

SECOND REGULAR SESSION

HOUSE BILL NO. 1068

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRAY AND WILLIAMS (Co-sponsors).

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3091L.011

AN ACT

To amend chapter 160, RSMo, by adding thereto thirteen new sections relating to gender discrimination in public schools.

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

Section A. Chapter 160, RSMo, is amended by adding thereto thirteen new sections, to
2 be known as sections 160.800, 160.802, 160.804, 160.806, 160.808, 160.810, 160.812, 160.814,
3 160.816, 160.818, 160.820, 160.822, and 160.826, to read as follows:

**160.800. 1. The purpose of sections 160.800 to 160.826 is to eliminate gender
2 discrimination in the public schools of this state and to provide for gender equity.**

3 2. As used in sections 160.800 to 160.826, the following terms mean:

4 (1) "Public education", the course of instruction received in a public school;

**5 (2) "Public schools", any state-supported community or junior college, college,
6 university, vocational school, grade school, or high school.**

**160.802. The Missouri women's council, established in chapter 186, RSMo, shall
2 research and survey public school policies and the differentiation of participation rates
3 between males and females in courses, counseling, classroom activity, athletic programs,
4 vocational programs, and other areas in order to prepare a gender equity report. The
5 council shall submit such gender equity report to the speaker of the house of
6 representatives and the president pro tempore of the senate by January 1, 2004. The
7 report shall recommend changes which may need to be made in order to approach gender
8 equity.**

**160.804. Discrimination on the basis of gender against a student in public education
2 is prohibited as a violation of Missouri law. No person in this state may on the basis of
3 gender be excluded from participation in, be denied the benefits of, or be subjected to**

4 discrimination under any educational program or activity receiving federal or state
5 financial assistance.

160.806. Nothing in sections 160.800 to 160.826 shall be construed to require any
2 public school to grant preferential or disparate treatment of the members of one sex on
3 account of an imbalance which may exist with respect to the total number or percentage
4 of persons of that sex participating in, or receiving the benefits of, any state-supported
5 program or activity, in comparison with the total number or percentage of persons of that
6 sex in any community, district, or other areas. However, this section shall not be construed
7 to prevent the consideration in any hearing or proceeding held pursuant to the provisions
8 of sections 160.800 to 160.826 of statistical evidence which tends to show that such an
9 imbalance exists with respect to the participation in or receipt of benefits of, any state-
10 supported program or activity by the members of one sex.

160.808. Guidance and counseling services in public schools shall be available to
2 students equally. Such services shall stress access to career and vocational opportunities
3 to students without regard to gender.

160.810. Entrance requirements for public education classes shall be designed
2 without regard to gender.

160.812. Equal opportunity for both sexes in athletics and in recreation shall be
2 provided. Separate school-sponsored teams may be provided for each sex if the sport
3 involves heavy physical contact such as in basketball, boxing, football, ice hockey, and
4 wrestling. A public school which sponsors separate teams in a particular sport shall
5 provide equipment and supplies, services and opportunities, including use of playing time,
6 courts, gymnasiums, and pool, to both teams with no disparities based on gender.

160.814. 1. Textbooks and instructional material shall be reviewed for evidence of
2 gender bias by the local school board. Nothing in this section prohibits the use of literary
3 works but the gender bias of the literary work shall be noted in the annual policy
4 registration report required by this section.

2. Each school board shall annually register its textbook and instructional material
6 review policy with the department of elementary and secondary education by January first.

160.816. No institution of higher education receiving state funds shall discriminate
2 on the basis of gender with respect to admissions, financial aid, student medical, hospital
3 and accident, or life insurance benefits, housing, rules and regulations, research, or any
4 and all other school functions and activities.

160.818. The department of elementary and secondary education shall:

2 (1) Require all public elementary and secondary schools to submit plans for the
3 implementation of sections 160.800 to 160.826 to the department of elementary and
4 secondary education;

5 (2) Conduct an annual review of public elementary and secondary school plans

6 submitted pursuant to subdivision (1) of this section to determine compliance with sections
7 160.800 to 160.826 and, after a finding that the public school is not in compliance with this
8 section, notify the school of the steps that it must take to attain compliance;

9 (3) Provide technical assistance to public elementary and secondary schools who
10 have not submitted a plan sufficient to meet the requirements of subdivision (1) of this
11 section;

12 (4) Require school districts receiving funds for professional development pursuant
13 to section 160.530 to use a portion of such funds to provide training for public school
14 teachers and administrators in gender equity issues and the implementation of gender
15 equity policies. Each school district in the state shall participate in at least one training
16 session per year.

160.820. The governing body of each state-supported institution of higher education
2 shall submit plans to the coordinating board of higher education for the implementation
3 of the applicable provisions of sections 160.800 to 160.826.

160.822. 1. Any person who is aggrieved by unlawful discrimination in a public
2 elementary or secondary school may file a complaint with the local school board. The local
3 school board shall investigate any complaint of unlawful discrimination and make a
4 written report to the complainant within ninety days of the filing. The written report shall
5 contain a finding of the school board regarding the complaint itself and any actions to be
6 taken by the school board to rectify any problems uncovered in the investigation of the
7 complaint.

8 2. If the aggrieved person does not agree with the findings of the local school board
9 or does not agree with the school board's plan to correct the discrimination, after
10 exhausting such administrative remedies, such person may file a civil action in the circuit
11 court of the county in which the public elementary or secondary school is located for
12 equitable relief, monetary damages, or both. The court may order such other relief as it
13 deems appropriate, including reasonable attorney's fees and court costs.

160.826. 1. Any person who is aggrieved by unlawful discrimination in a state-
2 supported vocational school, junior college, college, or university may file a complaint with
3 the governing body of the institution. Such governing body shall investigate any complaint
4 of unlawful discrimination and make a written report to the complainant within ninety
5 days of the filing. The written report shall contain a finding of the governing body
6 regarding the complaint itself and any actions to be taken by the governing body to rectify
7 any problems uncovered in the investigation of the complaint.

8 2. If the aggrieved person does not agree with the findings of the governing body
9 of the institution or does not agree with the governing body's plan to correct the
10 discrimination, such person may then file a civil action in the circuit court of the county
11 in which the institution of higher learning is located for equitable relief, monetary

12 **damages, or both. The court may order such other relief as it deems appropriate, including**
13 **reasonable attorney's fees and court costs.**

14 **3. Filing a complaint pursuant to sections 160.800 to 160.826 shall not prevent an**
15 **aggrieved person from filing a complaint with the United States Office of Civil Rights**
16 **under Title IX of the Education Amendments of 1972.**