



2009 SENATE BILL 371

October 28, 2009 – Introduced by COMMITTEE ON EDUCATION. Referred to Committee on Education.

1 **AN ACT to create** 36.11 (31), 38.04 (19) and 115.297 of the statutes; **relating to:**
2 authorizing the Department of Public Instruction, the University of Wisconsin
3 System, the Technical College System, and the Wisconsin Association of
4 Independent Colleges and Universities to study each other's education
5 programs, requiring a written agreement concerning such studies, and
6 requiring the establishment of a longitudinal data system of student data.

Analysis by the Legislative Reference Bureau

This bill directs the Board of Regents of the University of Wisconsin System, the Technical College System Board, the Department of Public Instruction, and the Wisconsin Association of Independent Colleges and Universities (agencies) to enter into a written agreement that:

1. Requires the agencies to establish a longitudinal data system of student data that links such data from preschool programs through postsecondary education programs.

2. Describes the process by which any of the agencies may evaluate and study education programs operated or supervised by one or more of the other agencies.

3. Requires an agency to obtain the approval of, and enter into a written agreement with, the other agency before it can study or evaluate the latter agency's education programs.

4. Requires the agencies to exchange student data to the extent necessary to perform the evaluation or study.

SENATE BILL 371

5. Allows the agencies to collaborate with other persons, including state agencies, to import workforce or other data into the longitudinal data system to assist with an evaluation or study.

The bill authorizes the agencies to submit student data to the longitudinal data system, to another agency, or to a public or private research organization to support an evaluation or study. If the student data contains personally identifiable information, however, an agency's disclosure must be in connection with a data-sharing agreement that:

1. Specifies the purpose, scope, and duration of the agreement.
2. Requires the recipient to use personally identifiable information only for the purpose specified.
3. Describes the specific data access, use, and security restrictions with which the recipient must comply.
4. Requires that the personally identifiable information be destroyed or returned when no longer needed or upon expiration of the data-sharing agreement, whichever occurs first.

5. If the disclosure is to a public or private research organization, prohibits the personal identification of any person by individuals other than authorized representatives of the recipient who have legitimate interests in the information.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.11 (31) of the statutes is created to read:

2 36.11 (31) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall
3 enter into a written agreement with the department of public instruction, the
4 technical college system board, and the Wisconsin Association of Independent
5 Colleges and Universities to cooperatively conduct research on preschool through
6 postsecondary education programs under s. 115.297, except as provided in s. 115.297
7 (5) (b).

8 **SECTION 2.** 38.04 (19) of the statutes is created to read:

9 38.04 (19) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall
10 enter into a written agreement with the department of public instruction, the board
11 of regents of the University of Wisconsin System, and the Wisconsin Association of

SENATE BILL 371

1 Independent Colleges and Universities to cooperatively conduct research on
2 preschool through postsecondary education programs under s. 115.297, except as
3 provided in s. 115.297 (5) (b).

4 **SECTION 3.** 115.297 of the statutes is created to read:

5 **115.297 Cooperative research on education programs; statewide**
6 **student data system. (1) DEFINITIONS.** In this section:

7 (a) "Agencies" means the department, the board of regents of the University of
8 Wisconsin System, the technical college system board, and the Wisconsin
9 Association of Independent Colleges and Universities.

10 (b) "Personally identifiable" means personally identifiable information, as
11 defined in 34 CFR 99.3.

12 (c) "Postsecondary education" means education at an institution of higher
13 education occurring after the completion of high school, including undergraduate,
14 graduate and professional education.

15 (d) "Student data" means information contained in education records, as
16 defined in 34 CFR 99.3, and pupil records, as defined in s. 118.125 (1) (d).

17 **(2) EVALUATIONS AND STUDIES OF EDUCATION PROGRAMS.** Any of the agencies on
18 their own or jointly with one or more of the other agencies may evaluate and study
19 education programs operated or supervised by one or more of the other agencies,
20 pursuant to the written agreement entered into under sub. (3), for the purpose of
21 improving student academic achievement beginning with preschool programs and
22 continuing through postsecondary education.

23 **(3) WRITTEN AGREEMENT.** By the first day of the 3rd month beginning after the
24 effective date of this subsection [LRB inserts date], the agencies shall enter into
25 a written agreement that does all of the following:

SENATE BILL 371**SECTION 3**

1 (a) Requires that the agencies establish and maintain a longitudinal data
2 system of student data that links such data from preschool programs to
3 postsecondary education programs, and describes the process by which the data
4 system will be established and maintained. The data system may consist of separate
5 record systems integrated through agreement and data transfer mechanisms.

6 (b) Describes the process by which any of the agencies on their own or jointly
7 with one or more of the other agencies may evaluate and study education programs
8 operated or supervised by one or more of the other agencies for the purpose of
9 improving student academic achievement beginning with preschool programs and
10 continuing through postsecondary education.

11 (c) Prohibits any of the agencies from evaluating or studying another agency's
12 education programs without the approval of the latter agency and a written
13 agreement specifying the level of supervision and involvement that each of the
14 agencies will have in the work performed.

15 (d) Requires the agencies to exchange student data to the extent necessary to
16 perform the evaluation or study approved under par. (c).

17 (e) Establishes a system for the agencies to enter into data-sharing agreements
18 with each other and with public and private research organizations under sub. (4).

19 (f) Establishes a process by which one or more of the agencies may collaborate
20 with other persons, including state agencies, to import workforce or other data into
21 the longitudinal data system under par. (a) to assist with an evaluation or study
22 approved under par. (c).

23 (g) Commits the agencies to protect student privacy and comply with laws
24 pertaining to the privacy of student data.

SENATE BILL 371

1 **(4) DATA SHARING.** (a) Except as provided in par. (b), any of the agencies may
2 submit student data to the longitudinal data system under sub. (3) (a), to another
3 agency, or to a public or private research organization, to support an evaluation or
4 study under this section.

5 (b) Any of the agencies may disclose personally identifiable student data to the
6 longitudinal data system under sub. (3) (a), to another agency, or to a public or private
7 research organization, to support an evaluation or study under this section if the
8 disclosure is in connection with a data-sharing agreement that does all of the
9 following:

10 1. Specifies the purpose, scope, and duration of the data-sharing agreement.

11 2. Requires the recipient to use personally identifiable student data only for the
12 purpose specified in subd. 1.

13 3. Describes the specific data access, use, and security restrictions with which
14 the recipient will comply.

15 4. Requires that the personally identifiable student data be destroyed or
16 returned when no longer needed for the purpose specified in subd. 1. or upon
17 expiration of the data-sharing agreement, whichever occurs first.

18 5. If the disclosure is to a public or private research organization, prohibits the
19 personal identification of any person by individuals other than authorized
20 representatives of the recipient who have legitimate interests in the information.

21 **(5) EXISTING AUTHORITY.** (a) Nothing in this section, and nothing in the written
22 agreement under sub. (3) or in a data-sharing agreement entered into under sub. (4),
23 may be construed to infringe upon or diminish the legal authority of any of the
24 agencies.

