

AMENDED IN SENATE APRIL 9, 2008

SENATE BILL

No. 1298

Introduced by Senators Simitian and Steinberg

February 20, 2008

An act to ~~amend Section 10606~~ *add Chapter 8 (commencing with Section 10800) to Part 7 of Division 1 of Title 1 of the Education Code, relating to education.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Simitian. California Education ~~Information System~~. *Information.*

Under existing law, the State Department of Education maintains the California Education Information System for the purposes of establishing and maintaining a basic, integrated, statewide information system for education. ~~Existing law requires the department to identify centers to develop or demonstrate the use of the system.~~

~~This bill would specify that the department is required to identify regional centers to develop or demonstrate the use of the system~~ *establish the Statewide Education Data Governing Board, to be composed of 19 members, as specified. The board would have the authority to establish a state education data repository and to integrate data from other state, federal, and local agencies with existing education data. The board would be required to adopt regulations to implement its authority to grant or deny access to the state education data repository. The bill would require the board to oversee the creation of a longitudinal education information system to link specified data, and would require the board, by January 1, 2010, to develop a strategic plan and feasibility study report for connecting longitudinal records from prekindergarten through higher education and into the workforce.*

The bill would require the board to perform various duties relating to the collection and preservation of education data and systems.

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

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

1 SECTION 1. Chapter 8 (commencing with Section 10800) is
2 added to Part 7 of Division 1 of Title 1 of the Education Code, to
3 read:

4
5 CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008
6

7 10800. This chapter shall be known and may be cited as the
8 Education Data and Information Act of 2008.

9 10801. The Legislature finds and declares all of the following:

10 (a) Several recent attempts to assiduously analyze and improve
11 the state of education in California, such as the “Getting Down
12 to Facts,” “Closing the Achievement Gap,” and “Students First”
13 reports, have concluded that the dearth of high-quality,
14 comprehensive, and longitudinal education data is significantly
15 impeding our capacity to assess, and therefore improve, education
16 policy and investment decisions.

17 (b) We suffer significant information scarcity in areas where
18 more and better data could help us address challenges such as the
19 achievement gap, the high school dropout problem, and workforce
20 and college preparation.

21 (c) In addition to addressing these targeted policy problems,
22 better education data systems are a necessary precondition for
23 continuous learning at the institutional level, which in California,
24 where the population is large and diverse, and education delivery
25 remains somewhat decentralized, is exceptionally difficult to
26 capture and manage.

27 (d) While an information system is only the foundation for a
28 continuous learning education system, it is an indispensable first
29 step, and is vitally important to the greater goal of securing truly
30 systemic solutions that couple smart reforms with the resources
31 our schools need.

1 (e) It is the intent of the Legislature that the design and
2 implementation of a high-quality, comprehensive, and longitudinal
3 education data system for California will do the following:

4 (1) Support a system of continuous learning by delivering timely,
5 reliable, user-friendly, and relevant information to school district
6 leaders, teachers, policymakers, researchers, parents, pupils, and
7 the public at large.

8 (2) Provide educators with the tools, reports, and assistance
9 needed to inform instruction and learning.

10 (3) Integrate education data from disparate sources, beginning
11 with our kindergarten and grades 1 to 12, inclusive, and higher
12 education systems, and add information from our prekindergarten
13 education systems when data is available.

14 (4) Anticipate and provide the technological capacity for the
15 integration of noneducation data from other state sources such as
16 health, welfare, juvenile justice, corrections, and employment, the
17 analysis of which may be necessary to fully understand critical
18 education policy and education finance questions.

19 (5) Remain flexible, adjusting to changing demands over time,
20 and respond to evolving uses and needs.

21 (6) Include adequate support and funding.

22 (f) It is further the intent of the Legislature to ensure that the
23 following priorities will be addressed:

24 (1) A formal governance and oversight structure that seamlessly
25 connects disparate sources of information while ensuring
26 accessibility, information security, and individual privacy.

27 (2) A system that treats personally identifiable information as
28 confidential, and meets all requirements pertaining to
29 confidentiality and restricted release without creating unnecessary
30 barriers.

31 10802. (a) There is hereby created in the state government
32 the Statewide Education Data Governing Board.

33 (b) The board shall be composed of 19 members as follows:

34 (1) The Governor shall appoint 10 members, one of whom shall
35 be the State Chief Information Officer.

36 (2) The Speaker of the Assembly shall appoint four members.

37 (3) The Senate Committee on Rules shall appoint four members.

38 (4) The Superintendent shall be a member of the board.

1 (c) Appointing authorities shall work together to ensure that
2 the appointments reflect a broad representation of education data
3 stakeholders.

4 (d) The Governor shall designate the State Chief Information
5 Officer or another member to serve as chairperson for a two-year
6 term. No member, other than the State Chief Information Officer,
7 may serve more than two, two-year terms as chairperson. All
8 appointments shall be for four-year terms. No member shall serve
9 more than two, four-year terms.

10 10803. As used in this chapter, the following definitions apply:

11 (a) “Board” means the Statewide Education Data Governing
12 Board.

13 (b) “Education data” means pupil-level information from early
14 education through higher education; information on staff, facilities,
15 and expenditures; and program information for special education,
16 career and technical education, and adult education.

17 10804. (a) The board shall meet at least once every two
18 months, or more often, if necessary, to fulfill its duties, and shall
19 not convene on days that conflict with regularly scheduled meetings
20 of the State Board of Education.

21 (b) Meetings of the board are subject to the Bagley-Keene Open
22 Meeting Act (Article 9 (commencing with Section 11120) of
23 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
24 Code).

25 10805. The board has the following powers:

26 (a) Authority to establish a state education data repository as
27 the functional entity necessary to carry out the duties and
28 responsibilities of the board.

29 (b) Authority to expend funds, hire staff, enter into contracts,
30 sue and be sued, and issue regulations in furtherance of its duties.

31 (c) Authority to grant or deny access to the state education data
32 repository. The board shall adopt regulations for purposes of
33 implementing the authority conferred upon it by this subdivision.

34 (d) Although local educational agencies shall have unfettered
35 access to their own data housed in a state education data
36 repository, the board has the authority to identify and authorize
37 the names or positions of local educational agency personnel who
38 may have access to education data from other local educational
39 agencies for specified purposes and in accordance with the board’s

1 *security protocols, such as a guidance counselor who needs a*
2 *pupil's academic record in order to facilitate a pupil transfer.*

3 *(e) Authority to request information or data sets from other*
4 *state, federal, and local agencies, and to integrate that data with*
5 *the existing education data, as specified and limited by state law.*

6 *10806. The board has the following duties and responsibilities,*
7 *with the board's primary emphasis being placed on creating a*
8 *system and processes to improve policy decisions and provide the*
9 *state, school districts, schools, and teachers with the information*
10 *and analysis they need to improve instruction and learning at their*
11 *respective points within the state education system:*

12 *(a) Oversee the creation of a high-quality, comprehensive, and*
13 *longitudinal education information system capable of linking*
14 *pupil-level data from early education through higher education*
15 *that can link pupil-level data with noneducation data sets as*
16 *provided by state law.*

17 *(1) By January 1, 2010, the board shall develop a strategic plan*
18 *and feasibility study report for connecting longitudinal records*
19 *from prekindergarten through higher education and into the*
20 *workforce.*

21 *(2) To ensure access to appropriate services and to be able to*
22 *better serve individual pupils, it is the intent of the Legislature*
23 *that school districts, schools, and teachers have immediate access*
24 *to longitudinal records for the pupils they serve.*

25 *(3) It is the intent of the Legislature that the board consult*
26 *regularly with teachers to obtain direct input on the information*
27 *and format teachers need from education data systems.*

28 *(b) Ensure that California's state education data systems provide*
29 *relevant and timely information about the performance of the*
30 *state's public schools and the efficacy of the education provided*
31 *to California pupils by doing at least the following:*

32 *(1) Periodic review of data items collected and opportunity for*
33 *public input about revision of items collected.*

34 *(2) Provide electronic public access to periodic data reports*
35 *on issues of concern to the public, including, but not limited to,*
36 *pupil achievement and graduation rates.*

37 *(3) Develop recommendations for reports that may be useful to*
38 *local educational agencies.*

- 1 (c) *Protect the privacy and security of information about*
2 *California residents that is included in state education data systems*
3 *by doing at least the following:*
- 4 (1) *Establish and periodically review the administrative and*
5 *technological procedures necessary to protect education data and*
6 *data systems from breach or misuse.*
- 7 (2) *Develop privacy and security guidelines for local educational*
8 *agencies to follow in the collection, management, and use of*
9 *education data.*
- 10 (3) *Conduct privacy impact assessments when recommending*
11 *the addition or deletion of data or fields in state education data*
12 *systems, or when combining information from education and other*
13 *data systems that is appropriate for the type and sensitivity of data*
14 *requested.*
- 15 (4) *Require researchers who request state education data to*
16 *document the steps they will take to secure the information that is*
17 *appropriate for the type and sensitivity of data requested, both*
18 *during and after the data use life.*
- 19 (5) *Provide an opt-out process to allow prior staff and pupils*
20 *to request that their individual records not be released.*
- 21 (d) *Protect the integrity, and ensure the quality of, state*
22 *education data by doing at least the following:*
- 23 (1) *Provide counsel and technical assistance to local educational*
24 *agencies on the technological standards and protocols necessary*
25 *for interfacing with state education data systems.*
- 26 (2) *Educate vendors to maximize their ability to provide*
27 *seamless solutions that maximize the value of the state system to*
28 *local schools and school districts.*
- 29 (3) *Provide a clearinghouse for best practices in the use of data*
30 *by local educational agencies.*
- 31 (4) *Periodically audit data in state education data systems to*
32 *ensure accuracy.*
- 33 (e) *Provide information on data requests and research resulting*
34 *from data accessed to the public, local educational agencies, and*
35 *state policymakers through routine and specialized reports.*
- 36 (f) *Ensure transparency and accountability in the board's*
37 *decisionmaking processes, and include the public in those*
38 *processes.*

1 (g) Recommend to state lawmakers common definitions and
2 formats, as well as the addition or removal of data sets or fields
3 from state education data systems.

4 (h) Ensure proper functioning and efficacy of state education
5 data systems by recommending necessary statutory, regulatory,
6 and operational changes to the Legislature and the Governor.

7 SECTION 1. Section 10606 of the Education Code is amended
8 to read:

9 10606. The department shall, among other things:

10 (a) ~~Develop for statewide educational use standards for the~~
11 ~~following:~~

12 (1) ~~Coding structures.~~

13 (2) ~~Common data base.~~

14 (3) ~~File layout and design.~~

15 (4) ~~Flow charts.~~

16 (5) ~~Identification of data items.~~

17 (6) ~~Input documentation and formats.~~

18 (7) ~~Output report formats, including those required by local,~~
19 ~~county, state, and federal agencies.~~

20 (8) ~~Procedural manuals.~~

21 (9) ~~Terminology.~~

22 (10) ~~Other relevant material.~~

23 (b) ~~Make available, without charge, to school districts, county~~
24 ~~superintendents of schools, and other public agencies the system~~
25 ~~components described in subdivision (a), as they are completed.~~

26 (c) ~~Identify regional centers to develop or demonstrate the~~
27 ~~appropriate use of the system and the system's procedures, and~~
28 ~~including as regional centers those school districts, county~~
29 ~~superintendents of schools, and other public agencies that~~
30 ~~successfully are using the various components of the system.~~

31 (d) ~~Establish safeguards to assure only appropriate access to~~
32 ~~confidential information.~~

33 (e) ~~Disseminate information about the system, and its use and~~
34 ~~availability.~~

35 (f) ~~Adopt regulations to implement this chapter.~~