

SENATE BILL No. 139

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning schools; relating to the student data privacy act;
2 certain tests, questionnaires, surveys and examinations; permitting the
3 administration thereof on an opt-out basis; providing conditions
4 therefor; amending K.S.A. 72-6316 and repealing the existing section.
5

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

7 Section 1. K.S.A. 72-6316 is hereby amended to read as follows: 72-
8 6316. (a) No test, questionnaire, survey or examination containing any
9 questions about the student's personal beliefs or practices on issues such as
10 sex, family life, morality or religion, or any questions about the student's
11 parents' or guardians' beliefs and practices on issues such as sex, family
12 life, morality or religion, shall be administered to any student enrolled in
13 kindergarten or grades one through 12, ~~unless the parent or guardian of the~~
14 ~~student is notified in writing that this test, questionnaire, survey or~~
15 ~~examination is to be administered and the parent or guardian of the student~~
16 ~~gives written permission for the student to take this test, questionnaire,~~
17 ~~survey or examination.~~

18 (1) *Such test, questionnaire, survey or examination does not record,*
19 *request or solicit a student to provide any personally identifiable student*
20 *data;*

21 (2) *each student is informed that participation in such test,*
22 *questionnaire, survey or examination is voluntary;*

23 (3) *the parent or legal guardian of each such student receives, in*
24 *advance of the administration of the test, questionnaire, survey or*
25 *examination, written notice that such parent or legal guardian may opt out*
26 *such student from such test, questionnaire, survey or examination; and*

27 (4) *the results of such test, questionnaire, survey or examination are*
28 *reported only as aggregate data.*

29 (b) This section shall not prohibit school counselors *or other school-*
30 *based mental health professionals* from providing counseling services to a
31 student, including the administration of tests and forms ~~which~~ *that* are part
32 of a counselor's *or other school-based mental health provider's* student
33 counseling services. Any information obtained through such tests or
34 counseling services shall not be stored on any personal mobile electronic
35 device ~~which~~ *that* is not owned by the school district, including, but not
36 limited to, laptops, tablets, phones, flash drives, external hard drives or

1 virtual servers.

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

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.