

## HOUSE BILL No. 2621

By Committee on Education

2-11

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1 AN ACT concerning schools; prescribing curriculum standards;  
2 establishing an advisory council on curriculum content standards;  
3 providing restrictions on the collection of certain student and teacher  
4 data; amending K.S.A. 2013 Supp. 72-6439 and repealing the existing  
5 section; also repealing K.S.A. 2013 Supp. 72-1128.

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

8 New Section 1. Neither the state department of education nor the state  
9 board of education shall expend any moneys to implement a statewide  
10 longitudinal data system or study with the purpose of monitoring or  
11 tracking any student post-high school graduation, or to compile the  
12 student's personal, non-academic information beyond what is necessary  
13 either for administrative functions directly related to the student's  
14 academic progress, for evaluation of education programs, or for  
15 compliance with express requirements of federal law.

16 New Sec. 2. (a) As used in this section:

17 (1) "Biometric record" means a record of one or more measurable  
18 biological or behavioral characteristics that can be used for automated  
19 recognition of an individual, such as fingerprints, retina and iris patterns,  
20 voiceprints, DNA sequence, facial characteristics or handwriting.

21 (2) "Department" means the state department of education.

22 (3) "Education record" means those records that are directly related to  
23 a student or teacher and maintained by the state board or department.

24 (4) "Personally identifiable information" includes, but is not limited  
25 to, the following:

26 (A) A student or teacher's name;

27 (B) the name of a student's parent or other family members;

28 (C) the address of a student or student's family;

29 (D) the address of a teacher;

30 (E) a personal identifier, such as the student's or teacher's social  
31 security number, student's or teacher's number or biometric record;

32 (F) any other indirect identifiers, such as the student's or teacher's  
33 date of birth, place of birth or mother's maiden name;

34 (G) any other information that, alone or in combination, is linked or  
35 linkable to a specific student or teacher that would allow a reasonable  
36 person in the school community, who does not have personal knowledge

1 of the relevant circumstances, to identify the student or teacher with  
2 reasonable certainty; or

3 (H) information requested by a person who the state board or  
4 department reasonably believes knows the identity of the student or  
5 teacher to whom the education record relates.

6 (5) "State board" means the state board of education.

7 (b) (1) Except as provided by paragraph (2), the state board, the  
8 department, a unified school district or local education agency shall not  
9 provide any personally identifiable information of any student or teacher  
10 to any federal agency, any Kansas state or local agency, state or local  
11 agency outside the state of Kansas, or any other organization or entity.

12 (2) The state board, department, unified school district or local  
13 education agency may transfer personally identifiable information of any  
14 student or teacher to any federal agency, any Kansas state or local agency,  
15 state or local agency outside the state of Kansas, or any other organization  
16 or entity in the following circumstances:

17 (A) A student or teacher requests, in writing, that the student's or  
18 teacher's personally identifiable information be transferred;

19 (B) transferring the student's or teacher's personally identifiable  
20 information is required by law or court order;

21 (C) transferring the teacher's personally identifiable information is for  
22 the purpose of wage reporting; or

23 (D) the department enters into a contract with a vendor for the  
24 performance of functions for which the department would otherwise use  
25 its own employees, and the vendor agrees in writing to the terms and  
26 conditions contained in subsection (c).

27 (c) Any vendor that enters into a contract pursuant to subsection (b)  
28 (2) must agree that it:

29 (1) Will limit internal access to education records to those individuals  
30 who require access to those records for completion of the contract;

31 (2) will not use the education records for any purposes other than  
32 those explicitly authorized in the contract;

33 (3) will not disclose any personally identifiable information from  
34 education records to any other party:

35 (A) Without the written consent of the parent or eligible student, or  
36 the affected teacher; or

37 (B) unless required by statute or court order and the party provides a  
38 notice of the disclosure to the state agency, district, or institution that  
39 provided the information no later than the time the information is  
40 disclosed, unless providing notice of the disclosure is expressly prohibited  
41 by the statute or court order;

42 (4) will maintain reasonable administrative, technical and physical  
43 safeguards to protect the security, confidentiality and integrity of the

1 personally identifiable student or teacher data in its custody;

2 (5) will use encryption technologies to protect data while in motion or  
3 in its custody from unauthorized disclosure using a technology or  
4 methodology specified by the secretary of the U.S. department of health  
5 and human services in guidance issued under section 13402(H)(2) of  
6 Public Law 111-5;

7 (6) has sufficient administrative and technical procedures to monitor  
8 continuously the security of personally identifiable student or teacher data  
9 in its custody;

10 (7) will conduct a security audit annually and provide the results of  
11 that audit to each state agency, district or institution that provides  
12 education records or teacher records;

13 (8) will provide the state agency, district or institution with a breach-  
14 remediation plan acceptable to the state agency, district or institution  
15 before initial receipt of education records;

16 (9) will report all suspected or actual security breaches to the state  
17 agency, district or institution that provided education records, and to  
18 parents of affected students and affected eligible students, as soon as  
19 possible, but not later than 48 hours after a suspected breach was known or  
20 would have been known by exercising reasonable diligence;

21 (10) will pay all costs and liabilities incurred by the state agency,  
22 district or institution related to any security breach or unauthorized  
23 disclosure, including, but not limited to, the costs of responding to  
24 inquiries about the security breach or unauthorized disclosure, of notifying  
25 subjects of personally identifiable information about the breach, of  
26 mitigating the effects of the breach for the subjects of the personally  
27 identifiable information, and of investigating the cause or consequences of  
28 the security breach or unauthorized disclosure; and

29 (11) will destroy or return to the state agency, district or institution all  
30 personally identifiable information in its custody upon request and at the  
31 termination of the contract. Destruction shall comply with the  
32 NISTPS800-88 standards of data destruction.

33 New Sec. 3. No unified school district, nor the state board of  
34 education, nor the state department of education shall implement any test,  
35 questionnaire, survey, statewide or national assessment or other  
36 examination, which collects any type of psychological data, including, but  
37 not limited to, noncognitive skills or attributes, psychological resources,  
38 mindsets, learning strategies, effortful control, attitudes, dispositions,  
39 social skills, or other interpersonal or intrapersonal resources, unless  
40 written consent has been received from the parent or guardian of the  
41 student stating otherwise.

42 New Sec. 4. (a) The Kansas college and career ready standards for  
43 English language arts and literacy in history/social studies, science, and

1 technical subjects adopted by the state board of education on October 12,  
2 2010, are hereby declared null and void, and shall have no force and effect.  
3 On and after July 1, 2014, but prior to July 1, 2016, the state board of  
4 education shall only provide for statewide assessments for reading which  
5 are identical to the statewide assessments that were utilized by the state  
6 board of education in school year 2012-2013.

7 (b) The Kansas college and career ready standards for mathematics  
8 adopted by the state board of education on October 12, 2010, are hereby  
9 declared null and void, and shall have no force and effect. On and after  
10 July 1, 2014, but prior to July 1, 2016, the state board of education shall  
11 only provide for statewide assessments for mathematics which are  
12 identical to the statewide assessments that were utilized by the state board  
13 of education in school year 2012-2013.

14 (c) The common core state standards for mathematics and English  
15 language arts, including the Kansas enhancements to the standards referred  
16 to as the state 15% option, adopted by the state board of education on  
17 October 12, 2010, are hereby declared null and void, and shall have no  
18 force and effect.

19 (d) The next generation science standards and the Kansas college and  
20 career ready standards for science adopted by the state board of education  
21 on June 11, 2013, are hereby declared null and void, and shall have no  
22 force and effect. On and after July 1, 2014, but prior to July 1, 2016, the  
23 state board of education shall only provide for statewide assessments for  
24 science which are identical to the statewide assessments that were utilized  
25 by the state board of education in school year 2012-2013.

26 (e) The social, emotional, and character development standards  
27 adopted by the state board of education on April 17, 2012, and published  
28 in the Kansas social, emotional, and character development model  
29 standards by the state department of education on December 3, 2012, are  
30 hereby declared null and void, and shall have no force and effect.

31 New Sec. 5. (a) There is hereby established an advisory council on  
32 curriculum content standards within the state department of education. The  
33 advisory council on curriculum content standards shall be advisory to the  
34 state board of education on the development and adoption of curriculum  
35 standards under K.S.A. 72-6439, and amendments thereto.

36 (b) (1) The advisory council on curriculum content standards shall be  
37 comprised of 19 members as follows:

38 (A) One member appointed by the state board of education who is  
39 serving as a curriculum director in a Kansas public school for kindergarten  
40 or grades one through 12, and such original member shall serve four years;

41 (B) one member appointed by the president of the senate who is a  
42 parent of a student enrolled in any unified school district in Kansas, and  
43 such original member shall serve four years;

1 (C) one member appointed by the minority leader of the senate who is  
2 a parent of a student enrolled in any unified school district in Kansas, and  
3 such original member shall serve four years;

4 (D) one member appointed by the speaker of the house of  
5 representatives who is a parent of a student enrolled in any unified school  
6 district in Kansas, and such original member shall serve two years;

7 (E) one member appointed by the minority leader of the house of  
8 representatives who is a parent of a student enrolled in any unified school  
9 district in Kansas, and such original member shall serve two years;

10 (F) one member appointed by the governor who is a parent of a  
11 student enrolled in any unified school district in Kansas, and such original  
12 member shall serve four years;

13 (G) three members appointed by the state board of education who are  
14 licensed teachers with at least 10 years of teaching experience in the  
15 classroom in the core academic areas described in K.S.A. 72-6439, and  
16 amendments thereto, of which one member is serving or has served as a  
17 public elementary school teacher, one member is serving or has served as a  
18 public junior high or middle school teacher and one member is serving or  
19 has served as a public senior high school teacher, and such original  
20 members shall serve two years;

21 (H) two faculty members appointed by the state board of regents, of  
22 which one member is serving in the mathematics department of a four-year  
23 college or university located in Kansas and one member is serving in the  
24 English department of a four-year college or university located in Kansas,  
25 and such original members shall serve four years;

26 (I) one member appointed by the postsecondary technical education  
27 authority, as described in K.S.A. 2013 Supp. 72-4481, and amendments  
28 thereto, and such original member shall serve two years;

29 (J) one member appointed by the governor to represent the Kansas  
30 business community, and such original member shall serve four years;

31 (K) one member appointed by the chairperson of the house of  
32 representatives committee on education who is either serving on a board of  
33 education of a unified school district or as a superintendent of schools, as  
34 described in K.S.A. 72-8202b, and amendments thereto, and such original  
35 member shall serve two years;

36 (L) one member appointed by the ranking minority member of the  
37 house of representatives committee on education who is either serving on a  
38 board of education of a unified school district or as a superintendent of  
39 schools, as described in K.S.A. 72-8202b, and amendments thereto, and  
40 such original member shall serve two years;

41 (M) one member appointed by the chairperson of the senate  
42 committee on education who is either serving on a board of education of a  
43 unified school district or as a superintendent of schools, as described in

1 K.S.A. 72-8202b, and amendments thereto, and such original member  
2 shall serve four years;

3 (N) one member appointed by the ranking minority member of the  
4 senate committee on education who is either serving on a board of  
5 education of a unified school district or as a superintendent of schools, as  
6 described in K.S.A. 72-8202b, and amendments thereto, and such original  
7 member shall serve four years; and

8 (O) two members appointed by the state board of regents who are  
9 licensed psychologists or psychiatrists with expertise in child cognitive  
10 development, and such original members shall serve two years.

11 (2) Each member appointed under paragraph (1) shall be a resident of  
12 the state of Kansas for at least six months prior to becoming a member of  
13 the advisory council on curriculum content standards. Each member  
14 appointed under paragraph (1) shall hold a bachelor's degree from an  
15 accredited university or college.

16 (c) (1) The appointments to the advisory council on curriculum  
17 content standards shall be for terms of four years, except as provided for  
18 the original members in subsection (b). No member shall be appointed to  
19 the council for more than two consecutive terms. Upon the expiration of  
20 the term of office of any member of the council on or after July 1, 2014,  
21 and in any case of a vacancy existing on or after July 1, 2014, a successor  
22 shall be appointed in the manner prescribed by this section for the original  
23 appointment.

24 (2) All members of the advisory council on curriculum content  
25 standards, and its subcommittees, shall not be paid compensation, but shall  
26 receive subsistence allowances, mileage and other expenses as provided by  
27 K.S.A. 75-3223, and amendments thereto.

28 (d) The advisory council on curriculum content standards may  
29 appoint subcommittees of the council to review the curriculum standards  
30 for each of the core academic areas described in K.S.A. 72-6439, and  
31 amendments thereto. Subcommittee members shall have knowledge of,  
32 responsibility for, or interest in an area related to the duties of the council  
33 assigned to the subcommittee. Each subcommittee may consider research  
34 on curriculum reform efforts, curriculum standards from other states, and  
35 input from a member of the public, including, but not limited to, teachers  
36 and parents. Any proposed revisions shall contain considerations of clarity,  
37 rigor, content, depth and coherence. Each subcommittee shall submit any  
38 revisions to such curriculum standards to the advisory council on  
39 curriculum content standards for its review and approval.

40 (e) Upon receipt of any recommendations from the subcommittees in  
41 accordance with subsection (d), the advisory council on curriculum  
42 content standards shall review and finalize any revisions to any curriculum  
43 standards prior to providing a proposal to the state board of education.

1 (f) Prior to any adoption of curriculum standards by the state board of  
2 education in accordance with K.S.A. 72-6439, and amendments thereto,  
3 the state board of education shall present the advisory council's on  
4 curriculum content standards proposal during at least one public hearing  
5 held in every congressional district and submit a written report on such  
6 proposal to the house of representatives and senate committees on  
7 education.

8 (g) (1) The members of the advisory council on curriculum content  
9 standards shall meet and organize annually by electing one member as  
10 chairperson, except that the governor shall designate the first chairperson  
11 of the council from among the first members appointed.

12 (2) The council may meet at any time and at any place within the  
13 state on the call of the chairperson. A majority of members shall constitute  
14 a quorum. All actions of the council shall be by motion adopted by a  
15 majority of those voting members present when there is a quorum.

16 (h) All proceedings of the advisory council on curriculum content  
17 standards and any subcommittee of the council shall be open to the public  
18 in accordance with and subject to the provisions of K.S.A. 75-4317  
19 through 75-4320, and amendments thereto.

20 (i) The state department of education shall provide staff, facilities and  
21 other assistance as may be requested by the advisory council on  
22 curriculum content standards or its subcommittees.

23 (j) The process established by this section shall commence  
24 immediately upon the effective date of this legislation. Revision of the  
25 curriculum content standards shall begin with English language arts and  
26 mathematics and shall be completed for these two content areas by July 1,  
27 2016.

28 Sec. 6. K.S.A. 2013 Supp. 72-6439 is hereby amended to read as  
29 follows: 72-6439. (a) In order to accomplish the mission for Kansas  
30 education, the state board of education shall design and adopt a school  
31 performance accreditation system based upon improvement in  
32 performance that reflects high academic standards and is measurable.

33 (b) (1) The state board shall *solely* establish *and develop* curriculum  
34 standards which reflect high academic standards for the core academic  
35 areas of mathematics, science, reading, writing and social studies. *Such*  
36 *curriculum standards shall not include any areas which relate to social,*  
37 *emotional or character development.*

38 (2) The curriculum standards shall be reviewed at least every seven  
39 years *and revised solely by the state board with assistance from the*  
40 *advisory council on curriculum content standards, as described in section*  
41 *5, and amendments thereto.*

42 (3) *Any and all curriculum standards developed under this subsection*  
43 *shall be solely owned and controlled by the state of Kansas through the*

1 *state board.*

2 (4) Nothing in this subsection shall be construed in any manner so as  
3 to impinge upon any district's authority to determine its own curriculum.

4 (c) (1) The state board shall provide for statewide assessments in the  
5 core academic areas of mathematics, science, reading, writing and social  
6 studies. The *state* board shall ensure compatibility between the statewide  
7 assessments and the curriculum standards established pursuant to  
8 subsection (b). Such assessments shall be administered at three grade  
9 levels, as determined by the *state* board. The state board shall determine  
10 performance levels on the statewide assessments, the achievement of  
11 which represents high academic standards in the academic area at the  
12 grade level to which the assessment applies. The state board should specify  
13 high academic standards both for individual performance and school  
14 performance on the assessments.

15 (2) *Any and all results from any statewide assessments shall be solely*  
16 *owned and controlled by the state of Kansas through the state board.*

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

32 Sec. 7. K.S.A. 2013 Supp. 72-1128 and 72-6439 are hereby repealed.

33 Sec. 8. This act shall take effect and be in force from and after its  
34 publication in the statute book.