

AMENDED IN ASSEMBLY AUGUST 27, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 19

**Introduced by Senator Simitian
(Principal coauthor: Senator Romero)
(Coauthors: Senators Alquist and Wyland)**

December 1, 2008

~~An act to amend Section 10804 of the Education Code, relating to~~
An act to amend Sections 10601.5, 10802, 10804, and 60900 of the
Education Code, and to add Section 1095.2 to the Unemployment
Insurance Code, relating to education data.

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Simitian. Education data.

(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law prohibits data in CALTIDES from being used either solely or in conjunction with data from CALPADS for purposes of pay, promotion, sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.

This bill would delete this prohibition and instead would authorize data in CALTIDES to be used for purposes of teacher evaluations. The bill would require the Employment Development Department to make specified wage record system information available to the Commission on Teacher Credentialing for the purposes of CALTIDES, as provided.

(2) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.

This bill would require interagency agreements relating to education data to be included in the plan, and would change the date the plan is required to be delivered to the Legislature and the Governor to January 15, 2010. The bill additionally would authorize these provisions to be implemented using federal grant funds received pursuant to the American Recovery and Reinvestment Act of 2009 through that act's provision of funds for statewide data systems under the federal Education Technical Assistance Act.

(3) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the State Board of Education, to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001.

This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with the federal American Recovery and Reinvestment Act of 2009.

~~Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.~~

~~This bill would authorize these provisions to be implemented using federal grant funds received pursuant to the American Recovery and Reinvestment Act of 2009 through that act's provision of funds for statewide data systems under the federal Education Technical Assistance Act.~~

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. Section 10601.5 of the Education Code is amended*
2 *to read:*

3 10601.5. (a) The department, in collaboration with the
4 Commission on Teacher Credentialing, shall contract for the
5 development of a teacher data system to be known as the California
6 Longitudinal Teacher Integrated Data Education System that is
7 based on the results of the teacher data system feasibility study
8 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the
9 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
10 purpose of the system is to streamline processes, improve the
11 efficiency of data collection by the department, the Commission
12 on Teacher Credentialing, and the Employment Development
13 Department, and improve the quality of data collected from local
14 educational agencies and teacher preparation programs. The system
15 shall be developed and implemented in accordance with all state
16 rules and regulations governing information technology projects.

17 (b) The system shall serve as the central state repository of
18 information regarding the teacher workforce in the state for
19 purposes of developing and reviewing state policy, identifying
20 workforce trends, and identifying future needs regarding the
21 teaching workforce. It shall also serve to provide high-quality
22 program evaluations, including evaluation of the effectiveness of
23 teacher preparation and induction, and to help improve professional
24 development programs. Additionally, it shall promote the efficient
25 monitoring of teacher assignments as required by state and federal
26 law.

27 (c) ~~Data in the system shall not be used, either solely or in~~
28 ~~conjunction with data from the California Longitudinal Pupil~~
29 ~~Achievement Data System, for purposes of pay, promotion,~~
30 ~~sanction, or personnel evaluation of an individual teacher or groups~~
31 ~~of teachers, or of any other employment decisions related to~~
32 ~~individual teachers.~~ The system shall not include the names, social
33 security numbers, home addresses, telephone numbers, or e-mail
34 addresses of individual teachers.

35 (d) *Data in the California Education Information System, either*
36 *solely or in conjunction with data from the California Longitudinal*
37 *Pupil Achievement Data System, may be used for purposes of*
38 *teacher evaluation.*

1 ~~(d)~~

2 (e) The system shall be used to accomplish all of the following
3 goals:

4 (1) Provide a means to evaluate all of the following:

5 (A) The effectiveness of teacher preparation programs,
6 including, but not limited to, traditional fifth-year programs,
7 university internship programs, and district-sponsored internship
8 programs.

9 (B) Teacher workforce issues, including mobility, retention,
10 and attrition.

11 (2) Streamline and improve the effectiveness and timeliness of
12 assignment monitoring as required by the federal No Child Left
13 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.

14 (3) Enable local educational agencies to monitor teacher
15 assignments on demand.

16 ~~(e)~~

17 (f) For purposes of implementing this chapter, including the
18 legislative intent expressed in subdivision (b) of Section 10600,
19 the system shall include all of the following information:

20 (1) Age profiles of teachers in the workforce.

21 (2) Projections of the number of retirees in the education system
22 over the next 10 years throughout the state.

23 (3) Identification of subject matter fields that have the severest
24 shortage of teachers.

25 (4) Geographic distribution of teachers by credential type.

26 (5) Present patterns of in-service education for teachers.

27 ~~(f)~~

28 (g) The Commission on Teacher Credentialing and accredited
29 teacher preparation programs shall participate in the system by
30 providing available data regarding enrollment in credential
31 programs, credentials issued in each specialization, and certificated
32 persons in each specialty who are not employed in education, and
33 by collaborating with the department in the design and preparation
34 of periodic reports of teacher supply and demand in each specialty
35 and in each geographic region of the state.

36 ~~(g)~~

37 (h) The system shall do all of the following:

38 (1) Utilize and maximize use of existing teacher databases.

39 (2) Maintain longitudinally linked data without including the
40 names of teachers.

(3) Comply with all state and federal confidentiality and privacy laws.

~~(h)~~

(i) The Superintendent shall convene a working group to provide advice and guidance on the development and implementation of the system. The group shall include, but is not limited to, representatives from the Commission on Teacher Credentialing, the Department of Finance, the Secretary for Education, the Legislative Analyst's Office, the Employment Development Department, and representatives of local educational agencies, postsecondary educational institutions, researchers, teachers, administrators, and parents.

~~(i)~~

(j) The operation of the system is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.

SEC. 2. Section 10802 of the Education Code is amended to read:

10802. ~~(a)~~—The department shall establish a process by which local educational agencies issue, maintain, and report information using the unique statewide pupil identifiers specified in paragraph (3) of subdivision (e) of Section 60900 for state and federally funded center-based child care and development programs under their purview. *Except to the extent required by federal law, or as needed to ensure compliance with federal law, the department shall not require these center-based child care and development programs to implement or maintain unique pupil identifiers specified in paragraph (3) of subdivision (e) of Section 60900 until an appropriation for this purpose is provided in the annual Budget Act or another statute.*

~~SECTION 1.~~

SEC. 3. Section 10804 of the Education Code is amended to read:

10804. (a) The State Chief Information Officer appointed pursuant to Section 11545 of the Government Code shall convene a working group representing, at a minimum, the state board, the Superintendent, the Chancellor of the California Community Colleges, the University of California, the California State University, and any other governmental entities that collect, report, or use individual pupil education data that would become part of

1 the comprehensive education data system. The State Chief
2 Information Officer shall form an advisory committee to the
3 working group that includes school and district administrators,
4 teachers and faculty, education program providers, policymakers,
5 researchers, parents, and pupils.

6 (b) The working group convened pursuant to this section shall
7 create a strategic plan to link education data systems from all
8 segments and to accomplish all of the following:

9 (1) Provide an overall structural design for the linked education
10 data systems.

11 (2) Examine current state education data systems.

12 (3) Examine the protocols and procedures to be used by state
13 agencies in data processing, including, but not limited to,
14 collecting, storing, manipulating, sharing, retrieving, and releasing
15 data so as to enable each state agency to accurately and efficiently
16 collect and share data with the other state agencies while complying
17 with all applicable state and federal privacy laws.

18 (4) Identify specific procedures and policies that would be
19 necessary to ensure the privacy of pupil record information so as
20 to meet both federal requirements and the higher expectations of
21 privacy held by the state.

22 (5) *Include interagency agreements to facilitate the transfer of*
23 *data from one segment to another and ultimately to include*
24 *linkages to workforce data.*

25 (c) The strategic plan shall be delivered by the State Chief
26 Information Officer to the Legislature and the Governor on or
27 before ~~September 1, 2009~~ *January 1, 2010*.

28 (d) This section may be implemented using federal grant funds
29 received pursuant to the American Recovery and Reinvestment
30 Act of 2009 (Public Law 111-5) through that act's provision of
31 funds for statewide data systems under the federal Education
32 Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).

33 *SEC. 4. Section 60900 of the Education Code is amended to*
34 *read:*

35 60900. (a) The department shall contract for the development
36 of proposals which will provide for the retention and analysis of
37 longitudinal pupil achievement data on the tests administered
38 pursuant to Chapter 5 (commencing with Section 60600), Chapter
39 7 (commencing with Section 60810), and Chapter 9 (commencing

1 with Section 60850). The longitudinal data shall be known as the
2 California Longitudinal Pupil Achievement Data System.

3 (b) The proposals developed pursuant to subdivision (a) shall
4 evaluate and determine whether it would be most effective, from
5 both a fiscal and a technological perspective, for the state to own
6 the system. The proposals shall additionally evaluate and determine
7 the most effective means of housing the system.

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

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

13 (1) To provide school districts and the department access to
14 data necessary to comply with federal reporting requirements
15 delineated in the federal No Child Left Behind Act of 2001 (20
16 U.S.C. Sec. 6301 et seq.).

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

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

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

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

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

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

35 (3) A unique pupil identification number to be identical to the
36 pupil identifier developed pursuant to the California School
37 Information Services, which shall be retained by each local
38 educational agency and used to ensure the accuracy of information
39 on the header sheets of the STAR Program tests, high school exit
40 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 (20 U.S.C. Sec. 6301 et seq.), including, but not limited to, dropout and graduation rates.

(5) Other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with the federal reporting requirements delineated in the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), after review and comment by the advisory board convened pursuant to subdivision (h). *Other data elements include, but are not necessarily limited to, all of the following:*

(A) *The ability to match teachers to their pupils with the intent to correlate pupil achievement and performance with teacher preparation programs.*

(B) *The ability to include evaluation data for teachers and principals.*

(C) *Pupils' scores on tests measuring whether pupils are prepared for a postsecondary educational institution, including, but not limited to, the California State University Early Assessment Program Test.*

(D) *Data on the level of pupils' success in a postsecondary educational institution, including whether pupils are enrolled in remedial courses.*

(E) *Data on whether pupils are prepared to succeed in a postsecondary educational institution.*

(F) *The ability to share data from data systems at all levels, from preschool through postsecondary education, inclusive.*

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

(1) The ability to sort by demographic element collected from the STAR Program 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 Program 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 educational 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 federal Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g), Section 1242h of Title 20 of the United States Code, and related federal regulations.

(h) The department shall convene an advisory board consisting of representatives from the state board, 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 educational 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 department 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, the state board, 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 (d) 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 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 (Chapter 379 of the Statutes of 2002). The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.

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

4 *SEC. 5. Section 1095.2 is added to the Unemployment*
5 *Insurance Code, to read:*

6 *1095.2. Wage record system information contained in the*
7 *records of the department, which is necessary for purposes of*
8 *implementing the California Longitudinal Teacher Integrated Data*
9 *Education System pursuant to Section 10601.5 of the Education*
10 *Code, shall be made available to the Commission on Teacher*
11 *Credentialing.*