

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 815

97TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 17, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5623S.06C

AN ACT

To repeal section 160.514, RSMo, and to enact in lieu thereof four new sections relating to the duties of the state board of education.

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

Section A. Section 160.514, RSMo, is repealed and four new sections
2 enacted in lieu thereof, to be known as sections 160.514, 160.516, 161.096, and
3 161.855, to read as follows:

160.514. 1. By rule and regulation, and consistent with the provisions
2 contained in section 160.526, the state board of education shall adopt no more
3 than seventy-five academic performance standards which establish the
4 knowledge, skills and competencies necessary for students to successfully advance
5 through the public elementary and secondary education system of this state; lead
6 to or qualify a student for high school graduation; prepare students for
7 postsecondary education or the workplace or both; and are necessary in this era
8 to preserve the rights and liberties of the people.

9 2. [The state board of education shall convene work groups composed of
10 education professionals to develop and recommend academic performance
11 standards. Separate work groups composed of professionals with appropriate
12 expertise shall be convened for each subject area listed in section 160.518. Active
13 classroom teachers shall constitute the majority of each work group. Teachers
14 serving on such work groups shall be selected by professional teachers'
15 organizations of the state. Additional teachers who are not members of such
16 organizations may serve by appointment of the state board of education]
17 **Whenever the state board of education develops, evaluates, modifies, or**
18 **revises academic performance standards or learning standards, it shall**

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

19 convene work groups to develop and recommend such academic
20 performance standards or learning standards. Separate work groups
21 shall be convened for the following subject areas: English language
22 arts; mathematics; science; and social studies. The subject area of
23 social studies shall incorporate geography and the history and
24 governments of the United States and the world. For each subject area
25 in which the state board of education develops, evaluates, modifies, or
26 revises academic performance standards or learning standards, the
27 state board shall convene two separate work groups, one work group
28 for standards for grades kindergarten through five and a second work
29 group for standards for grades six through twelve. Each work group
30 shall be composed of fourteen members. A person may be selected to
31 serve on more than one work group if he or she is qualified. No work
32 group member shall be required to be a member of a professional
33 teacher association. Any member serving on a work group shall be a
34 Missouri resident for at least three years. A teacher or education
35 professional serving on a work group shall have taught in the work
36 group's subject area for at least ten years or have ten years of
37 experience in that subject area. The president pro tempore of the
38 senate shall appoint two senators who are members of the joint
39 committee on education to the work groups, one member of the
40 majority party and one member of the minority party. The speaker of
41 the house of representatives shall appoint two representatives who are
42 members of the joint committee on education to the work groups, one
43 member of the majority party and one member of the minority
44 party. The state board of education shall select the other members of
45 the work groups from slates of names provided by the following:

46 (1) Two individuals from names provided by statewide
47 associations of parents and teachers or other statewide organizations
48 representing parents of Missouri students;

49 (2) Two teachers from names provided by professional teachers
50 organizations of the state;

51 (3) One school administrator from names provided by a statewide
52 association of school administrators;

53 (4) Two local school board members from names provided by a
54 statewide association of Missouri school boards;

55 (5) One education professional from names provided by the

56 **commissioner of higher education;**

57 **(6) One education professional from names provided by the**
58 **heads of state-approved baccalaureate-level teacher preparation**
59 **programs located in Missouri; and**

60 **(7) One school principal from names provided by a statewide**
61 **association of school principals.**

62 **3. The state board of education shall hold at least three public**
63 **hearings whenever it develops, evaluates, modifies, or revises academic**
64 **performance standards or learning standards. The hearings shall**
65 **provide an opportunity to receive public testimony, including but not**
66 **limited to testimony from educators at all levels in the state, local**
67 **school boards, parents, representatives from business and industry,**
68 **labor and community leaders, members of the general assembly, and**
69 **the general public. The state board of education shall hold the first**
70 **hearing within thirty days of the work groups being convened. The**
71 **state board of education shall hold the second hearing approximately**
72 **six months after it holds the first hearing. The state board of education**
73 **shall hold the third hearing when the work groups submit the academic**
74 **performance standards they have developed to the state board. The**
75 **state board of education shall also solicit comments and feedback on**
76 **the academic performance standards or learning standards from the**
77 **joint committee on education and from academic researchers. All**
78 **comments shall be made publicly available.**

79 **4. The state board of education shall develop written curriculum**
80 **frameworks that may be used by school districts. Such curriculum frameworks**
81 **shall incorporate the academic performance standards adopted by the state board**
82 **of education pursuant to subsection 1 of this section. The curriculum frameworks**
83 **shall provide guidance to school districts but shall not be mandates for local**
84 **school boards in the adoption or development of written curricula as required by**
85 **subsection [4] 5 of this section.**

86 **[4.] 5. Not later than one year after the development of written**
87 **curriculum frameworks pursuant to subsection [3] 4 of this section, the board of**
88 **education of each school district in the state shall adopt or develop a written**
89 **curriculum designed to ensure that students attain the knowledge, skills and**
90 **competencies established pursuant to subsection 1 of this section. Local school**
91 **boards are encouraged to adopt or develop curricula that are rigorous and**

92 ambitious and may, but are not required to, use the curriculum frameworks
93 developed pursuant to subsection [3] 4 of this section. Nothing in this section or
94 this act shall prohibit school districts, as determined by local boards of education,
95 to develop or adopt curricula that provide for academic standards in addition to
96 those identified by the state board of education pursuant to subsection 1 of this
97 section.

98 **6. Local school districts and charter schools may adopt their own**
99 **education standards, in addition to those already adopted by the state,**
100 **provided the additional standards are in the public domain.**

160.516. 1. Notwithstanding the provisions of section 160.514, the
2 state board of education and the department of elementary and
3 secondary education shall not be authorized and are expressly
4 prohibited from mandating the curriculum, textbooks, or other
5 instructional materials to be used in public schools. Each local school
6 board shall be responsible for the approval and adoption of curriculum
7 used by the school district. The provisions of this subsection shall not
8 apply to schools and instructional programs administered by the state
9 board of education and the department of elementary and secondary
10 education or to school districts that are classified as unaccredited.

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

14 3. There is hereby established the "Commission on Science
15 Assessments", which shall consist of seven members appointed by the
16 governor with the advice and consent of the senate. The commission
17 shall be responsible for adopting and revising the science assessments
18 that shall be incorporated into the statewide assessment
19 system. Members shall continue to serve until their successor is duly
20 appointed and qualified. Any vacancy on the commission shall be filled
21 in the same manner as the original appointment. The governor may
22 remove any member appointed by him or her for cause. Members shall
23 serve on the commission without compensation but may be reimbursed
24 for their actual and necessary expenses from moneys appropriated to
25 the department of elementary and secondary education. The
26 department of elementary and secondary education shall provide
27 technical and administrative support as required by the
28 commission. The commission shall meet at least twice annually. The

29 length of term for members shall be five years, except for the initial
30 appointees, who shall be appointed in the following manner:

- 31 (1) One member shall be appointed for a term of one year;
- 32 (2) One member shall be appointed for a term of two years;
- 33 (3) Two members shall be appointed for a term of three years;
- 34 (4) One member shall be appointed for a term of four years;
- 35 (5) Two members shall be appointed for a term of five years.

161.096. 1. The state board of education shall promulgate a rule
2 relating to student data accessibility, transparency, and accountability
3 relating to the statewide longitudinal data system. This rule shall
4 mandate that the department of elementary and secondary education
5 do the following:

6 (1) Create and make publicly available a data inventory and
7 index of data elements with definitions of individual student data fields
8 in the student data system to include, but not be limited to:

9 (a) Any personally identifiable student data required to be
10 reported by state and federal education laws; and

11 (b) Any other individual student data which has been proposed
12 for inclusion in the student data system with a statement regarding the
13 purpose or reason for the proposed collection;

14 (2) Develop policies to comply with all relevant state and federal
15 privacy laws and policies, including but not limited to the federal
16 Family Educational Rights and Privacy Act (FERPA) and other relevant
17 privacy laws and policies. These policies shall include, but not be
18 limited to the following requirements:

19 (a) Access to personally identifiable student data in the
20 statewide longitudinal data system shall be restricted to:

21 a. The authorized staff of the department of elementary and
22 secondary education and the contractors working on behalf of the
23 department who require such access to perform their assigned duties
24 as required by law;

25 b. District administrators, teachers, and school personnel who
26 require such access to perform their assigned duties;

27 c. Students and their parents for their own data; and

28 d. The authorized staff of other state agencies in this state as
29 required by law and governed by interagency data sharing agreements;

30 (b) The department of elementary and secondary education shall

31 **develop criteria for the approval of research and data requests from**
32 **state and local agencies, researchers working on behalf of the**
33 **department, and the public;**

34 **(3) Shall not, unless otherwise provided by law and authorized**
35 **by policies adopted pursuant to this section, transfer personally**
36 **identifiable student data;**

37 **(4) Develop a detailed data security plan that includes:**

38 **(a) Guidelines for authorizing access to the student data system**
39 **and to individual student data including guidelines for authentication**
40 **of authorized access;**

41 **(b) Privacy compliance standards;**

42 **(c) Privacy and security audits;**

43 **(d) Breach planning, notification and procedures;**

44 **(e) Data retention and disposition policies; and**

45 **(f) Data security policies including electronic, physical, and**
46 **administrative safeguards, such as data encryption and training of**
47 **employees;**

48 **(5) Ensure routine and ongoing compliance by the department**
49 **of elementary and secondary education with FERPA, other relevant**
50 **privacy laws and policies, and the privacy and security policies and**
51 **procedures developed under the authority of this section, including the**
52 **performance of compliance audits;**

53 **(6) Ensure that any contracts that govern databases,**
54 **assessments, or instructional supports that include student or redacted**
55 **data and are outsourced to private vendors include express provisions**
56 **that safeguard privacy and security and include penalties for**
57 **noncompliance, except to a local service provider for the limited**
58 **purpose authorized by the school or district. "Local service provider"**
59 **shall mean a party engaged by a school or district to provide a limited**
60 **service supporting the school's day-to-day operations or administrative**
61 **needs, including, but not limited to, transportation, meals, school**
62 **photography or yearbooks, and whose access to student data, if any, is**
63 **limited to "directory information" as that term is defined in the federal**
64 **regulations implementing the federal Family Educational Rights and**
65 **Privacy Act (FERPA), 20 U.S.C. 1232g;**

66 **(7) Notify the governor, the president pro tempore of the senate,**
67 **the speaker of the house of representatives, and the joint committee on**

68 education annually of the following:

69 (a) New student data proposed for inclusion in the state student
70 data system; and

71 (b) Changes to existing data collections required for any reason,
72 including changes to federal reporting requirements made by the U.S.
73 Department of Education;

74 (8) Define quantifiable student performance data to only include
75 performance on locally developed and locally approved assessments,
76 including but not limited to formative assessments developed by
77 classroom teachers; and

78 (9) The department of elementary and secondary education shall
79 not collect, nor shall school districts report the following individual
80 student data:

81 (a) Juvenile court delinquency records;

82 (b) Criminal records;

83 (c) Student biometric information;

84 (d) Student political affiliation; or

85 (e) Student religion.

86 2. Any rule or portion of a rule, as that term is defined in section
87 536.010 that is created under the authority delegated in this section
88 shall become effective only if it complies with and is subject to all of
89 the provisions of chapter 536, and, if applicable, section 536.028. This
90 section and chapter 536 are nonseverable and if any of the powers
91 vested with the general assembly pursuant to chapter 536, to review, to
92 delay the effective date, or to disapprove and annul a rule are
93 subsequently held unconstitutional, then the grant of rulemaking
94 authority and any rule proposed or adopted after August 28, 2014, shall
95 be invalid and void.

161.855. 1. By October 1, 2014, the state board of education shall
2 convene work groups to develop and recommend new academic
3 performance standards or learning standards. The work groups shall
4 be composed of individuals as provided in section 160.514. The state
5 board of education and the work groups shall follow the procedures
6 and conduct the public hearings required by section 160.514. The state
7 board of education shall convene separate work groups for the
8 following subject areas: English language arts; mathematics; science;
9 and social studies. For each of these four subject areas, the state board

10 of education shall convene two separate work groups, one work group
11 for grades kindergarten through five and another work group for
12 grades six through twelve.

13 2. The department of elementary and secondary education shall
14 pilot assessments from the Smarter Balanced Assessment Consortium
15 during the 2014-15 school year for every school district and charter
16 school in the state. For the 2014-2015 school year, the results of the
17 statewide pilot assessments shall not be used for high stakes
18 accountability or teacher evaluations, or to lower any public school
19 district's accreditation.

20 3. The work groups shall develop and recommend new academic
21 performance standards that meet the needs of the students of the state
22 to the state board of education by October 1, 2015. The work groups
23 shall report on their progress in developing the academic performance
24 standards to the president pro tempore of the senate and the speaker
25 of the house of representatives on a monthly basis.

26 4. The state board of education shall adopt and implement new
27 academic performance standards beginning in the 2016-2017 school
28 year. The state board of education shall align the statewide assessment
29 system to the new academic performance standards as needed within
30 three years of adopting new academic performance standards.

31 5. Any person performing work for a school district or charter
32 school for which teacher certification or administrator certification is
33 regularly required under the laws relating to the certification of
34 teachers or administrators shall be an employee of the school district
35 or charter school. All evaluations of any such person shall be
36 maintained in the teacher's or administrator's personnel file and shall
37 not be shared with any state or federal agency.

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