

AMENDED IN ASSEMBLY SEPTEMBER 3, 2009

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 Sections 10601, 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 *requires that data elements and codes included in the California Education Information System be maintained in compliance with specified provisions of law.*

This bill would additionally require that data elements and codes included in the California Education Information System be maintained in compliance with any other applicable federal or state law that can be interpreted as protecting the privacy and confidentiality of individual pupils or certificated personnel.

(2) 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 prohibit data in CALTIDES from being used in violation of any federal or state law that is intended to protect an individual's right to privacy or the confidentiality of an individual's personal information.* 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)

(3) 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 to identify specific procedures and policies that would facilitate the sharing and transfer of data, and would change the date the plan is required to be delivered to the Legislature and the Governor to January 1, 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)

(4) 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, prior to the implementation of these provisions with respect to adding data elements to CALPADS for the purpose of complying with the American Recovery and Reinvestment Act of 2009, require the department to submit an expenditure plan to the Department of Finance, as specified. The bill would require the Department of Finance to provide to the Joint Legislative Budget Committee a copy of the plan within 10 days of receipt.~~

The bill also would make technical and clarifying 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. Section 10601 of the Education Code is amended
2 to read:

3 10601. (a) There has been developed by the department the
4 California Education Information System, hereinafter in this
5 chapter called “the system.” The function of the system is to
6 establish, conduct, and by continuous concern keep up to date a
7 basic, integrated, statewide information system for education.

8 (b) The system includes both of the following:

9 (1) The California Longitudinal Pupil Achievement Data System
10 pursuant to Chapter 10 (commencing with Section 60900) of Part
11 33, which maintains pupil data regarding demographic, program
12 participation, enrollment, and statewide assessments, in addition
13 to data contained in the California Basic Educational Data System,
14 including certificated staff information collected through the
15 Professional Assignment Information Form prepared by the
16 department.

17 (2) The California Longitudinal Teacher Integrated Data
18 Education System developed pursuant to Section 10601.5, which
19 enables analysis of workforce trends, evaluation of teacher
20 preparation programs, and the monitoring of teacher assignments.
21 The California Longitudinal Teacher Integrated Data Education
22 System shall maintain data regarding the certificated workforce
23 that is not maintained in the California Longitudinal Pupil

1 Achievement Data System and consolidate data that is collected
2 by state agencies and local educational agencies.

3 (c) Data elements and codes included in the system shall be
4 maintained in compliance with all of the following:

5 (1) Chapter 6.5 (commencing with Section 49060) of Part 27
6 and any regulations adopted pursuant thereto.

7 (2) Section 49602.

8 (3) Section 56347.

9 (4) The Information Practices Act of 1977 (Chapter 1
10 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
11 3 of the Civil Code).

12 (5) The federal Family Educational Rights and Privacy Act of
13 1974 (20 U.S.C. Sec. 1232g) and any federal regulations adopted
14 pursuant thereto.

15 (6) *Any other applicable federal or state law that can be*
16 *interpreted as protecting the privacy and confidentiality of*
17 *individual pupils or certificated personnel.*

18 (d) The department shall adopt regulations to implement this
19 section.

20 **SECTION 1.**

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

23 10601.5. (a) The department, in collaboration with the
24 Commission on Teacher Credentialing, shall contract for the
25 development of a teacher data system to be known as the California
26 Longitudinal Teacher Integrated Data Education System that is
27 based on the results of the teacher data system feasibility study
28 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the
29 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
30 purpose of the ~~system~~ *California Longitudinal Teacher Integrated*
31 *Data Education System* is to streamline processes, improve the
32 efficiency of data collection by the department, the Commission
33 on Teacher Credentialing, and the Employment Development
34 Department, and improve the quality of data collected from local
35 educational agencies and teacher preparation programs. The ~~system~~
36 *California Longitudinal Teacher Integrated Data Education System*
37 shall be developed and implemented in accordance with all state
38 rules and regulations governing information technology projects.

39 (b) The ~~system~~ *California Longitudinal Teacher Integrated*
40 *Data Education System* shall serve as the central state repository

1 of information regarding the teacher workforce in the state for
2 purposes of developing and reviewing state policy, identifying
3 workforce trends, and identifying future needs regarding the
4 teaching workforce. It shall also serve to provide high-quality
5 program evaluations, including evaluation of the effectiveness of
6 teacher preparation and induction, and to help improve professional
7 development programs. Additionally, it shall promote the efficient
8 monitoring of teacher assignments as required by state and federal
9 law.

10 (c) The ~~system~~ *California Longitudinal Teacher Integrated*
11 *Data Education System* shall not include the names, social security
12 numbers, home addresses, telephone numbers, or e-mail addresses
13 of individual teachers.

14 ~~(d) Data in the California Education Information System, either~~
15 ~~solely or in conjunction with data from the California Longitudinal~~
16 ~~Pupil Achievement Data System, may be used for purposes of~~
17 ~~teacher evaluation.~~

18 *(d) Data in the California Longitudinal Teacher Integrated*
19 *Data Education System shall not be used in violation of any federal*
20 *or state law that is intended to protect an individual's right to*
21 *privacy or the confidentiality of an individual's personal*
22 *information.*

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

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

26 (A) The effectiveness of teacher preparation programs,
27 including, but not limited to, traditional fifth-year programs,
28 university internship programs, and district-sponsored internship
29 programs.

30 (B) Teacher workforce issues, including mobility, retention,
31 and attrition.

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

35 (3) Enable local educational agencies to monitor teacher
36 assignments on demand.

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

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

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

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

(4) Geographic distribution of teachers by credential type.

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

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

(h) The ~~system~~ *California Longitudinal Teacher Integrated Data Education System* shall do all of the following:

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

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

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

(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.

(j) The operation of the ~~system~~ *California Longitudinal Teacher Integrated Data Education System* is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.

~~SEC. 2.~~

SEC. 3. Section 10802 of the Education Code is amended to read:

10802. 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)

1 of subdivision (e) of Section 60900 for state and federally funded
2 center-based child care and development programs under their
3 purview. Except to the extent required by federal law, or as needed
4 to ensure compliance with federal law, the department shall not
5 require these center-based child care and development programs
6 to implement or maintain unique pupil identifiers specified in
7 paragraph (3) of subdivision (e) of Section 60900 until an
8 appropriation for this purpose is provided in the annual Budget
9 Act or another statute.

10 ~~SEC. 3.~~

11 *SEC. 4.* Section 10804 of the Education Code is amended to
12 read:

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

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

28 (1) Provide an overall structural design for the linked education
29 data systems.

30 (2) Examine current state education data systems.

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

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

1 ~~(5) Include interagency agreements to facilitate the transfer of~~
2 ~~(5) Identify specific procedures and policies that would facilitate~~
3 ~~the sharing and transfer of data from one segment to another and~~
4 ultimately to include linkages to workforce data.

5 (c) The strategic plan shall be delivered by the State Chief
6 Information Officer to the Legislature and the Governor on or
7 before January 1, 2010.

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

13 ~~SEC. 4.~~

14 SEC. 5. Section 60900 of the Education Code is amended to
15 read:

16 60900. (a) The department shall contract for the development
17 of proposals which will provide for the retention and analysis of
18 longitudinal pupil achievement data on the tests administered
19 pursuant to Chapter 5 (commencing with Section 60600), Chapter
20 7 (commencing with Section 60810), and Chapter 9 (commencing
21 with Section 60850). The longitudinal data shall be known as the
22 California Longitudinal Pupil Achievement Data System.

23 (b) The proposals developed pursuant to subdivision (a) shall
24 evaluate and determine whether it would be most effective, from
25 both a fiscal and a technological perspective, for the state to own
26 the system. The proposals shall additionally evaluate and determine
27 the most effective means of housing the system.

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

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

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

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

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

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

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

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

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

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

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

24 (5) Other data elements deemed necessary by the
25 Superintendent, with approval of the state board, to comply with
26 the federal reporting requirements delineated in the No Child Left
27 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the
28 American Recovery and Reinvestment Act of 2009 (Public Law
29 111-5), after review and comment by the advisory board convened
30 pursuant to subdivision (h). ~~Other data elements include, but are~~
31 ~~not necessarily limited to, all of the following:~~

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

35 ~~(B) The ability to include evaluation data for teachers and~~
36 ~~principals.~~

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

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

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

6 ~~(F) The ability to share data from data systems at all levels,~~
7 ~~from preschool through postsecondary education, inclusive. Prior~~
8 ~~to the implementation of this paragraph with respect to adding~~
9 ~~data elements to the California Longitudinal Pupil Achievement~~
10 ~~Data System for the purpose of complying with the American~~
11 ~~Recovery and Reinvestment Act of 2009 (Public Law 111-5), the~~
12 ~~department shall submit an expenditure plan to the Department~~
13 ~~of Finance detailing any administrative costs to the department~~
14 ~~and costs to any local educational agency, if applicable. The~~
15 ~~Department of Finance shall provide to the Joint Legislative~~
16 ~~Budget Committee a copy of the expenditure plan within 10 days~~
17 ~~of receipt of the expenditure plan from the department.~~

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

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

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

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

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

30 (g) Data elements and codes included in the system shall comply
31 with Sections 49061 to 49079, inclusive, and Sections 49602 and
32 56347, with Sections 430 to 438, inclusive, of Title 5 of the
33 California Code of Regulations, with the Information Practices
34 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
35 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
36 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
37 Section 1242h of Title 20 of the United States Code, and related
38 federal regulations.

39 (h) The department shall convene an advisory board consisting
40 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.

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

~~SEC. 5.~~

SEC. 6. Section 1095.2 is added to the Unemployment Insurance Code, to read:

1095.2. Wage record system information contained in the records of the department, which is necessary for purposes of implementing the California Longitudinal Teacher Integrated Data Education System pursuant to Section 10601.5 of the Education

- 1 Code, shall be made available to the Commission on Teacher
- 2 Credentialing.

O