

HOUSE BILL No. 2719

By Committee on Education

Requested by Representative Goetz

2-6

1 AN ACT concerning education; relating to school districts; administration
2 of nonacademic tests, questionnaires, surveys and examinations;
3 extending the time that school districts may provide notice to parents of
4 the administration of a nonacademic tests, questionnaires, surveys or
5 examinations; requiring school districts to contact parents if any such
6 tests, questionnaires, surveys or examinations indicate a concern for
7 any student; amending K.S.A. 2023 Supp. 72-6316 and repealing the
8 existing section.
9

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

11 Section 1. K.S.A. 2023 Supp. 72-6316 is hereby amended to read as
12 follows: 72-6316. (a) A nonacademic test, questionnaire, survey or
13 examination containing any questions about the personal and private
14 attitudes, values, beliefs or practices of the student or the student's parents,
15 guardians, family members, associates, friends or peers that is
16 administered during the school day shall not be administered to any
17 student enrolled in kindergarten or grades one through 12, unless the
18 parent or guardian of the student:

19 (1) Is notified in writing not more than ~~four~~ six months in advance of
20 the administration of such test, questionnaire, survey or examination that
21 such test, questionnaire, survey or examination is to be administered. Such
22 notification shall include:

23 (A) A copy of the test, questionnaire, survey or examination that is to
24 be administered;

25 (B) information on how the parent or guardian may provide written
26 consent to authorize the student to take such test, questionnaire, survey or
27 examination;

28 (C) the name of the company or entity that produces or provides the
29 test, questionnaire, survey or examination to the school; and

30 (D) whether the school will receive or maintain the resulting data and
31 an explanation of how the school intends to use and maintain such data;
32 and

33 (2) gives written consent through a written or electronic signature to
34 authorize the student to take the test, questionnaire, survey or examination
35 or, in the event of an immediate need, gives verbal consent. Such written

1 consent may only be accepted after a parent or guardian has received the
2 notification required pursuant to paragraph (1) and had an opportunity to
3 review the information contained in such notification. Written consent
4 shall be provided separately for each individual test, questionnaire, survey
5 or examination that is to be administered.

6 (b) Notwithstanding a parent or guardian's consent for a student to
7 take any such test, questionnaire, survey or examination, a student shall
8 have the right to refuse to take any such test, questionnaire, survey or
9 examination at any time without limitation. Prior to the administration of
10 any such test, questionnaire, survey or examination, each student shall be
11 informed that such student has the right to refuse to take such test,
12 questionnaire, survey or examination and that the student will not suffer
13 any adverse consequences based on such refusal.

14 (c) Prior to the administration of any such test, questionnaire, survey
15 or examination, a school district shall post and maintain a copy of such
16 test, questionnaire, survey or examination on the school district website.

17 (d) No personally identifiable student data shall be collected through
18 any such test, questionnaire, survey or examination.

19 (e) Except as provided in subsection ~~(f)~~ (g), the provisions of this
20 section shall apply to any test, questionnaire, survey or examination
21 described in subsection (a) that is administered or proposed to be
22 administered to any student by any employee of a school district,
23 including, but not limited to, any administrator, teacher, counselor, social
24 worker, psychologist or nurse.

25 (f) *(1) If any test, questionnaire, survey or examination that is*
26 *intended to screen a student to identify whether such student is at risk for*
27 *social-emotional behavior problems is administered to a student, the*
28 *school district shall report the results of such test, questionnaire, survey or*
29 *examination to the parent or guardian of the student as follows:*

30 *(A) If a student is determined to be at high risk for social-emotional*
31 *behavior problems, the school district shall make direct contact with the*
32 *parent or guardian of the student not more than 30 days following the*
33 *administration of such test, questionnaire, survey or examination; and*

34 *(B) if a student is determined to be at medium or low risk for social-*
35 *emotional behavior problems, the school district shall send a written*
36 *communication to the parent or guardian of the student not more than 60*
37 *days following the administration of such test, questionnaire, survey or*
38 *examination.*

39 *(2) As used in this subsection, "direct contact" means that a teacher,*
40 *counselor or administrator of the school district communicates with the*
41 *parent or guardian through an in-person communication or through a*
42 *synchronous electronic or telephone communication.*

43 (g) Notwithstanding the provisions of this section, if any school

1 district employee becomes aware that a student may be at risk of suicide
2 by a credible report from the student, the student's peers or another school
3 district employee, the school personnel who are designated by the school
4 to administer a suicide risk assessment or screening tool may administer
5 such risk assessment or screening tool in accordance with the provisions of
6 this subsection to determine whether the student could be at risk for
7 suicide. Such designated school personnel may include, but is not limited to,
8 any administrator, teacher, counselor, social worker, psychologist or
9 nurse. Prior to the administration of any such risk assessment or screening
10 tool, the designated school personnel shall verbally notify the parent or
11 guardian before the administration of such risk assessment or screening
12 tool and obtain the consent of the parent or guardian. If the designated
13 school personnel is unable to verbally notify the parent or guardian of the
14 student and obtain consent after reasonable attempts to do so, the
15 designated school personnel may administer the risk assessment or
16 screening tool without such consent. If a risk assessment or screening tool
17 is administered without the parent or guardian's consent, as soon as contact
18 with the parent or guardian is made, the designated school personnel shall
19 notify the parent or guardian of the administration of such assessment or
20 screening tool and provide to the parent or guardian all information
21 obtained from the risk assessment or screening tool administered to the
22 student.

23 Sec. 2. K.S.A. 2023 Supp. 72-6316 is hereby repealed.

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