

AMENDED IN ASSEMBLY AUGUST 15, 2008

AMENDED IN ASSEMBLY AUGUST 8, 2008

AMENDED IN ASSEMBLY JULY 14, 2008

AMENDED IN ASSEMBLY JULY 2, 2008

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 9, 2008

SENATE BILL

No. 1298

Introduced by Senators Simitian and Steinberg
(Coauthors: Senators Padilla, Romero, and Torlakson)
(Coauthors: Assembly Members Brownley and Galgiani)

February 20, 2008

An act to 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.

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 also establishes the California Longitudinal Pupil Achievement Data System.

This bill would require the department to establish a process by which local educational agencies issue, maintain, and report information for center-based child care and development programs using the unique pupil identifiers established pursuant to the California Longitudinal Pupil Achievement Data System. The bill would specify that *these*

center-based child care and development programs would not be required to implement or maintain unique pupil identifiers until an appropriation for this purpose is provided in the annual Budget Act or another statute. The bill would require the Chancellor's Office of the California Community Colleges, the University of California, and the California State University to establish a process by which colleges and universities within those systems issue, maintain and report information using specified unique statewide pupil identifiers.

The bill would require the State Chief Information Officer to convene a working group to create a strategic plan that, *among other things, provides an overall structural design for the linked education data system and examines the protocols and procedures to be used by state agencies in data processing and to deliver the*. *The bill would require the strategic plan to be delivered to the Legislature and the Governor on or before September 1, 2009.* The bill also would require the State Chief Information Officer to form an advisory committee to the working group that includes specified parties. The bill would be applicable to the University of California only if the Regents of the University of California, by resolution, make it applicable.

The bill would require the Commission on Teacher Credentialing, the State Board of Education, and the department to ~~annually~~ provide to the State Chief Information Officer the individual nonpersonally identifiable or aggregate data related to teacher distribution, educator credential status, pupil assessment and accountability, or other pupil academic and achievement data, including, but not limited to, data generated from, or related to, the Standardized Testing and Reporting (STAR) Program, the high school exit examination, the English language development test, the Academic Performance Index (API), and adequate yearly progress data and calculations, graduation rates, pupils who dropout of school, and demographics of pupils and teachers.

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. 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:

1 CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008

2
3 10800. This chapter shall be known and may be cited as the
4 Education Data and Information Act of 2008.

5 10801. It is the intent of the Legislature that the design and
6 implementation of a high-quality, comprehensive, and longitudinal
7 education data system for California will do the following:

8 (a) Support a system of continuous learning by delivering timely,
9 reliable, user-friendly, and relevant information to schoolsite and
10 district leaders, county offices of education, higher education
11 leaders, teachers and faculty, education program providers,
12 policymakers, researchers, parents, pupils, and the public at large.

13 (b) Provide educators and parents with the tools, reports, and
14 assistance needed to inform instruction and learning.

15 (c) Integrate data from disparate sources.

16 (d) Anticipate and provide the technological capacity for the
17 sharing of *appropriate* noneducation data from other state sources
18 such as health, welfare, juvenile justice, corrections, and
19 employment agencies, the analysis of which is necessary to fully
20 understand critical education policy and education finance
21 questions.

22 10802. (a) The department shall establish a process by which
23 local educational agencies issue, maintain, and report information
24 using the unique statewide pupil identifiers specified in paragraph
25 (3) of subdivision (e) of Section 60900 for state and federally
26 funded center-based child care and development programs under
27 their purview. The department shall not require *these* center-based
28 child care and development programs to implement or maintain
29 unique pupil identifiers specified in paragraph (3) of subdivision
30 (e) of Section 60900 until an appropriation for this purpose is
31 provided in the annual Budget Act or another statute.

32 10803. (a) The Chancellor's Office of the California
33 Community Colleges, the University of California, and the
34 California State University shall each establish a process by which
35 colleges and universities within those systems issue, maintain, and
36 report information using the unique statewide pupil identifiers
37 specified in paragraph (3) of subdivision (e) of Section 60900.

38 (b) Annually, on or before April 1, the Chancellor's Office of
39 the California Community Colleges, the University of California,
40 and the California State University shall provide a progress report

1 to the Governor and the appropriate policy and fiscal committees
2 of the Legislature. The report shall include a detailed timeline for
3 the implementation, maintenance, and use of the unique statewide
4 pupil identifiers pursuant to subdivision (a).

5 10804. (a) The State Chief Information Officer appointed
6 pursuant to Section 11545 of the Government Code shall convene
7 a working group representing, at a minimum, the *state board, the*
8 Superintendent, the Chancellor of the California Community
9 Colleges, the University of California, the California State
10 University, and any other governmental entities that collect, report,
11 or use individual pupil education data that would become part of
12 the comprehensive education data system. The State Chief
13 Information Officer shall form an advisory committee to the
14 working group that includes school and district administrators,
15 teachers and faculty, education program providers, policymakers,
16 researchers, parents, and pupils.

17 (b) The working group convened pursuant to this section shall
18 create a strategic plan ~~that provides an overall structural design~~
19 ~~for the education data system, including examining current state~~
20 ~~education data systems and the interdepartmental data protocols~~
21 ~~and procedures that would be necessary to link data from all~~
22 ~~education segments and that provides for to link education data~~
23 ~~systems from all segments and to accomplish all of the following:~~

24 (1) *Provide an overall structural design for the linked education*
25 *data systems.*

26 (2) *Examine current state education data systems.*

27 (3) *Examine the protocols and procedures to be used by state*
28 *agencies in data processing, including, but not limited to,*
29 *collecting, storing, manipulating, sharing, retrieving, and releasing*
30 *data so as to enable each state agency to accurately and efficiently*
31 *collect and share data with the other state agencies while*
32 *complying with all applicable state and federal privacy laws.*

33 (4) *Identify specific procedures and policies that would be*
34 *necessary to ensure the privacy of pupil record information so as*
35 *to meet both federal requirements and the higher expectations of*
36 *privacy held by the state.*

37 (e) ~~The strategic plan shall examine the protocols and procedures~~
38 ~~to be used by state agencies in data processing, including, but not~~
39 ~~limited to, collecting, storing, manipulating, sharing, retrieving,~~

1 and releasing data so as to enable each state agency to accurately
2 and efficiently collect and share data with the other state agencies.

3 ~~(d)~~

4 (c) The strategic plan shall be delivered by the State Chief
5 Information Officer to the Legislature and the Governor on or
6 before September 1, 2009.

7 ~~10805. In meeting the requirements of this chapter, state~~
8 ~~agencies, local educational agencies, and the officers and~~
9 ~~appointees of those agencies shall consider and comply with state~~
10 ~~and federal privacy law, and ensure that the highest, appropriate~~
11 ~~security protections are in place in order to provide the maximum~~
12 ~~protection of privacy.~~

13 ~~10806.~~

14 10805. (a) Notwithstanding any other law, the Commission
15 on Teacher Credentialing, the state board, and the department
16 annually shall provide to the State Chief Information Officer the
17 individual nonpersonally identifiable or aggregate data related to
18 teacher distribution, educator credential status, pupil assessment
19 and accountability, or other pupil academic and achievement data,
20 including, but not limited to, data generated from, or related to,
21 the Standardized Testing and Reporting (STAR) Program, the high
22 school exit examination, the English language development test,
23 the Academic Performance Index (API), and adequate yearly
24 progress data and calculations, graduation rates, pupils who dropout
25 of school, and demographics of pupils and teachers.

26 (b) The data provided pursuant to the section shall be provided
27 as follows:

28 (1) In a format that is agreeable to all *relevant* parties.

29 (2) In a timely manner, according to a schedule agreed upon by
30 all *relevant* parties.

31 (3) At no cost to the State Chief Information Officer.

32 (c) The State Chief Information Officer may release the
33 information provided pursuant to subdivision (a) ~~in a single~~
34 ~~location that is accessible to the public. in any of the following~~
35 ~~manners:~~

36 (1) *On paper at a single location that is accessible to the public.*

37 (2) *Electronically at a single location that is accessible to the*
38 *public.*

39 (3) *Electronically via the Internet*

1 (d) The State Chief Information Officer shall ensure that the
2 use of this data is in compliance with applicable state and federal
3 privacy laws.

4 ~~10807.~~

5 *10806.* In meeting the requirements of this chapter, state
6 agencies, local educational agencies, and the officers and
7 appointees of those agencies shall consider and comply with state
8 and federal privacy law and ensure the highest, appropriate security
9 protections are in place in order to provide the maximum protection
10 of privacy.

11 SEC. 2. (a) It is the intent of the Legislature to convene a staff
12 working group that includes bipartisan representation from the
13 Assembly and Senate, and representation from the Governor's
14 office, the Legislative Analyst's Office, the Superintendent, the
15 Chancellor's Office of the California Community Colleges, the
16 University of California, and the California State University, to
17 make recommendations relating to the governance of education
18 data that includes, but is not limited to, the following:

19 (1) The organizational structure of the governing entity.

20 (2) The governing entity's relationship to other agencies.

21 (3) The scope of the governing entity's authority and
22 responsibilities.

23 (4) Methods for holding the governing entity accountable.

24 (5) Methods for ensuring that the work of the governing entity
25 primarily serves the purposes of continuous educational
26 improvement as well as ensuring the privacy of data under its
27 control.

28 (b) It is the intent of the Legislature that the staff working group
29 consult with other governmental entities and education
30 representatives, including, but not limited to, school and district
31 administrators, teachers, faculty, education program providers,
32 policymakers, researchers, parents, and pupils.

33 SEC. 3. This act shall apply to the University of California
34 only if the Regents of the University of California, by resolution,
35 make it applicable.