

HB 2827 -- PUBLIC EDUCATION TRANSPARENCY

SPONSOR: Trent

This bill creates the "Public Education Transparency Act" in Sections 160.3100 to 160.3116, RSMo.

The purposes of the Act are outlined and include both Missouri Constitutional protections, required public school transparency statutes, and US Constitutional protections.

The State Board of Education (SBE) shall draft standards for the Missouri School Improvement Program (MSIP) that evaluate local school board compliance with certain provisions regarding instructional materials as provided in the bill. The Department of Elementary and Secondary Education (DESE) and every public school shall post on their websites certain statements regarding the curricula and instructional materials used and the professional development and training materials used by DESE or the school.

Such websites shall also detail procedures for parents to opt students out of formal and informal instruction. Such information shall remain displayed on the website for at least two years. Failure to comply with this provision regarding posting of information on the website shall result in a fine of \$1,000 per day.

Each school district and charter school shall make available to the public on the district or school website certain financial information regarding the district's or school's budgets, expenditures, vendors, and contracts.

The SBE shall require that all academic standards used to design, implement, assess, and evaluate instruction in public schools reflect a non-indoctrination principle, prohibiting imposition of any orthodoxy of a political, religious, or ideological nature. No school shall direct or compel students to personally affirm, adopt, or adhere to statements that ascribe character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race, sex, ethnicity, religion, color, or national origin. Teachers are not permitted to require a student to engage in political activism as part of the grade for a class. No school shall compel a teacher, administrator, or student to adhere to any belief that violates their freedom of conscience or engage in any activity that violates their freedom of speech.

The SBE shall adopt a MSIP standard that evaluates school districts for compliance with the Equal Protection Clause of the 14th

Amendment to the U.S. Constitution and federal civil rights laws regarding employment.

Placement of students in special education settings shall be done in accordance with federal law and without reference to that student's membership in a group identified by sex, race, ethnicity, religion, skin color, or national origin.

The Act sets forth judicial remedies for any violations of these provisions that may be brought by parents or the Attorney General (Sections 160.3100 to 160.3116).

The bill prevents public schools from posting or publishing publicly any individually identifiable information about a home schooled student or the parent or guardian of the student without written consent. Information may be disclosed internally as outlined in the bill (Section 167.032).

This bill establishes procedures governing the use of and access to student data by third parties. Beginning August 28, 2022, any time a school provides access to student data to a contractor, the contractor shall agree to a written contract with the school governing the contractor's access to and use of student data. A contractor shall maintain security practices designed to protect student data. The school shall notify students and parents whose data is affected by the contract within five business days after a contract is executed.

The bill also requires the operators of school websites that collect, maintain, or use student data to maintain security practices designed to protect student data. Operators are prohibited from keeping or using student data except for authorized purposes specified in the bill.

A local educational agency (LEA) shall not disclose any personal data of any personnel, faculty, or staff without first notifying the individual personnel, and providing an opt-out option. LEA's are prevented from requiring signing an acceptable use policy to access curriculum or resources and must provide alternate resources to any students that opt out of technology delivery systems.

The bill requires notification of the school and affected students and parents if security breaches cause the unauthorized disclosure of student data. The bill defines "researcher" as a person whose purpose is to develop or contribute to knowledge that is able to be made more widely or generally applicable.

The bill outlines procedures for the protection of personally identifiable information (PII) for research purposes, and includes

opt out provisions and de-identification of personal data requirements.

The local educational agency must provide annual professional development training to all personnel relating to personal data protection, student PII protection, federal and state privacy laws, and best practices for protection of education related data.

The bill also establishes a task force to study issues relating to student data privacy. The members of the task force are specified in the bill and include two members appointed by the Speaker of the House of Representatives. The task force must submit a report to the Joint Committee on Education and to the State Board of Education before January 31, 2023 (Sections to 167.2000 to 167.2020).

This bill is similar to HB 1162 (2021).