

REFERENCE TITLE: schools; student level data

State of Arizona
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SB 1446

Introduced by
Senators Yee: Crandell; Representative Boyer

AN ACT

AMENDING SECTIONS 15-249, 15-249.01, 15-1041, 15-1042 AND 15-1043, ARIZONA
REVISED STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-249, Arizona Revised Statutes, is amended to
3 read:

4 15-249. Department of education: education learning and
5 accountability system: reports: reviews

6 A. Subject to appropriation of state monies, or receipt of federal
7 monies, private donations or grants from any lawful public or private source
8 for this purpose, the department of education, in coordination with the data
9 governance commission established by section 15-249.01, shall develop and
10 implement the education learning and accountability system to collect,
11 compile, maintain and report student level data for students attending public
12 educational institutions that provide instruction to pupils in preschool
13 programs, kindergarten programs, grades one through twelve and postsecondary
14 educational programs in this state.

15 B. The education learning and accountability system shall:

16 1. Maintain longitudinal, student level data, including student
17 demographic, grade level, assessment, teacher assignment and other data
18 required to meet state and federal reporting requirements.

19 2. Incorporate the student accountability information system
20 prescribed in chapter 9, article 8 of this title.

21 3. Be accessible through commonly used internet web browsers to carry
22 out the data collection, compilation and reporting duties prescribed in this
23 title.

24 C. The department of education may contract with a third party to
25 carry out the purposes of this section.

26 D. The department of education, in coordination with the data
27 governance commission, shall develop a detailed plan to develop and implement
28 the education learning and accountability system. **THE DEPARTMENT SHALL**
29 **CONTRACT WITH AN INDEPENDENT THIRD PARTY TO REVIEW AND EVALUATE THE PLAN AND**
30 **TO MONITOR AND EVALUATE THE IMPLEMENTATION.**

31 E. The department of education shall present the plan **AND THE**
32 **INDEPENDENT EVALUATION** developed pursuant to subsection D of this section to
33 the ~~state board of education~~ **JOINT LEGISLATIVE BUDGET COMMITTEE** for review
34 and approval. The department of education shall continue to provide
35 quarterly reports to the ~~state board of education~~ **JOINT LEGISLATIVE BUDGET**
36 **COMMITTEE**, or on request, for review and approval of the ~~state board of~~
37 ~~education~~ **JOINT LEGISLATIVE BUDGET COMMITTEE**, on the development and
38 implementation of the education learning and accountability system. All
39 reports provided shall include progress and expenditures to date, timelines,
40 ~~and~~ cost estimates for completion **AND THE QUARTERLY INDEPENDENT REVIEW.**

41 F. Any contract awarded pursuant to subsection C **OR D** of this section
42 shall allow the superintendent of public instruction to renew the contracts
43 for two subsequent periods of not more than three years each and shall
44 prescribe the circumstances under which the superintendent of public
45 instruction may terminate the contracts. The contracts shall allow this

1 state to cancel any contract at any time after the first year of operation,
2 without penalty to this state, on ninety days' written notice and shall
3 require the contractor to be in compliance at all times with state and
4 federal law.

5 G. Any contract awarded pursuant to subsection C OR D of this section
6 may provide for annual contract price or cost adjustments, except that any
7 adjustments may be made only once each year effective on the anniversary of
8 the contract's effective date. Any adjustment made pursuant to the terms of
9 the contract must be applied to the total payments made to the contractor for
10 the previous contract year and shall not exceed the percentage change in the
11 average consumer price index as published by the United States department of
12 labor, bureau of labor statistics between that figure for the latest calendar
13 year and the next previous calendar year. Any price or cost adjustments that
14 are different than those authorized in this subsection may be made only if
15 the legislature specifically authorizes the adjustments and appropriates
16 monies for that purpose, if required.

17 H. The superintendent of public instruction shall not award a contract
18 pursuant to this section unless:

19 1. The superintendent of public instruction receives an acceptable
20 proposal pursuant to any request for proposals. For the purposes of this
21 paragraph, "acceptable proposal" means a proposal that substantially meets
22 all of the requirements or conditions prescribed in this section and in the
23 request for proposals.

24 2. The proposal offers a level and quality of services that equal or
25 exceed the services that would be provided by this state.

26 3. The contractor provides audited financial statements for the
27 previous five years, or for each year that the contractor has been in
28 operation if fewer than five years, and provides other financial information
29 as requested.

30 I. The sovereign immunity of this state does not apply to any
31 contractor who is a party to any contract pursuant to this section. The
32 contractor or any agent of the contractor may not plead the defense of
33 sovereign immunity in any action arising out of the performance of the
34 contract.

35 J. The terms of any contract pursuant to this section are subject to
36 review by the joint legislative budget committee before placement of any
37 advertisement that solicits a response to a request for proposals. Any
38 proposed modification or amendment to the contract is subject to prior review
39 by the joint legislative budget committee.

40 K. During the first year of operation under a contract executed
41 pursuant to this section, the contracting entity shall submit monthly reports
42 to the department of education as prescribed by the department. After the
43 first year of operation under the contract, the contracting entity shall
44 submit quarterly reports to the department as prescribed by the department.

1 L. At the end of the second year of a contract executed pursuant to
2 this section, an independent evaluator selected by the superintendent of
3 public instruction shall conduct and complete a performance review to
4 determine if the contracting entity has met the goals specified in the
5 contract. The independent evaluator shall submit a report of the independent
6 evaluator's findings to the governor, the president of the senate and the
7 speaker of the house of representatives on or before May 1, and shall provide
8 a copy of this report to the secretary of state.

9 Sec. 2. Section 15-249.01, Arizona Revised Statutes, is amended to
10 read:

11 15-249.01. Data governance commission; membership; terms;
12 duties

13 A. The data governance commission is established in the department of
14 education consisting of:

15 1. The chief technology managers, or the managers' designees, of each
16 of the universities under the jurisdiction of the Arizona board of regents.

17 2. The chief technology manager, or the manager's designee, of a
18 community college district located in a county with a population of eight
19 hundred thousand persons or more who has expertise in technology and who is
20 appointed by the governor.

21 3. The chief technology manager, or the manager's designee, of a
22 community college district located in a county with a population of less than
23 eight hundred thousand persons who has expertise in technology and who is
24 appointed by the governor.

25 4. The chief executive officer of the Arizona early childhood
26 development and health board or the chief executive officer's designee.

27 5. An officer or employee of a school district located in a county
28 with a population of eight hundred thousand persons or more who has expertise
29 in technology and who is appointed by the governor.

30 6. An officer or employee of a school district located in a county
31 with a population of less than eight hundred thousand persons who has
32 expertise in technology and who is appointed by the governor.

33 7. An officer or employee of a charter school located in a county with
34 a population of eight hundred thousand persons or more who has expertise in
35 technology and who is appointed by the president of the senate.

36 8. An officer or employee of a charter school located in a county with
37 a population of less than eight hundred thousand persons who has expertise in
38 technology and who is appointed by the speaker of the house of
39 representatives.

40 9. Two representatives of the business community, one of whom is
41 appointed by the president of the senate and one of whom is appointed by the
42 speaker of the house of representatives.

43 10. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION OR THE DIRECTOR'S
44 DESIGNEE.

1 ~~10.~~ 11. The superintendent of public instruction or the
2 superintendent's designee.

3 B. The initial appointed members shall assign themselves by lot to
4 terms of two, three and four years in office. All subsequent appointed
5 members of the commission shall serve four year terms. The chairperson shall
6 notify the governor, the speaker of the house of representatives and the
7 president of the senate on appointments of these terms. Members of the
8 commission shall elect a chairperson from among the members of the
9 commission. Members of the commission shall not receive compensation. The
10 department of education shall provide adequate staff support for the
11 commission.

12 C. The commission shall identify, examine and evaluate the needs of
13 public institutions ~~who~~ THAT provide instruction to pupils in preschool
14 PROGRAMS, kindergarten PROGRAMS, grades one through twelve and postsecondary
15 programs in Arizona and shall:

16 1. Establish guidelines related to the following:

17 (a) Managed data access.

18 (b) Technology.

19 (c) Privacy and security.

20 (d) Adequacy of training.

21 (e) Adequacy of data model implementation.

22 (f) Prioritization of funding opportunities.

23 (g) Resolution of data conflicts.

24 (h) THE FORM AND FORMAT OF DATA ELEMENTS THAT ARE REQUIRED FOR STATE
25 AND FEDERAL REPORTING AND INTERAGENCY DATA SHARING.

26 2. Provide recommendations on technology spending.

27 3. Provide analyses and recommendations of the following:

28 (a) The control of data confidentiality and data security for stored
29 data and data in transmission.

30 (b) Access privileges and access management.

31 (c) Data audit management, including data quality metrics, sanctions
32 and incentives for data quality improvement.

33 (d) Data standards for stored data and data in transmission, including
34 rules for definition, format, source, provenance, element level and
35 contextual integrity.

36 (e) Documentation standards for data elements and systems components.

37 (f) Data archival and retrieval management systems, including change
38 control and change tracking.

39 (g) Publication of standard and ad hoc reports for state and local
40 level use on student achievement.

41 (h) Publication of implementation timelines and progress.

42 4. ENSURE THAT THE GUIDELINES AND RECOMMENDATIONS ADOPTED PURSUANT TO
43 THIS SUBSECTION REDUCE DUPLICATION AND ADMINISTRATIVE REQUIREMENTS FOR PUBLIC
44 SCHOOLS, POSTSECONDARY INSTITUTIONS AND PUBLIC AGENCIES.

1 ~~4.~~ 5. Submit an annual report on or before December 1 regarding the
2 commission's activities to the governor, the speaker of the house of
3 representatives and the president of the senate. The data governance
4 commission shall provide copies of this report to the secretary of state.

5 Sec. 3. Section 15-1041, Arizona Revised Statutes, is amended to read:
6 15-1041. Student accountability information system

7 The student accountability information system is established to enable
8 school districts, **JOINT TECHNICAL EDUCATION DISTRICTS** and charter schools to
9 transmit student level data and school finance data electronically through
10 the internet to the department of education for the purposes of complying
11 with the statutory obligations of the department of education and the state
12 board of education.

13 Sec. 4. Section 15-1042, Arizona Revised Statutes, is amended to read:
14 15-1042. Timeline; student level data; definition

15 A. The department of education shall notify school districts and
16 charter schools of electronic data submission procedures and shall distribute
17 a list of the specific student level data elements, **INCLUDING THE STATUTORY
18 OR REGULATORY REFERENCE FOR EACH DATA ELEMENT**, that school districts, **JOINT
19 TECHNICAL EDUCATION DISTRICTS** and charter schools are required to submit.
20 The department of education shall not make any changes to the student level
21 data elements to be collected **UNLESS THE STUDENT LEVEL DATA ELEMENT HAS BEEN
22 REVIEWED AND ADOPTED BY THE DATA GOVERNANCE COMMISSION ESTABLISHED BY SECTION
23 15-249.01.** ~~except for the following:~~

24 ~~1. Student attendance data for a joint technical education district,
25 including entry date and exit date, for classes that count towards the
26 student's graduation requirements as provided for in section 15-701.01.~~

27 ~~2. Student attendance data for a community college, unless the college
28 is owned, operated or chartered by an Indian tribe, including entry date and
29 exit date, for classes that count towards the student's graduation
30 requirements as provided for in section 15-701.01.~~

31 B. Each school district, **JOINT TECHNICAL EDUCATION DISTRICT** and
32 charter school shall submit electronic data on a school by school basis,
33 including student level data, to the department of education in order for the
34 school district, **JOINT TECHNICAL EDUCATION DISTRICT** or charter school to
35 receive monies for the cost of educating students pursuant to this title.

36 C. The department of education shall grant a school district, **JOINT
37 TECHNICAL EDUCATION DISTRICT** or charter school an extension to the deadline
38 for the submission of student level data or may provide for an alternative
39 method for the submission of student level data if the school district, **JOINT
40 TECHNICAL EDUCATION DISTRICT** or charter school proves that good cause exists
41 for the extension, and the school district, **JOINT TECHNICAL EDUCATION
42 DISTRICT** or charter school shall continue to receive monies for the cost of
43 educating students pursuant to this title. The request ~~by a school district
44 or charter school~~ for an extension of the deadline for the submission of
45 student level data **PURSUANT TO THIS SUBSECTION** shall include a justification

1 for the extension and the status of current efforts towards complying with
2 the submission of student level data.

3 D. A pupil or the parent or guardian of a pupil shall not be required
4 to submit data that does not relate to the provision of educational services
5 or assistance to the pupil.

6 ~~E. Each student level data element shall include a statutory reference
7 to the law that necessitates its collection.~~

8 ~~F.~~ E. Unless otherwise prescribed, school districts, JOINT TECHNICAL
9 EDUCATION DISTRICTS and charter schools shall begin to report new data
10 elements on July 1 of the year that follows the effective date of the law
11 that requires the collection of the data.

12 ~~G.~~ F. Student level data items submitted to the department of
13 education by school districts, JOINT TECHNICAL EDUCATION DISTRICTS AND
14 CHARTER SCHOOLS pursuant to this section shall not be used to adjust funding
15 levels or calculate the average daily membership for the purpose of funding
16 school districts at any time other than the fortieth, one hundredth and two
17 hundredth days of the school year.

18 ~~H.~~ G. A school district, JOINT TECHNICAL EDUCATION DISTRICT or
19 charter school is not required to submit student level data to the department
20 of education more often than once every twenty school days.

21 ~~I.~~ H. Notwithstanding subsection ~~L.~~ J of this section, the student
22 level data shall include reasons for the withdrawal if reasons are provided
23 by the withdrawing pupil or the pupil's parent or guardian. For the purposes
24 of this subsection, the department of education shall include in the specific
25 student level data elements that school districts, JOINT TECHNICAL EDUCATION
26 DISTRICTS and charter schools are required to submit data relating to
27 students who withdraw from school because the student is pregnant or because
28 the student is the biological parent of a child.

29 ~~J. The department of education shall adopt guidelines to remove
30 outdated student level data collected by school districts and charter schools
31 from the student accountability information system.~~

32 ~~K.~~ I. All student level data collected pursuant to this section is
33 confidential and is not a public record. The data collected may be used for
34 aggregate research and reporting AND FOR PROVIDING ACCESS OF STUDENT LEVEL
35 DATA TO SCHOOL DISTRICTS, JOINT TECHNICAL EDUCATION DISTRICTS AND CHARTER
36 SCHOOLS.

37 ~~L.~~ J. For the purposes of this section, "student level data" means
38 all data elements that are compiled and submitted for each student in this
39 state and that are necessary for the completion of the statutory requirements
40 of the department of education and the state board of education relating to
41 the calculation of funding for public education, the determination of student
42 academic progress as measured by student testing programs in this state,
43 state and federal reporting requirements and other duties prescribed to the
44 department of education or the state board of education by law. Student
45 level data does not include data elements related to student behavior,

1 discipline, criminal history, medical history, religious affiliation,
2 personal physical descriptors or family information not authorized by the
3 parent or guardian of the pupil **OR OTHERWISE REQUIRED BY LAW**.

4 Sec. 5. Section 15-1043, Arizona Revised Statutes, is amended to read:
5 **15-1043. Student level data: confidentiality**

6 **A.** Any disclosure of educational records compiled by the department of
7 education pursuant to this article shall comply with the family educational
8 **RIGHTS** and privacy ~~rights~~ act (20 United States Code section 1232g).

9 **B.** Student level data ~~is the property of the school district or~~
10 ~~charter school and~~ may not be updated unless the change is authorized by the
11 school district, **JOINT TECHNICAL EDUCATION DISTRICT** or charter school.

12 **C.** **THE DEPARTMENT OF EDUCATION SHALL ADOPT POLICIES AND PROCEDURES TO**
13 **ALLOW ACCESS OF STUDENT LEVEL DATA FOR CURRENTLY ENROLLED STUDENTS TO SCHOOL**
14 **DISTRICTS, JOINT TECHNICAL EDUCATION DISTRICTS AND CHARTER SCHOOLS.**