

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 (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

Proposed Amendments to HB 2588

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Office of Revisor of Statutes

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(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)~~ (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)~~ (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-

provided the vendor shall be prohibited from selling or using such directory information for a purpose unrelated to the school related activity for which the information was initially disclosed