

SECOND REGULAR SESSION

SENATE BILL NO. 815

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 3, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5623S.02I

AN ACT

To amend chapters 160 and 161, RSMo, by adding thereto two 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. Chapters 160 and 161, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 160.516 and 161.096, to read as follows:

**160.516. 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. The provisions of
6 this section shall not apply to schools and instructional programs
7 administered by the state board of education and the department of
8 elementary and secondary education or to school districts that are
9 classified as unaccredited.**

**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, assessments
54 or instructional supports that include student or redacted data and are
55 outsourced to private vendors include express provisions that
56 safeguard privacy and security and include penalties for
57 noncompliance; and

58 (7) Notify the governor, the president pro tempore of the senate,
59 the speaker of the house of representatives, and the joint committee on
60 education annually of the following:

61 (a) New student data proposed for inclusion in the state student
62 data system; and

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

66 (8) The department of elementary and secondary education shall
67 not collect, nor shall school districts report the following individual
68 student data:

69 (a) Juvenile court delinquency records;

70 (b) Criminal records;

71 (c) Student biometric information;

72 (d) Student political affiliation; or

73 (e) Student religion.

74 2. Any rule or portion of a rule, as that term is defined in section
75 536.010 that is created under the authority delegated in this section
76 shall become effective only if it complies with and is subject to all of
77 the provisions of chapter 536, and, if applicable, section 536.028. This
78 section and chapter 536 are nonseverable and if any of the powers
79 vested with the general assembly pursuant to chapter 536, to review, to
80 delay the effective date, or to disapprove and annul a rule are
81 subsequently held unconstitutional, then the grant of rulemaking
82 authority and any rule proposed or adopted after August 28, 2014, shall
83 be invalid and void.