

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

SENATE SUBSTITUTE

FOR

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FOR

HOUSE BILL NO. 1490

AN ACT

To repeal sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education standards, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.514, 160.516, 160.518, 160.526, 160.820, 161.092, 161.096, and 161.855, to read as follows:

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

1 rights and liberties of the people.

2 2. [The state board of education shall convene work groups
3 composed of education professionals to develop and recommend
4 academic performance standards. Separate work groups composed of
5 professionals with appropriate expertise shall be convened for
6 each subject area listed in section 160.518. Active classroom
7 teachers shall constitute the majority of each work group.
8 Teachers serving on such work groups shall be selected by
9 professional teachers' organizations of the state. Additional
10 teachers who are not members of such organizations may serve by
11 appointment of the state board of education] Whenever the state
12 board of education develops, evaluates, modifies, or revises
13 academic performance standards or learning standards, it shall
14 convene work groups composed of education professionals to
15 develop and recommend such academic performance standards or
16 learning standards. Separate work groups composed of education
17 professionals shall be convened for the following subject areas:
18 English language arts; mathematics; science; and history and
19 governments. The subject area of history and governments shall
20 incorporate geography and the history and governments of the
21 United States and the world. For each subject area in which the
22 state board of education develops, evaluates, modifies, or
23 revises academic performance standards or learning standards, the
24 state board shall convene two separate work groups, one work
25 group for standards for grades kindergarten through five
26 consisting of sixteen members and a second work group for
27 standards for grades six through twelve consisting of seventeen
28 members. A person may be selected to serve on more than one

1 work group if he or she is qualified. No work group member shall
2 be required to be a member of a professional teacher association.
3 An education professional serving on a work group shall be a
4 Missouri resident for at least three years and have taught in the
5 work group's subject area for at least ten years or have ten
6 years of experience in that subject area, except for the parents
7 appointed by the president pro tempore of the senate and the
8 speaker of the house of representatives. Work group members
9 shall be chosen in such a manner as to represent the geographic
10 diversity of the state.

11 3. Work group members shall be selected in the following
12 manner:

13 (1) Two parents of children currently enrolled in grades
14 kindergarten through twelve shall be selected by the president
15 pro tempore of the senate;

16 (2) Two parents of children currently enrolled in grades
17 kindergarten through twelve shall be selected by the speaker of
18 the house of representatives;

19 (3) One education professional selected by the state board
20 of education from names submitted to it by the professional
21 teachers' organizations of the state;

22 (4) One education professional selected by a statewide
23 association of Missouri school boards;

24 (5) One education professional selected by the state board
25 of education from names submitted to it by a statewide coalition
26 of school administrators;

27 (6) Two education professionals selected by the president
28 pro tempore of the senate in addition to the members selected

1 under subdivision (1) of this subsection;

2 (7) Two education professionals selected by the speaker of
3 the house of representatives in addition to the members selected
4 under subdivision (2) of this subsection;

5 (8) One education professional selected by the governor;

6 (9) One education professional selected by the lieutenant
7 governor;

8 (10) One education professional selected by the
9 commissioner of higher education;

10 (11) One education professional selected by the state board
11 of education from names submitted to it by nationally-recognized
12 career and technical education student organizations operating in
13 Missouri; and

14 (12) One education professional selected by the state board
15 of education from names submitted to it by the heads of state-
16 approved baccalaureate-level teacher preparation programs located
17 in Missouri.

18 The state board of education shall also appoint to each work
19 group for grades six through twelve from names submitted to it by
20 a statewide organization for career and technical education one
21 current or retired career and technical education professional
22 who also serves or served as an advisor to any of the nationally
23 recognized career and technical education student organizations
24 identified in subdivision (4) of subsection 2 of section 178.550.

25 [3.] 4. The state board of education shall hold at least
26 three public hearings whenever it develops, evaluates, modifies,
27 or revises academic performance standards or learning standards.

1 The hearings shall provide an opportunity to receive public
2 testimony, including but not limited to testimony from educators
3 at all levels in the state, local school boards, parents,
4 representatives from business and industry, labor and community
5 leaders, members of the general assembly, and the general public.
6 The state board of education shall hold the first hearing within
7 thirty days of the work groups being convened. The state board
8 of education shall hold the second hearing approximately six
9 months after it holds the first hearing. The state board of
10 education shall hold the third hearing when the work groups
11 submit the academic performance standards they have developed to
12 the state board. The state board of education shall also solicit
13 comments and feedback on the academic performance standards or
14 learning standards from the joint committee on education and from
15 academic researchers. All comments shall be made publicly
16 available.

17 5. The state board of education shall develop written
18 curriculum frameworks that may be used by school districts. Such
19 curriculum frameworks shall incorporate the academic performance
20 standards adopted by the state board of education pursuant to
21 subsection 1 of this section. The curriculum frameworks shall
22 provide guidance to school districts but shall not be mandates
23 for local school boards in the adoption or development of written
24 curricula as required by subsection [4] 6 of this section.

25 [4.] 6. Not later than one year after the development of
26 written curriculum frameworks pursuant to subsection [3] 5 of
27 this section, the board of education of each school district in
28 the state shall adopt or develop a written curriculum designed to

1 ensure that students attain the knowledge, skills and
2 competencies established pursuant to subsection 1 of this
3 section. Local school boards are encouraged to adopt or develop
4 curricula that are rigorous and ambitious and may, but are not
5 required to, use the curriculum frameworks developed pursuant to
6 subsection [3] 5 of this section. Nothing in this section or
7 this act shall prohibit school districts, as determined by local
8 boards of education, to develop or adopt curricula that provide
9 for academic standards in addition to those identified by the
10 state board of education pursuant to subsection 1 of this
11 section.

12 7. Local school districts and charter schools may adopt
13 their own education standards, in addition to those already
14 adopted by the state, provided the additional standards are in
15 the public domain and do not conflict with the standards adopted
16 by the state board of education.

17 160.516. 1. Notwithstanding the provisions of section
18 160.514, the state board of education and the department of
19 elementary and secondary education shall not be authorized to
20 mandate and are expressly prohibited from mandating the
21 curriculum, textbooks, or other instructional materials to be
22 used in public schools. Each local school board shall be
23 responsible for the approval and adoption of curriculum used by
24 the school district. The provisions of this subsection shall not
25 apply to schools and instructional programs administered by the
26 state board of education and the department of elementary and
27 secondary education or to school districts that are classified as
28 unaccredited.

1 2. The state board of education and the department of
2 elementary and secondary education shall not require districts to
3 use any appendix to the common core state standards.

4 160.518. 1. Consistent with the provisions contained in
5 section 160.526, the state board of education shall develop,
6 modify, and revise, as necessary, a statewide assessment system
7 that provides maximum flexibility for local school districts to
8 determine the degree to which students in the public schools of
9 the state are proficient in the knowledge, skills, and
10 competencies adopted by such board pursuant to [subsection 1 of]
11 section 160.514. The statewide assessment system shall assess
12 problem solving, analytical ability, evaluation, creativity, and
13 application ability in the different content areas and shall be
14 performance-based to identify what students know, as well as what
15 they are able to do, and shall enable teachers to evaluate actual
16 academic performance. The statewide assessment system shall
17 neither promote nor prohibit rote memorization and shall not
18 include existing versions of tests approved for use pursuant to
19 the provisions of section 160.257, nor enhanced versions of such
20 tests. After the state board of education adopts and implements
21 academic performance standards as required under section 161.855,
22 the state board of education shall develop and adopt a
23 standardized assessment instrument under this section based on
24 the academic performance standards adopted under section 161.855.
25 The statewide assessment system shall measure, where appropriate
26 by grade level, a student's knowledge of academic subjects
27 including, but not limited to, reading skills, writing skills,
28 mathematics skills, world and American history, forms of

1 government, geography and science.

2 2. The statewide assessment system shall only permit the
3 academic performance of students in each school in the state to
4 be tracked against prior academic performance in the same school.

5 3. The state board of education shall suggest, but not
6 mandate, criteria for a school to demonstrate that its students
7 learn the knowledge, skills and competencies at exemplary levels
8 worthy of imitation by students in other schools in the state and
9 nation. Exemplary levels shall be measured by the statewide
10 assessment system developed pursuant to subsection 1 of this
11 section, or until said statewide assessment system is available,
12 by indicators approved for such use by the state board of
13 education. The provisions of other law to the contrary
14 notwithstanding, the commissioner of education may, upon request
15 of the school district, present a plan for the waiver of rules
16 and regulations to any such school, to be known as "Outstanding
17 Schools Waivers", consistent with the provisions of subsection 4
18 of this section.

19 4. For any school that meets the criteria established by
20 the state board of education for three successive school years
21 pursuant to the provisions of subsection 3 of this section, by
22 August first following the third such school year, the
23 commissioner of education shall present a plan to the
24 superintendent of the school district in which such school is
25 located for the waiver of rules and regulations to promote
26 flexibility in the operations of the school and to enhance and
27 encourage efficiency in the delivery of instructional services.
28 The provisions of other law to the contrary notwithstanding, the

1 plan presented to the superintendent shall provide a summary
2 waiver, with no conditions, for the pupil testing requirements
3 pursuant to section 160.257, in the school. Further, the
4 provisions of other law to the contrary notwithstanding, the plan
5 shall detail a means for the waiver of requirements otherwise
6 imposed on the school related to the authority of the state board
7 of education to classify school districts pursuant to subdivision
8 (9) of section 161.092 and such other rules and regulations as
9 determined by the commissioner of education, excepting such
10 waivers shall be confined to the school and not other schools in
11 the district unless such other schools meet the criteria
12 established by the state board of education consistent with
13 subsection 3 of this section and the waivers shall not include
14 the requirements contained in this section and section 160.514.
15 Any waiver provided to any school as outlined in this subsection
16 shall be void on June thirtieth of any school year in which the
17 school fails to meet the criteria established by the state board
18 of education consistent with subsection 3 of this section.

19 5. The score on any assessment test developed pursuant to
20 this section or this chapter of any student for whom English is a
21 second language shall not be counted until such time as such
22 student has been educated for three full school years in a school
23 in this state, or in any other state, in which English is the
24 primary language.

25 6. The state board of education shall identify or, if
26 necessary, establish one or more developmentally appropriate
27 alternate assessments for students who receive special
28 educational services, as that term is defined pursuant to section

1 162.675. In the development of such alternate assessments, the
2 state board shall establish an advisory panel consisting of a
3 majority of active special education teachers residing in
4 Missouri and other education professionals as appropriate to
5 research available assessment options. The advisory panel shall
6 attempt to identify preexisting developmentally appropriate
7 alternate assessments but shall, if necessary, develop alternate
8 assessments and recommend one or more alternate assessments for
9 adoption by the state board. The state board shall consider the
10 recommendations of the advisory council in establishing such
11 alternate assessment or assessments. Any student who receives
12 special educational services, as that term is defined pursuant to
13 section 162.675, shall be assessed by an alternate assessment
14 established pursuant to this subsection upon a determination by
15 the student's individualized education program team that such
16 alternate assessment is more appropriate to assess the student's
17 knowledge, skills and competencies than the assessment developed
18 pursuant to subsection 1 of this section. The alternate
19 assessment shall evaluate the student's independent living
20 skills, which include how effectively the student addresses
21 common life demands and how well the student meets standards for
22 personal independence expected for someone in the student's age
23 group, sociocultural background, and community setting.

24 7. The state board of education shall also develop
25 recommendations regarding alternate assessments for any military
26 dependent who relocates to Missouri after the commencement of a
27 school term, in order to accommodate such student while ensuring
28 that he or she is proficient in the knowledge, skills, and

1 competencies adopted under section 160.514.

2 [8. Notwithstanding the provisions of subsections 1 to 7 of
3 this section, no later than June 30, 2006, the state board of
4 education shall administer the following adjustments to the
5 statewide assessment system:

6 (1) Align the performance standards of the statewide
7 assessment system so that such indicators meet, but do not
8 exceed, the performance standards of the National Assessment of
9 Education Progress (NAEP) exam;

10 (2) Institute yearly examination of students in the
11 required subject areas where compelled by existing federal
12 standards, as of August 28, 2004; and

13 (3) Administer any other adjustments that the state board
14 of education deems necessary in order to aid the state in
15 satisfying existing federal requirements, as of August 28, 2004,
16 including, but not limited to, the requirements contained in the
17 federal No Child Left Behind Act. Grade-level expectations shall
18 be considered when the state board of education establishes
19 performance standards.

20 9. By July 1, 2006, the state board of education shall
21 examine its rules and regulations and revise them to permit
22 waivers of resource and process standards based upon achievement
23 of performance profiles consistent with accreditation status.]

24 160.526. 1. In establishing, evaluating, modifying, and
25 revising the academic performance standards and learning
26 standards authorized by [subsection 1 of] section 160.514 and the
27 statewide assessment system authorized by subsection 1 of section
28 160.518, the state board of education shall consider the work

1 that has been done by other states, recognized regional and
2 national experts, professional education discipline-based
3 associations [and], other professional education associations,
4 the work product from the department of higher education's
5 curriculum alignment initiative, or any other work in the public
6 domain. [Further, in establishing the academic standards and
7 statewide assessment system, the state board of education shall
8 adopt the work that has been done by consortia of other states
9 and, subject to appropriations, may contract with such consortia
10 to implement the provisions of sections 160.514 and 160.518.]

11 2. The state board of education shall[,] by contract enlist
12 the assistance of such national experts[, as approved by the
13 commission established pursuant to section 160.510,] to receive
14 reports, advice and counsel on a regular basis pertaining to the
15 validity and reliability of the statewide assessment system. The
16 reports from such experts shall be received by the [commission,
17 which shall make a final determination concerning the reliability
18 and validity of the statewide assessment system] state board of
19 education. Within six months prior to implementation of or
20 modification or revision to the statewide assessment system, the
21 commissioner of education shall inform the president pro tempore
22 of the senate and the speaker of the house of representatives
23 about the procedures to implement, modify, or revise the
24 statewide assessment system, including a report related to the
25 reliability and validity of the assessment instruments, and the
26 general assembly may, within the next sixty legislative days,
27 veto such implementation, modification, or revision by concurrent
28 resolution adopted by majority vote of both the senate and the

1 house of representatives.

2 3. The commissioner of education shall establish a
3 procedure for the state board of education to regularly receive
4 advice and counsel from professional educators at all levels in
5 the state, district boards of education, parents, representatives
6 from business and industry, the general assembly, and labor and
7 community leaders pertaining to the implementation of sections
8 160.514 and 160.518. By December 31, 2014, the commissioner of
9 education shall revise this procedure to allow the state board of
10 education to regularly receive advice and counsel from
11 professional educators at all levels in the state, district
12 boards of education, parents, representatives from business and
13 industry, the general assembly, and labor and community leaders
14 whenever the state board develops, evaluates, modifies, or
15 revises academic performance standards, learning standards, or
16 the statewide assessment system under sections 160.514 and
17 160.518. The procedure shall include, at a minimum, the
18 appointment of ad hoc committees [and shall be in addition to the
19 advice and counsel obtained from the commission pursuant to
20 section 160.510].

21 160.820. In order to assist the corporation in achieving
22 the objectives identified in section 160.810, the department of
23 economic development, department of elementary and secondary
24 education, and department of higher education may contract with
25 the corporation for activities consistent with the corporation's
26 purpose, as specified in section 160.805, including but not
27 limited to the employment of any personnel of the corporation,
28 administrative services, and provision of office space. When

1 contracting with the corporation under the provisions of this
2 section, the departments [may directly enter into agreements with
3 the corporation and] shall [not] be bound by the provisions of
4 chapter 34.

5 161.092. The state board of education shall:

6 (1) Adopt rules governing its own proceedings and formulate
7 policies for the guidance of the commissioner of education and
8 the department of elementary and secondary education;

9 (2) Carry out the educational policies of the state
10 relating to public schools that are provided by law and supervise
11 instruction in the public schools;

12 (3) Direct the investment of all moneys received by the
13 state to be applied to the capital of any permanent fund
14 established for the support of public education within the
15 jurisdiction of the department of elementary and secondary
16 education and see that the funds are applied to the branches of
17 educational interest of the state that by grant, gift, devise or
18 law they were originally intended, and if necessary institute
19 suit for and collect the funds and return them to their
20 legitimate channels;

21 (4) Cause to be assembled information which will reflect
22 continuously the condition and management of the public schools
23 of the state;

24 (5) Require of county clerks or treasurers, boards of
25 education or other school officers, recorders and treasurers of
26 cities, towns and villages, copies of all records required to be
27 made by them and all other information in relation to the funds
28 and condition of schools and the management thereof that is

1 deemed necessary;

2 (6) Provide blanks suitable for use by officials in
3 reporting the information required by the board;

4 (7) When conditions demand, cause the laws relating to
5 schools to be published in a separate volume, with pertinent
6 notes and comments, for the guidance of those charged with the
7 execution of the laws;

8 (8) Grant, without fee except as provided in section
9 168.021, certificates of qualification and licenses to teach in
10 any of the public schools of the state, establish requirements
11 therefor, formulate regulations governing the issuance thereof,
12 and cause the certificates to be revoked for the reasons and in
13 the manner provided in section 168.071;

14 (9) Classify the public schools of the state, subject to
15 limitations provided by law and subdivision (14) of this section,
16 establish requirements for the schools of each class, and
17 formulate rules governing the inspection and accreditation of
18 schools preparatory to classification, with such requirements
19 taking effect not less than two years from the date of adoption
20 of the proposed rule by the state board of education, provided
21 that this condition shall not apply to any requirement for which
22 a time line for adoption is mandated in either federal or state
23 law. Such rules shall include a process to allow any district
24 that is accredited without provision that does not meet the state
25 board's promulgated criteria for a classification designation of
26 accredited with distinction to propose alternative criteria to
27 the state board to be classified as accredited with distinction;

28 (10) Make an annual report on or before the first Wednesday

1 after the first day of January to the general assembly or, when
2 it is not in session, to the governor for publication and
3 transmission to the general assembly. The report shall be for
4 the last preceding school year, and shall include:

5 (a) A statement of the number of public schools in the
6 state, the number of pupils attending the schools, their sex, and
7 the branches taught;

8 (b) A statement of the number of teachers employed, their
9 sex, their professional training, and their average salary;

10 (c) A statement of the receipts and disbursements of public
11 school funds of every description, their sources, and the
12 purposes for which they were disbursed;

13 (d) Suggestions for the improvement of public schools; and

14 (e) Any other information relative to the educational
15 interests of the state that the law requires or the board deems
16 important;

17 (11) Make an annual report to the general assembly and the
18 governor concerning coordination with other agencies and
19 departments of government that support family literacy programs
20 and other services which influence educational attainment of
21 children of all ages;

22 (12) Require from the chief officer of each division of the
23 department of elementary and secondary education, on or before
24 the thirty-first day of August of each year, reports containing
25 information the board deems important and desires for
26 publication;

27 (13) Cause fifty copies of its annual report to be reserved
28 for the use of each division of the state department of

1 elementary and secondary education, and ten copies for
2 preservation in the state library;

3 (14) Promulgate rules under which the board shall classify
4 the public schools of the state; provided that the appropriate
5 scoring guides, instruments, and procedures used in determining
6 the accreditation status of a district shall be subject to a
7 public meeting upon notice in a newspaper of general circulation
8 in each of the three most populous cities in the state and also a
9 newspaper that is a certified minority business enterprise or
10 woman-owned business enterprise in each of the two most populous
11 cities in the state, and notice to each district board of
12 education, each superintendent of a school district, and to the
13 speaker of the house of representatives, the president pro tem of
14 the senate, and the members of the joint committee on education,
15 at least fourteen days in advance of the meeting, which shall be
16 conducted by the department of elementary and secondary education
17 not less than ninety days prior to their application in
18 accreditation, with all comments received to be reported to the
19 state board of education;

20 (15) Have other powers and duties prescribed by law.

21 161.096. 1. The state board of education shall promulgate
22 a rule relating to student data accessibility, transparency, and
23 accountability relating to the statewide longitudinal data
24 system. This rule shall mandate that the department of
25 elementary and secondary education do the following:

26 (1) Create and make publicly available a data inventory and
27 index of data elements with definitions of individual student
28 data fields in the student data system to include, but not be

1 limited to:

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

4 (b) Any other individual student data which has been
5 proposed for inclusion in the student data system with a
6 statement regarding the purpose or reason for the proposed
7 collection;

8 (2) Develop policies to comply with all relevant state and
9 federal privacy laws and policies, including but not limited to
10 the federal Family Educational Rights and Privacy Act (FERPA) and
11 other relevant privacy laws and policies. These policies shall
12 include, but not be limited to the following requirements:

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

15 a. The authorized staff of the department of elementary and
16 secondary education and the contractors working on behalf of the
17 department who require such access to perform their assigned
18 duties as required by law;

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

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

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

25 (b) The department of elementary and secondary education
26 shall develop criteria for the approval of research and data
27 requests from state and local agencies, researchers working on
28 behalf of the department, and the public;

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

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

5 (a) Guidelines for authorizing access to the student data
6 system and to individual student data including guidelines for
7 authentication of authorized access;

8 (b) Privacy compliance standards;

9 (c) Privacy and security audits;

10 (d) Breach planning, notification and procedures;

11 (e) Data retention and disposition policies; and

12 (f) Data security policies including electronic, physical,
13 and administrative safeguards, such as data encryption and
14 training of employees;

15 (5) Ensure routine and ongoing compliance by the department
16 of elementary and secondary education with FERPA, other relevant
17 privacy laws and policies, and the privacy and security policies
18 and procedures developed under the authority of this section,
19 including the performance of compliance audits;

20 (6) Ensure that any contracts that govern databases,
21 assessments, or instructional supports that include student or
22 redacted data and are outsourced to private vendors include
23 express provisions that safeguard privacy and security, including
24 provisions that prohibit private vendors from selling student
25 data or from using student data in furtherance of advertising,
26 with penalties for noncompliance, except to a local service
27 provider for the limited purpose authorized by the school or
28 district whose access to student data, if any, is limited to

1 "directory information" as that term is defined in the federal
2 regulations implementing the federal Family Educational Rights
3 and Privacy Act (FERPA), 20 U.S.C. 1232g; and

4 (7) Notify the governor, the president pro tempore of the
5 senate, the speaker of the house of representatives, and the
6 joint committee on education annually of the following:

7 (a) New student data proposed for inclusion in the state
8 student data system; and

9 (b) Changes to existing data collections required for any
10 reason, including changes to federal reporting requirements made
11 by the U.S. Department of Education.

12 2. Quantifiable student performance data shall only include
13 performance on locally developed or locally approved assessments,
14 including but not limited to formative assessments developed by
15 classroom teachers.

16 3. The department of elementary and secondary education
17 shall not collect nor shall school districts report the following
18 individual student data:

19 (1) Juvenile court delinquency records;

20 (2) Criminal records;

21 (3) Student biometric information;

22 (4) Student political affiliation; or

23 (5) Student religion.

24 4. Any rule or portion of a rule, as that term is defined
25 in section 536.010, that is created under the authority delegated
26 in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536 and, if
28 applicable, section 536.028. This section and chapter 536 are

1 nonseverable and if any of the powers vested with the general
2 assembly pursuant to chapter 536 to review, to delay the
3 effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after the effective
6 date of this section shall be invalid and void.

7 5. Each violation of any provision of any rule promulgated
8 pursuant to this section by an organization or entity other than
9 a state agency, a school board, or an institution shall be
10 punishable by a civil penalty of up to one thousand dollars. A
11 second violation by the same organization or entity involving the
12 education records and privacy of the same student shall be
13 punishable by a civil penalty of up to five thousand dollars.
14 Any subsequent violation by the same organization or entity
15 involving the education records and privacy of the same student
16 shall be punishable by a civil penalty of up to ten thousand
17 dollars. Each violation involving a different individual
18 education record or a different individual student shall be
19 considered a separate violation for purposes of civil penalties.

20 6. The attorney general shall have the authority to enforce
21 compliance with this section by investigation and subsequent
22 commencement of a civil action, to seek civil penalties for
23 violations of this section, and to seek appropriate injunctive
24 relief, including but not limited to a prohibition on obtaining
25 personally identifiable information for an appropriate time
26 period. In carrying out such investigation and in maintaining
27 such civil action, the attorney general or any deputy or
28 assistant attorney general is authorized to subpoena witnesses,

1 compel their attendance, examine them under oath, and require
2 that any books, records, documents, papers, or electronic records
3 relevant to the inquiry be turned over for inspection,
4 examination, or audit. Subpoenas issued under this subsection may
5 be enforced pursuant to the Missouri rules of civil procedure.

6 161.855. 1. By October 1, 2014, the state board of
7 education shall convene work groups composed of education
8 professionals to develop and recommend academic performance
9 standards. The work groups shall be composed of individuals as
10 provided in section 160.514. The state board of education and
11 the work groups shall follow the procedures and conduct the
12 public hearings required by section 160.514. The state board of
13 education shall convene separate work groups for the following
14 subject areas: English language arts; mathematics; science; and
15 history and governments. For each of these four subject areas,
16 the state board of education shall convene two separate work
17 groups, one work group for grades kindergarten through five and
18 another work group for grades six through twelve.

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

25 3. The state board of education shall adopt and implement
26 academic performance standards beginning in the 2016-2017 school
27 year. The state board of education shall align the statewide
28 assessment system to the academic performance standards as

1 needed.

2 4. The department of elementary and secondary education
3 shall pilot assessments from the Smarter Balanced Assessment
4 Consortium during the 2014-2015 school year. Notwithstanding any
5 rules adopted by the state board of education or the department
6 of elementary and secondary education in place at the effective
7 date of this section, for the 2014-2015 school year, and at any
8 time the state board of education or the department of elementary
9 and secondary education implements a new statewide assessment
10 system, develops new academic performance standards, or makes
11 changes to the Missouri School Improvement Program, the first
12 year of such statewide assessment system and performance
13 indicators shall be utilized as a pilot year for the purposes of
14 calculating a district's annual performance report under the
15 Missouri school improvement program. The results of a statewide
16 pilot shall not be used to lower a public school district's
17 accreditation or for a teacher's evaluation.

18 5. Any person performing work for a school district or
19 charter school for which teacher certification or administrator
20 certification is regularly required under the laws relating to
21 the certification of teachers or administrators shall be an
22 employee of the school district or charter school. All
23 evaluations of any such person shall be maintained in the
24 teacher's or administrator's personnel file and shall not be
25 shared with any state or federal agency.

26 Section B. Because of the need to convene work groups in a
27 timely manner to begin the process of developing academic
28 performance standards, this act is deemed necessary for the

1 immediate preservation of the public health, welfare, peace and
2 safety, and is hereby declared to be an emergency act within the
3 meaning of the constitution, and this act shall be in full force
4 and effect upon its passage and approval.

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