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MEMORANDUM

To: House Committee on K-12 Education Budget
From: Office of Revisor of Statutes
Date: January 25, 2022
Subject: HB 2513 - Bill Brief

House Bill 2513 would revise the requirements for the administration of certain tests, questionnaires, surveys and examinations in schools. Currently, K.S.A. 72-6316 prohibits the administration of any test, questionnaire, survey or examination that contains questions regarding beliefs or practices on issues such as sex, family life, morality or religion unless the school provides prior written notification of the administration of such item and obtains written permission from the parent or guardian for the student to participate. Current law provides an exception for school counselors by authorizing school counselors to administer tests and forms as part of their counseling services. Information obtained through such counseling services is prohibited from being stored on any personal mobile device that is not owned by the school district.

HB 2513 would amend K.S.A. 72-6316 to provide additional requirements for the administration of such tests, questionnaires, surveys or examinations. HB 2513 would revise the application of the statute so that it would apply to any test, questionnaire, survey or examination that contains questions about the personal and private attitudes, values, beliefs or practices of the student or any of the student's family, friends or peers. Prior to the administration of any such test, questionnaire, survey or examination, HB 2513 would require the school to provide prior written notification to the parent or guardian no more than four months in advance of the administration of such test, questionnaire, survey or examination. Such written parental notification would be required to include the following information:

- A copy of the test, questionnaire, survey or examination.

- Information on how the parent may provide written consent for the student to participate.
- The name of the company or entity that produces or provides the test, questionnaire, survey or examination.
- An explanation of the purpose of the data that is collected, how the data is used and whether such data will remain private or reported as aggregate data.
- An explanation of how such test, questionnaire, survey or examination benefits student learning and academic achievement.
- Whether the school will receive or maintain the resulting data and how the school will use such data.

HB 2513 would provide that a parent's written consent could only be accepted by a school after the parent receives the required notification and has had an opportunity to review the information in such notification. A separate notification would be required for each test, questionnaire, survey or examination and the parent's written consent would be required upon each one for a student to participate. Even if a parent provides written consent, a student would be authorized to refuse to take such test, questionnaire, survey or examination and not suffer any adverse consequences for such decision.

HB 2513 would require each school to post and maintain copies of each test, questionnaire survey or examination that is administered in the school district. Copies would be required to be posted on the school district website and updated as necessary.

The bill also provides that no such test, questionnaire, survey or examination shall be incorporated or embedded in any academic program, course or curriculum offered or provided by a school district. Additionally, HB 2513 would prohibit the collection of any personally identifiable student data on any such test, questionnaire, survey or examination.

Finally, the bill would remove the school counselor exception so that the requirements of the bill would apply to counseling services.