

SENATE BILL No. 226

By Committee on Education

2-9

1 AN ACT concerning education; relating to student data; authorizing
2 educational agencies to disclose student data for the purpose of
3 conducting research contracted for by an educational agency; amending
4 K.S.A. 72-6314 and repealing the existing section.

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

7 Section 1. K.S.A. 72-6314 is hereby amended to read as follows: 72-
8 6314. (a) Any student data submitted to and maintained by a statewide
9 longitudinal student data system shall only be disclosed by an educational
10 agency in accordance with the provisions of this section. An educational
11 agency shall provide annual written notice to each student's parent or legal
12 guardian that student data may be disclosed in accordance with this
13 section. Such notice shall be signed by the student's parent or legal
14 guardian and maintained on file with the district.

15 (b) Student data may be disclosed at any time to:

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

18 (2) the authorized personnel of the state board of regents who require
19 such disclosures to perform their assigned duties; and

20 (3) the student and the parent or legal guardian of the student,
21 ~~provided if~~ the student data pertains solely to such student.

22 (c) Student data may be disclosed to the authorized personnel of any
23 state agency not specified in subsection (b), or to a service provider of a
24 state agency, educational agency or school who is engaged to perform a
25 function of instruction, assessment ~~or~~, longitudinal reporting *or research*
26 *contracted for by an educational agency*, ~~provided if~~ there is a data-sharing
27 agreement between the educational agency and such other state agency or
28 service provider that provides the following:

29 (1) The purpose, scope and duration of the data-sharing agreement;

30 (2) that the recipient of the student data use such information solely
31 for the purposes specified in the agreement;

32 (3) that the recipient shall comply with data access, use and security
33 restrictions that are specifically described in the agreement; and

34 (4) that the student data shall be destroyed when no longer necessary
35 for the purposes of the data-sharing agreement or upon expiration of the
36 data-sharing agreement, whichever occurs first. Except that a service

1 provider engaged to perform a function of instruction may retain student
2 transcripts as required by applicable laws and rules and regulations.
3 Destruction shall comply with the NISTSP800-88 standards of data
4 destruction.

5 (d) (1) Except as otherwise provided in paragraph (2), student data
6 may be disclosed to any governmental entity not specified in subsection
7 (b) or (c), or to any public or private audit and evaluation or research
8 organization, ~~provided that~~ *if* only aggregate data is disclosed to such
9 governmental entity or audit and evaluation or research organization.

10 (2) Personally identifiable student data may be disclosed if the
11 student, if an adult, or the parent or legal guardian of the student, if a
12 minor, consents to such disclosure in writing.

13 (e) Notwithstanding the provisions of subsections (b), (c) and (d), an
14 educational agency may disclose:

15 (1) Directory information of a student when such agency deems such
16 disclosure necessary and the disclosure of which has been consented to in
17 writing by such student's parent or legal guardian;

18 (2) directory information to an enhancement vendor that provides
19 photography services, class ring services, yearbook publishing services,
20 memorabilia services or other substantially similar services;

21 (3) any information required to be disclosed pursuant to K.S.A. 65-
22 101, 65-118 and 65-202, and amendments thereto, ~~provided if~~ such
23 information is disclosed in accordance with any provisions of such statutes
24 regarding the confidentiality and disclosure of such information;

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

27 (5) student data to a public or private postsecondary educational
28 institution ~~which~~ *that* is required by such postsecondary educational
29 institution for the purposes of application or admission of a student to such
30 postsecondary educational institution, ~~provided if~~ that such disclosure is
31 consented to in writing by such student.

32 Sec. 2. K.S.A. 72-6314 is hereby repealed.

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