

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 367** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 8, after "level" by inserting "and which contains no personally identifiable student data";

On page 2, following line 19, by inserting:

"(i) "Personally identifiable student data" means student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.";

Also on page 2, in line 22, after "section." by inserting "An educational agency shall provide annual written notice to each student's parent or legal guardian that student data may be disclosed in accordance with this section. Such notice shall be signed by the student's parent or legal guardian and maintained on file with the district."; in line 24, by striking "the department or a school district" and inserting "an educational agency"; in line 32, after "agency" by inserting ", educational agency or school"; in line 43, after "first." by inserting "Except that a service provider engaged to perform a function of instruction may retain student transcripts as required by applicable laws and rules and regulations.";

On page 3, in line 1, by striking "NISTPS800-88" and inserting "NISTSP800-88";

in line 6, by striking the colon and inserting "that only"; in line 7, by striking "(A) Only"; in line 8, by striking "; and"; by striking all in lines 9 and 10; in line 30, by striking "and"; in line 32, after "disclosure" by inserting "; and

(5) student data to a public or private postsecondary educational institution which is required by such postsecondary educational institution for the purposes of application or admission of a student to such postsecondary educational institution, provided that such disclosure is consented to in writing by such student";

Also on page 3, in line 39, by striking "and" and inserting "or"; also in line 39, after "religion" by inserting a comma; in line 41, by striking "and" and inserting "or";

On page 4, in line 4, after "examination." by inserting "This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers."; in line 39, by striking "or de-identified data"; following line 41, by inserting:

"Sec. 10. K.S.A. 2013 Supp. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

(1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community college, the board of regents of any municipal university, the governing board of any technical college and the board of education of any school district.

(2) "Student" means a person who has attained 18 years of age, or is attending an institution of postsecondary education.

(3) "Pupil" means a person who has not attained 18 years of age and is attending an educational institution below the postsecondary level.

(b) Every board shall adopt a policy in accordance with the student data privacy act and applicable federal laws and regulations to protect the right of privacy of any student, or pupil and such pupil's family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. ~~To the extent that any other provision of law conflicts with this section, this section shall control.~~

Sec. 11. K.S.A. 2013 Supp. 72-6214 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "act" by inserting "; amending K.S.A. 2013 Supp. 72-6214 and repealing the existing section";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate