



Oral neutral testimony on

HB 2719

Extending the time that school districts may provide notice to parents of the administration of any nonacademic test, questionnaire, survey or examination and requiring school districts to contact parents if any such test, questionnaire, survey or examination indicates concerns.

By

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To

House Education Committee

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Chair Thomas and members of the committee,

Thank you for the opportunity to share our position on HB 2719. KASB's members support *"amending Sen. Sub to HB 2567 of the 2022 session to allow teachers, counselors, and other district employees to administer questionnaires, surveys, and screening tools to ensure student mental health and school safety and to support professional classroom management practices without undue legislative oversight."*

KASB is neutral on the proposed changes in HB 2719; while our members strongly support revisions to the statute, the underlying law prevents school districts from efficiently and effectively supporting student health and safety in public schools, and the proposed revisions do not fully address those concerns.

Let's consider a specific example of successful intervention prior to this law being adopted in 2022. A district took part in KDHE's vaping-focused Project ECHO, and through using a survey tool discovered that 30% of its middle schoolers were already vaping. These survey results helped support immediate investments in vaping prevention and cessation programming. Before giving the survey, the district did not know it had such a significant problem. Using the survey results, the district was able to respond to a significant health need in its schools with efficient investment of resources in anti-vaping education and supports. Such data collection

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and response are not allowed under post 2022 law. We have heard related stories about the impacts of this law on preventing access to grant money for important intervention programs, owing to the inability to collect sufficient data in support of student and district needs.

Additionally, Federal law already provides protections to families in this area (*see* Protection of Pupil Rights Act, 20 U.S.C.S. § 1232h, requiring parent consent for certain types of survey information to be gathered and a parent right to opt out). Because of the negative effects the 2022 law has had and the conflicts it has created with federal law, KASB respectfully requests the committee consider repealing Sen. Sub to HB 2567 of the 2022 session in its entirety.

If a full repeal is not a possible consideration, then our members support significant amendment of current law. Regarding the specific content of HB 2719, KASB supports extending the timeline for gathering parent consent. The current bill's language extending the timeframe to six months (page one line 19) is a welcome change. The statute would better support serving students, however, if the timeframe could be extended to allow districts to gather parental consents as part of districts' annual enrollment and registration processes.

Further suggested revisions include:

- Reconciling conflicting language in page 1 lines 30-32, page 2 lines 17-18, and the proposed new language on page 2 lines 25 through 42. On page 1, lines 30-32 require districts to inform parents whether the school will receive or maintain data from a test, questionnaire, survey, or examination. Then, on page 2 lines 17-18, current law prohibits districts from even collecting personally identifiable data from these tools. *Then*, on page 2 lines 25-42, the statute directs districts to inform parents about the results of these surveys (which would, to have data to share with individual parents, require the collection of personally identifiable data that is prohibited from being collected by current law in lines 17-18). Districts at times need to collect personally identifiable information from students using screeners to assess for factors that place students at risk for academic failure or at risk regarding their personal safety or the safety of others. To make the current law and the proposed new language coherent, KASB recommends striking all of subsection (d) lines 17-18 on page 2 of the bill.
- Section (c), page 2 lines 14-16, has resulted in copyright issues for all involved and has prevented districts from using important and necessary data collection tools. Recognizing that the concern is for parents to have access to these tools if they wish to review them in advance, KASB suggests revising section (c) to give parents a right to request a copy of a tool before it is administered to their student, rather than requiring

publication of these tools on district websites without regard to parent interest or to intellectual property concerns.

- Relettered section (g) of current law allows districts to use suicide screeners, but the process described in the law is cumbersome and does not support student safety in these circumstances. When a child is in crisis, time may be of the essence in evaluating the child's safety. KASB requests the committee to consider amending lines 9-22 on page 3 to allow districts to make *a reasonable attempt* to notify a parent or guardian and obtain consent prior to giving a screener, to allow giving of the screener if that reasonable attempt cannot reach the parent or guardian, and to then allow staff to follow up with the parent or guardian with the information obtained.
- Also, while relettered section (g) explicitly allows suicide screeners, it does *not* allow districts to follow the same process for threat assessment screening (i.e., when a student may be a danger not to themselves but to others). KASB suggests that threat assessment screeners should be included along with suicide screeners in this section.
- Finally, section (b) on page two says that even if a district obtains the required parent consent, a student could refuse to take any of these tools, including suicide screeners or threat assessment tools. KASB suggests that this language be removed, or at least modified to require participation when safety or security are implicated.

Thank you for the opportunity to provide input on HB 2719. We appreciate your careful consideration of our feedback and proposed changes to the bill.

***KASB is a non-profit service organization built on an abiding belief in Kansas public schools.
We have put the needs of students and K-12 leaders first since 1917.***

