

HOUSE BILL No. 2292

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning schools; enacting the local control of Kansas
2 education act; relating to the student data privacy act; amending K.S.A.
3 2014 Supp. 72-6216, 72-6217 and 72-6439 and repealing the existing
4 sections.
5

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

7 New Section 1. Sections 1 through 7, and amendments thereto, shall
8 be known and may be cited as the local control of Kansas education act.

9 New Sec. 2. As used in this act:

- 10 (a) "State board" means the Kansas state board of education;
11 (b) "department" means the Kansas state department of education;
12 (c) "education entity" means the state board, the department, any
13 school district, any school, local government or private enterprise that
14 exercises any responsibilities or decision-making authority with respect to
15 K-12 public education in the state of Kansas;
16 (d) "school" means any public school operated by a unified school
17 district and any nonpublic school accredited by the state board;
18 (e) "state official" means any official in state or local government in
19 Kansas, whether elected or appointed; and
20 (f) "common core state standards" means the common core standards
21 adopted by the Kansas state board of education on or after October 12,
22 2010, and any subsequent amendments to the common core standards.
23 "Common core state standards" includes "common core state standards for
24 English language arts & literacy in history/social studies, science, and
25 technical subjects," "common core state standards for mathematics,"
26 "Kansas college and career ready standards" and "next generation science
27 standards."

28 New Sec. 3. (a) The state shall retain sole control over the
29 development, establishment and revision of K-12 curriculum standards.

30 (b) Any education entity or any state official shall not join any
31 consortium or any other organization when participation in that consortium
32 or organization would cede any measure of control over any aspect of
33 Kansas public education to any entity not explicitly allowed authority over
34 education in article 6 of the constitution of the state of Kansas. No such
35 person or entity shall condition or delay a decision on academic standards
36 or curriculum on the decision of any consortium, organization, any other

1 state government, the federal government or any other entity not explicitly
2 allowed authority over education in article 6 of the constitution of the state
3 of Kansas.

4 (c) Any actions taken by any education entity or any state official to
5 adopt, implement or align programs, assessments, testing, surveys or any
6 educational materials or activities to the common core state standards, the
7 social, emotional and character development standards, the national
8 curriculum standards for social studies, the national health education
9 standards, the national sexuality education standards, core content and
10 skills, K-12 or any other academic standards not in the public domain, free
11 of any copyright, as of July 1, 2015, are void.

12 (d) Any education entity or any state official shall not accept public or
13 private moneys or spend any moneys for the purchase of materials or for
14 teacher in-service training that supports, aligns or is used to implement the
15 academic standards described in section 3(c), and amendments thereto.

16 (e) No law or rule or regulation shall condition teacher evaluation or
17 pay on state assessment scores or student participation in state
18 assessments.

19 New Sec. 4. (a) Beginning July 1, 2015, the state board shall not
20 implement any past academic standards or related assessments or any
21 future academic standards or related assessments which are aligned with
22 the academic standards described in section 3(c), and amendments thereto.

23 (b) The Kansas curriculum standards used to teach K-12 English
24 language arts, mathematics and science prior to October 12, 2010, shall be
25 reinstated for kindergarten and grades one through 12 in Kansas beginning
26 July 1, 2015. These standards will remain in effect until July 1, 2017. After
27 July 1, 2017, revised Kansas standards in these subjects may be developed
28 through the process provided for in K.S.A. 72-6439, and amendments
29 thereto.

30 (c) If advanced placement, international baccalaureate, dual credit or
31 other similar courses and tests are administered to public high school
32 students, they shall be aligned with Kansas curriculum standards in effect
33 pursuant to subsection (b).

34 New Sec. 5. The state board of education shall rescind any
35 requirement, agreement or waiver, including the no child left behind
36 waiver, with the United States department of education or any other
37 federal agency which conditioned the receipt of federal funding upon the
38 board revising educational curriculum standards to align with the common
39 core state standards. The state board shall not agree to future federal
40 educational funding, waivers, agreements or requirements which condition
41 the receipt of federal funding upon academic curriculum being aligned to
42 the common core state standards.

43 New Sec. 6. The state board of education shall not adopt or develop a

1 criterion-referenced formative or summative assessment instrument under
2 this act based on or aligned to common core state standards.

3 New Sec. 7. If any provision of this act is held invalid, such invalidity
4 shall not affect other provisions and to this end the provisions of this act
5 are declared to be severable.

6 Sec. 8. K.S.A. 2014 Supp. 72-6216 is hereby amended to read as
7 follows: 72-6216. As used in K.S.A. 2014 Supp. 72-6215 through 72-
8 6223, and amendments thereto:

9 (a) "Aggregate data" means data collected or reported at the group,
10 cohort or institutional level and which contains no personally identifiable
11 student data.

12 (b) "Biometric data" means one or more measurable biological or
13 behavioral characteristics that can be used for automated recognition of an
14 individual, such as fingerprints, retina and iris patterns, voiceprints, DNA
15 sequence, facial characteristics and handwriting.

16 (c) "Department" means the state department of education.

17 (d) "Directory information" means a student's name, address,
18 telephone listing, participation in officially recognized activities and
19 sports, weight and height if the student is a member of an athletic team,
20 and degrees, honors or awards received.

21 (e) "Educational agency" means a school district or the department.

22 (f) *"Prior written consent" means that a parent's signature is required*
23 *on a written document that notifies the parent what data has been*
24 *collected, how the data was collected, how the data is to be used, what*
25 *person or entity the data will be shared with and the dates over which the*
26 *disclosed data will be used.*

27 (g) "School district" means a unified school district organized and
28 operated under the laws of this state.

29 ~~(g)~~ (h) "Statewide longitudinal student data system" means any
30 student data system maintained by the department, which assigns a state
31 identification number for each student who attends an accredited public or
32 private school in Kansas and uses the state identification number to collect
33 student data.

34 ~~(h)~~ (i) "Student data" means the following information contained in a
35 student's educational record:

36 (1) State and national assessment results, including information on
37 untested students;

38 (2) course taking and completion, credits earned and other transcript
39 information;

40 (3) course grades and grade point average;

41 (4) date of birth, grade level and expected date of graduation;

42 (5) degree, diploma, credential attainment and other school exit
43 information such as general education development and drop-out data;

- 1 (6) attendance and mobility;
- 2 (7) data required to calculate the federal four-year adjusted cohort
- 3 graduation rate, including sufficient exit and drop-out information;
- 4 (8) remediation;
- 5 (9) special education data;
- 6 (10) demographic data and program participation information; and
- 7 (11) any other information included in a student's educational record.

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

12 Sec. 9. K.S.A. 2014 Supp. 72-6217 is hereby amended to read as
13 follows: 72-6217. (a) Any student data submitted to and maintained by a
14 statewide longitudinal student data system shall only be disclosed by an
15 educational agency in accordance with the provisions of this section. An
16 educational agency shall ~~provide annual written notice to each student's~~
17 ~~parent or legal guardian that student data may be disclosed in accordance~~
18 ~~with this section. Such notice shall be signed by the student's parent or~~
19 ~~legal guardian and maintained on file with the district~~ *not disclose any*
20 *personally identifiable student data unless prior written consent is*
21 *provided by the parent or guardian of the respective student. Personally*
22 *identifiable student data may be disclosed if the parent or legal guardian*
23 *provides prior written consent for the disclosure.*

24 (b) Student data *that is not personally identifiable student data* may
25 be disclosed at any time to:

- 26 (1) The authorized personnel of an educational agency who require
27 such disclosures to perform their assigned duties; *and*
- 28 (2) the authorized personnel of the state board of regents who require
29 such disclosures to perform their assigned duties; ~~and~~
- 30 ~~(3) the student and the parent or legal guardian of the student,~~
31 ~~provided the student data pertains solely to such student.~~

32 (c) Student data *that is not personally identifiable student data* may
33 be disclosed to the authorized personnel of any state agency not specified
34 in subsection (b), or to a service provider of a state agency, educational
35 agency or school who is engaged to perform a function of instruction,
36 assessment or longitudinal reporting, provided there is a data-sharing
37 agreement between the educational agency and such other state agency or
38 service provider that provides the following:

- 39 (1) The purpose, scope and duration of the data-sharing agreement;
- 40 (2) that the recipient of the student data use such information solely
41 for the purposes specified in the agreement;
- 42 (3) that the recipient shall comply with data access, use and security
43 restrictions that are specifically described in the agreement; and

1 (4) that the student data shall be destroyed when no longer necessary
2 for the purposes of the data-sharing agreement or upon expiration of the
3 data-sharing agreement, whichever occurs first. Except that a service
4 provider engaged to perform a function of instruction may retain student
5 transcripts as required by applicable laws and rules and regulations.
6 Destruction shall comply with the NISTSP800-88 standards of data
7 destruction.

8 ~~(d)(1) Except as otherwise provided in paragraph (2), student~~
9 ~~Aggregate data may be disclosed to any governmental entity not specified~~
10 ~~in subsection (b) or (c), or to any public or private audit and evaluation or~~
11 ~~research organization, provided that only aggregate data is disclosed to~~
12 ~~such governmental entity or audit and evaluation or research organization.~~

13 ~~(2) Personally identifiable student data may be disclosed if the~~
14 ~~student, if an adult, or the parent or legal guardian of the student, if a~~
15 ~~minor, consents to such disclosure in writing.~~

16 (e) Notwithstanding the provisions of subsections (b), (c) and (d), an
17 educational agency may disclose:

18 (1) Directory information of a student when such agency deems such
19 disclosure necessary and the disclosure of which has been consented to in
20 writing by such student's parent or legal guardian *provides prior written*
21 *consent;*

22 (2) directory information to an enhancement vendor that provides
23 photography services, class ring services, yearbook publishing services,
24 memorabilia services or other substantially similar services *when such*
25 *student's parent or legal guardian provides prior written consent;*

26 (3) any information required to be disclosed pursuant to K.S.A. 65-
27 101, 65-118 and 65-202, and amendments thereto, provided such
28 information is disclosed in accordance with any provisions of such statutes
29 regarding the confidentiality and disclosure of such information;

30 (4) any student data in order to comply with any lawful subpoena or
31 court order directing such disclosure; and

32 (5) student data to a public or private postsecondary educational
33 institution which is required by such postsecondary educational institution
34 for the purposes of application or admission of a student to such
35 postsecondary educational institution, provided that such disclosure is
36 consented to in writing by such student.

37 Sec. 10. K.S.A. 2014 Supp. 72-6439 is hereby amended to read as
38 follows: 72-6439. (a) In order to accomplish the mission for Kansas
39 education, the state board of education shall design and adopt a school
40 performance accreditation system based upon improvement in
41 performance that reflects high academic standards and is measurable.

42 (b) (1) The state board shall establish *model* curriculum standards
43 which reflect high academic standards for the core academic areas of

1 mathematics, science, reading, writing and social studies. The curriculum
2 standards *shall be adopted in accordance with section 4, and amendments*
3 *thereto, and shall be reviewed at least every seven years.*

4 (2) *Districts may use the model curriculum standards as a guideline*
5 *in developing district standards.* Nothing in this subsection shall be
6 construed in any manner so as to impinge upon any district's authority to
7 determine its own curriculum.

8 (3) *The state board may not use standards prohibited by section 3,*
9 *and amendments thereto, or any results from tests associated with those*
10 *standards in evaluation or accreditation of any school or school district.*

11 (c) The state board shall provide for statewide assessments in the core
12 academic areas of mathematics, science, reading, writing and social
13 studies. The board shall ensure compatibility between the statewide
14 assessments and the curriculum standards established pursuant to
15 subsection (b). Such assessments shall be administered at three grade
16 levels, as determined by the board. The state board shall determine
17 performance levels on the statewide assessments, the achievement of
18 which represents high academic standards in the academic area at the
19 grade level to which the assessment applies. The state board should
20 specify high academic standards both for individual performance and
21 school performance on the assessments.

22 (d) Each school in every district shall establish a school site council
23 composed of the principal and representatives of teachers and other school
24 personnel, parents of pupils attending the school, the business community,
25 and other community groups. School site councils shall be responsible for
26 providing advice and counsel in evaluating state, school district, and
27 school site performance goals and objectives and in determining the
28 methods that should be employed at the school site to meet these goals and
29 objectives. Site councils may make recommendations and proposals to the
30 school board regarding budgetary items and school district matters,
31 including but not limited to, identifying and implementing the best
32 practices for developing efficient and effective administrative and
33 management functions. Site councils also may help school boards analyze
34 the unique environment of schools, enhance the efficiency and maximize
35 limited resources, including outsourcing arrangements and cooperative
36 opportunities as a means to address limited budgets.

37 Sec. 11. K.S.A. 2014 Supp. 72-6216, 72-6217 and 72-6439 are hereby
38 repealed.

39 Sec. 12. This act shall take effect and be in force from and after its
40 publication in the statute book.