

HOUSE BILL No. 2099

By Committee on Education

1-23

1 AN ACT concerning the student data privacy act; authorizing school
2 districts to administer certain surveys and questionnaires; amending
3 K.S.A. 2014 Supp. 72-6219 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 72-6219 is hereby amended to read as
7 follows: 72-6219. (a) No test, questionnaire, survey or examination
8 containing any questions about the student's personal beliefs or practices
9 on issues such as sex, family life, morality or religion, or any questions
10 about the student's parents' or guardians' beliefs and practices on issues
11 such as sex, family life, morality or religion, shall be administered to any
12 student enrolled in kindergarten or grades one through 12, unless the
13 parent or guardian of the student is notified in writing that this test,
14 questionnaire, survey or examination is to be administered and the parent
15 or guardian of the student gives written permission for the student to take
16 this test, questionnaire, survey or examination.

17 (b) This section shall not prohibit school counselors from providing
18 counseling services to a student, including the administration of tests and
19 forms which are part of a counselor's student counseling services. Any
20 information obtained through such tests or counseling services shall not be
21 stored on any personal mobile electronic device which is not owned by the
22 school district, including but not limited to, laptops, tablets, phones, flash
23 drives, external hard drives or virtual servers.

24 (c) *The provisions of this section shall not apply to any questionnaire*
25 *or survey containing questions on issues such as sex, family life, morality*
26 *or religion which is administered to any student enrolled in kindergarten*
27 *or grades one through 12, provided that:*

28 (1) *Such questionnaire or survey does not record, request or solicit a*
29 *student to provide any personally identifiable student data;*

30 (2) *each student is informed that participation in such questionnaire*
31 *or survey is voluntary;*

32 (3) *the parent or legal guardian of each student is informed in*
33 *advance of the questionnaire or survey that such parent or legal guardian*
34 *may opt a student out of such questionnaire or survey; and*

35 (4) *the results of such questionnaire or survey are reported only as*
36 *aggregate data.*

1 Sec. 2. K.S.A. 2014 Supp. 72-6219 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.