

HOUSE BILL No. 2513

By Committee on K-12 Education Budget

1-20

1 AN ACT concerning education; relating to the administration of certain
2 tests, questionnaires, surveys and examinations in schools; establishing
3 parental notification and written consent requirements; prohibiting the
4 incorporation of certain tests, questionnaires, surveys and examinations
5 into educational programs or curriculum; prohibiting collection of
6 personally identifiable student data; amending K.S.A. 72-6316 and
7 repealing the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 72-6316 is hereby amended to read as follows: 72-
11 6316. (a) No test, questionnaire, survey or examination containing any
12 questions about the ~~student's~~ personal *and private attitudes, values, beliefs*
13 ~~or practices on issues such as sex, family life, morality or religion, or any~~
14 ~~questions about the student's parents' or guardians' beliefs and practices on~~
15 ~~issues such as sex, family life, morality or religion, of the student or the~~
16 *student's parents, guardians, family members, associates, friends or peers*
17 shall be administered to any student enrolled in kindergarten or grades one
18 through 12, unless the parent or guardian of the student:

19 (1) Is notified in writing *not more than four months in advance of the*
20 *administration of such test, questionnaire, survey or examination that this*
21 ~~such test, questionnaire, survey or examination is to be administered and~~
22 ~~the parent or guardian of the student. Such notification shall include:~~

23 (A) *A copy of the test, questionnaire, survey or examination that is to*
24 *be administered;*

25 (B) *information on how the parent or guardian may provide written*
26 *consent to authorize the student to take such test, questionnaire, survey or*
27 *examination;*

28 (C) *the name of the company or entity that produces or provides the*
29 *test, questionnaire, survey or examination to the school;*

30 (D) *an explanation of the purpose of the data collection, how the*
31 *collected data is intended to be used and whether the data will remain*
32 *private or reported as aggregate data;*

33 (E) *an explanation of how such test, questionnaire, survey or*
34 *examination benefits student learning and academic achievement; and*

35 (F) *whether the school will receive or maintain the resulting data and*
36 *an explanation of how the school intends to use and maintain such data;*

1 *and*

2 (2) gives written ~~permission for~~ *consent through a written or*
3 *electronic signature to authorize the student to take this the test,*
4 *questionnaire, survey or examination. This section shall not prohibit*
5 *school counselors from providing counseling services to a student,*
6 *including the administration of tests and forms which are part of a*
7 *counselor's student counseling services. Any information obtained through*
8 *such tests or counseling services shall not be stored on any personal*
9 *mobile electronic device which is not owned by the school district,*
10 *including but not limited to, laptops, tablets, phones, flash drives, external*
11 *hard drives or virtual servers. Such written consent may only be accepted*
12 *after a parent or guardian has received the notification required pursuant*
13 *to paragraph (1) and had an opportunity to review the information*
14 *contained in such notification. Written consent shall be provided*
15 *separately for each individual test, questionnaire, survey or examination*
16 *that is to be administered.*

17 (b) *Notwithstanding a parent or guardian's written consent for a*
18 *student to take any such test, questionnaire, survey or examination, a*
19 *student shall have the right to refuse to take such test, questionnaire,*
20 *survey or examination at any time without limitation. Prior to the*
21 *administration of any such test, questionnaire, survey or examination,*
22 *each student shall be informed that such student has the right to refuse to*
23 *take such test, questionnaire, survey or examination and that the student*
24 *will not suffer any adverse consequences based on such refusal.*

25 (c) *Prior to the administration of any such test, questionnaire, survey*
26 *or examination, a school district shall post and maintain a copy of each*
27 *test, questionnaire, survey or examination on the school district website*
28 *until such time that the test, questionnaire, survey or examination is:*

29 (1) *No longer administered by the school district; or*

30 (2) *administered again at a later date or in a subsequent school year*
31 *and at which time, the school district shall update the website to provide*
32 *the current version that is to be administered by the school.*

33 (d) *No such test, questionnaire, survey or examination shall be*
34 *incorporated or embedded in any academic program, course or*
35 *curriculum offered or provided by a school district.*

36 (e) *No personally identifiable student data shall be collected through*
37 *any such test, questionnaire, survey or examination.*

38 Sec. 2. K.S.A. 72-6316 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.