

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 72

Introduced by Assembly Member Duvall

December 12, 2008

An act to add Section 49079.5 to the Education Code, relating to pupil data.

LEGISLATIVE COUNSEL'S DIGEST

AB 72, as amended, Duvall. Pupil data.

(1) Existing federal law requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law prescribes additional rules relating to the authorized release of pupil data.

Under existing law, the State Department of Education is required to contract for the development of proposals to provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to the Standardized Testing and Reporting Program (STAR), the English language development tests, and the high school exit exam. This longitudinal achievement data, known as the California Longitudinal Pupil Achievement Data System, is required to be used to accomplish specified goals, including providing school districts and the department access to the data necessary to comply with federal reporting requirements, as specified, providing a better means of evaluating educational progress and investments over time, providing local educational agencies with information that can be used to improve pupil achievement, and providing an efficient, flexible, and secure means of maintaining longitudinal statewide pupil data.

This bill would require the ~~California~~ State Chief Information Officer to manage the data of local educational agencies through the California Longitudinal Pupil Achievement Data System. The bill would authorize local educational agencies to share data with each other through the California Longitudinal Pupil Achievement Data System. The bill would require the State Chief Information Officer to establish a pupil data team composed of specified persons to provide input and make recommendations to the State Chief Information Officer regarding policy and procedures, including, but not limited to, the functionality of the California Longitudinal Pupil Achievement Data System data and response to requests for data. The pupil data team would be required to comply with specified requirements.

(2) Under the Information Practices Act of 1977, state agencies are prohibited from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless specified conditions are met. Existing law authorizes state agencies to release personally identifiable data to the University of California or a nonprofit educational institution conducting scientific research, provided the request for information is approved by the Committee for the Protection of Human Subjects (CPHS) for the California Health and Human Services Agency. Existing law authorizes the CPHS to enter into written agreements to enable other institutional review boards to provide the required data security approvals, as specified.

This bill would require the State Chief Information Officer to establish an institutional review board to review and respond to all requests for individually identifiable data, if authorized to do so by the CPHS. The bill would require the institutional review board to comply with specified requirements to protect individually identifiable data. The bill would require the State Chief Information Officer to adopt regulations to establish detailed criteria and procedures for the institutional review board to review and respond to data requests.

The bill would require the entity charged with governing the California Longitudinal Pupil Achievement Data System to make available to the public an online query tool for the purpose of facilitating online searches for aggregate data.

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 49079.5 is added to the Education Code,
2 to read:

3 49079.5. (a) To the extent permissible under the federal Family
4 Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g
5 et seq.) and related regulations (FERPA), the State Chief
6 Information Officer shall manage the data of local educational
7 agencies through the California Longitudinal Pupil Achievement
8 Data System.

9 (b) To the extent permissible under FERPA, local educational
10 agencies may share data with each other through the California
11 Longitudinal Pupil Achievement Data System.

12 (c) The State Chief Information Officer shall review and respond
13 to all requests for aggregate and individual nonpersonally
14 identifiable data.

15 (d) The State Chief Information Officer shall establish an
16 institutional review board to review and respond to all requests
17 for individually identifiable data. The board's authority to review
18 and respond to requests is conditioned upon receiving approval
19 by the Committee for the Protection of Human Subjects for the
20 California Health and Human Services Agency pursuant to
21 paragraph (4) of subdivision (t) of Section 1798.24 of the Civil
22 Code.

23 (1) If authorized to respond to requests, the institutional review
24 board shall comply with subdivision (t) of Section 1798.24 of the
25 Civil Code and FERPA.

26 (2) The State Chief Information Officer shall adopt regulations
27 to establish detailed criteria and procedures for the institutional
28 review board to review and respond to data requests.

29 (e) The State Chief Information Officer shall establish a pupil
30 data team to provide input and make recommendations to the State
31 Chief Information Officer regarding policy and procedures,
32 including, but not limited to, the functionality of the California
33 Longitudinal Pupil Achievement Data System data and response
34 to requests for data by local educational agencies, parents,
35 researchers, and others.

36 (1) The pupil data team shall be broadly representative of
37 educational stakeholders and shall include the following members:

1 (A) Two school district superintendents selected by the
2 Association of California School Administrators.

3 (B) Two representatives of county offices of education selected
4 by the California County Superintendents Educational Services
5 Association.

6 (C) One representative from the state board selected by members
7 of the state board.

8 (D) One representative from the department selected by the
9 Superintendent.

10 (E) One representative from the research community selected
11 by EdSource.

12 (F) One representative from California School Information
13 Services.

14 (G) The State Chief Information Officer or his or her designee,
15 who shall serve as chair of the pupil data team.

16 (2) The members of the pupil data team shall serve without
17 compensation. The members may be reimbursed for actual and
18 necessary travel expenses incurred in the course of carrying out
19 the duties of the pupil data team.

20 (3) The members of the pupil data team who are selected by
21 associations or agencies shall serve at the pleasure of their
22 respective appointing authorities. Members designated in
23 subparagraphs (A) to (E), inclusive, shall serve two-year terms,
24 and if vacancies occur during the term, the respective appointing
25 authorities designated in subparagraphs (A) to (E), inclusive, may
26 appoint a successor.

27 *(f) The entity charged with governing the California*
28 *Longitudinal Pupil Achievement Data System shall make available*
29 *to the public an online query tool for the purpose of facilitating*
30 *online searches for aggregate data. The governing entity shall*
31 *comply with all federal privacy laws, including FERPA, in*
32 *implementing this subdivision.*