

## HOUSE BILL No. 2262

By Committee on Federal and State Affairs

2-6

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1 AN ACT concerning the student data privacy act; concerning compliance  
2 and penalties for noncompliance; amending K.S.A. 2014 Supp. 72-  
3 6220 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 72-6220 is hereby amended to read as  
7 follows: 72-6220. (a) The attorney general or any district attorney may  
8 enforce the provisions of K.S.A. 2014 Supp. 72-6215 through 72-6222,  
9 and amendments thereto, by bringing an action in a court of competent  
10 jurisdiction, and may seek injunctive relief to enjoin any educational  
11 agency, any employee or agent thereof, or any other entity in possession of  
12 student data from disclosing any student data in violation of the provisions  
13 of K.S.A. 2014 Supp. 72-6215 through 72-6222, and amendments thereto.

14 (b) *The department of education shall receive and investigate any*  
15 *written complaints received by the department alleging a school district is*  
16 *not in compliance with the provisions of the student data privacy act.*  
17 *Upon completion of the investigation, the department shall report any*  
18 *findings and conclusions to the state board and the original complainant.*  
19 *If the department finds that a school district is not in compliance with the*  
20 *provisions of the student data privacy act, the state board shall notify such*  
21 *school district in writing of the noncompliance. A school district that*  
22 *receives written notice of noncompliance shall have 30 days from the date*  
23 *of receipt of such notice to cure the noncompliance and submit evidence of*  
24 *the subsequent compliance to the state board. If the state board does not*  
25 *receive evidence of subsequent compliance prior to the expiration of the*  
26 *30-day period, then the state board shall impose a civil penalty of \$5,000*  
27 *for each day the school district is not in compliance with this section.*  
28 *Each day the school district fails to provide evidence of compliance from*  
29 *and after the date the department determines that such school district is*  
30 *not in compliance with this section shall be counted as a day of*  
31 *noncompliance for purposes of calculating the civil penalty amount. Any*  
32 *civil penalties received by the state board shall be remitted to the state*  
33 *treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
34 *amendments thereto. Upon receipt of each such remittance, the state*  
35 *treasurer shall deposit the entire amount in the state treasury to the credit*  
36 *of the state general fund. On or before August 1, 2015, the state board*

1 *shall adopt rules and regulations necessary to implement and enforce the*  
2 *provisions of this subsection.*

3       Sec. 2. K.S.A. 2014 Supp. 72-6220 is hereby repealed.

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