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MEMORANDUM

To: Chairman Highland and Members of the House Committee on Education
From: Nick Myers, Assistant Revisor of Statutes
Date: February 17, 2016
Subject: Proposed Substitute for House Bill 2292

Proposed substitute for House Bill 2292 enacts the local control of Kansas education act and makes certain amendments to the student data privacy act. This proposed substitute bill is very similar to HB 2292 which the House Education Committee considered last year.

Section 1

Section 1 would cite the act as the local control of Kansas education act.

Section 2

Section 2 would define certain terms used in the act, some key terms include:

- "Education entity," means the state board, the department, any school district, any school, local government or private enterprise that exercises any responsibilities or decision-making authority with respect to K-12 public education in Kansas.
- "Common core state standards" means the common core standards adopted by the state board on or after October 12, 2010 and any subsequent amendments to the common core standards. It includes "common core state standards for English language arts and literacy in history/social studies, science and technical subjects," "common core state standards for mathematics," "Kansas college and career ready standards" and "next generation science standards."

Section 3

Subsection (a) declares that the state would retain sole control over the development, establishment and revision of K-12 curriculum standards.

Subsection (b) would prohibit any education entity or state official from joining any consortium or other organization when doing so would cede any measure control over public education to any entity not explicitly granted such authority in article 6 of the constitution of the state of Kansas.

Subsection (c) would void, on July 1, 2017, any actions taken by an education entity or state official to adopt, implement or align programs, assessments, testing surveys or any educational materials or activities to the common core state standards or the social, emotional and character development standards, the national curriculum standards for social studies, the national health education standards, the national sexuality education standards, core content and skills, K-12 or other academic standards not in the public domain, free of any copyright.

Subsection (d) would prohibit any state education entity or state official from accepting public or private money or from spending any money for the purchase of materials or teacher in-service training if it supports, aligns or is used to implement the common core state standards or any other standards listed in subsection (c).

Subsection (e) would prohibit conditioning teacher evaluation or pay on state assessment scores or participation in state assessments.

Section 4

Subsection (a) would prohibit the state board from implementing any past or future academic standards aligned to the common core state standards or any other standards listed in section 3, subsection (c).

Subsection (b) requires the state board to develop revised curriculum standards through the process provided in K.S.A. 72-6479. Those standards would take effect on July 1, 2017.

Section 5

Section 5 would require the state board to rescind any requirement, agreement or waiver with the U.S. department of education or any other federal agency which conditioned federal funding on aligning state standards with the common core state standards.

Section 6

Section 6 would prohibit the state board from adopting or developing criterion-referenced formative or summative assessment instrument based on or aligned to common core state standards.

Section 7

Section 7 states that if any provision of the act is held invalid, that shall not affect other provisions of the act.

Sections 8, 9 and 10

Sections 8, 9 and 10 make amendments to the student data privacy act. Section 8 adds a definition of “prior written consent” to the student data privacy act:

- "Prior written consent" means that a parent or legal guardian's signature is required on a written document that provides what data will be collected, how the data will be collected, how the data will be used, what person or entity the data will be shared with and the dates over which the disclosed data will be used.

Section 9 would prohibit an educational agency from disclosing any personally identifiable student data to any person, agency, entity, service provider or enhancement vendor unless prior written consent was provided by the parent or guardian.

Section 10 requires school districts to receive prior written consent before disclosing any disciplinary, criminal, medical, mental health or counseling records of a student. Schools are authorized to disclose such records without receiving prior written consent when: (1) Disclosure is required pursuant to public health laws relating to the reporting and investigation of infectious and contagious diseases; (2) disclosure is necessary to comply with the law requiring a person to report suspected abuse or neglect of a child; (3) a subpoena or court order requires disclosure; or (4) a medical emergency necessitates disclosure.

Section 11

Section 11 requires the state board to adopt model curriculum standards in accordance with the above provisions which prohibit common core standards. Districts would be allowed to use the model curriculum standards as a guideline in developing district standards. Also, the state board would be prohibited from using any prohibited standards or results from tests associated with those standards in evaluation or accreditation of schools.