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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Children and Seniors
From: Kyle Hamilton, Assistant Revisor of Statutes
Date: February 20, 2019
Subject: Bill Brief on HB 2361

Under current law, no test, questionnaire, survey or examination (referred to as “survey” throughout the rest of the brief) containing any questions about a student’s personal beliefs or practices on sex, family life, morality or religion or concerning the student’s parent’s views on those subjects may be administered to a student in kindergarten or grades 1 through 12 unless the student’s parent receives notice that the survey is going to be administered and the parent gives written permission for the student to take the survey. HB 2361 would strike the current law’s opt-in language and insert four new requirements for the administration of such surveys. 1.) The survey could not record, request or solicit a student to provide any personally identifiable student data; 2.) students would be informed that participation in the survey is voluntary; 3.) the parent of the student would have to receive written notice that such parent could opt out the student from the survey; and 4.) the results of the survey could only be reported as aggregate data.

In K.S.A. 72-6313, "Aggregate data" is defined as “data collected or reported at the group, cohort or institutional level and which contains no personally identifiable student data.” And “personally identifiable student data” is defined as “student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.”

Current law contains an exception for school counselors from the aforementioned conditions. HB 2361 would extend the exception to other school-based mental health providers.

HB 2361 would become effective upon publication in the statute book, on July 1, 2019.