

## HOUSE BILL No. 2361

By Committee on Children and Seniors

2-15

1 AN ACT concerning schools; relating to the student data privacy act;  
2 certain tests, questionnaires, surveys and examinations; amending  
3 K.S.A. 72-6316 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 72-6316 is hereby amended to read as follows: 72-  
7 6316. (a) No test, questionnaire, survey or examination containing any  
8 questions about the student's personal beliefs or practices on issues such as  
9 sex, family life, morality or religion, or any questions about the student's  
10 parents' or guardians' beliefs and practices on issues such as sex, family  
11 life, morality or religion, shall be administered to any student enrolled in  
12 kindergarten or grades one through 12, ~~unless the parent or guardian of the~~  
13 ~~student is notified in writing that this test, questionnaire, survey or~~  
14 ~~examination is to be administered and the parent or guardian of the student~~  
15 ~~gives written permission for the student to take this test, questionnaire,~~  
16 ~~survey or examination:~~

17 (1) *Such test, questionnaire, survey or examination does not record,*  
18 *request or solicit a student to provide any personally identifiable student*  
19 *data;*

20 (2) *each student is informed that participation in such test,*  
21 *questionnaire, survey or examination is voluntary;*

22 (3) *the parent or legal guardian of each such student receives, in*  
23 *advance of the administration of the test, questionnaire, survey or*  
24 *examination, written notice that such parent or legal guardian may opt out*  
25 *such student from such test, questionnaire, survey or examination; and*

26 (4) *the results of such test, questionnaire, survey or examination are*  
27 *reported only as aggregate data.*

28 (b) This section shall not prohibit school counselors *or other school-*  
29 *based mental health professionals* from providing counseling services to a  
30 student, including the administration of tests and forms ~~which that~~ are part  
31 of a counselor's *or other school-based mental health provider's* student  
32 counseling services. Any information obtained through such tests or  
33 counseling services shall not be stored on any personal mobile electronic  
34 device ~~which that~~ is not owned by the school district, including, but not  
35 limited to, laptops, tablets, phones, flash drives, external hard drives or  
36 virtual servers.

- 1       Sec. 2.   K.S.A. 72-6316 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.