

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1919**

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**Introduced by Assembly Member Brownley**

February 22, 2012

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An act to amend ~~Section 17074.26~~ Sections 52052, 60607, 60641, and 60900 of, and to add Sections 60810.5 and 60851.5 to, the Education Code, relating to ~~school facilities~~ pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1919, as amended, Brownley. ~~School facilities: modernization apportionments.~~ Pupils: achievement data: Academic Performance Index: charter schools.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils.

This bill would authorize a school district to have a secondary API that includes the API scores of the charter schools for which the school district is the chartering authority, if the school district so requests.

Existing law establishes various programs for measuring pupil achievement, including the Standardized Testing and Reporting (STAR) Program, the high school exit examination, and English language development testing programs. Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires that CALPADS have 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.

*Under existing provisions of state and federal law, pupil records are private and may not be disclosed without parental consent, subject to specified exceptions.*

*Existing law requires that each pupil have an individual record of accomplishment by the end of grade 12 that includes the results of specified achievement tests, end-of-course exams, and vocational education certification exams. Existing law requires that pupil results or a record of accomplishment be private, and prohibits the release to any person without express written parental consent, subject to certain exceptions.*

*This bill would authorize a school district to view and download individual pupil records in CALPADS for pupils who attend a charter school for which the school district is the chartering authority. The bill would separately authorize the school district that is the chartering authority to access individual pupil achievement data, including test results from the STAR Program, high school exit examination, and English language development tests, as well as pupil demographic data and program data, relating to those pupils. The bill would require the department to provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district.*

~~Existing law authorizes a school district to apply for a modernization apportionment which may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. Existing law requires the State Allocation Board to determine the total funding eligibility of a school district for modernization funding by multiplying specified per-pupil amounts by the number of pupils housed in school buildings that meet specified requirements and requires the board to adopt regulations adjusting the specified per-pupil amounts for modernization projects for school buildings that are 50 years old or older.~~

~~This bill would correct a cross-reference for purposes of that latter provision.~~

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 52052 of the Education Code is amended
- 2     to read:

1 52052. (a) (1) The Superintendent, with approval of the state  
2 board, shall develop an Academic Performance Index (API), to  
3 measure the performance of schools, especially the academic  
4 performance of pupils.

5 (2) A school shall demonstrate comparable improvement in  
6 academic achievement as measured by the API by all numerically  
7 significant pupil subgroups at the school, including:

8 (A) Ethnic subgroups.

9 (B) Socioeconomically disadvantaged pupils.

10 (C) English-language learners.

11 (D) Pupils with disabilities.

12 (3) (A) For purposes of this section, a numerically significant  
13 pupil subgroup is one that meets both of the following criteria:

14 (i) The subgroup consists of at least 50 pupils each of whom  
15 has a valid test score.

16 (ii) The subgroup constitutes at least 15 percent of the total  
17 population of pupils at a school who have valid test scores.

18 (B) If a subgroup does not constitute 15 percent of the total  
19 population of pupils at a school who have valid test scores, the  
20 subgroup may constitute a numerically significant pupil subgroup  
21 if it has at least 100 valid test scores.

22 (C) For a school with an API score that is based on no fewer  
23 than 11 and no more than 99 pupils with valid test scores,  
24 numerically significant *pupil* subgroups shall be defined by the  
25 Superintendent, with approval by the state board.

26 (4) The API shall consist of a variety of indicators currently  
27 reported to the department, including, but not limited to, the results  
28 of the achievement test administered pursuant to Section 60640,  
29 attendance rates for pupils in elementary schools, middle schools,  
30 and secondary schools, and the graduation rates for pupils in  
31 secondary schools.

32 (A) Graduation rates for pupils in secondary schools shall be  
33 calculated for the API as follows:

34 (i) Four-year graduation rates shall be calculated by taking the  
35 number of pupils who graduated on time for the current school  
36 year, which is considered to be three school years after the pupils  
37 entered grade 9 for the first time, and dividing that number by the  
38 total calculated in clause (ii).

39 (ii) The number of pupils entering grade 9 for the first time in  
40 the school year three school years ~~prior to~~ before the current school

1 year, plus the number of pupils who transferred into the class  
2 graduating at the end of the current school year between the school  
3 year that was three school years ~~prior to~~ *before* the current school  
4 year and the date of graduation, less the number of pupils who  
5 transferred out of the school between the school year that was three  
6 school years ~~prior to~~ *before* the current school year and the date  
7 of graduation who were members of the class that is graduating at  
8 the end of the current school year.

9 (iii) Five-year graduation rates shall be calculated by taking the  
10 number of pupils who graduated on time for the current school  
11 year, which is considered to be four school years after the pupils  
12 entered grade 9 for the first time, and dividing that number by the  
13 total calculated in clause (iv).

14 (iv) The number of pupils entering grade 9 for the first time in  
15 the school year four years ~~prior to~~ *before* the current school year,  
16 plus the number of pupils who transferred into the class graduating  
17 at the end of the current school year between the school year that  
18 was four school years ~~prior to~~ *before* the current school year and  
19 the date of graduation, less the number of pupils who transferred  
20 out of the school between the school year that was four years ~~prior~~  
21 ~~to~~ *before* the current school year and the date of graduation who  
22 were members of the class that is graduating at the end of the  
23 current school year.

24 (v) Six-year graduation rates shall be calculated by taking the  
25 number of pupils who graduated on time for the current school  
26 year, which is considered to be five school years after the pupils  
27 entered grade 9 for the first time, and dividing that number by the  
28 total calculated in clause (vi).

29 (vi) The number of pupils entering grade 9 for the first time in  
30 the school year five years ~~prior to~~ *before* the current school year,  
31 plus the number of pupils who transferred into the class graduating  
32 at the end of the current school year between the school year that  
33 was five school years ~~prior to~~ *before* the current school year and  
34 the date of graduation, less the number of pupils who transferred  
35 out of the school between the school year that was five years ~~prior~~  
36 ~~to~~ *before* the current school year and the date of graduation who  
37 were members of the class that is graduating at the end of the  
38 current school year.

39 (B) The inclusion of five- and six-year graduation rates for  
40 pupils in secondary schools shall meet the following requirements:

1 (i) Schools shall be granted one-half the credit in their API  
2 scores for graduating pupils in five years that they are granted for  
3 graduating pupils in four years.

4 (ii) Schools shall be granted one-quarter the credit in their API  
5 scores for graduating pupils in six years that they are granted for  
6 graduating pupils in four years.

7 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted  
8 full credit in their API scores for graduating in five or six years a  
9 pupil with disabilities who graduates in accordance with his or her  
10 individualized education program (IEP).

11 (C) The pupil data collected for the API that comes from the  
12 achievement test administered pursuant to Section 60640 and the  
13 high school exit examination administered pursuant to Section  
14 60851, when fully implemented, shall be disaggregated by special  
15 education status, English-language learners, socioeconomic status,  
16 gender, and ethnic group. Only the test scores of pupils who were  
17 counted as part of the enrollment in the annual data collection of  
18 the California Basic Educational Data System for the current fiscal  
19 year and who were continuously enrolled during that year may be  
20 included in the test result reports in the API score of the school.  
21 Results of the achievement test and other tests specified in  
22 subdivision (b) shall constitute at least 60 percent of the value of  
23 the index.

24 (D) Before including high school graduation rates and attendance  
25 rates in the API, the Superintendent shall determine the extent to  
26 which the data currently are reported to the state and the accuracy  
27 of the data. Notwithstanding any other ~~provision of law~~, graduation  
28 rates for pupils in dropout recovery high schools shall not be  
29 included in the API. For purposes of this subparagraph, “dropout  
30 recovery high school” means a high school in which 50 percent  
31 or more of its pupils have been designated as dropouts pursuant  
32 to the exit/withdrawal codes developed by the department.

33 (E) The Superintendent shall provide an annual report to the  
34 Legislature on the graduation and dropout rates in California and  
35 shall make the same report available to the public. The report shall  
36 be accompanied by the release of publicly accessible data for each  
37 school district and school in a manner that provides for  
38 disaggregation based upon socioeconomically disadvantaged pupils  
39 and numerically significant *pupil* subgroups scoring below average  
40 on statewide standards-aligned assessments. In addition, the data

1 shall be made available in a manner that provides for comparisons  
2 of a minimum of three years of data.

3 (b) Pupil scores from the following tests, when available and  
4 when found to be valid and reliable for this purpose, shall be  
5 incorporated into the API:

6 (1) The standards-based achievement tests provided for in  
7 Section 60642.5.

8 (2) The high school exit examination.

9 (c) Based on the API, the Superintendent shall develop, and the  
10 state board shall adopt, expected annual percentage growth targets  
11 for all schools based on their API baseline score from the previous  
12 year. Schools are expected to meet these growth targets through  
13 effective allocation of available resources. For schools below the  
14 statewide API performance target adopted by the state board  
15 pursuant to subdivision (d), the minimum annual percentage growth  
16 target shall be 5 percent of the difference between the actual API  
17 score of a school and the statewide API performance target, or one  
18 API point, whichever is greater. Schools at or above the statewide  
19 API performance target shall have, as their growth target,  
20 maintenance of their API score above the statewide API  
21 performance target. However, the state board may set differential  
22 growth targets based on grade level of instruction and may set  
23 higher growth targets for the lowest performing schools because  
24 they have the greatest room for improvement. To meet its growth  
25 target, a school shall demonstrate that the annual growth in its API  
26 is equal to or more than its schoolwide annual percentage growth  
27 target and that all numerically significant pupil subgroups, as  
28 defined in subdivision (a), are making comparable improvement.

29 (d) Upon adoption of state performance standards by the state  
30 board, the Superintendent shall recommend, and the state board  
31 shall adopt, a statewide API performance target that includes  
32 consideration of performance standards and represents the  
33 proficiency level required to meet the state performance target.  
34 When the API is fully developed, schools, at a minimum, shall  
35 meet their annual API growth targets to be eligible for the  
36 Governor's Performance Award Program as set forth in Section  
37 52057. The state board may establish additional criteria that schools  
38 must meet to be eligible for the Governor's Performance Award  
39 Program.

40 (e) The API shall be used for both of the following:

1 (1) Measuring the progress of schools selected for participation  
2 in the Immediate Intervention/Underperforming Schools Program  
3 pursuant to Section 52053.

4 (2) Ranking all public schools in the state for the purpose of the  
5 High Achieving/Improving Schools Program pursuant to Section  
6 52056.

7 (f) (1) A school with 11 to 99 pupils with valid test scores shall  
8 receive an API score with an asterisk that indicates less statistical  
9 certainty than API scores based on 100 or more test scores.

10 (2) A school annually shall receive an API score, unless the  
11 Superintendent determines that an API score would be an invalid  
12 measure of the performance of the school for one or more of the  
13 following reasons:

14 (A) Irregularities in testing procedures occurred.

15 (B) The data used to calculate the API score of the school are  
16 not representative of the pupil population at the school.

17 (C) Significant demographic changes in the pupil population  
18 render year-to-year comparisons of pupil performance invalid.

19 (D) The department discovers or receives information indicating  
20 that the integrity of the API score has been compromised.

21 (E) Insufficient pupil participation in the assessments included  
22 in the API.

23 (3) If a school has fewer than 100 pupils with valid test scores,  
24 the calculation of the API or adequate yearly progress pursuant to  
25 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
26 et seq.) and federal regulations may be calculated over more than  
27 one annual administration of the tests administered pursuant to  
28 Section 60640 and the high school exit examination administered  
29 pursuant to Section 60851, consistent with regulations adopted by  
30 the state board.

31 (g) Only schools with 100 or more test scores contributing to  
32 the API may be included in the API rankings.

33 (h) The Superintendent, with the approval of the state board,  
34 shall develop an alternative accountability system for schools under  
35 the jurisdiction of a county board of education or a county  
36 superintendent of schools, community day schools, nonpublic,  
37 nonsectarian schools pursuant to Section 56366, and alternative  
38 schools serving high-risk pupils, including continuation high  
39 schools and opportunity schools. Schools in the alternative

1 accountability system may receive an API score, but shall not be  
2 included in the API rankings.

3 *(i) A school district may have a secondary API that includes*  
4 *the API scores of the charter schools for which the school district*  
5 *is the chartering authority, upon the request of the school district.*

6 SEC. 2. Section 60607 of the Education Code is amended to  
7 read:

8 60607. (a) Each pupil shall have an individual record of  
9 accomplishment by the end of grade 12 that includes the results  
10 of the achievement test required and administered annually as part  
11 of the Standardized Testing and Reporting (STAR) Program  
12 established pursuant to Article 4 (commencing with Section  
13 60640), results of end-of-course exams he or she has taken, and  
14 the vocational education certification exams he or she chose to  
15 take.

16 (b) It is the intent of the Legislature that school districts and  
17 schools use the results of the academic achievement tests  
18 administered annually as part of the statewide pupil assessment  
19 program to provide support to pupils and parents or guardians in  
20 order to assist pupils in strengthening their development as learners,  
21 and thereby to improve their academic achievement and  
22 performance in subsequent assessments.

23 (c) (1) Any pupil results or a record of accomplishment shall  
24 be private, and may not be released to any person, other than the  
25 pupil's parent or guardian and a teacher, counselor, or administrator  
26 directly involved with the pupil, without the express written consent  
27 of either the parent or guardian of the pupil if the pupil is a minor,  
28 or the pupil if the pupil has reached the age of majority or is  
29 emancipated.

30 (2) (A) Notwithstanding paragraph (1), a pupil or his or her  
31 parent or guardian may authorize the release of pupil results or a  
32 record of accomplishment to a postsecondary educational  
33 institution for the purposes of credit, placement, or admission.

34 (B) Notwithstanding paragraph (1), the results of an individual  
35 pupil on the California Standards Test may be released to a  
36 postsecondary educational institution for the purposes of credit,  
37 placement, or admission.

38 (C) Notwithstanding paragraph (1), a school district shall have  
39 access to individual pupil demographic data, program data, and  
40 achievement data, including, but not limited to, the results of the

1 *standards-based achievement tests that are part of the STAR*  
2 *Program, relating to pupils who attend a charter school for which*  
3 *the school district is the chartering authority. The department shall*  
4 *provide this data, to the extent it has the data, along with the*  
5 *unique pupil identification number of each of those pupils, to the*  
6 *school district.*

7 *SEC. 3. Section 60641 of the Education Code is amended to*  
8 *read:*

9 60641. (a) The department shall ensure that school districts  
10 comply with each of the following requirements:

11 (1) The standards-based achievement test provided for in Section  
12 60642.5 is scheduled to be administered to all pupils during the  
13 period prescribed in subdivision (b) of Section 60640.

14 (2) The individual results of each pupil test administered  
15 pursuant to Section 60640 shall be reported, in writing, to the  
16 parent or guardian of the pupil. The written report shall include a  
17 clear explanation of the purpose of the test, the score of the pupil,  
18 and the intended use by the school district of the test score. This  
19 subdivision does not require teachers or other school district  
20 personnel to prepare individualized explanations of the test score  
21 of each pupil.

22 (3) (A) The individual results of each pupil test administered  
23 pursuant to Section 60640 also shall be reported to the school and  
24 teachers of a pupil. The school district shall include the test results  
25 of a pupil in his or her pupil records. However, except as provided  
26 in this section, individual pupil test results only may be released  
27 with the permission of either the pupil's parent or guardian if the  
28 pupil is a minor, or the pupil if the pupil has reached the age of  
29 majority or is emancipated.

30 (B) Notwithstanding subparagraph (A), a pupil or his or her  
31 parent or guardian may authorize the release of individual pupil  
32 results to a postsecondary educational institution for the purpose  
33 of credit, placement, determination of readiness for college-level  
34 coursework, or admission.

35 (C) *Notwithstanding subparagraph (A), a school district shall*  
36 *have access to individual pupil results for pupils attending a*  
37 *charter school for which the school district is the chartering*  
38 *authority. The department shall provide this data, to the extent it*  
39 *has the data, along with the unique pupil identification number of*  
40 *each of those pupils, to the school district.*

(4) The districtwide, school-level, and grade-level results of the STAR Program in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The publisher of the standards-based achievement tests provided for in Section 60642.5 shall make the individual pupil, grade, school, school district, and state results available to the department pursuant to paragraph (9) of subdivision (a) of Section 60643 by August 8 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25. The department shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25.

(c) The department shall take all reasonable steps to ensure that the results of the test for all pupils who take the test by June 25 are made available on the Internet by August 15, as set forth in subdivision (b).

(d) The department shall ensure that a California Standards Test that is augmented for the purpose of determining credit, placement, or readiness for college-level coursework of a pupil in a postsecondary educational institution inform a pupil in grade 11 that he or she may request that the results from that assessment be released to a postsecondary educational institution.

*SEC. 4. Section 60810.5 is added to the Education Code, to read:*

*60810.5. A school district shall have access to the individual results of the English language development tests administered pursuant to Section 60810 for pupils who attend a charter school for which the school district is the chartering authority. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district.*

1     *SEC. 5. Section 60851.5 is added to the Education Code, to*  
2 *read:*

3     *60851.5. A school district shall have access to the individual*  
4 *results of the high school exit examination for pupils who attend*  
5 *a charter school for which the school district is the chartering*  
6 *authority. The department shall provide this data, to the extent it*  
7 *has the data, along with the unique pupil identification number of*  
8 *each of those pupils, to the school district.*

9     *SEC. 6. Section 60900 of the Education Code is amended to*  
10 *read:*

11     60900. (a) The department shall contract for the development  
12 of proposals ~~which~~ *that* will provide for the retention and analysis  
13 of longitudinal pupil achievement data on the tests administered  
14 pursuant to Chapter 5 (commencing with Section 60600), Chapter  
15 7 (commencing with Section 60810), and Chapter 9 (commencing  
16 with Section 60850). The longitudinal data shall be known as the  
17 California Longitudinal Pupil Achievement Data System.

18     (b) The proposals developed pursuant to subdivision (a) shall  
19 evaluate and determine whether it would be most effective, from  
20 both a fiscal and a technological perspective, for the state to own  
21 the system. The proposals shall additionally evaluate and determine  
22 the most effective means of housing the system.

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

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

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

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

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

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

38     (5) To facilitate the ability of the state to publicly report data,  
39 as specified in Section 6401(e)(2)(D) of the federal America  
40 COMPETES Act (20 U.S.C. Sec. 9871) and as required by the

1 federal American Recovery and Reinvestment Act of 2009 (Public  
2 Law 111-5).

3 (6) To ensure that any data access provided to researchers, as  
4 required pursuant to the federal Race to the Top regulations and  
5 guidelines is provided, only to the extent that the data access is in  
6 compliance with the federal Family Educational Rights and Privacy  
7 Act of 1974 (20 U.S.C. Sec. 1232g).

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

12 (1) All demographic data collected from the STAR Program  
13 test, high school exit examination, and English language  
14 development tests.

15 (2) Pupil achievement data from assessments administered  
16 pursuant to the STAR Program, high school exit examination, and  
17 English language development testing programs. To the extent  
18 feasible, data should include subscore data within each content  
19 area.

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

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

29 (5) Other data elements deemed necessary by the  
30 Superintendent, with approval of the state board, to comply with  
31 the federal reporting requirements delineated in the No Child Left  
32 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the  
33 American Recovery and Reinvestment Act of 2009 (Public Law  
34 111-5), after review and comment by the advisory board convened  
35 pursuant to subdivision (h). Before the implementation of this  
36 paragraph with respect to adding data elements to the California  
37 Longitudinal Pupil Achievement Data System for the purpose of  
38 complying with the federal American Recovery and Reinvestment  
39 Act of 2009 (Public Law 111-5), the department and the  
40 appropriate postsecondary education agencies shall submit an

1 expenditure plan to the Department of Finance detailing any  
2 administrative costs to the department and costs to any local  
3 educational agency, if applicable. The Department of Finance shall  
4 provide to the Joint Legislative Budget Committee a copy of the  
5 expenditure plan within 10 days of receipt of the expenditure plan  
6 from the department.

7 (6) To enable the department, the University of California, the  
8 California State University, and the Chancellor of the California  
9 Community Colleges, to meet the requirements prescribed by the  
10 federal American Recovery and Reinvestment Act of 2009 (Public  
11 Law 111-5), these entities shall be authorized to obtain quarterly  
12 wage data, commencing July 1, 2010, on students who have  
13 attended their respective systems, to assess the impact of education  
14 on the employment and earnings of those students, to conduct the  
15 annual analysis of district-level and individual district or  
16 postsecondary education system performance in achieving priority  
17 educational outcomes, and to submit the required reports to the  
18 Legislature and the Governor. The information shall be provided  
19 to the extent permitted by federal statutes and regulations.

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

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

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

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

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

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

(h) The department shall convene an advisory board consisting of representatives or designees from the state board, 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, and a charter school.

*(l) A school district shall have access to view and download the individual pupil records in the California Longitudinal Pupil Achievement Data System for pupils who attend a charter school for which the school district is the chartering authority.*

~~SECTION 1. Section 17074.26 of the Education Code is amended to read:~~

1     ~~17074.26.—The board shall adopt regulations to adjust the~~  
2     ~~per-pupil amounts set forth in Section 17074.10 for modernization~~  
3     ~~projects for school buildings that are 50 years old or older based~~  
4     ~~upon the higher costs associated with modernizing older buildings.~~

O