

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for House Bill No. 1858,
Page 1, Line 1, by inserting after the number "1858," the following:

"Page 2, Section 37.850, Line 36, by inserting the following after all of the said section and line:

"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:

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

(b) Psychological or social emotional data; or

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

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

4. At least five years of data showing percentages of students by grade level, subject, and

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percentage level of proficiency based on state assessment scores shall be posted in the same section as the curricula on the district's website and shall also be available for inspection at each school within the district.

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

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

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

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

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

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

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

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

Further amend said bill,"; and

Further amend said amendment and page, Line 8, by inserting after said line the following:

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2 "Further amend said bill and section, Page 5, Line 94, by inserting after said section and line the
3 following:

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

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

11 (1) All curricula taught by the school district;

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

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

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

18 (5) All speakers and guests used by a school district in its professional development
19 activities;

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

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

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

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

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

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

39 170.360. 1. (1) School districts and charter schools shall display the following information

1 on the school website in an easily accessible location:

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

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

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

7 b. A brief description of the instructional material;

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

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

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

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

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

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

27 4. (1) Suit for alleged violations of this section may be brought by the department of
28 elementary and secondary education; the attorney general; the prosecuting attorney, county
29 counselor, or circuit attorney for the city or county in which the school district, public school, or
30 charter school alleged to have violated this section is located; or any aggrieved person, taxpayer, or
31 citizen residing in such city or county.

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

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

37 (4) Upon a finding by a preponderance of the evidence that a school district, public school,
38 or charter school has knowingly violated this section, the court shall issue a civil penalty in an
39 amount up to one thousand dollars and may order the payment by such district or school of all costs

1 and reasonable attorney's fees to any party successfully establishing such violation.

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

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

11 6. A school district or charter school that doubts whether any action or decision would
12 violate this section may seek a formal opinion of the attorney general to ascertain the propriety of
13 any such action or decision. Review of such action or decision may include consideration of a
14 proposed use of school resources or of particular pieces of training, instructional, or curricular
15 material."; and

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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.

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20 THIS AMENDS 4070H03.01H.