

AMENDED IN SENATE JULY 3, 2007
AMENDED IN ASSEMBLY JUNE 1, 2007
AMENDED IN ASSEMBLY MAY 1, 2007
AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1656

**Introduced by Assembly Members Feuer and DeSaulnier
(Coauthor: Assembly Member Brownley)**

February 23, 2007

An act to amend Section 60900 of, to add Section 60902 to, to add the heading of Article 1 (commencing with Section 60900) to, and to add Article 2 (commencing with Section 60905) to, Chapter 10 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to pupil achievement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Feuer. Pupil achievement: California Longitudinal Pupil Achievement Data System.

Existing

(1) *Existing* law requires the State Department of Education to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the STAR Program, English language development tests, and the high school exit examination, known as the California Longitudinal Pupil Achievement Data System.

This

This bill would require the Superintendent of Public Instruction to establish and maintain a unique coding system for educational institutions, as deemed necessary by the Superintendent, for the purpose of identifying and tracking enrollment, state and federal reporting requirements, and specified other purposes.

The bill would require the department to allocate specified funding, subject to funds being appropriated in the annual Budget Act, as part of a local data management support program, to local educational agencies and direct-funded charter schools that complete specified acts. Local educational agencies and direct-funded charter schools would be limited in the use of these funds for specified activities relating to retention of pupil test records. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The heading of Article 1 (commencing with
2 Section 60900) is added to Chapter 10 of Part 33 of Division 4 of
3 Title 2 of the Education Code, to read:

4
5 Article 1. System Development
6

7 SEC. 2. Section 60900 of the Education Code is amended to
8 read:

9 60900. (a) The department shall contract for the development
10 of proposals ~~which~~ that will provide for the retention and analysis
11 of longitudinal pupil achievement data on the tests administered
12 pursuant to Chapter 5 (commencing with Section 60600), Chapter
13 7 (commencing with Section 60810), and Chapter 9 (commencing
14 with Section 60850). The longitudinal data shall be known as the
15 California Longitudinal Pupil Achievement Data System.

16 (b) The proposals developed pursuant to subdivision (a) shall
17 evaluate and determine whether it would be most effective, from
18 both a fiscal and a technological perspective, for the state to own
19 the system. The proposals shall additionally evaluate and determine
20 the most effective means of housing the California Longitudinal
21 Pupil Achievement Data System.

1 (c) The California Longitudinal Pupil Achievement Data System
2 shall be developed and implemented in accordance with all state
3 rules and regulations governing information technology projects.

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

6 (1) To provide ~~school districts~~ *local educational agencies* and
7 the department access to data necessary to comply with federal
8 reporting requirements delineated in the federal No Child Left
9 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

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

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

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

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

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

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

29 (3) A unique *statewide* pupil identification number to be
30 identical to the pupil identifier developed pursuant to the California
31 School Information Services, which shall be retained *and*
32 *maintained* by each local educational agency and used to ensure
33 the accuracy of information on the ~~header sheets of the STAR tests~~
34 *STAR Program test answer documents*, high school exit
35 examination, and the English language development test.

36 (4) All data necessary to compile reports required by the federal
37 No Child Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~),
38 including, but not limited to, dropout and graduation rates.

39 (5) Other data elements deemed necessary by the Superintendent
40 of ~~Public Instruction~~, with approval of the state board, to comply

1 with the federal reporting requirements delineated in the federal
2 No Child Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~),
3 after review and comment by the advisory board convened pursuant
4 to subdivision (h).

5 (f) The California Longitudinal Pupil Achievement Data System
6 shall have all of the following characteristics:

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

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

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

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

17 (g) Data elements and codes included in the system shall comply
18 with Sections 49061 to 49079, inclusive, and Sections 49602 and
19 56347, with Sections 430 to 438, inclusive, of Title 5 of the
20 California Code of Regulations, with the Information Practices
21 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
22 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
23 Family Education Rights and Privacy Act statute (20 U.S.C. Secs.
24 1232g and 1232h) and related federal regulations.

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

34 (i) Subject to funding being provided in the annual Budget Act,
35 the department shall contract with a consultant for independent
36 project oversight. The Director of Finance shall review the request
37 for proposals for the contract. The consultant hired to conduct the
38 independent project oversight shall twice annually submit a written
39 report to the Superintendent of ~~Public Instruction~~, the state board,
40 the advisory board, the Director of Finance, the Legislative Analyst,

1 and the appropriate policy and fiscal committees of the Legislature.
2 The report shall include an evaluation of the extent to which the
3 California Longitudinal Pupil Achievement Data System is meeting
4 the goals described in subdivision (b) and recommendations to
5 improve the data system in ensuring the privacy of individual pupil
6 information and providing the data needed by the state and school
7 districts.

8 (j) This section shall be implemented using federal funds
9 received pursuant to the federal No Child Left Behind Act of 2001
10 (~~20 U.S.C. Sec. 6301 et seq.~~), which are appropriated for purposes
11 of this section in Item 6110-113-0890 of Section 2.00 of the Budget
12 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
13 these funds is contingent on approval of an expenditure plan by
14 the Department of Finance.

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

18 *SEC. 3. Section 60902 is added to the Education Code, to read:*

19 *60902. (a) The Superintendent shall establish and maintain a*
20 *unique coding system for educational institutions, as deemed*
21 *necessary by the Superintendent, that includes, but is not limited*
22 *to, county offices of education, school districts, public schools,*
23 *charter schools, and private schools in California that enroll pupils*
24 *in any of kindergarten and grades 1 to 12, inclusive.*

25 *(b) These unique codes shall be maintained for the purpose of*
26 *identifying and tracking educational institutions for enrollment,*
27 *state and federal reporting requirements, accountability, and fiscal*
28 *purposes.*

29 *(c) The Superintendent shall adopt regulations necessary to*
30 *implement this section.*

31 ~~SEC. 2.~~

32 *SEC. 4. Article 2 (commencing with Section 60905) is added*
33 *to Chapter 10 of Part 33 of Division 4 of Title 2 of the Education*
34 *Code, to read:*

35

36 *Article 2. Local Data Management Support Program*

37

38 *60905. The Legislature finds and declares all of the following:*

1 (a) The multibillion dollar kindergarten and grades 1 to 12,
2 inclusive, educational enterprise of California is held accountable
3 based on data received from local educational agencies.

4 (b) National and state educational reform efforts revolve around
5 using data at both the state and local levels to better inform
6 decisionmaking.

7 (c) The feasibility study report developed pursuant to subdivision
8 (a) of Section 60900 found that poor quality data submitted by
9 local educational agencies is a high impact risk to the California
10 Longitudinal Pupil Achievement Data System.

11 (d) The state desires more accurate graduation and dropout rates.
12 The California Longitudinal Pupil Achievement Data System can
13 provide this information if local educational agencies and
14 direct-funded charter schools provide quality data to the system
15 through statewide pupil identifiers.

16 60906. It is the intent of the Legislature to support local
17 educational agency data management activities to enhance the
18 quality of the data that is used locally and submitted to meet state
19 and federal reporting and accountability requirements.

20 60907. (a) In order to support the requirements specified in
21 subdivision (e) of Section 60900, local educational agencies and
22 direct-funded charter schools may receive a local data management
23 support program annual grant, subject to funds being appropriated
24 for this purpose in the annual Budget Act, as follows:

25 (1) Local educational agencies and direct-funded charter schools
26 with enrollment of between 1 and 1,000 shall receive five thousand
27 dollars (\$5,000) annually.

28 (2) Local educational agencies and direct-funded charter schools
29 with enrollment of 1,001 or greater shall receive at least five dollars
30 (\$5) per pupil enrolled within the agency, based on the annual
31 enrollment update for the prior year, as certified by the department.

32 (3) For purposes of this section, the following definitions apply:

33 (A) "Direct-funded charter school" means a charter school that
34 elects to receive its funding directly pursuant to Section 47651.

35 (B) "Enrollment" means enrollment certified in the prior year
36 for the California Basic ~~Education~~ *Educational* Data System, or
37 any successor data system designated by the Superintendent.

38 (4) If funds appropriated in the annual Budget Act are
39 insufficient to provide full funding to implement this section, the

1 department shall prorate the rates specified in paragraphs (1) and
2 (2).

3 (b) The department shall allocate this funding annually to local
4 educational agencies and direct-funded charter schools that do all
5 of the following:

6 (1) Resolve anomalies related to the statewide pupil identifier
7 required by paragraph (5) of subdivision (e) of Section 60900
8 assigned to enrolled pupils in order to maintain a validity rate and
9 timeline specified by the Superintendent.

10 (2) Include the statewide pupil identifier on the transcript of
11 each pupil.

12 (3) Maintain one generic electronic mail address for local data
13 management or information technology directors or personnel in
14 order to facilitate communication between the department and the
15 appropriate personnel of the local educational agency.

16 60908. Local educational agencies and direct-funded charter
17 schools shall use funds received pursuant to this article to support
18 staff, hardware and software acquisitions, training, and other
19 activities related to meeting the requirements specified in
20 subdivision (e) of Section 60900.