

HOUSE BILL No. 2606

By Committee on Education

2-10

1 AN ACT concerning schools; enacting the student data accessibility,
2 transparency and accountability act.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 1 through 8, and amendments thereto, shall be
6 known and may be cited as the student data accessibility, transparency and
7 accountability act.

8 Sec. 2. As used in sections 1 through 8, and amendments thereto:

9 (a) "Aggregate data" means data collected or reported at the group,
10 cohort or institutional level.

11 (b) "De-identified data" means a student dataset in which personally
12 identifiable information has been removed.

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

14 (d) "Kansas individual data on students system" or "KIDS system"
15 means the student data system maintained by the department, which
16 assigns a state student identifier number for each student who attends an
17 accredited public or private school in Kansas or participates in a head start
18 program in Kansas and uses the state student identifier number to collect
19 student data.

20 (e) "Personally identifiable information" includes:

21 (1) Parent and student identifying information, such as name, address
22 or date of birth;

23 (2) a student's state student identifier number; and

24 (3) any other information that, alone or in combination with other
25 information, is connected to a specific student that would allow a
26 reasonable person to identify a student with reasonable certainty.

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

29 (g) "State board" means the state board of education.

30 (h) "Student data" means data collected or reported at the individual
31 student level in a student's educational record and includes:

32 (1) State and national assessment results, including information on
33 untested students;

34 (2) course taking and completion, credits earned and other transcript
35 information;

36 (3) course grades and grade point average;

- 1 (4) date of birth, grade level and expected date of graduation;
- 2 (5) degree, diploma, credential attainment, and other school exit
- 3 information such as general education development and drop-out data;
- 4 (6) attendance and mobility;
- 5 (7) data required to calculate the federal four-year adjusted cohort
- 6 graduation rate, including sufficient exit and drop-out information;
- 7 (8) discipline reports limited to objective information sufficient to
- 8 produce any reports that are required to receive federal title IV funding;
- 9 (9) remediation;
- 10 (10) special education data;
- 11 (11) demographic data and program participation information; and
- 12 (12) any other information included in a student's educational record.

13 Sec. 3. The state board shall develop and maintain the KIDS system
14 for the collection, reporting and dissemination of student data in a manner
15 which protects student privacy. The student data maintained by each
16 school district shall be coordinated with the KIDS system. Each school
17 district shall record the student data in accordance with the KIDS system
18 as prescribed by the state board. Each school district shall submit student
19 data as may be required by the state board. The state board shall direct the
20 use of student data. The state board shall prescribe data elements and data
21 fields to classify such student data. The state board shall prescribe the
22 necessary forms to be used by school districts in connection with the KIDS
23 system.

24 Sec. 4. (a) (1) The state board shall develop policies and procedures
25 concerning the collection, reporting and dissemination of student data, de-
26 identified data and aggregate data.

27 (2) Such policies and procedures shall comply with section 5, and
28 amendments thereto, any applicable federal laws and regulations
29 protecting the right of privacy of any student or student's family, K.S.A.
30 72-6214, and amendments thereto, and any other applicable privacy laws.

31 (3) Such policies and procedures shall include, but not be limited to,
32 the following:

33 (A) Restrictions on access to student data and de-identified data in the
34 KIDS system to the following persons:

35 (i) The authorized staff of the department and any personnel
36 contracted by the department who require such access to perform their
37 assigned duties;

38 (ii) the authorized staff and any personnel contracted who are
39 assigned to the department pursuant to K.S.A. 75-4701 et seq., and
40 amendments thereto, and require such access to perform their assigned
41 duties;

42 (iii) the authorized staff of a school district who require such access
43 to perform their assigned duties;

1 (iv) the student and parent if such student data concerns that
2 individual student; and

3 (v) the authorized staff of other state agencies in Kansas, such as the
4 state board of regents, as required by law or defined by interagency data-
5 sharing agreements.

6 (B) Criteria to be used when approving requests from state and local
7 agencies in Kansas or the legislature of the state of Kansas for student data
8 or de-identified data.

9 (C) Limitations on the use of aggregate data in public reports or in
10 response to record requests.

11 (D) Notification to students and parents regarding their rights under
12 applicable federal and state privacy laws.

13 (b) The state board shall develop a data security plan, which includes
14 the following:

15 (1) Guidelines for authorizing access to the KIDS system and to
16 student data, and an authentication system for such authorization;

17 (2) privacy compliance standards;

18 (3) privacy and security audits;

19 (4) breach planning, notification and procedures; and

20 (5) data retention and disposition policies.

21 (c) Any contracts entered into by the state board relating to any data
22 collected by the KIDS system shall include express provisions that
23 safeguard privacy and security, and penalties for noncompliance of such
24 provisions.

25 Sec. 5. (a) The state board shall use only aggregate data in its
26 reporting:

27 (1) To any federal agency, state or local agency outside the state of
28 Kansas, or any other out-of-state organization or entity;

29 (2) in its public reports; or

30 (3) in response to record requests.

31 (b) (1) Except as provided by paragraph (2) of this subsection,
32 student data and de-identified data maintained by the department are
33 confidential.

34 (2) The state board may transfer student data and de-identified data to
35 any federal agency, state or local agency outside the state of Kansas, or
36 any other out-of-state organization or entity in the following
37 circumstances:

38 (A) The state board approves of such data to be transferred;

39 (B) a student requests, in writing, that the student's data be transferred
40 to an out-of-state school district or postsecondary educational institution;

41 (C) a student registers for or takes a national assessment, such as the
42 national assessment of educational progress; or

43 (D) the department enters into a contract that governs databases,

1 Kansas-specific statewide assessments, special education or instructional
2 supports with an out-of-state vendor. Such contracts shall include express
3 provisions that safeguard privacy and security, and penalties for
4 noncompliance of such provisions.

5 (3) The provisions of subsection (b)(1) shall expire on July 1, 2019,
6 unless the legislature reviews and reenacts this provision pursuant to
7 K.S.A. 45-229, and amendments thereto.

8 Sec. 6. (a) The department shall annually publish on its internet
9 website the following:

10 (1) An index of data elements and data fields used in the KIDS
11 system with definitions of such data elements and data fields;

12 (2) the categories of student data required to be reported to state and
13 federal educational agencies;

14 (3) the categories of student data which have been proposed for
15 inclusion in the KIDS system with a statement regarding the purpose or
16 reason for the proposed collection; and

17 (4) any policies and procedures developed by the state board in
18 accordance with section 4, and amendments thereto.

19 (b) Publications required by this section shall be published with an
20 easily identifiable link located on the department's website homepage.

21 Sec. 7. On or before May 15, 2015, and each year thereafter, the state
22 board shall submit to the governor and the legislature a written report. The
23 report shall include, but not be limited to, the following information:

24 (a) Any categories of student data collected for the KIDS system that
25 are not otherwise described as student data under section 2, and
26 amendments thereto;

27 (b) any changes to existing data collections, which includes changes
28 to federal reporting requirements by the secretary of the United States
29 department of education;

30 (c) an explanation of any exceptions provided by the state board in
31 the preceding calendar year regarding the release or transfer of student
32 data or de-identified data; and

33 (d) the scope and nature of any privacy or security audits completed
34 in the preceding calendar year.

35 Sec. 8. The state board may adopt rules and regulations necessary to
36 implement the provisions of the student data accessibility, transparency
37 and accountability act.

38 Sec. 9. This act shall take effect and be in force from and after its
39 publication in the statute book.