

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2292**

As Recommended by House Committee on
Education

Brief*

Sub. for HB 2292 would enact the Local Control of Kansas Education Act and modify provisions of the Student Data Privacy Act.

The bill would prohibit any State official from joining any consortium or organization when doing so would cede any control over Kansas public education to any entity not explicitly granted authority over Kansas public education by Article 6 of the *Kansas Constitution*.

The bill also would void, effective July 1, 2017, any actions taken by the Kansas State Board of Education (State Board), the Kansas State Department of Education, or any local school district in Kansas to adopt, implement or align programs, assessments, testing, surveys, or any education materials or activities to the common core state standards, including the Kansas college and career ready standards and next generation science standards; the social, emotional, and character development standards; the national curriculum standards for social studies; the national health education standards; the national sexuality education standards; or any other academic standards not in the public domain (hereinafter collectively referred to as "Common Core State Standards").

The bill would prohibit the acceptance of public or private moneys that support, align, or are used to implement

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the Common Core State Standards. The bill also would prohibit the implementation of any past academic standards that are aligned with the Common Core State Standards and prohibit the adoption of a formative or summative assessment based on the Common Core State Standards.

The bill also would require the State Board to develop new curriculum standards to take effect on July 1, 2017, and rescind any existing agreement and prohibit any future agreement which conditions the receipt of federal funding upon the adoption of standards aligned with the Common Core State Standards.

The bill would require the State Board to establish model curriculum standards, which may be used by school districts in developing district standards. The model standards would not be permitted to be aligned to the Common Core State Standards.

The bill also would disallow the use of Common Core State Standards or any results from tests associated with those standards in the evaluation or accreditation of any school or school district.

An additional provision of the bill would prohibit teacher evaluation or pay from being conditioned or dependent upon state assessment scores or student participation in state assessments.

The bill also would prohibit the disclosure of any personally identifiable student data or directory information of a student unless prior written consent is provided by the parent or legal guardian of the student. Current law permits limited disclosure of such information if written notice of such disclosure is provided to the parent or legal guardian of the student.

An additional provision of the bill would disallow the disclosure of the disciplinary, criminal, medical, mental health or counseling records of a student without prior written

consent for such disclosure except as required by laws relating to public health, laws dealing with abuse and neglect of minors, a court order or subpoena, or a medical emergency.

A clause in the bill would make all of the provisions related to the Common Core State Standards severable from each other and all other provisions of the bill.

Background

HB 2292 was introduced by the House Committee on Federal and State Affairs. At the House Committee on Education hearing on the bill during the 2015 Legislative Session, testimony in support of the bill was provided by a representative of the Kansas Policy Institute and several private citizens. Testimony in opposition to the bill was provided by representatives of the Kansas State Board of Education, the Kansas State Department of Education, several Kansas school districts, the Kansas Association for Supervision and Curriculum Development, the Kansas Association of Teachers of Mathematics, the Kansas National Education Association, the Kansas PTA, the Mainstream Coalition, the Overland Park Chamber of Commerce, and several private citizens.

The House Committee on Education, during the 2016 Legislative Session, recommended a substitute bill be created. The substitute bill changed the effective date of many provisions of the bill from July 1, 2015, to July 1, 2017, and added the section dealing with the disclosure of disciplinary, criminal, medical, mental health, or counseling records.

A fiscal note prepared by the Division of the Budget for HB 2676, which is identical to the substitute bill, indicated the bill would require an additional \$4.5 million in State General Fund expenditures in both fiscal years 2017 and 2018. The fiscal note also indicated that if the Kansas State Department

of Education does not continue to use the current state assessments in fiscal years 2017 and 2018, it would likely lose federal funds totaling approximately \$4.8 million each year. Finally, the fiscal note stated that after new standards and assessments have been developed, the existing \$1.0 million for the development of assessments in the agency's base budget from the State General Fund could be used to offset the new expenditures required after FY 2018. Any fiscal effect associated with this legislation is not reflected in *The FY 2017 Governor's Budget Report*.