

**HOUSE BILL No. 2588**

By Committee on Education

2-2

1 AN ACT concerning schools; relating to the student data privacy act;  
2 concerning the school performance accreditation system; amending  
3 K.S.A. 2015 Supp. 72-6216, 72-6217 and 72-6479 and repealing the  
4 existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2015 Supp. 72-6216 is hereby amended to read as  
8 follows: 72-6216. As used in K.S.A. 2015 Supp. 72-6215 through 72-  
9 6223, and amendments thereto:

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

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

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

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

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

23 (f) *"Encrypted" means the use of a cryptographic algorithm with a*  
24 *256 bit key length to protect electronic data that follows the advanced*  
25 *encryption standard, FIPS PUB 197, issued by the national institute of*  
26 *standards and technology.*

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

29 ~~(h)~~ (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 ~~(i)~~ (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

- 1    untested students;
- 2       (2)   course taking and completion, credits earned and other transcript
- 3    information;
- 4       (3)   course grades and grade point average;
- 5       (4)   date of birth, grade level and expected date of graduation;
- 6       (5)   degree, diploma, credential attainment and other school exit
- 7    information such as general education development and drop-out data;
- 8       (6)   attendance and mobility;
- 9       (7)   data required to calculate the federal four-year adjusted cohort
- 10   graduation rate, including sufficient exit and drop-out information;
- 11       (8)   remediation;
- 12       (9)   special education data;
- 13       (10)  demographic data and program participation information; and
- 14       (11)  any other information included in a student's educational record.
- 15    ~~(j)~~ (j) "Personally identifiable student data" means student data that,
- 16    alone or in combination, is linked or linkable to a specific student and
- 17    would allow a reasonable person to identify the student with reasonable
- 18    certainty.
- 19    Sec. 2. K.S.A. 2015 Supp. 72-6217 is hereby amended to read as
- 20    follows: 72-6217. (a) *The board of education of each school district shall*
- 21    *adopt a written student data access policy which:*
- 22       (1) *Provides which school district personnel are authorized to access,*
- 23       *manage or use student data;*
- 24       (2) *defines the responsibilities of such school district personnel;*
- 25       (3) *provides individualized access privileges and restrictions based*
- 26       *upon the access needed by school district personnel to perform their*
- 27       *assigned duties; and*
- 28       (4) *requires school district personnel with access to student data to*
- 29       *receive training on the student data access policy.*
- 30       (b) *Student data that is electronically stored or maintained by any*
- 31       *educational agency, submitted to and maintained by a statewide*
- 32       *longitudinal student data system and any electronic disclosures or*
- 33       *transfers of student data shall be encrypted.*
- 34       (c) Any student data submitted to and maintained by a statewide
- 35       longitudinal student data system shall only be disclosed by an educational
- 36       agency in accordance with the provisions of this section. An educational
- 37       agency shall provide annual written notice to each student's parent or legal
- 38       guardian that student data may be disclosed in accordance with this
- 39       section. Such notice shall be signed by the student's parent or legal
- 40       guardian and maintained on file with the district.
- 41       ~~(d)~~ (d) Student data may be disclosed at any time to:
- 42       (1) The authorized personnel of an educational agency who require
- 43       such disclosures to perform their assigned duties;

1 (2) the authorized personnel of the state board of regents who require  
2 such disclosures to perform their assigned duties; and

3 (3) the student and the parent or legal guardian of the student,  
4 provided the student data pertains solely to such student.

5 ~~(e)~~ (e) Student data may be disclosed to the authorized personnel of  
6 any state agency not specified in subsection~~(b)~~ (d), or to a service  
7 provider of a state agency, educational agency or school who is engaged to  
8 perform a function of instruction, assessment or longitudinal reporting,  
9 provided there is a data-sharing agreement between the educational agency  
10 and such other state agency or service provider that provides the  
11 following:

12 (1) The purpose, scope and duration of the data-sharing agreement;

13 (2) that the recipient of the student data use such information solely  
14 for the purposes specified in the agreement;

15 (3) that the recipient shall comply with data access, use and security  
16 restrictions that are specifically described in the agreement; ~~and~~

17 (4) *that the student data shall be encrypted; and*

18 ~~(4)~~ (5) that the student data shall be destroyed when no longer  
19 necessary for the purposes of the data-sharing agreement or upon  
20 expiration of the data-sharing agreement, whichever occurs first. Except  
21 that a service provider engaged to perform a function of instruction may  
22 retain student transcripts as required by applicable laws and rules and  
23 regulations. Destruction shall comply with the NISTSP800-88 standards of  
24 data destruction.

25 ~~(d)~~ (f) (1) Except as otherwise provided in paragraph (2), student data  
26 may be disclosed to any governmental entity not specified in subsection  
27 ~~(b)~~ (d) or ~~(e)~~ (e), or to any public or private audit and evaluation or  
28 research organization, provided that only aggregate data is disclosed to  
29 such governmental entity or audit and evaluation or research organization.

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

33 ~~(e)~~ (g) Notwithstanding the provisions of subsections~~(b)~~ (d), ~~(e)~~ (e)  
34 and ~~(d)~~ (f), an educational agency may disclose:

35 (1) Directory information of a student when such agency deems such  
36 disclosure necessary and the disclosure of which has been consented to in  
37 writing by such student's parent or legal guardian;

38 (2) directory information to an enhancement vendor that provides  
39 photography services, class ring services, yearbook publishing services,  
40 memorabilia services or other substantially similar services, *provided the*  
41 *disclosure of which has been consented to in writing by such student's*  
42 *parent or legal guardian;*

43 (3) any information required to be disclosed pursuant to K.S.A. 65-

1 101, 65-118 and 65-202, and amendments thereto, provided such  
2 information is disclosed in accordance with any provisions of such statutes  
3 regarding the confidentiality and disclosure of such information;

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

6 (5) student data to a public or private postsecondary educational  
7 institution which is required by such postsecondary educational institution  
8 for the purposes of application or admission of a student to such  
9 postsecondary educational institution, provided that such disclosure is  
10 consented to in writing by such student.

11 Sec. 3. K.S.A. 2015 Supp. 72-6479 is hereby amended to read as  
12 follows: 72-6479. (a) In order to accomplish the mission for Kansas  
13 education, the state board of education shall design and adopt a school  
14 performance accreditation system based upon:

15 (1) Improvement in performance that reflects high academic  
16 standards and is measurable; *and*

17 (2) *compliance with the student data privacy act, K.S.A. 2015 Supp.*  
18 *72-6215 et seq., and amendments thereto.*

19 (b) The state board shall establish curriculum standards which reflect  
20 high academic standards for the core academic areas of mathematics,  
21 science, reading, writing and social studies. The curriculum standards shall  
22 be reviewed at least every seven years. Nothing in this subsection shall be  
23 construed in any manner so as to impinge upon any district's authority to  
24 determine its own curriculum.

25 (c) The state board shall provide for statewide assessments in the core  
26 academic areas of mathematics, science, reading, writing and social  
27 studies. The board shall ensure compatibility between the statewide  
28 assessments and the curriculum standards established pursuant to  
29 subsection (b). Such assessments shall be administered at three grade  
30 levels, as determined by the board. The state board shall determine  
31 performance levels on the statewide assessments, the achievement of  
32 which represents high academic standards in the academic area at the  
33 grade level to which the assessment applies. The state board should specify  
34 high academic standards both for individual performance and school  
35 performance on the assessments.

36 (d) Each school in every district shall establish a school site council  
37 composed of the principal and representatives of teachers and other school  
38 personnel, parents of pupils attending the school, the business community,  
39 and other community groups. School site councils shall be responsible for  
40 providing advice and counsel in evaluating state, school district, and  
41 school site performance goals and objectives and in determining the  
42 methods that should be employed at the school site to meet these goals and  
43 objectives. Site councils may make recommendations and proposals to the

1 school board regarding budgetary items and school district matters,  
2 including, but not limited to, identifying and implementing the best  
3 practices for developing efficient and effective administrative and  
4 management functions. Site councils also may help school boards analyze  
5 the unique environment of schools, enhance the efficiency and maximize  
6 limited resources, including outsourcing arrangements and cooperative  
7 opportunities as a means to address limited budgets.

8 (e) Whenever the state board of education determines that a school  
9 has failed either to meet the accreditation requirements established by  
10 rules and regulations or standards adopted by the state board or provide the  
11 curriculum required by state law, the state board shall so notify the school  
12 district in which the school is located. Such notice shall specify the  
13 accreditation requirements that the school has failed to meet and the  
14 curriculum that the school has failed to provide. Upon receipt of such  
15 notice, the board of education of such school district is encouraged to  
16 reallocate the resources of the school district to remedy all deficiencies  
17 identified by the state board. When making such reallocation, the board of  
18 education shall take into consideration the resource strategies of highly  
19 resource-efficient districts as identified in phase III of the Kansas  
20 education resource management study conducted by Standard and Poor's  
21 (March 2006).

22 (f) The provisions of this section shall be effective from and after July  
23 1, 2015, through June 30, 2017.

24 Sec. 4. K.S.A. 2015 Supp. 72-6216, 72-6217 and 72-6479 are hereby  
25 repealed.

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