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Date (time) needed



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

Analysis by the Legislative Reference Bureau

For the analysis text, in the component par: For the text paragraph, execute: create \rightarrow anal: \rightarrow text

This is a preliminary drafts An analysis will be included in a later version of the drafts

FE-5

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

SECTION #.

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Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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Research (608-266-0341)

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	(M) DATA SHARING. (G) Any of the agencies
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conterred upon the other agencies under this sectionic
(EWQ.)

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 \sim

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" 🖊

<u> Page 5:</u>

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

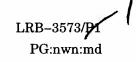
(608) 264-6397

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State of Misconsin 2009 - 2010 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INPRODUCTION

(Menfay)

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 Beard of Regents of the

University of Wisconsin System, the Technical College System Pears, and the

Wisconsin Association of Independent Colleges and Universities to study each

other's education programs, requiring a personal dame of understanding

concerning such studies, and requiring the establishment of a longitudinal

data system

authorizing to the statutes; relating to:

 ${\bf Analysis~by~the~Legislative~Reference~Bureau}$

(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:

- **Section 1.** 36.11 (31) of the statutes is created to read:
- 9 36.11 (31) Cooperative research on education programs. The board shall
- enter into a temporaridum of understanding with the department of public written agreement

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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. SECTION 2. 38.04 (19) of the statutes is created to read:
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 memorahdum of understanding with the department of public
enter into a monitorand of understanding 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.
SECTION 3. 115.297 of the statutes is created to read:

Cooperative research on education programs; statewide 115.297 student database (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

1	education programs operated or supervised by one or more of the other agencies,
2	pursuant to the melograndumof understanding entered into under sub. (3), for the
3	purpose of improving student academic achievement beginning with preschool
4	programs and continuing through postsecondary education.
5	(3) MEMORANDON OF UNDERSTANDING. 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 that does all of the
8	following
9	(a) Requires that the agencies establish and maintain a longitudinal total and maintain and maintain a longitudinal total and maintain an
10	of student data that links such data from preschool programs to postsecondary
11	education programs, and describes the process by which the database will be
12	established and maintained. The data system may consist of separate vocard established and maintained. Systems integrated through agreement and data transfer mechanisms. (b) Describes the process by which any of the agencies on their own or jointly
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
<u>(15)</u>	operated or supervised by one or more of the 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

maintenance of student data from public schools.

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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	(1) (4) Requires the agencies to exchange student data to the extent necessary to
10	perform the evaluation or study approved under par. (c).
11	(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) 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). (a) to assist with an evaluation or study
17	(a) (b) Commits the agencies to protect student privacy and comply with laws
18	<i>,</i>
19	pertaining to the privacy of student data. (4) DATA SHARING. (a) Any of the agencies may submit student data to the
20	longitudinal details are 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 salt. (3) if the disclosure is in connection with
25	a data-sharing agreement that does all of the following:
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	(1) to support an evaluation system under sub. (3) (a), to a study under this section

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

2. Describes the specific data access, use, and security restrictions with which 2 the recipient will comply. 3 3. Requires that the personally identifiable student data be destroyed or 4 returned when no longer needed for the purpose specified under subd. 1. or upon 5 expiration of the data-sharing agreement, whichever occurs first. 6 (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 individuals other than authorized representatives of the recipient who have 10 legitimate interests in the information. 11 EXISTING AUTHORITY. (a) Nothing in this section, and nothing in the 12 momerandum of understanding under sub. (3) or in a data-sharing agreement 13 entered into under sub. (4), may be construed to infringe upon or diminish the legal 14 authority of any of the agencies." 15 (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 agencies under this section. or under \$5.36.11(31) or 38.04(19) 18 19 (END)

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by individuals other than authorized
representatives it the recipient who have
(cgifinate interests in the information.
$\rightarrow FE-5$

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



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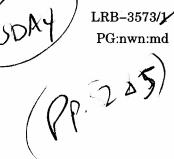
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State of Wisconsin **2009 - 2010 LEGISLATURE**



2009 BILL



Kegen.

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.

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.

> 2. Regulars the recipient to use personally identifiable

information only for the purpose specifies.

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 If the student data contains personally identifiable an evaluation or study. 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 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.

 ✓ 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:

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

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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 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:

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SECTION 3

- (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.

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agencies.

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.
(3)	Y. 2 Requires that the personally identifiable student data be destroyed or
(14)	returned when no longer needed for the purpose specified under subd. 1. or upon
15	expiration of the data-sharing agreement, whichever occurs first.
16	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

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- (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).
- 4 (END)

state of wisconsin – Legislative Reference ${f B}$ ureau

LRB	Research (608–266–0341) Library (608–266–7040) Legal (608–266–3561)	LRB
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	2. Requirer the recipient to use personally identifiable personally identifiable student data only	
Charles and Andread and Angeles and Angele	personally identifiable student data only	Accordance (All Control of the
	tor the purpose specifice in subdo 18	

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

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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.

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. Lehmans 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

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

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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 at Sent to Sen. Lenman's office

 \overline{CD}