

# State of Wisconsin



2009 Senate Bill 371

Date of enactment: **November 9, 2009**  
Date of publication\*: **November 23, 2009**

## 2009 WISCONSIN ACT 59

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

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

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

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

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

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

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

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

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

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

with preschool programs and continuing through postsecondary education.

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

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

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

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

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

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

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

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

(4) DATA SHARING. (a) Except as provided in par. (b), any of the agencies may submit student data to the longitudinal data system under sub. (3) (a), to another agency,

or to a public or private research organization, to support an evaluation or study under this section.

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

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

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

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

4. Requires that the personally identifiable student data be destroyed or returned when no longer needed for the purpose specified in subd. 1. 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.

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

(b) Failure of any of the agencies to enter into a written agreement under sub. (3) does not affect the powers and duties conferred upon the other agencies under this section or under s. 36.11 (31) or 38.04 (19).

(c) Notwithstanding sub. (3), the Wisconsin Association of Independent Colleges and Universities is not required to enter into the written agreement under that subsection. Notwithstanding sub. (2), if the Wisconsin Association of Independent Colleges and Universities does not enter into the written agreement, none of the other agencies may evaluate or study the association's education programs without the approval of the association.