

HOUSE BILL No. 2407

By Committee on Child Welfare and Foster Care

2-10

1 AN ACT concerning students; relating to nonacademic questionnaires;
2 eliminating the requirement for parental consent for a student to
3 participate in a nonacademic questionnaire; allowing for notice of a
4 nonacademic questionnaire to be administered; amending K.S.A. 2022
5 Supp. 72-6316 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2022 Supp. 72-6316 is hereby amended to read as
9 follows: 72-6316. (a) ~~A~~ No nonacademic test, questionnaire, survey or
10 examination containing any questions about the personal ~~and private~~
11 ~~attitudes, values, beliefs or practices of the student or on issues such as~~
12 ~~sex, family life, morality or religion, or any questions about the student's~~
13 ~~parents, guardians, family members, associates, friends or peers that is~~
14 ~~administered during the school day shall not be or guardians' beliefs or~~
15 ~~practices on issues such as sex, family life, morality or religion, shall be~~
16 administered to any student enrolled in kindergarten or grades one through
17 12, unless the parent or guardian of the student:

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

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

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

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

29 (D) ~~whether the school will receive or maintain the resulting data and~~
30 ~~an explanation of how the school intends to use and maintain such data;~~
31 ~~and Such test, questionnaire, survey or examination does not record,~~
32 ~~request or solicit a student to provide any personally identifiable student~~
33 ~~data;~~

34 (2) ~~gives written consent through a written or electronic signature to~~
35 ~~authorize the student to take the test, questionnaire, survey or examination~~
36 ~~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. *each student is informed that*
6 *participation in such test, questionnaire, survey or examination is*
7 *voluntary;*

8 (3) *the parent or legal guardian of each such student receives, in*
9 *advance of the administration of the test, questionnaire, survey or*
10 *examination, written notice that such parent or legal guardian may opt out*
11 *such student from such test, questionnaire, survey or examination; and*

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

14 (b) ~~Notwithstanding a parent or guardian's consent for a student to~~
15 ~~take any such test, questionnaire, survey or examination, a student shall~~
16 ~~have the right to refuse to take any such test, questionnaire, survey or~~
17 ~~examination at any time without limitation. Prior to the administration of~~
18 ~~any such test, questionnaire, survey or examination, each student shall be~~
19 ~~informed that such student has the right to refuse to take such test,~~
20 ~~questionnaire, survey or examination and that the student will not suffer~~
21 ~~any adverse consequences based on such refusal.~~

22 (e) ~~Prior to the administration of any such test, questionnaire, survey or~~
23 ~~examination, a school district shall post and maintain a copy of such~~
24 ~~test, questionnaire, survey or examination on the school district website.~~

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

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

32 (f) ~~Notwithstanding the provisions of this section, if any school~~
33 ~~district employee becomes aware that a student may be at risk of suicide~~
34 ~~by a credible report from the student, the student's peers or another school~~
35 ~~district employee, the school personnel who are designated by the school~~
36 ~~to administer a suicide risk assessment or screening tool may administer~~
37 ~~such risk assessment or screening tool in accordance with the provisions of~~
38 ~~this subsection to determine whether the student could be at risk for~~
39 ~~suicide. Such designated school personnel may include, but is not limited~~
40 ~~to, any administrator, teacher, counselor, social worker, psychologist or~~
41 ~~nurse. Prior to the administration of any such risk assessment or screening~~
42 ~~tool, the designated school personnel shall verbally notify the parent or~~
43 ~~guardian before the administration of such risk assessment or screening~~

1 ~~tool and obtain the consent of the parent or guardian. If the designated~~
2 ~~school personnel is unable to verbally notify the parent or guardian of the~~
3 ~~student and obtain consent after reasonable attempts to do so, the~~
4 ~~designated school personnel may administer the risk assessment or~~
5 ~~screening tool without such consent. If a risk assessment or screening tool~~
6 ~~is administered without the parent or guardian's consent, as soon as contact~~
7 ~~with the parent or guardian is made, the designated school personnel shall~~
8 ~~notify the parent or guardian of the administration of such assessment or~~
9 ~~screening tool and provide to the parent or guardian all information~~
10 ~~obtained from the risk assessment or screening tool administered to the~~
11 ~~student. This section shall not prohibit school counselors or other~~
12 ~~school-based health professionals from providing counseling services to a~~
13 ~~student, including the administration of tests and forms that are part of a~~
14 ~~counselor's or other school-based mental health provider's student~~
15 ~~counseling services. Any information obtained through such tests or~~
16 ~~counseling services shall not be stored on any personal mobile electronic~~
17 ~~device that is not owned by the school district, including, but not limited~~
18 ~~to, laptops, tablets, phones, flash drives, external hard drives or virtual~~
19 ~~servers.~~

20 Sec. 2. K.S.A. 2022 Supp. 72-6316 is hereby repealed.

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