

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2820

1 AN ACT ENTITLED THE "TRANSPARENCY IN EDUCATION ACT"; TO
 2 PROVIDE PARENTS OF PUBLIC SCHOOL STUDENTS CERTAIN RIGHTS RELATED
 3 TO THEIR CHILD'S EDUCATION, INCLUDING THE RIGHT TO REVIEW A
 4 SYLLABUS, CURRICULUM AND TEACHER-TRAINING MATERIALS AND MEET WITH
 5 THE TEACHER TO DISCUSS COURSE CONTENT; TO REQUIRE PUBLIC SCHOOLS
 6 TO ADOPT PROCEDURES TO ENSURE THAT A PARENT PROVIDES WRITTEN
 7 PERMISSION BEFORE THEIR CHILD PARTICIPATES IN IDENTITY CURRICULUM
 8 OR CRITICAL THEORY CURRICULUM AND ALLOW PARENTS TO EXEMPT THEIR
 9 CHILD FROM ANY SPECIFIC LESSONS THAT ARE OBJECTIONABLE TO THE
 10 FAMILY; TO DIRECT PUBLIC SCHOOLS TO HOLD A CURRICULUM NIGHT TO
 11 ALLOW PARENTS TO REVIEW THE CURRICULUM AND MEET WITH TEACHERS AND
 12 STAFF; TO PROVIDE PARENTAL ACCESS TO CERTAIN SCHOOL DISTRICT
 13 RECORDS CONCERNING THEIR CHILD; TO PROVIDE COMPLAINT PROCEDURES;
 14 TO AMEND SECTION 37-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
 15 AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1. Title.** This act may be known and cited as the
 18 "Transparency in Education Act."

19 **SECTION 2. Definitions.** As used in this act:

20 (a) "Curriculum" includes all textbooks, reading
 21 materials, handouts, videos, presentations, digital materials,
 22 websites, online applications, digital applications for a phone,
 23 laptop or tablet, questionnaires, surveys, or other written or
 24 electronic materials that have been or will be assigned,



25 distributed, or otherwise presented physically or virtually to
26 students in a class or course.

27 (b) "Identity curriculum" means curriculum that has the
28 goal or purpose of studying, exploring, or informing students
29 about gender roles or stereotypes, gender identity, gender
30 expression, sexual orientation, or romantic or sexual
31 relationships.

32 (c) "Critical theory curriculum" means curriculum that
33 discusses any of the following concepts:

34 (i) The United States or the State of Mississippi
35 is fundamentally, inherently, or irredeemably racist, sexist,
36 oppressive or discriminatory;

37 (ii) An individual, by virtue of sex, race,
38 ethnicity, religion, color or national origin, is inherently
39 racist, sexist, oppressive or discriminatory whether consciously
40 or unconsciously;

41 (iii) An individual, by virtue of sex, race,
42 ethnicity, religion, color or national origin, should be blamed or
43 held responsible for actions committed in the past by other
44 members of the individual's sex, race, ethnicity, religion, color
45 or national origin;

46 (iv) An individual's moral character is
47 necessarily determined, in whole or in part, by the individual's
48 sex, race, ethnicity, religion, color or national origin;



49 (v) An individual should feel guilt, blame,
50 discomfort, anguish, or any other form of psychological distress
51 on account of the individual's sex, race, ethnicity, religion,
52 color or national origin; or

53 (vi) Any individual, by virtue of sex, race,
54 ethnicity, religion, color or national origin, is marginalized as
55 perpetually victimized or unable to advance in society due to
56 being victimized, marginalized, or oppressed by others.

57 (d) "Public school" or "school" means a school subject
58 to the provisions of Title 37, Mississippi Code of 1972. Public
59 school does not include any school not subject to Title 37,
60 including a private school, religious school or home-educating
61 family.

62 (e) "Parent" means the natural or adoptive parent or
63 legal guardian of a minor child.

64 (f) "Syllabus" means a written description of all
65 topics and subjects taught in a class or course, and shall include
66 a list of all curriculum used in the class or course, the identity
67 of all individuals providing in-person or live remote instruction
68 in the class or course, and a description of any assemblies, guest
69 lectures, field trips, or other educational activities that are
70 part of the class or course.

71 **SECTION 3. Parents' rights and school procedures.** (1) Each
72 public school shall have a procedure for a parent to:



73 (a) Review the syllabus and all curriculum for each
74 class or course offered by the school, and any teacher-training
75 materials, during regular hours of operation of the school or by
76 special appointment;

77 (b) Copy and record information from the syllabus,
78 curriculum and any teacher-training materials; and

79 (c) Meet with the teacher of the class or course, the
80 principal, or other representative from the school to discuss the
81 syllabus, curriculum and any teacher-training materials.

82 (2) Each public school shall have a procedure to ensure that
83 a child does not attend any instruction or presentation that
84 includes Identity Curriculum or Critical Theory Curriculum unless
85 the school has received written permission from the child's parent
86 authorizing the child to attend the instruction or presentation.

87 (3) Each public school shall have a procedure for a parent
88 to withdraw their child from any specific instruction or
89 presentation that the parent, in the parent's sole discretion,
90 objects to their child receiving. The procedure shall set forth
91 reasonable arrangements that school personnel will take to provide
92 alternative instruction or educational activities to the child.
93 Alternative instruction may be provided by the parent if the
94 alternative instruction offered by the school does not meet the
95 concerns of the parent. The school is not required to pay for the
96 costs of alternative instruction provided by a parent. School
97 personnel may not impose an academic or other penalty upon a child



98 who is withdrawn from an objectionable instruction or presentation
99 under this section. This section does not exempt a child from
100 satisfying grade-level or graduation requirements.

101 (4) Each public school shall publish the procedures required
102 by this section on the school's website.

103 **SECTION 4. Curriculum transparency.** (1) At least seven
104 (7) days prior to the start of each academic school period or
105 semester, a public school shall:

106 (a) Compile a physical and/or electronic copy of the
107 syllabus and all curriculum for each class or course offered by
108 the school;

109 (b) Post on the school's website a syllabus for each
110 class or course offered by the school;

111 (c) Schedule and provide written notice to all parents
112 of a "curriculum night" which shall be held no later than fourteen
113 (14) days after the start of each academic school period or
114 semester. During the curriculum night, the school shall allow
115 parents to:

116 (i) Review in-person the syllabus and all
117 curriculum for each class or course offered by the school; and

118 (ii) Speak about the subjects and curriculum
119 taught in a class or course with the teacher, or if the teacher is
120 unavailable, another representative from the school familiar with
121 the subjects and curriculum of the course or class.



122 (d) Send a written notice to the parents of each child
123 enrolled in the school, and post on a conspicuous location on the
124 school's website, the following information:

125 (i) Parents have the right to review the syllabus
126 and all curriculum for each class or course at the school office
127 during regular hours of operation or after regular hours by
128 special appointment;

129 (ii) Parents have the right to copy or record
130 information from the syllabus and curriculum;

131 (iii) Parents have the right to meet with the
132 teacher of the class or course, the principal, or other
133 representative from the school to discuss the syllabus and
134 curriculum;

135 (iv) An explanation of the rights of parents and
136 obligations of public schools set forth in this act, including an
137 active website address where parents can read a copy of this act;

138 (v) A permission form that a parent must sign and
139 return to the school prior to their child attending any
140 instruction or presentation containing Identity Curriculum or
141 Critical Theory Curriculum; and

142 (vi) A form that a parent may sign and return to
143 the school to withdraw their child from any specific instruction
144 or presentation that the parent, in the parent's sole discretion,
145 objects to their child receiving.



146 (2) If any curriculum is added to a class or course after
147 the start of each academic school period or semester, the school
148 shall provide the following to parents of each child enrolled in
149 the class or course at least three (3) days prior to the added
150 curriculum being taught:

151 (a) A written or electronic copy of the revised
152 syllabus which shall conspicuously identify the added curriculum;

153 (b) A written or electronic statement informing parents
154 of their right to review the added curriculum for each class or
155 course offered by the school and copy and record information from
156 the revised syllabus and added curriculum to discuss with the
157 teacher, the principal, or other representative from the school;

158 (c) A written or electronic statement informing parents
159 that they may withdraw their child from any specific instruction
160 or presentation that the parent, in the parent's sole discretion,
161 objects to their child receiving and provide a link to the
162 location on the school's website where a parent can obtain the
163 form.

164 **SECTION 5. Right to access a child's educational records.**

165 (1) A parent shall have access to all written and electronic
166 records concerning the parent's child that are controlled by or in
167 the possession of a school district, district employee or any
168 person or organization hired, contracted or authorized by the
169 school district to provide services to students, including:

170 (a) Attendance records;



171 (b) Test scores of school-administered tests and
172 state-wide assessments;

173 (c) Grades;

174 (d) Extracurricular activity or club participation;

175 (e) Their child's email accounts;

176 (f) Their child's online or virtual accounts or data;

177 (g) Disciplinary records;

178 (h) Counseling records;

179 (i) Psychological records;

180 (j) Applications for admission;

181 (k) Health and immunization information, including any
182 medical records maintained by a health clinic or medical facility
183 operated or controlled by the school district or located on
184 district property;

185 (l) Teacher and counselor evaluations; and

186 (m) Reports of behavioral patterns.

187 (2) School employees shall not withhold or conceal
188 information from, or facilitate, encourage or coerce a child to
189 withhold or conceal information from, the child's parents about
190 the child's:

191 (a) Curricular or extracurricular projects, assignments
192 or activities;

193 (b) Physical, emotional, or mental health; or



194 (c) Purported gender identity or requested transition,
195 where the child's purported gender identity is incongruous with
196 his or her biological sex.

197 **SECTION 6. Remedies for violations.** (1) A parent may
198 submit a written complaint detailing any violation of this act to
199 the superintendent of the school district. The parent shall be
200 entitled to a meeting with the superintendent to discuss the
201 complaint if desired by the parent. The superintendent shall
202 investigate the complaint and respond to the parent in writing
203 within fourteen (14) days after receiving the complaint describing
204 the actions the superintendent shall take to remedy the complaint.

205 (2) A parent may appeal the actions of the superintendent to
206 the school district local school board by submitting a written
207 complaint detailing the violation of the act and a description why
208 the superintendent's response failed to remedy the complaint. The
209 local school board shall appoint a committee to investigate any
210 such complaints. The committee shall meet with the parent to
211 discuss the complaint. Within thirty (30) days of receiving the
212 complaint, the committee shall submit a recommended response and
213 proposed steps to remedy the complaint to the full board for
214 action by the board at the next regularly scheduled meeting.

215 (3) If the board's action does not remedy a complaint, a
216 parent may file suit and assert a violation of this act as a claim
217 against the school district.



218 (4) Nothing in this section precludes a parent from filing a
219 suit asserting a violation of this act or any other claim
220 otherwise allowed by law.

221 (5) A parent that successfully asserts a claim under this
222 act may recover:

223 (a) Declaratory relief;

224 (b) Injunctive relief to prevent or remedy a violation
225 of this act or the effects of such a violation;

226 (c) Reasonable attorneys' fees and costs; and

227 (d) Any other appropriate relief.

228 **SECTION 7. Student privacy.** Any student whose bodily
229 privacy is violated, including encountering a person of the
230 opposite sex in a bathroom, locker room or other facility
231 traditionally designated for the exclusive use of members of one
232 sex, by any action, policy or practice of a primary or secondary
233 school or institution of higher education shall have a private
234 cause of action for injunctive relief, damages and any other
235 relief available under law against the school or institution.

236 **SECTION 8. Rules of construction and severability.** (1)
237 This act shall be construed in favor of a broad protection of
238 parental authority over the care, upbringing, and education of
239 their child.

240 (2) If any provision of this act or any application of such
241 provision to any particular person or circumstance is held to be
242 invalid under law, the remainder of this act and the application



243 of its provisions to any other person or circumstance shall not be
244 affected.

245 **SECTION 9.** Section 37-13-9, Mississippi Code of 1972, is
246 amended as follows:

247 37-13-9. The State Board of Education is hereby authorized
248 to appoint a curriculum committee, composed of professional and
249 lay members, not to exceed seven (7) in number, to make a
250 continuous study of the curriculum of the public schools and to
251 make recommendations to the State Board of Education from time to
252 time as to changes which should be made in the curriculum in the
253 grammar school grades and in the high school grades. On or before
254 July 1, 2023, and annually thereafter, the curriculum committee
255 shall develop a report to the State Board of Education and
256 Legislature relating to the compliance of each public school
257 district and school in the state with the provisions of the
258 "Transparency in Education Act" with recommendations to the
259 Commission on School Accreditation regarding the continued
260 accreditation of each school district and school based on
261 compliance with said act. The members of such committee as of
262 July 1, 1954, shall continue to serve until the expiration of the
263 terms for which they were appointed; thereafter, the members of
264 such committee shall be appointed and serve for a term of two (2)
265 years and until their successors are appointed. Each member of
266 said committee shall receive a per diem of Fifteen Dollars
267 (\$15.00) for each day actually spent attending the meetings of the



268 committee and, in addition, each member shall be reimbursed for
269 actual travel expenses at the rate of Six Cents (\$.06) per mile
270 for each mile traveled in attending the meetings of the committee.
271 However, the total amount paid to any member of the committee for
272 per diem shall not exceed the sum of One Hundred Fifty Dollars
273 (\$150.00) in any one (1) year. The per diem and travel expenses
274 provided for herein shall be paid out of such appropriation as may
275 be made for such purpose by the Legislature.

276 **SECTION 10.** This act shall take effect and be in force from
277 and after July 1, 2023.

