

BILL

Date (time) needed

FRIDAY am
Thursday

LRB - 3573 / P1

PG : nwn : _____

Use the appropriate components and routines developed for bills.

SAV
x-ref ✓

Gen.

AN ACT... [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .**

statutes; relating to: authorizing the Department of Public Instruction of the the Board of Regents of the University of Wisconsin System, the ~~state~~ Technical College System Board, and the Wisconsin Association

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

(A) →

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create → anal: → title: → head**

For the subheading, execute: **create → anal: → title: → sub**

For the sub-subheading, execute: **create → anal: → title: → sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create → anal: → text**

This is a preliminary draft. An analysis will be included in a later version of the draft.
FE-S

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

SECTION #.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(A)

of Independent Colleges and Universities to
study study each others educational programs,
requiring ~~them to submit~~ a memorandum
requiring ~~them to submit~~ a memorandum
concerning such studies,
of understanding concerning such studies,
and requiring the establishment of a
longitudinal student
longitudinal database of student data.

memorandum of understanding

SEC. 36.11 (31)

36.11 (31) COOPERATIVE RESEARCH ON PROGRAMS

EDUCATION The board shall, enter into a memorandum of understanding with the department of public instruction, and the state technical college, to cooperatively conduct research on preschool education through postsecondary education programs under

s. 115.297

board

system board and the Wisconsin Association of Independent Colleges and Universities

SEC. CR. 38.04 (19)

^{CS} PROGRAMS board ^B 38.04(19) COOPERATIVE RESEARCH ON EDUCATION ^{CS}
 a memorandum of understanding
 The board shall enter into ~~agreements~~ with
 the department of public instruction, ~~and~~ the
 Board of Regents of the University of
Wisconsin System to cooperatively conduct
 research on preschool through postsecondary
 education programs under s. 115.297.

and the Wisconsin Association of
Independent Colleges and Universities

SEC. CR., 115.297

115.297 Cooperative research on education programs; statewide student database.

(1) DEFINITIONS. In this section:

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

(b) "Education records" has the meaning given

~~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, professional education, and professional education.

insert from next page

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

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Legal (608-266-3561)

LRB

move to previous page

(b) personally identifiable means personally identifiable information as defined in 34 CFR 99.30

(d) student data means information contained in education records as defined in 34 CFR 99.30 and pupil records as defined in s. 118.125(1)(d).

(3)

OF EDUCATION PROGRAMS.

(B)

(C)

(2) EVALUATIONS AND STUDIES

on their own or jointly 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 memorandum of understanding ^{entered into} subo (3) for the purpose of ^{improving} improving

education in this state student academic

achievement beginning with ~~early learning~~

preschool programs and continuing through

postsecondary education.

(3) MEMORANDUM OF UNDERSTANDING. By the first day of the ^{e 3rd} (third) month beginning after the effective date of this subsection, ^{LRB inserts} ^{date} the agencies shall enter into a memorandum of understanding that does all of the following:

(a) ^{that} Requires that the agencies establish and maintain student data a longitudinal database of education records that links such records data from preschool programs to postsecondary education programs ^{describes} and ^{describes} process the by which the database ^{established} will be established and maintained. ^{describes}

(b) 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 agencies for
 the purpose of improving ^{student academic} ~~achievement~~ ^{beginning with} ~~achievement~~ ^{preschool} programs and
~~achievement~~ continuing through postsecondary
 education.

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

(d) Specifies all of the following [^] _v:

~~for collecting and maintaining the education records
 of the students under its jurisdiction.~~

~~(e) Requires each of the agencies to~~

- and maintenance
1. The department has the primary responsibility for the collection of student data from public schools.
 2. The board of regents of the University of Wisconsin System has the primary responsibility for the collection of student data from the University of Wisconsin System.
 3. The state technical college system board has primary responsibility for the collection and maintenance of student data from the technical college system.
 4. The Wisconsin Association of Independent Colleges and Universities has primary responsibility for the collection and maintenance of student data from institutions that are members of the association.

(e) Requires the agencies to

exchange student
~~data~~ data to the longitudinal database

~~under par. (c), and to the other agencies,~~

to the extent necessary to perform the
 evaluation or
 evaluation or study approved under

par.

par. (c), and describes the process

by which the agencies will determine which
 data is necessary.

(f) Establishes a system for ^{the agencies to} enter into
 data-sharing
 data-sharing agreements with each other and
 with ^{public and private} ~~the state~~ research organizations under
 sub. (4).

(g) Establishes a process by which one
 or more of the agencies may collaborate
 with ^{other persons, including} state agencies, ~~boards,~~

~~workforce or other~~ ^{workforce or other} ~~entities~~ to import
 data into the longitudinal database under

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

par. (a) ✓ to assist ^{with} an evaluation or
study approved under par. (c) ✓

(h) commits the agencies to

protect student privacy and comply with
laws pertaining to the privacy of

student data.

(B) ^{CS}
 (4) DATA SHARING. (a) Any of the agencies

may submit student data to the longitudinal
 database under sub. (3) (a) to another agency,
~~public~~ or to a public or private research
 organization, to support an evaluation or study
 under this section.

(b) ~~Any~~ Any of the agencies ^{may} disclose
 personally identifiable student data to another
 agency, or to a public or private research organization,
 pursuant to the memorandum of
 understanding under sub. (3) if the disclosure
 is in connection with a data-sharing agreement
 that does all of the following:

1. Specifies the ^{hyphen} purpose, scope, and duration of the data sharing agreement.
2. Describes the specific data access, use, and security restrictions with ^{which} the recipient will comply.
3. Requires that the personally identifiable student data ~~must~~ be destroyed or returned when no longer needed for ^{subd. 1.} the ~~specific~~ purpose specified under subd. 1. or upon expiration of the data-sharing agreement, whichever occurs first.
4. If the disclosure is to a public or private research organization, requires the recipient to use personally identifiable student data ~~from retention records~~ only to meet the purpose specified under subd. 1. and prohibits the personal identification of any person ~~only to~~ by individuals other than authorized representatives.

of the recipient who have legitimate interests in the information. ✓

⑧ (5) EXISTING AUTHORITY. (a) Nothing in this section ~~infringes upon or diminishes the legal authority that any of the agencies has~~ and nothing in the memorandum of understanding 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 memorandum of understanding under sub. (3) ✓ does not affect the powers and duties conferred upon the other agencies under this section. ✓

(End)

Grant, Peter

From: Dieterich, Elisabeth - DOA [Elisabeth.Dieterich@Wisconsin.gov]
Sent: Friday, October 23, 2009 2:25 PM
To: Grant, Peter
Cc: Skwarczek, Marta A - DOA
Subject: Preliminary draft re student data system

Peter,

We are requesting the following edits to the preliminary draft legislation re a student data system. Also, please change "database" to "data system", and "memorandum of understanding" to "written agreement" if I missed any instance where they appear below. Please call me if you have any questions or concerns about these changes, or other suggestions for Page 2 Lines 3 and 10 and Page 5 Line 18.

Page 1:

Line 2: Delete "Board of Regents of the" ✓
 Line 3: Delete "Board" ✓
 Line 5: Change "memorandum of understanding" to "written agreement" ✓
 Line 7: Change "database" to "data system" ✓
 Line 10: Change "memorandum of understanding" to "written agreement" ✓

Page 2:

Line 3: Add ",except as provided in s. 115.297(5)(b)" to the end of the sentence ✓
 Line 6: Change "memorandum of understanding" to "written agreement" ✓
 Line 10: Add ",except as provided in s. 115.297(5)(b)" to the end of the sentence ✓
 Line 13: Change "database" to "data system" ✓

Page 3:

Line 2: Change "memorandum of understanding" to "written agreement" ✓
 Line 5: Change "memorandum of understanding" to "written agreement" ✓
 Line 7: Change "memorandum of understanding" to "written agreement" ✓
 Line 9: Change "database" to "data system" ✓
 Line 11: Change "database" to "data system" ✓
 Line 12: Add "The system may consist of separate record systems integrated through agreement and data transfer mechanisms." at the end of the par. ✓
 Line 15: Add "other" between "the" and "agencies" ✓

Page 3-4:

Strike par. (d) ✓

Page 4:

Line 15: Change "database" to "data system" ✓
 Line 20: Change "database" to "data system" ✓
 Lines 23: Add "the longitudinal data system under sub.(3)(a), to" before "another agency"; add a comma after "another agency" ✓
 Line 24: Change "memorandum of understanding" to "written agreement" ✓

Page 5:

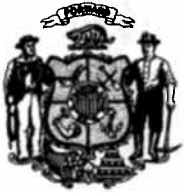
Line 13: Change "memorandum of understanding" to "written agreement" ✓
 Line 16: Change "memorandum of understanding" to "written agreement" ✓
 Line 18: Add ", s. 36.11(31), or s. 38.04(19)" at the end of the sentence ✓

Thank you.

Betsy Dieterich
 Assistant Legal Counsel
 Wisconsin Department of Administration
 101 East Wilson Street
 Madison, WI 53702
 (608) 264-6397

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10/23/2009



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Monday
PM

Regen.

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 ~~Board of Regents of the~~

3 University of Wisconsin System, the Technical College System ~~Board~~, and the

4 Wisconsin Association of Independent Colleges and Universities to study each

5 other's education programs, requiring a ~~memorandum of understanding~~ ^{written agreement}

6 concerning such studies, and requiring the establishment of a longitudinal

7 ~~database~~ ^{data system} of student data.

Analysis by the Legislative Reference Bureau

(attached)

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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:

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

9 36.11 (31) COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall

10 enter into a ~~memorandum of understanding~~ with the department of public

written agreement

1 instruction, the technical college system board, and the Wisconsin Association of
 2 Independent Colleges and Universities to cooperatively conduct research on (use 2x)
 3 preschool through postsecondary education programs under s. 115.297. ^{except as provided}
 4 ^{in s. 115.297 (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 ~~memorandum of understanding~~ ^{written agreement} with the department of public
 7 instruction, the board of regents of the University of Wisconsin System, and the
 8 Wisconsin Association of Independent Colleges and Universities to cooperatively
 9 conduct research on preschool through postsecondary education programs under s.
 10 115.297.

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

12 115.297 ^(B) Cooperative ^{data system} research on education programs; statewide
 13 student ~~database~~ (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

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

5 (3) ~~MEMORANDUM OF UNDERSTANDING~~ ^{WRITTEN AGREEMENT} By the first day of the 3rd month
6 beginning after the effective date of this subsection [LRB inserts date], the
7 agencies shall enter into a ~~memorandum of understanding~~ ^{written agreement} that does all of the
8 following: ✓

9 (a) Requires that the agencies establish and maintain a longitudinal ~~database~~ ^{data system}
10 of student data that links such data from preschool programs to postsecondary
11 education programs, and describes the process by which the ~~database~~ ^{data system} will be
12 established and maintained. ✓ ^{The data system may consist of separate 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 improving
16 student academic achievement beginning with preschool programs and continuing
17 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) Specifies all of the following:
23 1. The department has primary responsibility for the collection and
24 maintenance of student data from public schools.

1 2. The board of regents of the University of Wisconsin System has primary
 2 responsibility for the collection and maintenance of student data from the University
 3 of Wisconsin System.

4 3. The technical college system board has primary responsibility for the
 5 collection and maintenance of student data from the technical college system.

6 4. The Wisconsin Association of Independent Colleges and Universities has
 7 primary responsibility for the collection and maintenance of student data from
 8 institutions that are members of the association.

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

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

13 (f) ~~(f)~~ Establishes a process by which one or more of the agencies may collaborate
 14 with other persons, including state agencies, to import workforce or other data into
 15 the longitudinal ~~database~~ under par. (a) to assist with an evaluation or study
 16 approved under par. (c). ✓
(use 2x) data system ✓

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

19 (4) DATA SHARING. (a) ~~Any~~ ^{Except as provided in par. (b) ✓} of the agencies may submit student data to the
 20 longitudinal ~~database~~ under sub. (3) (a), to another agency, or to a public or private
 21 research organization, to support an evaluation or study under this section.

22 (b) Any of the agencies may disclose personally identifiable student data to
 23 another agency, or to a public or private research organization, ~~pursuant to the~~
 24 ~~memorandum of understanding under sub. (3)~~ if the disclosure is in connection with
 25 a data-sharing agreement that does all of the following: ✓

to support an evaluation or study under this section ✓

the longitudinal data system under sub. (3) (a) ✓ to

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

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

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

7 4. If the disclosure is to a public or private research organization, ~~requires the~~
8 ~~recipient to use personally identifiable student data only to meet the purpose~~
9 ~~specified under subd. 1. and~~ prohibits the personal identification of any person by
10 individuals other than authorized representatives of the recipient who have
11 legitimate interests in the information. ✓

12 (5) EXISTING AUTHORITY. (a) Nothing in this section, and nothing in the
13 ~~memorandum of understanding~~ under sub. (3) or in a data-sharing agreement
14 entered into under sub. (4), may be construed to infringe upon or diminish the legal
15 authority of any of the agencies. ✓ *written agreement*

16 (b) Failure of any of the agencies to enter into a ~~memorandum of understanding~~
17 under sub. (3) does not affect the powers and duties conferred upon the other
18 agencies under this section. *or under ss. 36.11(3) or 38.04(19)* ✓

19 (END)

ANALYSIS

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 ~~will~~

~~will~~

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

20 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 ✓

30) Requires an agency to obtain the approval of the other agency before it can study or evaluate the latter agency's

education programs. ✓

40) Requires the agencies to exchange student data to the extent necessary to perform the evaluation or study. ✓

50) Allows the agencies to collaborate with other persons, including state agencies, to import ~~the~~ ^{or other} workforce 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} evaluation or study. If the student data contains personally identifiable information, ^{however,} an agency's disclosure must be ~~permitted to the written agreement, above,~~ ~~and must be~~ in connection with a

data-sharing agreement that:

1. ^{Specifies} the purpose, scope, and duration of the agreement.

2. Describes the specific data access, use, and security restrictions with which the recipient must comply.

3. Requires that the personally identifiable information be ^{destroyed} destroyed or returned when no longer needed or upon

expiration of the data-sharing agreements
whichever occurs first[✓]

4. If the disclosure is to a public
or private research organization ^{↑ requires}
~~the recipient to use the student data~~
~~only for the purpose specified in the~~
~~data-sharing agreement and prohibits~~
the personal identification of any person
by individuals other than authorized
representatives of the recipient who have
legitimate interests in the information[✓]

→ FE-5

Grant, Peter

From: Dieterich, Elisabeth - DOA [Elisabeth.Dieterich@Wisconsin.gov]
Sent: Monday, October 26, 2009 3:54 PM
To: Grant, Peter
Cc: Skwarczek, Marta A - DOA
Subject: FW: Draft review: LRB 09-3573/1 Topic: Statewide student database
Attachments: LRB-3573_1.pdf

Peter,

This needs one last small change. Subs. (4)(b) should add, between 1. and 2.:

4. Requires the recipient to use personally identifiable student data only to meet the purpose specified under subd. 1.

I have been told we need this finished today, if possible.

Thanks!
Betsy

From: Skwarczek, Marta A - DOA
Sent: Monday, October 26, 2009 2:33 PM
To: Casper, Tim - DOA
Cc: Dieterich, Elisabeth - DOA; Hanle, Bob - DOA
Subject: FW: Draft review: LRB 09-3573/1 Topic: Statewide student database

From: Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]
Sent: Monday, October 26, 2009 2:31 PM
To: Skwarczek, Marta A - DOA
Subject: Draft review: LRB 09-3573/1 Topic: Statewide student database

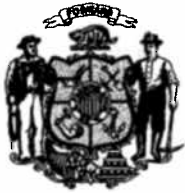
State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Peter R. Grant, Managing Attorney, at (608) 267-3362, at peter.grant@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

**Jacket for the
ASSEMBLY**

**Jacket for the
SENATE**



TODAY

(PP. 2 & 5)

2009 BILL

Regen.

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.

BILL

→ 2. *Requires the recipient to use personally identifiable information only for the purpose specified.*

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.
- 3. ~~2~~ Describes the specific data access, use, and security restrictions with which the recipient must comply.
- 4. ~~3~~ 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. ~~4~~ 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
- 12 Independent Colleges and Universities to cooperatively conduct research on

BILL

1 preschool through postsecondary education programs under s. 115.297, except as
2 provided in s. 115.297 (5) (b).

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

4 **115.297 Cooperative research on education programs; statewide**
5 **student data system. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

BILL

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.

BILL

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 3, ~~2~~. Describes the specific data access, use, and security restrictions with which
12 the recipient will comply.

13 4, ~~3~~. Requires that the personally identifiable student data be destroyed or
14 returned when no longer needed for the purpose specified ⁱⁿ ~~under~~ subd. 1. or upon
15 expiration of the data-sharing agreement, whichever occurs first.

16 5, ~~4~~. If the disclosure is to a public or private research organization, prohibits the
17 personal identification of any person by individuals other than authorized
18 representatives of the recipient who have legitimate interests in the information.

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

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INSERT

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

Duerst, Christina

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Monday, October 26, 2009 4:38 PM
To: Duerst, Christina
Cc: Hanle, Bob - DOA
Subject: RE: Draft review: LRB 09-3573/2 Topic: Statewide student database

Please give Senator Lehman and Representative Pope-Roberts the authority to jacket this bill.

Thanks.

From: Duerst, Christina [mailto:Christina.Duerst@legis.wisconsin.gov]
Sent: Monday, October 26, 2009 4:22 PM
To: Skwarczek, Marta A - DOA
Subject: Draft review: LRB 09-3573/2 Topic: Statewide student database

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Peter R. Grant, Managing Attorney, at (608) 267-3362, at peter.grant@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

**Jacket for the
ASSEMBLY**

**Jacket for the
SENATE**

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

10/26/2009

Duerst, Christina

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Monday, October 26, 2009 4:59 PM
To: Duerst, Christina
Subject: RE: Draft review: LRB 09-3573/2 Topic: Statewide student database

Christina,

Please send LRB 09-3573/2 to Senator Lehman's office and draft a companion bill for Representative Pope-Roberts. I apologize for the confusion; I have never directed the jacketing of a bill before.

I will email Mike Barman to give him a similar message.

Thanks.

From: Duerst, Christina [mailto:Christina.Duerst@legis.wisconsin.gov]
Sent: Monday, October 26, 2009 4:53 PM
To: Skwarczek, Marta A - DOA
Subject: RE: Draft review: LRB 09-3573/2 Topic: Statewide student database
Importance: High

Marta,
I'm confused and have a couple of questions.

- 1) If you are wanting Rep. Pope-Roberts **AND** Sen. Lehman to have bills there has to be separate bills for each house, in other words, you'll need what we call a companion bill drafted for the other house.
- 2) Do you want *this*, (09-3573/2), bill to be jacketed now? If so, which shall I send it to?
- 3) You also sent a similar email for LRB 09-3620 and we sent that to Sen. Lehman's office per their request and your email ok. I'm still not clear on whether you wanted Rep. Pope-Roberts to have that bill as well, again, we'd need to draft a companion for the Assembly.

Thanks so much,
CHRISTINA DUERST
Program Assistant
State of WI - Legislative Reference Bureau
1 East Main, Suite 200
Madison, WI 53703
Phone: (608) 266-3561 Fax: (608) 264-6948

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Monday, October 26, 2009 4:38 PM
To: Duerst, Christina
Cc: Hanle, Bob - DOA
Subject: RE: Draft review: LRB 09-3573/2 Topic: Statewide student database

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From: Duerst, Christina [mailto:Christina.Duerst@legis.wisconsin.gov]
Sent: Monday, October 26, 2009 4:22 PM
To: Skwarczek, Marta A - DOA

10/26/2009

Subject: Draft review: LRB 09-3573/2 Topic: Statewide student database

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

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Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

emails included
are confusing so
let me just say
it needs to be
jacketed + sent to
^{for senate}
Sen. Lehman's office

CD