

Testimony on Senate Bill 367

Written to Senate Committee on Education

By

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Chairman Abrams and members of the committee, Kansas Department of Health and Environment (KDHE) appreciates this opportunity to provide written testimony on Senate Bill 367 (SB 367), which creates the student data privacy act. This bill establishes limits on collection and disclosure of certain student data by the Kansas State Department of Education (KSDE) and local school districts.

Student data is defined broadly in SB 367 to cover essentially any information maintained in longitudinal data systems. Disclosure of such data would be allowed to authorized persons at KSDE, school districts, or the Kansas Board of Regents. The bill would also allow disclosure of individual student data for specific purposes to other state agencies upon execution of a data-sharing agreement. Only aggregate data (i.e., not individual student-level) could be disclosed to other governmental and public or private research organizations upon execution of a data-sharing agreement.

While SB 367 provides important protections and safeguards for student privacy, it may unintentionally impede the work of local health departments and KDHE to prevent and control infectious diseases. As written, SB 367 does not contain any provisions that would allow for disclosure of student data to public health officials for urgent health or safety reasons. However, such information is frequently needed by local health department and KDHE personnel to conduct infectious disease case investigations. For example, if a child is diagnosed with a serious disease such as pertussis (whooping cough) or other vaccine-preventable disease, it is imperative to quickly identify close contacts and their immunization status to ensure they are protected and to limit further transmission. This is often conducted in conjunction with school nurses by utilizing vaccination records maintained in student records systems. Executing a data-sharing agreement would not be feasible under these circumstances.

KDHE also works with schools to conduct student population health studies. For example, each year KDHE assesses immunization coverage levels among children in each county. Every school in the state with a kindergarten class is included in the survey, which involves analyzing de-identified immunization information from student records. Aggregate immunization data is also collected for middle and high school students. This information is utilized by KDHE, local health departments, and other organizations to monitor and evaluate programs to ensure children in the state are protected against vaccine-preventable diseases. De-identified student data may also be used to conduct important public health studies and evaluations regarding student

health and academic achievement in fulfillment of the core function of public health assessment. As SB 367 is currently written, a data-sharing agreement would need to be executed with each of the state's 286 public school districts for the immunization assessments and other public health studies. This would place an undue administrative burden on both KDHE and the school districts.

KDHE respectfully requests that consideration be given to revise SB 367 to allow for disclosure of individual, identifiable student data to limited persons, including state and local public health officials, when necessary to protect health and safety. The Family Educational Right to Privacy Act allows for disclosure of student information for health and safety emergencies. In addition, allowing for limited disclosure of de-identified student data without the requirement for a data-sharing agreement for public health studies, such as immunization coverage surveys, would ensure that public health studies could continue without the added burden of executing hundreds of data-sharing agreements, while still protecting student privacy. In addition, KDHE maintains an Institutional Review Board (IRB) that reviews and approves research carried out by department staff, and provides assurance that appropriate confidentiality and data security measures are utilized for approved studies. KDHE would be happy to assist with proposing revised bill language. Thank you for the opportunity to provide these written comments.