Senate Bill No. 1453

CHAPTER 1002

An act to add Section 49084 to, and to add Chapter 10 (commencing with Section 60900) to Part 33 of, the Education Code, relating to pupil testing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2002. Filed
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SB 1453, Alpert. Pupil records: California longitudinal pupil achievement data system.

(1) Existing law requires the California School Information Services Program administrator to submit to the State Board of Education a plan to administer, coordinate, and manage the development and implementation of an electronic statewide school information system to address current problems of information exchange. Existing law states that one of the missions of the California School Information Services Program is to assist local education agencies to transmit state and federal reports electronically to the State Department of Education.

This bill would make a local education agency participating in the California School Information Services Program eligible to receive one-time funding for startup costs.

(2) Existing law establishes the Standardized Testing and Reporting (STAR) Program under which each school district, charter school, and county office of education is required to administer to each of its pupils in grades 2 to 11, inclusive, a designated achievement test and a standards-based achievement test. Existing law requires the Superintendent of Public Instruction to apportion funds appropriated to enable school districts to use the English language development test to identify limited-English-proficient pupils, to determine their level of English language proficiency, and to assess their progress in acquiring the skills of listening, reading, speaking, and writing English. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would require that the State Department of Education contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the STAR and English language development tests and the high school exit

examination. The bill would require the department to convene an advisory board to establish privacy and access protocols, provide general guidance, and make recommendations on desirable data elements. The bill would require local education agencies and charter schools to retain certain individual pupil records in order to comply with federal law, thereby imposing a state-mandated local program. The bill would also require the department to contract with a consultant for independent project oversight and would require the consultant to submit written reports twice annually.

The bill would authorize the State Department of Education from $6,880,000 appropriated and made available pursuant to the Budget Act of 2002 for the establishment of a longitudinal database, and for data collection requirements of the federal No Child Left Behind Act of 2001, pursuant to legislation enacted in the 2001–02 Regular Session, to use up to $6,000,000 for the development and implementation of the California longitudinal pupil achievement data system established pursuant to this bill and to expend up to $880,000 and the remaining funds for purposes of collecting or reporting data necessary to meet the requirements of the federal No Child Left Behind Act of 2001. The bill would make release of the appropriated funds contingent on the Department of Finance's approval of an expenditure plan.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1.   (a) The Legislature finds and declares the following:

(1) In order to comply with the federal No Child Left Behind Act of 2001, California must have access to longitudinal pupil data to assess the long-term value of its educational investments and programs and provide a research basis for improving pupil performance.

(2) Matching a unique pupil identifier with achievement data for every pupil is necessary for accurate analyses of pupil achievement, high quality evaluations, and the ability to report progress of test subgroups over time as required by the federal No Child Left Behind Act of 2001.

(3) The collection and classification of data as set forth in this act serves a compelling state interest and is necessary to comply with federal law and maintain eligibility for federal education funding.

(b) It is therefore the intent of the Legislature to adopt a system that will provide for the assessment and evaluation of statewide pupil level data while ensuring that current assessment data is safely maintained to augment a comprehensive statewide longitudinal data system once fully implemented.

SEC. 2. Section 49084 is added to the Education Code, to read:

49084. (a) A participating local education agency with an enrollment of 3,500 or more pupils, as determined by the most current California Basic Educational Data System information that is available when the agency joins the California School Information Services Program, is eligible for one-time funding for startup costs based on the greater of the following:

(1) Eight dollars and fifty-one cents ($8.51) for each pupil who is enrolled, as determined by the most current California Basic Educational Data System information that is available when the agency joins the California School Information Services Program.

(2) Two thousand five hundred dollars ($2,500) per schoolsite under the jurisdiction of the local education agency.

(b) A participating local education agency with a pupil enrollment of fewer than 3,500 pupils and greater than 1,800 pupils, as determined by the most current California Basic Educational Data System information that is available when the agency joins the California School Information Services Program, is eligible for one-time funding for startup costs based on the greater of the following:

(1) Eight dollars and fifty-one cents ($8.51) per pupil who is enrolled, as determined by the most current California Basic Educational Data System information that is available when the agency joins the California School Information Services Program.

(2) Two thousand five hundred dollars ($2,500) per schoolsite under the jurisdiction of the local education agency.

(3) Thirty thousand dollars ($30,000).

(c) A participating local education agency with a pupil enrollment of fewer than 1,800 pupils, as determined by the most current California Basic Educational Data System information that is available when the agency joins the California School Information Services Program, is eligible for one-time funding for the startup costs based on the greater of the following:

(1) Eight dollars and fifty-one cents ($8.51) for each pupil who is enrolled, as determined by the most current California Basic Educational

Data System information, and two thousand five hundred dollars ($2,500) per schoolsite.

(2) Fifteen thousand dollars ($15,000).

(d) Notwithstanding subdivisions (a), (b), and (c) the California School Information Services Program may not provide a local education agency more than 50 percent of the total funds required by an agency to achieve full participation in the California School Information Services Program. Total costs may include both actual expenditures and in-kind contributions, including those made within the previous three years, that are necessary to enable the local education agency to participate in the California School Information Services Program.

(e) For each consortium of local education agencies using the same pupil information system software, the consortium fiscal agent shall receive five thousand nine hundred seventy dollars ($5,970) for each new local education agency in the first and second year of participation in the California School Information Services Program to provide project and fiscal management services on behalf of participating consortium members after July 1, 2002.

SEC. 3. Chapter 10 (commencing with Section 60900) is added to Part 33 of the Education Code, to read:

CHAPTER 10. CALIFORNIA LONGITUDINAL PUPIL ACHIEVEMENT DATA SYSTEM

60900. (a) The State Department of Education shall contract for the development of proposals which will provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to Chapter 5 (commencing with Section 60600), Chapter 7 (commencing with Section 60810), and Chapter 9 (commencing with Section 60850). The longitudinal data shall be known as the California longitudinal pupil achievement data system.

(b) The proposals developed pursuant to subdivision (a) shall evaluate and determine whether it would be most effective, from both a fiscal and a technological perspective, for the state to own the California longitudinal pupil achievement data system. The proposals shall additionally evaluate and determine the most effective means of housing the California longitudinal pupil achievement data system.

(c) The California longitudinal pupil achievement data system shall be developed and implemented in accordance with all state rules and regulations governing information technology projects.

(d) The system or systems developed pursuant to this section shall be used to accomplish all of the following goals:

(1) To provide school districts and the State Department of Education access to data necessary to comply with federal reporting requirements delineated in the No Child Left Behind Act of 2001 (P.L. 107-110).

(2) To provide a better means of evaluating educational progress and investments over time.

(3) To provide local education agencies information that can be used to improve pupil achievement.

(4) To provide an efficient, flexible, and secure means of maintaining longitudinal statewide pupil level data.

(e) In order to comply with federal law as delineated in the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the local education agency shall retain individual pupil records for each test taker, including all of the following:

(1) All demographic data collected from the STAR test, high school exit examination, and English language development test.

(2) Pupil achievement data from assessments administered pursuant to the STAR, high school exit examination, and English language development testing programs. To the extent feasible, data should include subscore data within each content area.

(3) A unique pupil identification number to be identical to the pupil identifier developed pursuant to the California School Information Services, which shall be retained by each local education agency and used to ensure the accuracy of information on the header sheets of the STAR tests, high school exit examination, and the English language development test.

(4) All data necessary to compile reports required by the federal No Child Left Behind Act of 2001, including, but not limited to, dropout and graduation rates.

(5) Other data elements deemed necessary by the Superintendent of Public Instruction, with approval of the State Board of Education, to comply with the federal reporting requirements delineated in the No Child Left Behind Act of 2001 (P.L. 107-110), after review and comment by the advisory board convened pursuant to subdivision (h).

(f) The California longitudinal pupil achievement data system or systems shall have all of the following characteristics:

(1) The ability to sort by demographic element collected from the STAR tests, high school exit examination, and English language development test.

(2) The capability to be expanded to include pupil achievement data from multiple years.

(3) The capability to monitor pupil achievement on the STAR tests, high school exit examination, and English language development test from year to year and school to school.

(4) The capacity to provide data to the state and local education agencies upon their request.

(g) Data elements and codes included in the system shall comply with Sections 49061 to 49079, inclusive, and Sections 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5 of the California Code of Regulations, with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and with the Family Education Rights and Privacy Act statute (20 U.S.C. Secs. 1232g and 1232h and related federal regulations.

(h) The State Department of Education shall convene an advisory board consisting of representatives from the State Board of Education, the Secretary for Education, the Department of Finance, the State Privacy Ombudsman, the Legislative Analyst's office, representatives of parent groups, school districts, and local education agencies, and education researchers to establish privacy and access protocols, provide general guidance, and make recommendations relative to data elements. The department is encouraged to seek representation broadly reflective of the general public of California.

(i) Subject to funding being provided in the annual Budget Act, the State Department of Education shall contract with a consultant for independent project oversight. The Director of Finance shall review the request for proposals for the contract. The consultant hired to conduct the independent project oversight shall twice annually submit a written report to the Superintendent of Public Instruction, the State Board of Education, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. The report shall include an evaluation of the extent to which the California longitudinal pupil achievement data system is meeting the goals described in subdivision (b) and recommendations to improve the data system in ensuring the privacy of individual pupil information and providing the data needed by the state and school districts.

(j) This section shall be implemented using federal funds received pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of this section in Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002. The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.

(k) For purposes of this chapter, a local education agency shall include a county office of education, a school district, or charter school.

SEC. 4. Notwithstanding Provision 11 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002 that makes available six million eight hundred eighty thousand dollars ($6,880,000) for the

establishment of a longitudinal database and for data collection requirements of the federal No Child Left Behind Act of 2001 pursuant to legislation in the 2001–02 Regular Session, the State Department of Education may expend up to six million dollars ($6,000,000) of those moneys for the development and implementation of the California longitudinal pupil achievement data system pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of the Education Code and may expend up to eight hundred eighty thousand dollars ($880,000) of those moneys and the portion of the six million dollars ($6,000,000) not used for the development and implementation of the California longitudinal pupil achievement data system, for purposes of collecting or reporting data necessary to meet the requirements of the federal No Child Left Behind Act of 2001.

SEC. 5.   No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

SEC. 6.   This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to comply with the federal No Child Left Behind Act of 2001 and to ensure the ongoing receipt of federal funds for education, it is necessary for this act to take effect immediately, as an urgency statute.

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