



2009 SENATE BILL 371

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

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

7 **SECTION 1.** 36.11 (31) of the statutes is created to read:
8 36.11 (31) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall
9 enter into a written agreement with the department of public instruction, the
10 technical college system board, and the Wisconsin Association of Independent

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

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

5 **38.04 (19) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS.** The board shall
6 enter into a written agreement with the department of public instruction, the board
7 of regents of the University of Wisconsin System, and the Wisconsin Association of
8 Independent Colleges and Universities to cooperatively conduct research on
9 preschool through postsecondary education programs under s. 115.297, except as
10 provided in s. 115.297 (5) (b).

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

12 **115.297 Cooperative research on education programs; statewide**
13 **student data system. (1) DEFINITIONS.** In this section:

14 (a) “Agencies” means the department, the board of regents of the University of
15 Wisconsin System, the technical college system board, and the Wisconsin
16 Association of Independent Colleges and Universities.

17 (b) “Personally identifiable” means personally identifiable information, as
18 defined in 34 CFR 99.3.

19 (c) “Postsecondary education” means education at an institution of higher
20 education occurring after the completion of high school, including undergraduate,
21 graduate and professional education.

22 (d) “Student data” means information contained in education records, as
23 defined in 34 CFR 99.3, and pupil records, as defined in s. 118.125 (1) (d).

24 **(2) EVALUATIONS AND STUDIES OF EDUCATION PROGRAMS.** Any of the agencies on
25 their own or jointly with one or more of the other agencies may evaluate and study

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1 education programs operated or supervised by one or more of the other agencies,
2 pursuant to the written agreement entered into under sub. (3), for the purpose of
3 improving student academic achievement beginning with preschool programs and
4 continuing through postsecondary education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

