

HOUSE BILL No. 2588

By Committee on Education

2-2

Proposed Amendments to HB 2588
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Office of Revisor of Statutes
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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 (f) (g) "School district" means a unified school district organized and
28 operated under the laws of this state.

29 (g) (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 (h) (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

strike and redesignate subsections

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 ~~(f) (i)~~ "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 ~~(b) (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;

Student data that is electronically stored, maintained or disclosed by an educational agency shall be protected with reasonable technical, administrative and physical security safeguards that are appropriate for the data and in accordance with existing industry standards.

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

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

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

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

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

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

~~(4) That the student data shall be encrypted; and~~

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

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

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

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

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

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

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

that the student data shall be protected with reasonable technical, administrative and physical security safeguards that are appropriate for the data and in accordance with existing industry standards