

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for Substitute for HB 2292**, on page 1, following line 4, by inserting:

"New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the local control of Kansas education act.

New Sec. 2. As used in this act:

- (a) "State board" means the Kansas state board of education;
- (b) "department" means the Kansas state department of education;
- (c) "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 the state of Kansas;
- (d) "school" means any public school operated by a unified school district and any nonpublic school accredited by the state board;
- (e) "state official" means any official in state or local government in Kansas, whether elected or appointed; and
- (f) "common core state standards" means the common core standards adopted by the Kansas state board of education on or after October 12, 2010, and any subsequent amendments to the common core standards. "Common core state standards" includes "common core state standards for English language arts & 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."

New Sec. 3. (a) The state shall retain sole control over the development, establishment and revision of K-12 curriculum standards.

(b) Any education entity or any state official shall not join any consortium or any other organization when participation in that consortium or organization would cede any measure of control over any aspect of Kansas public education to any entity not explicitly allowed authority over education in article 6 of the constitution of the state of Kansas. No such person or entity shall condition or delay a decision on academic standards or curriculum according to the decision of any consortium, organization, any other state government, the federal government or any other entity not explicitly allowed authority over education in article 6 of the constitution of the state of Kansas.

(c) Nothing in sections 1 through 6, and amendments thereto, shall disallow an education entity from participating in or spending money on advanced placement, international baccalaureate or other programs and courses if at least one of the following conditions is met:

(1) The program or course meets or exceeds the Kansas curriculum standards under section 4(b), and amendments thereto; or

(2) the program or course is a dual-enrollment course that provides students with an opportunity to earn college credit in grade 11 or 12.

(d) Beginning July 1, 2017, any education entity or any state official shall not accept public or private moneys or spend any moneys for the purchase of materials, for teacher in-service training or for assessments that support, align or are used to implement the common core state standards. Textbooks purchased prior to July 1, 2017, may continue to be used by school districts, as long as no new moneys are spent in order to use such textbooks.

(e) No law or rule or regulation shall condition teacher evaluation or pay on state assessment scores or student participation in state assessments.

New Sec. 4. (a) Beginning July 1, 2017, the state board shall not implement any past

academic standards or related assessments or any future academic standards or related assessments that are aligned with the common core state standards.

(b) Beginning July 1, 2017, the state board shall:

(1) Reinstate the curriculum standards used to teach K-12 English language arts, mathematics, science and social studies and the related assessments in effect during the 2008-2009 school year; or

(2) adopt the Massachusetts curriculum standards used to teach K-12 English language arts, mathematics, science and social studies and the related assessments in effect during the 2008-2009 school year, except that any references in such standards shall be changed to refer to this state and any state history or government content standards shall be changed to reflect the history and government of Kansas. Revised Kansas curriculum standards used to teach K-12 English language arts, mathematics, science and social studies shall be developed through the process provided for in K.S.A. 2015 Supp. 72-6479, and amendments thereto. These standards shall take effect on July 1, 2022.

(c) If advanced placement, international baccalaureate, dual credit or other similar courses and tests are administered to public high school students after July 1, 2017, they shall be aligned with Kansas curriculum standards in effect pursuant to subsection (b).

New Sec. 5. The state board of education shall rescind any requirement, agreement or waiver with the United States department of education or any other federal agency which conditioned the receipt of federal funding upon the board revising educational curriculum standards to align with the common core state standards. The state board shall not agree to future federal educational funding, waivers, agreements or requirements which condition the receipt of federal funding upon academic curriculum being aligned to the common core state standards.

New Sec. 6. The state board of education shall not adopt or develop a criterion-referenced formative or summative assessment instrument under this act based on or aligned with common core state standards.

New Sec. 7. If any provision of this act is held invalid, such invalidity shall not affect other provisions and to this end the provisions of this act are declared to be severable.

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

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

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

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

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

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

(f) "Prior written consent" means that a parent or legal guardian's signature is required on a written document that notifies the parent or legal guardian 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.

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

~~(g)~~-(h) "Statewide longitudinal student data system" means any student data system maintained by the department, which assigns a state identification number for each student who attends an accredited public or private school in Kansas and uses the state identification number to collect student data.

~~(h)~~(i) "Student data" means the following information contained in a student's educational record:

- (1) State and national assessment results, including information on untested students;
- (2) course taking and completion, credits earned and other transcript information;
- (3) course grades and grade point average;
- (4) date of birth, grade level and expected date of graduation;
- (5) degree, diploma, credential attainment and other school exit information such as general education development and drop-out data;
- (6) attendance and mobility;
- (7) data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information;
- (8) remediation;
- (9) special education data;
- (10) demographic data and program participation information; and
- (11) any other information included in a student's educational record.

~~(i)~~(j) "Personally identifiable student data" means student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.

Sec. 9. K.S.A. 2015 Supp. 72-6217 is hereby amended to read as follows: 72-6217. (a) Any student data submitted to and maintained by a statewide longitudinal student data system shall only be disclosed by an educational agency in accordance with the provisions of this section. An educational agency shall ~~provide annual written notice to each student's parent or legal guardian that student data may be disclosed in accordance with this section. Such notice shall be signed by the student's parent or legal guardian and maintained on file with the district~~ not disclose any personally identifiable student

data unless prior written consent is provided by the parent or legal guardian of the respective student. Personally identifiable student data may be disclosed if the parent or legal guardian provides prior written consent for the disclosure.

(b) Student data that is not personally identifiable student data may be disclosed at any time to:

(1) The authorized personnel of an educational agency who require such disclosures to perform their assigned duties; and

(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.~~

(c) Student data that is not personally identifiable student data may be disclosed to the authorized personnel of any state agency not specified in subsection (b), 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 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.

~~(d)(1) Except as otherwise provided in paragraph (2), student Aggregate data may be disclosed to any governmental entity ~~not specified in subsection (b) or (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.~~

(e) Notwithstanding the provisions of subsections (b), (c) and (d), 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~~ provides prior written consent;

(2) directory information to an enhancement vendor that provides photography services, class ring services, yearbook publishing services, memorabilia services or other substantially similar services when such student's parent or legal guardian provides prior written consent;

(3) any information required to be disclosed pursuant to K.S.A. 65-101, 65-118 and 65-202, and amendments thereto, provided such information is disclosed in accordance with any provisions of such statutes regarding the confidentiality and disclosure of such information;

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

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

by such student.

Sec. 10. K.S.A. 2015 Supp. 72-6218 is hereby amended to read as follows: 72-6218. (a) No school district shall collect biometric data from a student, or use any device or mechanism to assess a student's physiological or emotional state, unless the student, if an adult, or the parent or legal guardian of the student, if a minor, consents in writing.

(b) No school district shall disclose any disciplinary, criminal, medical, mental health or counseling records of a student without prior written consent, except that a school district may disclose such records when:

(1) Disclosure is necessary pursuant to K.S.A. 65-101, 65-118 and 65-202, and amendments thereto, provided such information is disclosed in accordance with any provisions of such statutes regarding the confidentiality and disclosure of such information;

(2) disclosure is necessary pursuant to K.S.A. 38-2223, and amendments thereto;

(3) a lawful subpoena or court order requires disclosure; or

(4) a medical emergency necessitates disclosure.";

Also on page 1, in line 10, after "establish" by inserting "model"; in line 13, after "be" by inserting "adopted in accordance with section 4, and amendments thereto, and shall"; in line 16, by striking all after "(2)"; by striking all in lines 17 through 24; in line 25, by striking all before the period and inserting "Districts may use the model curriculum standards as a guideline in developing district standards.

(3) The state board may not use standards prohibited by section 3, and amendments thereto, or any results from tests associated with those standards in evaluation or accreditation of any school or school district";

On page 2, by striking all in lines 30 and 31; in line 32, after "Supp." by inserting "72-6216, 72-6217, 72-6218 and"; also in line 32, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "relating to student data privacy;"; in line 2, after "Supp." by inserting "72-6216, 72-6217, 72-6218 and"; also in line 2, by striking "section" and inserting "sections"

_____ District.