

Senate Bill No. 1298

Passed the Senate August 20, 2008

Secretary of the Senate

Passed the Assembly August 18, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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. 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 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 drop out of school, and demographics of pupils and teachers.

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 10800) is added to Part 7 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008

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

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

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

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

(c) Integrate data from disparate sources.

(d) Anticipate and provide the technological capacity for the sharing of appropriate noneducation data from other state sources such as health, welfare, juvenile justice, corrections, and employment agencies, the analysis of which is necessary to fully

understand critical education policy and education finance questions.

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. 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.

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

(b) Annually, on or before April 1, the Chancellor's Office of the California Community Colleges, the University of California, and the California State University shall provide a progress report to the Governor and the appropriate policy and fiscal committees of the Legislature. The report shall include a detailed timeline for the implementation, maintenance, and use of the unique statewide pupil identifiers pursuant to subdivision (a).

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

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

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

(2) Examine current state education data systems.

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

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

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

10805. (a) Notwithstanding any other law, the Commission on Teacher Credentialing, the state board, and the department shall 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.

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

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

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

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

(c) The State Chief Information Officer may release the information provided pursuant to subdivision (a) in any of the following manners:

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

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

(3) Electronically via the Internet

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

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

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

(1) The organizational structure of the governing entity.

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

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

(4) Methods for holding the governing entity accountable.

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

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

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

Approved _____, 2008

Governor