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MEMORANDUM

To: Chairman Huebert
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 8, 2022

Subject: HB 2505 – Exceptions to the Student Data Privacy Act and Student Online Personal Protection Act.

House Bill No. 2505 (HB 2505) would amend both the Student Data Privacy Act (SDPA) and the Student Online Personal Protection Act (SOPPA) with respect to interactions between students at the ACT national assessment provider.

Section 1 of HB 2505 amends K.S.A. 72-6316, which requires prior written permission from a parent or legal guardian before a student may be administered certain tests, questionnaires, surveys, or examinations that include questions regarding a student's personal beliefs on issues such as sex, family life, morality, or religion. HB 2505 adds an exception to the general rule requiring prior permission for national assessment providers, such as the ACT. Under the exception, national assessment providers would only be required to provide prior written notice to the student's parent or legal guardian and provide an opportunity for the student to opt out.

Section 2 of HB 2505 amends K.S.A. 72-6332, which provides definitions for the SOPPA, including the definition of "operator." An operator under the SOPPA is required to comply with the provisions of the law in order to provide an educational online product to students. An operator cannot engage in targeted advertising, create student profiles from student information, or sell or disclose student information except in certain narrow circumstances. HB 2505 excludes national assessment providers from the definition of "operator."

If enacted, HB 2505 would become effective on July 1, 2022.