
17 in grade nine, ten, eleven, or twelve a course of
18 instruction in the institutions, branches and functions of
19 the government of the state of Missouri, including local
20 governments, and of the government of the United States, and
21 in the electoral process. A local school district
22 maintaining such a high school shall require that prior to
23 the completion of the twelfth grade each pupil who receives
24 a high school diploma or certificate of graduation on or
25 after January 1, 1994, shall satisfactorily complete such a
26 course of study. Such course shall be of at least one
27 semester in length and may be two semesters in length. The
28 department of elementary and secondary education may provide
29 assistance in developing such a course if the district
30 requests assistance. A school district may elect to waive
31 the requirements of this subsection for any student who
32 transfers from outside the state to a Missouri high school
33 if the student can furnish documentation deemed acceptable
34 by the school district of the student's successful
35 completion in any year from the ninth through the twelfth
36 grade of a course of instruction in the institutions,
37 branches, and functions of state government, including local

38 governments, and of the government of the United States, and
39 in the electoral process.

40 2. American history courses at the elementary and
41 secondary levels shall include in their proper time-line
42 sequence specific referrals to the details and events of the
43 racial equality movement that have caused major changes in
44 United States and Missouri laws and attitudes.

45 3. No pupil shall receive a certificate of graduation
46 from any public or private school other than private trade
47 schools unless he or she has satisfactorily passed an
48 examination on the provisions and principles of the
49 Constitution of the United States and of the state of
50 Missouri, and in American history, American institutions,
51 and American civics. A school district may elect to waive
52 the requirements of this subsection for any student who
53 transfers from outside the state to a Missouri high school
54 if the student can furnish documentation deemed acceptable
55 by the school district of the student's successful
56 completion in any year from the ninth through the twelfth
57 grade of a course of instruction in the institutions,
58 branches, and functions of state government, including local
59 governments, and of the government of the United States, and
60 in the electoral process. A student of a college or
61 university, who, after having completed a course of
62 instruction prescribed in this section and successfully
63 passed an examination on the United States Constitution, and
64 in American history and American institutions required
65 hereby, transfers to another college or university, is not
66 required to complete another such course or pass another
67 such examination as a condition precedent to his graduation
68 from the college or university.

69 4. In the 1990-91 school year and each year
70 thereafter, each school district maintaining a high school
71 may annually nominate to the state board of education a
72 student who has demonstrated knowledge of the principles of
73 government and citizenship through academic achievement,
74 participation in extracurricular activities, and service to
75 the community. Annually, the state board of education shall
76 select fifteen students from those nominated by the local
77 school districts and shall recognize and award them for
78 their academic achievement, participation and service.

79 5. The provisions of this section shall not apply to
80 students from foreign countries who are enrolled in public
81 or private high schools in Missouri, if such students are
82 foreign exchange students sponsored by a national
83 organization recognized by the department of elementary and
84 secondary education.

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

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

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

11 **(a) The title, author, organization, and any website
12 associated with each material and activity;**

13 **(b) A brief description of the instructional material;**

14 **(c) A link to the instructional material, if publicly
15 available on the internet, or information on how to request
16 review of a copy of the instructional material; and**

17 (d) If the instructional material was created by a
18 staff or faculty member, the identity of such person; and

19 (3) Any procedures for the documentation, review, or
20 approval of the training, instructional, or curricular
21 materials used for staff and faculty training or student
22 instruction at the school, including by the principal,
23 curriculum administrators, or other teachers.

24 Nothing in this subsection shall be construed to require the
25 digital reproduction or posting of copies of instructional
26 materials if such reproduction or posting would infringe
27 upon a copyright, provided that such copyrighted material
28 shall be made available upon request to the extent
29 authorized by law.

30 2. The information required by subsection 1 of this
31 section shall be displayed online within seven days after
32 the first instance of training or instruction in which the
33 materials are used. Such information shall remain displayed
34 on the school website for at least two years.

35 3. No school district, and no public charter school
36 for the purposes of subdivision (2) of this subsection only,
37 shall:

38 (1) Permit teachers or administrators to require or
39 make part of a course or award a grade or course credit,
40 including extra credit, for a student's:

41 (a) Political activism, lobbying, or efforts to
42 persuade members of the legislative or executive branch at
43 the federal, state, or local level to take specific actions
44 by direct communication; or

45 (b) Participation in any internship, practicum, or
46 similar activity involving social or public-policy advocacy;

47 (2) Direct or otherwise compel a teacher,
48 administrator, or student personally to affirm, adopt, or
49 adhere to any belief or concept that:

50 (a) The United States or the state of Missouri is
51 fundamentally or irredeemably racist or sexist;

52 (b) An individual, by virtue of sex, race, ethnicity,
53 religion, color, or national origin, is inherently racist,
54 sexist, or oppressive, whether consciously or unconsciously;

55 (c) An individual, by virtue of sex, race, ethnicity,
56 religion, color, or national origin, should be blamed for
57 actions committed in the past by other members of the same
58 sex, race, ethnicity, religion, color, or national origin; or

59 (d) An individual's moral character is necessarily
60 determined, in whole or in part, by his or her sex, race,
61 ethnicity, religion, color, or national origin;

62 (3) Use public funds to contract with, hire, or
63 otherwise engage speakers, consultants, diversity trainers,
64 and other persons:

65 (a) To engage students, teachers, administrators, and
66 other employees in activism or advocacy described in
67 subdivision (1) of this subsection;

68 (b) To direct or otherwise compel a teacher,
69 administrator, or student personally to affirm, adopt, or
70 adhere to any belief or concept described in subdivision (2)
71 of this subsection; or

72 (c) To advocate concepts described in subdivision (2)
73 of this subsection unless:

74 a. The school district expressly makes clear that it
75 does not sponsor, approve, or endorse such beliefs and
76 concepts; and

77 b. The school district affords students, teachers,
78 administrators, and other employees the opportunity to opt
79 out of any speeches by or sessions with such persons.

80 4. No school district, public school, or charter
81 school may require a student, teacher, administrator, or
82 other employee to attend or participate in a training,
83 seminar, continuing education, orientation, or therapy that
84 promotes any belief or concept described in subdivision (2)
85 of subsection 3 of this section.

86 5. Nothing in this section shall be construed as
87 prohibiting:

88 (1) Speech protected by Article I, Section 8 of the
89 Constitution of Missouri or the First Amendment to the
90 Constitution of the United States;

91 (2) Voluntary attendance in a training session,
92 seminar, continuing education, orientation, or therapy,
93 provided that there is no inducement or coercion for such
94 attendance;

95 (3) Access to sources on an individual basis that
96 advocate concepts described in subdivision (2) of subsection
97 3 of this section for the purpose of research or independent
98 study;

99 (4) Discussion of beliefs or concepts described in
100 subdivision (2) of subsection 3 of this section or the
101 assignment of materials that incorporate such beliefs or
102 concepts for educational purposes, provided that the public
103 school expressly makes clear that it does not sponsor,
104 approve, or endorse such beliefs or concepts; or

105 (5) The use of curriculum that teaches the topics of
106 sexism, slavery, racial oppression, racial segregation, or
107 racial discrimination, including topics relating to the

108 enactment and enforcement of laws resulting in sexism,
109 racial oppression, segregation, and discrimination.

110 6. Any employee of a school district that discloses a
111 violation of this section shall be protected from any manner
112 of retaliation as set forth in section 105.055.

113 7. (1) Suit for alleged violations of this section
114 may be brought by the department of elementary and secondary
115 education; the attorney general; the prosecuting attorney,
116 county counselor, or circuit attorney for the city or county
117 in which the school district, public school, or charter
118 school alleged to have violated this section is located; or
119 any aggrieved person, taxpayer, or citizen residing in such
120 city or county.

121 (2) Such suit shall be initiated in the circuit court
122 for the city or county in which the school district, public
123 school, or charter school alleged to have violated this
124 section is located.

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

129 (4) Upon a finding by a preponderance of the evidence
130 that a school district, public school, or charter school has
131 knowingly violated this section, the court shall issue a
132 civil penalty in an amount up to one thousand dollars and
133 may order the payment by such district or school of all
134 costs and reasonable attorney fees to any party successfully
135 establishing such violation.

136 (5) Upon a finding by a preponderance of the evidence
137 that a school district, public school, or charter school has
138 purposefully violated this section, the court shall issue a
139 civil penalty in an amount up to ten thousand dollars and

140 may order the payment by such district or school of all
141 costs and reasonable attorney fees to any party successfully
142 establishing such violation.

143 8. A school district or charter school which is in
144 doubt whether any action or decision would violate this
145 section may bring suit at such district or school's expense
146 in the circuit court of the city or county in which such
147 district or school is located to ascertain the propriety of
148 any such action or decision. Review of such action or
149 decision may include consideration of a proposed use of
150 school resources or of particular pieces of training,
151 instructional, or curricular material.

152 9. A school district or charter school which is in
153 doubt whether any action or decision would violate this
154 section may seek a formal opinion of the attorney general to
155 ascertain the propriety of any such action or decision.
156 Review of such action or decision may include consideration
157 of a proposed use of school resources or of particular
158 pieces of training, instructional, or curricular material.

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

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