

Date of Hearing: April 22, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 99 (Irwin) – As Amended February 12, 2021

SUBJECT: Statewide longitudinal data system: California Cradle-to-Career Data System: governance and support

SUMMARY: Establishes the California Cradle-to-Career Data System (Cradle-to-Career data system), a statewide data infrastructure that integrates data from various partner entities. Specifically, **this bill:**

- 1) Defines the following for purposes of this measure:
 - a) “Governing Board “as the Cradle-to-Career data system’s Governing Board.
 - b) “Managing Entity” as the Cradle-to-Career data system’s Office contained within the Government Operations Agency (GovOps) under the Department of General Services.
- 2) Establishes the vision of the data system as a system used to connect individuals and organizations with information and resources from trusted sources in order to provide insight into the critical milestones in the education and workforce pipeline from cradle to career. The overarching purpose of the data system is to empower Californians to reach their full potential and foster evidence for decision makers to help California build a more equitable future.
- 3) Defines the mission of the data system was the state’s secure and trusted source of data and research on education, economic, and health outcomes for individuals, families, and communities, to expand access to tools and services to navigate the education to employment pipeline.
- 4) Defines the strategic objectives of the data system to include:
 - a) Developing a flexible and adaptable architecture for linking records across agencies and creating intersegmental data sets which promote privacy and security of the data while minimizing the need for new infrastructure;
 - b) Provide publicly accessible data visuals, query tools, and a research library that provide data on education, social services, employment patterns, and equity gaps in opportunities and outcomes;
 - c) Provide interagency data sets that permit research on factors that help the State and the public meet critical education milestones, evaluate the long-term impacts of state-funded programs, and identify strategies for closing equity gaps;
 - d) Develop data literacy among policymakers, practitioners, and the public by providing resources, training, and technical assistance;

- e) Provide pupil and student supports including, but not limited to, college and career planning tools, college-readiness monitoring, electronic transcripts, and confirmation of eligibility for financial aid; and,
 - f) Improve the quality and reliability of data reported to the data system and ensure consistency of data definitions;
- 5) Authorizes the Governing Board to revise the vision, mission or strategic objects of the data system.
- 6) Establishes the Cradle-to-Career data system's Governing Board to consist of twelve appointed data providers and six appointed public members. Permits the twelve appointed data providers to serve until replaced by their appointing authority, delegate a voting authority to an alternate, as defined, and designates the appointing authority of the twelve appointed data providers as accountable for their participation. Requires the six appointed members of the public to have expertise with data systems. The membership of the Governing Board is as follows:
- a) A representative from the State Department of Education (CDE) as appointed by the Superintendent (SPI);
 - b) A representative from the California Community Colleges (CCC) appointed by the Board of Governors of the California Community Colleges;
 - c) A representative from the California State University (CSU) appointed by the Trustees of the California State University;
 - d) A representative from the University of California (UC) appointed by the Regents of the University of California;
 - e) A representative from the Bureau for Private Postsecondary Education, appointed by the bureau chief;
 - f) A representative from the Association of Independent California Colleges and Universities, appointed by its executive committee;
 - g) A representative from the Labor and Workforce Development Agency, appointed by the Secretary of Labor and Workforce Development;
 - h) A representative from the Employment Development Department, appointed by the Director of Employment Development;
 - i) A representative from the Student Aid Commission, appointed by the Chair of the Student Aid Commission;
 - j) A representative from the Commission on Teacher Credentialing, appointed by the Chair of the Commission on Teacher Credentialing;
 - k) A representative from the California Health and Human Services Agency, appointed by the Secretary of California Health and Human Services;

- l) A representative from the State Department of Social Services, appointed by the Director of Social Services;
 - m) One public member, appointed by the Governor, who is a classroom teacher in a public elementary or secondary school. The first appointee will serve a term of three years and each subsequent term will be three years in length;
 - n) One public member, appointed by the Governor, who is school leader of a public elementary or secondary school, as defined. The first appointee will serve a term of three years and each subsequent term will be three years in length;
 - o) Two public members, appointed by the Speaker of the Assembly, who will benefit from the data system or are affected by the data. These appointees may include practitioners, research organization staff, community organization staff, or advocacy organization staff. The first appointees will serve a term of two years and each subsequent term will be three years in length; and,
 - p) Two public members, appointed by the Senate Committee on Rules, who will benefit from the data system or are affected by the data. These appointees may include practitioners, research organization staff, community organization staff, or advocacy organization staff. The first appointees will serve a term of one year and each subsequent term will be three years in length.
- 7) Clarifies that a representative of the Governing Board from a particular group or entity will not serve more than one consecutive term and any group or entity serving on the board may not have more than one representative on the governing board at any given time.
 - 8) Endows each member of the Governing Board with one vote and requires a two-thirds majority vote for all decisions. Permits the Governing Board to appoint ex officio members as nonvoting members in order to provide expertise and perspectives such as the chief data officers of the Government Operations Agency.
 - 9) Requires the Governing Board to elect a chair who will serve a two-year term and clarifies in the second year of the two-year term, the current chair will be supported by the incoming chair. Stipulates that no particular group or entity may serve more than one consecutive term as a chair.
 - 10) Establishes the role of the Governing Board to ensure the data system is serving its intended purpose by doing all of the following:
 - a) Setting, revisiting, and amending the vision, mission and strategic objectives for the system, as specified;
 - b) Developing a connected set of propositions to guide evaluations of the implementation of the data system;
 - c) Reviewing input from end users to evaluate the usefulness and effectiveness of the data system in assisting in decisions and whether the data system is benefitting all Californians; and,

- d) Securing resources, building ongoing support, and advocating for the use of the data system among the public, the Governor, the Legislature, partner entities, and other data providers.
- 11) Requires the Governing Board to monitor technical, legal, and data implementation of the data system by doing the following:
- a) Reviewing and approving recommended technical and data security policies, in consultation with technology and data security experts;
 - b) Reviewing and approving recommended legal and privacy policies in consultation with legal and privacy experts;
 - c) Reviewing and approving recommended data practices in consultation with data experts;
 - d) Monitoring compliance with federal and state laws pertaining to data sharing; and
 - e) Monitoring compliance with legal requirements pertaining to privacy, security, and authorized access.
- 12) Establishes the Governing Board as the operational oversight entity over the managing entity. Requires the Governing Board to provide operational oversight by doing the following:
- a) Approving budget requests and operational budgets which are developed by the managing entity;
 - b) Approving operation plans developed by the managing entity to ensure the plans align with the strategic direction regarding data access and use, operational tools, and community engagement for the data system;
 - c) Ensuring the managing entity is implementing a user-centered design approach for the data system tools;
 - d) Reviewing and approving professional development, technical assistance, and communication plans developed by the managing entity for end-users;
 - e) Reviewing and approving the operational tools implementation plan developed by the managing entity;
 - f) Hiring, evaluating, and if necessary, firing the director of the managing entity.
- 13) Requires the Governing Board to oversee the participation in the data system and to provide a governance structure for the data system by doing the following:
- a) Evaluating and approving requests for new potential partner entities or other data providers regarding their participation in the data system;
 - b) Establishing and reviewing governance policies and procedures for the data system. Including publishing a governance manual for activities by the governing board, the

- managing entity, the advisory board, task forces, ad defined, and partner entities and data providers;
- c) Appointing members to the Data and Tools Advisory Board and Community Engagement Advisory Board;
 - d) Defining the membership and appointment structure for any additional advisory boards;
 - e) Providing input to the managing entity on the purpose and composition of any task force; and,
 - f) In phase one, focus on linking data from early learning and care, K-12, postsecondary, employment, and financial aid data within the data system.
- 14) Requires the Governing Board to recommend the types of data/information available through the data system in agreement with the following:
- a) The governing board will review recommendations for inclusion of additional data as part of the strategic planning process. All recommendations for additional data must have a feasibility study conducted by the managing entity.
 - b) The managing entity will work with relevant partner entities, other data providers, and experts to document data availability, reliability, and validity of the data system, legal requirements for the data system, startup and ongoing costs to the managing entity, partner entities, and other data providers, potential approaches for collecting the information for the data system, and any political or other implications that would jeopardize the objective of the managing entity.
- 15) Requires the governing board to recommend improvements to the mechanisms for accessing information in the data system which are implemented by the managing entity by doing the following:
- a) Reviewing and approving recommendations for content changes to dashboard visuals for the data system;
 - b) Reviewing and approving recommendations for significant changes to the query builder data points for the dashboard; and,
 - c) Reviewing and approving report topics that provide an objectively written summary of information available within the data system.
 - d) Reviewing and approving recommendations for new tools that would help the public interact with the data system.
- 16) Requires the Governing Board to meet quarterly to address ongoing business needs, emerging issues, and to review recommendations from advisory boards. Permits additional meetings to be called by the Governing Board as needed based on the governance manual policy. Establishes that the chair of the Governing Board is responsible for facilitating the meetings, setting agendas, acting as the Governing Board's primary contact for the director of the managing entity, and can convene topic committees for tasks, including appointing members to advisory board and conducting the annual review of the director of the managing

entity, as defined. Requires all meetings of the Governing Board to be subject to the Bagley Keene Open Meeting Act.

- 17) Requires the Governing Board when reviewing recommendations from advisory boards to document how it intends to address the issues raised by the advisory board.
- 18) Authorizes the Governing Board to take consideration of the cost, size, and purpose of advisory board when it seeks to create or sunset them. Requires all meetings of an advisory board to be subject to Bagley Keene Open Meetings Act.
- 19) Establishes the Cradle-to-Career data system's office within the GovOps Agency under the direction of the Department of General Services to serve as the managing entity of the data system.
- 20) Requires the managing entity to support the Governing Board, advisory boards, partner entities, and other data providers to further the strategic objectives of the data system by:
 - a) Staffing all meetings and processes of the Governing Board, advisory board, or task force;
 - b) Supporting the development and updating the governance manual for the data system;
 - c) Onboarding new data contributors of the Governing Board in partnership with the chair of the Governing Board;
 - d) Implementing recommendations made by the Data and Tools Advisory Board regarding new data elements, new visualization on the dashboard, expanded query builder data point, or new tools.
 - e) Conducting feasibility studies and developing proposals regarding the validity of the data system, legal requirements for the data system, startup and ongoing costs to the managing entity, and potential approaches for collecting information for the data system;
 - f) Developing proposals for professional development, technical assistance, and communications based on recommendations from the Community Engagement Advisory Boards;
 - g) Ensuring regular reports and external evaluations about whether and how the vision and strategic objectives are being implemented based on the connected set of propositions;
 - h) Identifying barriers to implementing the mission and vision of the data system and developing recommendations for the governing board on how to eliminate these barriers;
 - i) Supporting the development of technology and data security policies, legal polices, data standards, and governance polices for the data system;
 - j) Informing the Governing Board of any escalating issues regarding technical and legal implementation of the data system and data providers compliance with statutory requirements and legal agreements.

- k) Coordinating with the Governing Board, the Governor, and the advisory boards regarding ongoing support from the legislative and executive branches of state government for the data system.

21) Requires the managing entity to manage the technical infrastructure of the data system by:

- a) Creating, managing, procuring, securing, and maintaining a master data management model to match individual records;
- b) Creating, managing, procuring, securing, and maintaining the infrastructure and tools to support data contributions and to receive and process research requests;
- c) Creating data sets that are tailored to the approved purposes;
- d) Leveraging a role-based technical architecture to allow authorized parties access to unitary data point;
- e) Ensuring data privacy and security and availability;
- f) Ensuring reliability and performance of the technical infrastructure;
- g) Developing and curating technical documentation and resources to facilitate data submissions from partner entities and other data providers; and
- h) Providing ongoing training and technical assistance to partner entities and other data providers on the data submission process.

22) Requires the managing entity to implement public tools for the data system and support the use of the tools by:

- a) Providing information to the public using dashboards, query builders, and research libraries;
- b) Utilizing a user-centered design and testing processing for the dashboard and query builder tools of the data system;
- c) Providing objective written summaries of information available in the data system that relate to the public good and equitable opportunities and outcomes;
- d) Scaling existing tools that support college planning and the transfer of pupil and student records;
- e) Providing information, resources, training, and technical assistance that fosters evidence-based decision making, strengthens analytical capacity to use available data tools, and enables end-users to understand structural components of the data base that influence outcomes;
- f) Ensuring information, resources, training, and technical assistance account for the needs of various communities including providing resource materials in more than one language;

- g) Leading community engagement activities to provide an ongoing channel of communication for the public to provide input about the data system and to use these interactions to develop recommendations regarding how to improve the data system.
 - h) Collecting new data points on behalf of the state, when authorized;
 - i) Engaging in continuous improvement by joining professional communities on longitudinal data systems, identifying best practices in legal, technical data, and community engagement topics, conferring with experts, and participating in intrastate and national data collection and policy efforts.
- 23) Requires the managing entity to support the data system by supporting data requests and improving data quality, ensure legal compliance with state and federal laws and regulations, and manage administrative functions. Specifically the managing entity will:
- a) Support a review process for data requests on behalf of partner entities and other data providers which includes an assessment of whether the request form is completed, is unanswerable by existing query tools, does not violate local, state, or federal laws, and requests information that is available from partner entities or other data providers through the data system;
 - b) Provide project management during the data request review process to facilitate timely resolution of any concerns and provision of data;
 - c) Work with the Data and Tools Advisory Board and the Community Engagement Advisory Board to identify data points with questionable data quality;
 - d) Work with each partner entity or other data provider to determine if definitions or data points have been changed since their upload and if so, document implications for the data set and publicly available data;
 - e) Ensure the confidentiality and privacy of individual records, ensure the data system is legally compliant with all state, federal, and laws and regulations specific to partner entity or other data providers;
 - f) Develop an annual work plan, for approval by the Governing Board;
 - g) Develop budget requests and operational budget requests for approval by the Governing Board;
 - h) Spend funds in alignment with the operational budget and follow an agreed-upon process to address unanticipated expenses;
 - i) Enter into contracts or other agreements to further the support of the data system and perform any duties under its purview; and,
 - j) Oversee personnel management and compensation of staff other than the director.
- 24) Permits the managing entity to create and sunset taskforces in order to implement the strategic objectives outlined by the Governing Board. Requires the managing entity to take into consideration the cost, size, and purpose of the taskforce and require the topics, duration,

and membership to remain flexible. The Governing Board will provide input on the purpose and composition of the taskforce and the taskforce meetings will adhere to the Bagley-Keene Open Meeting Act.

- 25) Requires any advisory board established by this chapter to be staffed by the managing entity.
- 26) Establishes the Data and Tools Advisory Board (DTAB) consisting of 16 members appointed by the Governing Board. Appointed members will be end-users of the data system as defined. Group and entities represented on the DTAB are not permitted to serve more than one consecutive term and are not permitted to have more than one representative on the DTAB at any given time. The Governing Board will appoint members to the advisory board initially by staggering the terms so that the initial term for six members is three years, two years for five members, and one year for five members. After the initial term, members may serve a term consisting of three years.
- 27) Requires the DTAB to do the following:
 - a) Annually examine whether the data system is providing actionable information and identify ways to improve access to information;
 - b) Annually review the data requests that were approved and denied to identify mechanisms that would enable the approval of appropriate data requests;
 - c) Consult with data experts and intended data users when developing data use priorities; and,
 - d) Provide recommendations to the Governing Board that are paired with the feasibility study conducted by the managing entity for new data points regarding data availability, reliability, and validity of the data system; legal requirements for the data system; startup and ongoing costs to the managing entity, partner entities and other data providers; and potential approaches for collecting information for the data system.
- 28) Establishes the Community Engagement Advisory Board (CEAB) consisting of 16 members appointed by the Governing Board. Appointed members will be end-users of the data system as defined. Group and entities represented on the CEAB are not permitted to serve more than one consecutive term and are not permitted to have more than one representative on the CEAB at any given time. The Governing Board will appoint members to the advisory board initially by staggering the terms so that the initial term for six members is three years, two years for five members, and one year for five members. After the initial term, members may serve a term consisting of three years.
- 29) Requires the CEAB to examine whether the managing entity is creating strong feedback loops with data users, supporting the use of data for decision and analytical processes, and ensuring equitable access to actionable information.
- 30) Requires the CEAB to develop suggestions for the Governing Board on improving data usage, including recommendations for:
 - a) Professional development and technical assistance models that fulfill the strategic objectives of the data system;

- b) Communication outreach to ensure all Californians are aware of the data system and are using the data system;
 - c) Feedback loops that ensure meaningful public input;
 - d) Additional tools that address the strategic objectives of the data system.
- 31) Requires the CAEB to consult with data experts and data users when developing data use priorities.
- 32) Makes Legislative findings and declarations related to the need and initial creation phase of a longitudinal data system.
- 33) Makes technical and clarifying changes to existing law.

EXISTING LAW: *Pertaining to Higher Education Institutions:*

- 1) Establishes the Cradle-to-Career data system Act. Declares it is the intent of the Legislature to build a data system to enable partner entities to share information reliably in a manner that promotes data privacy and security, and to design a data system that minimizes the need for new infrastructure that will serve families and students, as specified. Establishes the Cradle-to-Career data system's Workgroup (workgroup), comprised of data providers, to: assess and recommend data system structural components, processes and options for expansion and enhancement of data system functionality, to be outlined in two legislative reports; and advise ongoing efforts to develop administer, and enhance the data system. The partner entities are required, and the UC is requested to enter into memoranda of understanding for data sharing purposes (Education Code (EDC) Section 10850 – 10858 (a)).
- 2) Requires the Office of the Chancellor of the CSU and the Chancellor of the CCC and requests the Office of the President of the UC, by the 2020-2021 academic year, to prospectively identify and track currently and newly enrolled students with a statewide student identifier assigned to pupils in the data system maintained by the California Department of Education for each applicant for admission that attended a K-12 public school in California, as specified. Additionally, to the extent feasible the Office of the Chancellor of the CSU and the Chancellor of the CCC will and the Office of the President of the UC is requested to identify and track applicants for admission with a statewide student identifier assigned to pupils in the data system maintained by the California Department of Education for each applicant for admission that attended a K-12 public school in California, as specified (EDC Section 10858(b)).
- 3) Establishes the California Postsecondary Education Commission (CPEC), as the statewide postsecondary education planning and coordinating agency and advisor to the Legislature and the Governor. Tasks CPEC with the responsibility of coordinating public, independent, and private postsecondary education in California and providing independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues, including acting as a clearinghouse for postsecondary education information and develop/maintain a comprehensive database relating to higher education institutions (EDC Section 66900 et seq.)

To note, in the 2011-12 Budget Act, Governor Brown vetoed funding for CPEC citing the agency's ineffectiveness in higher education oversight. In his veto message, the Governor acknowledged the well-established need for coordinating and guiding state higher education policy and requested that stakeholders explore alternative ways these functions could be fulfilled. CPEC shut down in fall 2011. Currently no coordinating entity for higher education in California exists. However, Governor Newsom established the Governor's Council for Post-Secondary Education as a consultative body that may assist in coordinating, but the council has statutory authority.

- 4) Establishes the Individual Privacy Act, which declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. (Civil Code Section 1798)
- 5) Protects the privacy of student education records in federal law with the FERPA. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. (20 U.S.C. § 1232g; 34 CFR Part 99)

FISCAL EFFECT: Unknown.

COMMENTS: *Double Referral.* This measure was heard by the Assembly Education Committee on April 7, 2021, and passed out with a vote of 7-0.

Need for the bill. According to the author's office, "California is just one of just a handful of states lacking a data system that spans across educational segments and into the workforce. Our current systems exist in silos that do not talk to each other, meaning policymakers and researchers are unable to answer basic questions about student progress and outcomes. We are unable to adequately evaluate whether or not policy choices, such as the adoption of the Local Control Funding Formula (LCFF) or Associate Degrees for Transfer (ADTs), are actually closing equity gaps and helping the state meet its education and workforce goals.

Pursuant to trailer bill language in the 2019-2020 Budget Act, more than 170 stakeholders from 15 state agencies, numerous educational institutions, research & policy organizations, and community groups have worked together over the past year to design a blueprint for the California Cradle-to-Career Data System. AB 99 faithfully enacts these recommendations and will be designed with privacy and security of state data as the top priority. The proposed data system will be a neutral source of high-quality information, paired with tools to help a range of stakeholders take action on this information."

Why does California need a longitudinal data base? On the path to obtaining an education in the state of California, an individual student will matriculate through three phases: early childhood, K-12, and finally higher education. Within those three phases are a behemoth of entities and agencies who all provide services related to education including early education programs, elementary and secondary schools, county offices, community colleges, public and private universities. While each of these entities are providing educational services and collect data related to the student, the collected data does not always matriculate with the student on their educational journey. Longitudinal data can encapsulate the educational journey of a child in

qualitative form. The Data Quality Campaign views the collection of data “as one of the most powerful tools to inform, engage, and create opportunities for students along their education journey and it is much more than test scores”.

According to the Education Commission of the States, *50-State Comparison Statewide Longitudinal Data System*, published in 2019, California is one of nine states that currently does not have a longitudinal data system. Without an intricate system in place, researchers and policy makers are often left to establishing data sharing agreements or memorandums of understanding between entities in order to answer intricate policy questions such as: “How many students participating in a College and Career Access Pathway program are matriculating to an associate’s degree or an associate’s degree for transfer? However these agreements are often isolated between two agencies or within a regional boundary and are not encompassing of the entire state. According to a 2020 report from the Data Quality Campaign, *Using Data to Understand What Works: Research and the COVID- 19 Crisis*, “Actionable research provides state and district leaders with insight into policies and programs that best serve their communities.”

Existing California data systems. According to the Public Policy Institute of California’s report in April 2021, *Building California’s Cradle-to-Career Data System*”, California already has an intricate network of data systems and “California institutions currently share data in order to evaluate the impact of programs or policies, streamline processes, or plan for the future”. Some of these cross-segmental data sharing efforts include the California College Guidance Initiative (CCGI), eTranscript California, Cal-Pass Plus, and individual data sharing agreements on employment outcomes of graduates between each public higher education institution and the Employment Development Department.

- 1) California College Guidance Initiative is a nonprofit entity that helps K-12 and higher education students with college and career planning tools including financial aid. This data system assists K-12 school districts upload verified academic transcripts and shares data with the CCC and the CSU.
- 2) eTranscript California, is a statewide electronic transcript exchange which supports the delivery of electronic transcripts across all California’s postsecondary education systems. The majority of these transcript deliveries occur between the CCC and either the CSU or the University of California.
- 3) Cal-Pass Plus, according to their website, offers longitudinal data charts, detailed analysis of pre-K through 16 educational and workforce outcomes, information and artifacts on success factors, and comparisons based on data shared by universities, colleges, K-12 school systems, and schools. Cal-Pass Plus is created and funded by the CCC Chancellor’s Office. The system is comprised of over 1,500 institutional members, but its membership represents portions of the state.

California Cradle-to-Career Data System Act. To address the ongoing concern from practitioners, policymakers, and researchers on the need for a statewide data platform, the Governor, in collaboration with the Legislature, passed SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, and established the California Cradle-to-Career Data System Act. According to the *California Data System*, the workgroup is comprised of 18 members representing: higher education, early education, K-12, workforce, and human service agencies. The workgroup was tasked with providing recommendations to the Governor’s Office

about the development of the data system through three planning reports. According to the Legislative Analyst’s Office March 2021 report on the “*Cradle to Career*” Data System, the statutory reports included the following:

<p>Phase 1 Report – Received December 31, 2020</p>	<p>Required Content: Provided recommendations regarding the overall structure of the data system; the entity charged with managing the data system; and information to be made available from the data system for policy making purposes.</p> <p>Included all of the above and included: how to link data across participating segments or agencies and an implementation timeline, including recommended data system expansions and enhancements.</p>
<p>Phase 2 Report – Received April 1, 2021</p>	<p>Required Content: Progress in preparing final report.</p> <p>Included the above and included: recommendations on privacy and security policies; and definitions and data quality recommendations.</p>
<p>Phase 4 Report – Anticipated June 30, 2021</p>	<p>How data providers will enter and connect data and ensure data quality;</p> <p>Plans for training/support of the data system users;</p> <p>How to address data security and privacy;</p> <p>Statutory changes that may be needed for implementation; and,</p> <p>Estimated cost, including ongoing costs.</p>

December 2020 and April 2021 Workgroup Report. In December 2020, the Cradle-to-Career data system workgroup published their first legislative report and made an array of recommendations for the blueprint design of the data system based on the input and collaboration of 170 people from 15 state agencies. According to the report, the recommendation from the workgroup was to create a phased in approach in which the system would link 160 data points that relate to critical milestones in student progress from existing K-12, public postsecondary, public, and financial aid data. Additionally, the workgroup suggested scaling the use of the California College Guidance (CCGI) and the eTranscript platform to assist with the creation of the data system. The workgroup report also recommended a governance structure which included a Governing Body comprised of data providers and public members and a managing entity situated with California Government Operations Agency (GovOps). Finally the workgroup determined data would be provided to the public through four venues:

1. Dashboard visualizations – info graphics that provide users with the ability to drill down to more complex charts;
2. Query Builder – Allows users to drag and drop data points to create simple queries with the ability to export spreadsheets and charts with summary data;

3. Reports – Searchable results library that allows users to find summaries of key student and employment outcome data as well as research developed using the data available within the data system; and,
4. Data Requests – process for requesting information not available through the publicly available dashboard or query builder or reports. Data requests can be denied by a data provider and a rationale would need to be provided.

From this workgroup report, the Governor derived his 2021-2022 budget proposal for the creation of the Cradle-to-Career data system.

In the April 2021 workgroup report, *Cradle-to-Career Data System Update to the Legislature*, the workgroup developed recommendations regarding privacy and security policies and recommendations for definitions of the data and data quality. Representatives from the proposed data providers worked with the California Department of Technology (CDT), the California Department of General Services, and national experts on individual privacy and data security to craft proposals for the recommendations in privacy and security specifically policies for protecting sensitive information, requirements for security of the data, and descriptions of the aforementioned policies for the public. According to the report, the definitions and data quality recommendations of the workgroup went a step beyond examining the 160 data points originally identified to provide recommendations regarding a clear definition of the data, determine source of each data point, documentation of the years of available data, initial assessment of the quality of available information from providers, and recommend how each data point would be displayed in the data system. As a result additional data points were identified to bring the total to over 200 public data points and additional recommendations were made regarding what content should be included on the dashboard visualization and query builder.

How is AB 99 different from the Governor’s Proposed Trailer Bill Language (TBL)? In his January proposal, the Governor provides \$11.5 million ongoing General Fund to develop the Cradle-to-Career data system within GovOps. Unlike AB 99 (Irwin), which does not include language regarding the CCGI, the Budget provides \$3.8 million ongoing Proposition 98 General Fund to support the expansion of CCGI. AB 99 (Irwin) of 2021 does not include references to CCGI nor to the appropriation of funds for the creation of the Cradle-to-Career Data System.

Both the Governor’s TBL and AB 99 (Irwin) of 2021, provide details regarding the governance and operational structure for the proposed Cradle-to-Career data system. Both establish a Governing Board with a Chair; a managing entity housed within GovOps and is overseen by the Governing Board; the roles of the Governing Board as the overseer and the managing entity as the implementer; and both are prescriptive in terms of the purpose of the database “to provide a secure and trusted source of actionable data and research on education economic, and health outcomes for individual, families and communities and to expand access to tools and services to navigate the education to employment pipeline. While similar, the two proposals differ in a variety of ways; however, there are three notable sections of distinction in the membership of the Governing Board, how data requests are approved, and the scope of work for the advisory committees.

<u>Governor’s Proposed TBL</u>	<u>AB 99</u>
Governing Board consists of 18 members	Governing Board consists of 18 members

(EDC Section 10864)	(EDC Section 10860).
<ul style="list-style-type: none"> • Superintendent of Public Instruction or a designee; • Chancellor of the CCC or a designee; • Chancellor of the CSU or a designee; • President of the UC or designee; • President of the Association of Independent California Colleges and Universities or designee; • Chief of the Bureau Private Postsecondary Education or designee; • Executive Director of the Student Aid Commission or designee; • The Executive Director of the Commission on Teacher Credentialing or designee; • The Director of the California Department of Social Services or designee; • The Secretary of California Health and Human Services or designee; • The Secretary of Labor and Workforce Development or designee; • The Director of Employment Development; or designee; • Two elementary and secondary education practitioners appointed by the Governor; initially serving three year terms; • Two members of the public appointed by the Governor initially serving a one year term; • One member of the public appointed by the Speaker of the Assembly to serve an initial two year term; • One member of the public appointed by the President Pro Tempore of the Senate to 	<ul style="list-style-type: none"> • A representative from the State Department of Education (CDE) as appointed by the Superintendent (SPI); • A representative from the California Community Colleges (CCC) appointed by the Board of Governors of the California Community Colleges; • A representative from the California State University (CSU) appointed by the Trustees of the California State University; • A representative from the University of California (UC) appointed by the Regents of the University of California; • A representative from the Association of Independent California Colleges and Universities, appointed by its executive committee; • A representative from the Bureau for Private Postsecondary Education, • A representative from the Student Aid Commission, appointed by the Chair of the Student Aid Commission; • A representative from the Commission on Teacher Credentialing, appointed by the Chair of the Commission on Teacher Credentialing; • A representative from the State Department of Social Services, appointed by the Director of Social Services; • A representative from the California Health and Human Services Agency, appointed by the Secretary of California Health and Human Services; • A representative from the Labor and Workforce Development Agency, appointed by the Secretary of Labor and Workforce Development;

<p>serve an initial two year term.</p> <ul style="list-style-type: none"> No member of the public may serve more than three year terms after their initial term. 	<ul style="list-style-type: none"> A representative from the Employment Development Department, appointed by the Director of Employment Development; One public member, appointed by the Governor, who is a classroom teacher in a public elementary or secondary school and will serve an initial term of three years. One public member, appointed by the Governor, who is school leader of a public elementary or secondary school, as defined, and will serve an initial term of three years and each subsequent term will be three years in length; Two public members, appointed by the Speaker of the Assembly, who will benefit from the data system or are affected by the data and will serve an initial term of two years; and, Two public members, appointed by the Senate Committee on Rules, who will benefit from the data system or are affected by the data and will serve an initial term of one year. No member of the public may serve more than three year terms after their initial term; A representative from a particular group or entity shall not serve more than one consecutive term and no particular group or entity shall have more than one representative on the governing board at a time. <p><i>The Committee would note the Governor's TBL language does not mention anything about consecutive terms and therefore it is plausible for a member of the public to be appointed to multiple terms.</i></p>
<p>How data request are approved:</p> <ul style="list-style-type: none"> EDC Section 10861 – defines data request in the public interest as a request that enables parents, educators, health and 	<p>How data requests are approved:</p> <ul style="list-style-type: none"> EDC Section 10867 – The managing entity shall do all of the following in support of the data system:

<p>human service providers, researchers, and policymakers to provide appropriate interventions and support to address disparities in opportunities and improve outcomes for all students.</p> <ul style="list-style-type: none"> • EDC Section 10866 – Requires the governing board to be responsible for the strategic direction and implementation of the data system including: <ul style="list-style-type: none"> ○ Creating and revising from time to time a data request process for use by researchers, policymakers, education systems, school sites, and college campuses for information that is: <ul style="list-style-type: none"> ▪ Not available elsewhere in the data system; ▪ In compliance with state and federal privacy laws; ▪ Allows for the expedited access to summary data that has been properly de-identified; and, ▪ Allows for data providers to approve the data request in the public interest. 	<ul style="list-style-type: none"> ○ Support a review process for data request on behalf of partner entities and other data providers which includes an assessment of whether the request: <ul style="list-style-type: none"> ○ Form is completed; ○ Is unanswerable by existing query tools; ○ Does not violate local, state, or federal laws; ○ Requests information that is available from partner entities or other data providers through the data system; and, ○ Provide project management during the data request review process to facilitate timely resolution of any concerns and provision of data.
<p style="text-align: center;">Establishes the Data Tools and Advisory Board</p> <ul style="list-style-type: none"> • EDC Section 10865 (b) (1) (A) - The Data and Tools Advisory Board, with responsibility for examining whether the data system is providing actionable information and identifying ways to improve access to that information. • Members are appointed by a voting majority of the Governing Board and shall serve three year terms with the initial term staggering so that 1/3 of the positions expire each year. 	<p style="text-align: center;">Establishes the Data and Tools Advisory Board</p> <ul style="list-style-type: none"> • EDC Section 10870 establishes the Data System Advisory Board and tasks the board to do the following: <ul style="list-style-type: none"> ○ Annually examine whether the data system is providing actionable information and identify ways to improve access to information; ○ Annually review the data requests that were approved and denied to identify mechanisms that would enable the approval of appropriate data requests; ○ Consult with data experts and intended data users when developing data use priorities; and, ○ Provide recommendations to the

	<p>Governing Board that are paired with the feasibility study conducted by the managing entity for new data points regarding data availability, reliability, and validity of the data system; legal requirements for the data system; startup and ongoing costs to the managing entity, partner entities and other data providers; and potential approaches for collecting information for the data system.</p> <ul style="list-style-type: none"> • Consists of 16 members appointed by a 2/3 vote majority of the Governing Board; • Staggering initial terms are as follows six members terms expire within three years; five members terms expire in two years; and five members terms expire in one year.
<p>Establishes the Community Engagement Advisory Board</p> <ul style="list-style-type: none"> • EDC Section 10865 (b) (1) (B) - The Community Engagement Advisory Board, with responsibility for examining whether the managing entity is creating strong feedback loops with data users, supporting evidence-based decision-making • Members are appointed by a voting majority of the Governing Board and shall serve three year terms with the initial term staggering so that 1/3 of the positions expire each year. 	<p>Establishes the Community Engagement Advisory Board</p> <ul style="list-style-type: none"> • EDC Section 10871 establishes the Community Engagement Advisory Board and tasks the board to do the following: <ul style="list-style-type: none"> ○ to develop suggestions for the Governing Board on improving data usage, including recommendations for: ○ Professional development and technical assistance models that fulfill the strategic objectives of the data system; ○ Communication outreach to ensure all Californians are aware of the data system and are using the data system; ○ Feedback loops that ensure meaningful public input; ○ Additional tools that address the strategic objectives of the data system. • Consists of 16 members appointed by a 2/3 vote majority of the Governing Board; and, • Staggering initial terms are as follows six members terms expire within three years;

	<p>five members terms expire in two years; and five members terms expire in one year.</p> <ul style="list-style-type: none"> • After the initial term, members may serve for three-year terms.
<p>Contains Language pertaining to the Public Records Act</p> <ul style="list-style-type: none"> • EDC Section 10872 - 10872. Notwithstanding any other law, individual records contained in the data system shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). 	<p>Does not contain Language pertaining to the Public Records Act</p>

Neither proposal contains language regarding requiring the plan for the data system to go through the California Department of Technology’s (CDT) SIM 19 Project Approval Lifecycle (PAL) process.

SIMM 19-Approval Lifecycle (PAL) Process. For many the visceral reaction to creating a state wide longitudinal data system is to immediately gather holy water and sage. When completed the California Cradle-to-Career data system will be comprised of over 200 data points from a minimum of 10 different entities and will be filled with millions of individual records. Such a monumental task of collaboration between entities and the risk of a data breach should require the data system to undergo a thorough examination by the leading experts in technology and privacy. In March 2021 report on the “*Cradle to Career*” *Data System*, the Legislative Analyst Office delicately explained, “Over the past few decades, the state has experienced considerable challenges successfully implementing IT projects.” To alleviate these challenges, the CDT established the Project Approval Lifecycle (PAL) process. According to CDT, the PAL is a four stage process that ensures a comprehensive plan and legislative oversight before the state of any project. According to the *CDT Project Approval Lifecycle Statewide Information Management Manual – Section 19*, the entire purpose of the PAL is to “improve the quality, value, and likelihood of success for information technology projects undertaken by the State of California”. By the time a project completes the four stages, it will have undergone a rigorous approval processes with multiple check points by the CTE culminating in the approval by the Department of Finance and the Legislature before the project can begin. Objectively, the initial planning phase of the Cradle-to-Career data system is completed and the workgroup did consult with data, privacy, and security experts in the creation of the first and second report. However, the creation of the Cradle-to-Career data system and any further iterations suggested by the Governing Board or managing entity could go through the PAL to ensure it adheres to the same principals and decision points required of other state data systems.

Arguments in support. The Campaign for College Opportunity supports AB 99, “Since the defunding of the California Postsecondary Education Commission the state lacks a neutral, third party entity responsible for comprehensive data collection, reporting, and accessibility which hinders our understanding of student outcomes and where policy solutions are needed. The Cradle-to-Career Data System creates a streamlined, independent, one-stop shop for

understanding and improving student outcomes to meet California’s higher education and future workforce needs.” Additionally the Cal State Student Association supports AB 99 as “Longitudinal data would also allow reforms to be monitored, gaps in the education system to be identified, and specific changes to be made. The benefits of AB 99 would have a huge impact on the future of higher education. Finally, being able to track data will provide much needed research that can be used to better support the needs of students”.

Committee Comments. In the *Recovery with Equity: Higher Education After the Pandemic* report, the Governor’s Council provided recommendations for how institutions of higher education could recovery with equity after the pandemic and woven throughout the report is the need for an integrated platform of data or the Cradle-to-Career data system. The Governor’s Council for Postsecondary education identifies the necessity of the predicative technology and data tools as one of the levers the state can utilize to ensure no college student is left behind on the road to recovery. California has established the lack of a longitudinal database as a disservice in our desire for an equitable education system; which is why both the Governor’s TBL and AB 99 (Irwin) of 2021, seek to provide a foundation from which the Cradle-to-Career data system can be built.

AB 99 provides a more prescriptive understanding of the vision and mission of the Cradle-to-Career data system which is in compliance with best practices for *Cross-Agency Data Governance* as defined by the Data Quality Campaign. AB 99 provides additional legislative oversight to the structure and scope of work assigned to the Governing Body, the managing entity, and the advisory boards. However, concerns have been raised by members to the lack of legislative oversight after the governing board, managing entity, and advisory boards have been established. The Legislature will be providing the funding for the creation of the database and will be one of the primary users of the database; furthermore, the Legislature is seen as the public voice for policy, economic, and social change in the state and, therefore, should have more voice in the future of the Cradle-to-Career data system beyond what is currently provided.

In its finality, the Cradle-to-Career data system will have various data points provided by various entities and the system will have public-facing tools with de-identified data. Since the Cradle-to-Career data system is a state entity, questions have been raised as to whether the data provided will be subject to the Public Records Act (PRA). To provide data from data providers due to a PRA request could be in violation of various state and federal laws; however, concerns have been raised by providers regarding the necessity to ensure the data confined within the data system is not subject to a public records request.

Finally, since the Cradle-to-Career data system will be considered a state entity confined within a state agency, it should be subjected to glean from the wisdom of the CDT and should be required to undergo the same data approval process as other state entities who create data systems. Originally, it was though the Cradle-to-Career data system would undergo the SIMM-19 Project Approval Lifecycle process, which would be in compliance with existing law; but, to date it has not and has led many to believe it is exempt. Despite the continued consultation of the workgroup with data experts, any creation of a master data management tool, any infrastructure, or the creation of any tool to support data confirmation for the Cradle-to Career data system should be subject to the SIMM-19 Project Approval Lifecycle.

To address the above listed concerns and to align AB 99 further with the Governor's proposed TBL, the Author has offered and accepted the following amendments in consultation with the Committee:

- Section 1 – (11) (B) adds clarity to intent language by:
 - (B) Researchers could request access to restricted data for authorized purposes *subject to all applicable state and federal laws regarding privacy an data security.*
- Section 10851 (a) Adds definitions for advisory boards, A-G coursework, analytical tools, data providers, data requests in the public interest, interagency data exchange agreement/business use case proposal, operational tools, and the P20W data set. And deletes the definition of director. [Includes portions from Governor's TBL EDC Section 10861]
 - (a) *“Advisory Boards” means the advisory boards established pursuant to Section 10870.*
 - ~~(b) *Director means the Director of State Planning of State Planning and Research or the director's designee.*~~
 - (c) *“Analytical tools” means the resources that provide for access to information for research and evaluation purposes such as dashboards, a query builder, summaries of key student and employment outcomes, and a research library, including, but not limited to, the P20W data set.*
 - (d) *“Data providers” means entities that submit the individual, academic, training, employment, social service, health, and other information used to create the data system.*
 - (e) *“Data requests in the public interest” means those requests that enable parents, educators, health and human services providers, researchers, and policymakers to provide appropriate interventions and supports to address disparities in opportunities and improve outcomes for all students.*
 - (h) *“Interagency Data Exchange Agreement/Business Use Case Proposal (IDEA/BUCP) process” means the legal framework used by the state to establish the conditions under which data may be shared and used.*
 - (j) *“Operational tools” means the educator-, student-, and parent-facing tools that use student-specific data to support college planning and education transitions. All tools under this definition shall comply with the student privacy provisions of paragraphs (1) to (9), inclusive, of subdivision (b) of Section 49073.1.*
 - (k) *“P20W data set” means the data set adopted by the governing board, including but not limited to, the approximately 160 data points described in the report to the Department of Finance and the Legislature required by subdivision (a) of Section 10856 and as adjusted by the governing board. The governing board may add or remove data points based on changes in the usage of the element.*

- Section 10852.5 (b) (2) - Adds language from the Governor's trailer bill and adds clarification of whose needs the information from the data base can assist [Aligns with Governor's TBL EDC Section 10860].

(2) The information contained in the data system shall be used to accomplish all of the following:

(A) Address disparities in opportunities and outcomes.

(B) Support student guidance.

(C) Foster continuous improvement.

(D) Address the needs of researchers and policymakers.

- Section 10852.5 (c) (1) and (2) – Makes minimal clarifying changes to match the language with the vision and mission of the Cradle-to-Career data system.

(1) Develop the architecture for linking records across agencies and creating intersegmental data sets in a manner that ~~promotes~~ maximizes data privacy and security, minimizes the need for new infrastructure and is adaptable and flexible to meet future needs.

(2) Provide public-facing data visualizations, query tools, and a research library that provides access to actionable information on education, social services, employment patterns, and equity gaps in opportunity and outcomes for use by individuals, students, families, and communities.

- Section 10852.5 (c) (5) – Deletes section regarding college and career planning tools and adds expanded language to the strategic objectives of the data system [Aligns with Governor's TBL EDC Section 10860].

(5) ~~Provide college and career planning tools, college readiness monitoring, electronic transcripts, and confirmation of eligibility for financial aid and other pupil and student supports.~~ Support the creation of user-facing tools and services, and access to information necessary to do both of the following:

(A) Provide tailored supports to students, educators, parents, and advisors, and better enable students to navigate the education-to-employment pipeline.

(B) Allow researchers and policymakers to explore policy problems and solutions.

- Section 10852.5 (c) (7 and 8) – Adds expanded language to the strategic objectives of the data system [Aligns with Governor's TBL EDC Section 10860].

(7) Provide support for opportunities to enhance the state's system of public education, educational programs, and educational services.

(8) Advance academic, nonprofit, and governmental research to enhance the development of policies focused on birth through career.

- Section 10852.5 (d) – Deletes redundant existing language permitting the governing board to revise the vision, mission, and strategic objectives of the data base. Adds additional language [Aligns with Governor's TBL EDC Section 10860].

At all times, the data system shall act in furtherance of the public good and shall be held accountable thereto. ~~The governing board may revise the vision, mission, or strategic objectives of the data system to further the purposes of this chapter.~~

- Section 10852.5 (e) – Adds the following language regarding the roles of the governing board, advisory board members and the managing entity [Aligns with Governor’s TBL EDC Section 10863].

(e) In fulfilling their roles, all governing board members, advisory board members, and managing entity employees shall do all of the following:

(1) Prioritize the needs of students and families.

(2) Comply with federal and state laws to protect individual privacy, including, but not limited to, the state Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and all of the following federal statutes: Family Educational Rights and Privacy Act of 1974 (Public Law 93-380, as amended), the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, as amended), and the Higher Education Act of 1965 (Public Law 89-329, as amended).

(3) Consider and respond to stakeholder input.

(4) Promote and foster an environment and culture of collaboration and cooperation.

(5) Promote a culture of data-informed decisionmaking by consulting with data experts and intended data users, including members of the public, when developing data use priorities.

- Deletes from the Education Code Section 10853 which pertains to the California Cradle to Career Data System Workgroup [Aligns with Governor’s TBL].
- Section 10860 – Makes copious of changes to Governing Board including adding a higher education faculty appointed by the Governor, adds representatives from the Legislature, deletes the California Commission on Teacher Credentialing, and requires the leaders of the public higher education segment to represent their system on the board. [Aligns slightly with Governor’s TBL more than before. EDC Section 10864].

(a) ~~The California Cradle-to-Career Data System Governing Board is hereby established in state government, consisting of 12 data contributors and 6 public members, as provided pursuant to subdivisions (b) and (c).~~ shall be governed by a governing board composed of data providers, and shall additionally include members of the Legislature and members representing the public interest.

(b) ~~(1) The 12 data contributors shall be appointed as follows~~ governing board shall be composed of the following 18 members:

- (1) ~~A representative from the State Department of Education, appointed by the Superintendent~~ *The Superintendent of Public Instruction or the Superintendent's designee.*
- (2) ~~A representative from the California Community Colleges, appointed by the Board of Governors of the California Community Colleges~~ *The Chancellor of the California Community Colleges or the chancellor's designee.*
- (3) ~~A representative from the California State University, appointed by the Trustees of the California State University~~ *The Chancellor of the California State University or the chancellor's designee.*
- (4) ~~A representative from the University of California, appointed by the Regents of the University of California~~ *The President of the University of California or the president's designee.*
- (5) ~~A representative from the Bureau for Private Postsecondary Education, appointed by the bureau chief.~~ *The Director of the California Student Aid Commission or the director's designee.*
- (6) ~~A representative from the Associated of Independent California Colleges and Universities appointed by the executive committee.~~ *The President of the Association of Independent California Colleges or the president's designee.*
- (7) ~~A representative from the Labor and Workforce Development Agency, appointed by the Secretary of the Labor and Workforce Development~~ *The Director of the Department of Consumer Affairs or the director's designee.*
- (8) ~~A representative from the Employment Development Department, appointed by the Director of Employment Development~~ *The Secretary of the Health and Human Services or the secretary's designee.*
- (9) ~~A representative from the Student Aid Commission, appointed by the Chair of the Student Aid Commission~~ *The Secretary of Labor and Workforce Development or the secretary's designee.*
- (10) *The Chair of the Assembly Education Committee or the chair's designee*
- (11) *The Chair of the Assembly Higher Education Committee or the chair's designee.*
- (12) *The Chair of the Senate Education Committee or the chair's designee.*
- (13) *The Chair of the Senate Business, Professions, and Economic Development Committee or the chair's designee.*
- (14) ~~A representative from the Commission on Teacher Credentialing, appointed by the Chair of the Commission on Teacher Credentialing~~ *Three public members, to be appointed by the Governor as follows:*

(A) *One public member who is a classroom teacher in a public elementary or secondary school.*

(B) *One public member who is a school leader of a public elementary or secondary school, including, but not limited to, an administrator, superintendent, principal, or counselor.*

(C) *One public member who is a faculty member in a public institution of higher education.*

(15) *Two public members to be appointed by the Legislature, as follows:*

(A) *One public member who represents the members of the public that are intended to benefit from the data system or are affected by the data, including, but not limited to, practitioners, families, students, adult learners and workers, community organization staff, research organization staff, and advocacy organization staff, appointed by the Speaker of the Assembly.*

(B) *One public member who represents the members of the public that are intended to benefit from the data system or are affected by the data, including, but not limited to, practitioners, families, students, adult learners and workers, community organization staff, research organization staff, and advocacy organization staff, appointed by the Chair of the Senate Rules Committee.*

~~(K) A representative from the California Health and Human Services Agency, appointed by the Secretary of California Health and Human Services.~~

~~(L) A representative from the State Department of Social Services, appointed by the Director of Social Services.~~

(c)(1) *A designee serving at the pleasure of a governing board member described in paragraphs (1) to (13) inclusive, of subdivision (b) shall be qualified and authorized to make decisions on behalf of entity it represents.*

~~(2) A representative appointed pursuant to paragraph 1 shall serve until replaced by the appointing authority for that representative.~~

(3) *A representative appointed pursuant to paragraph 1 may delegate their voting rights to a designee, so long as the designee has the authority to make decisions on behalf of the entity they represents.*

(4) ~~The representative appointing authority described in paragraph subdivision (1b) shall be accountable for their entity's participation in the data system.~~

(d) *All of the following shall apply to the public member appointments made pursuant to paragraphs (14) and (15) of subdivision (b):*

(1) *A public member shall have expertise with data systems and their use.*

(2) *A public member shall serve a term of no more than three years.*

(3) *The public members shall have staggered terms.*

(4) *For the first appointment of the public members to the governing board only, to create staggered terms, the terms of those members shall be as follows:*

(A) *The first term of the public members appointed pursuant to subparagraph (A) of paragraph (15) of subdivision (b) shall be for two years.*

(B) *The first term of the public members appointed pursuant to subparagraph (B) of paragraph (15) of subdivision (b) shall be for two years.*

(C) *The first term of the public members appointed pursuant to subparagraph (A) of paragraph (14) of subdivision (b) shall be for three years.*

(D) *The first term of the public members appointed pursuant to subparagraph (B) of paragraph (14) of subdivision (b) shall be for two years.*

(E) *The first term of the public members appointed pursuant to subparagraph (C) of paragraph (14) of subdivision (b) shall be for three years.*

~~(e 3) A representative from a particular group or entity shall not serve for more one consecutive term, and a particular group or entity shall not have more than one representative on the governing board at any given time. A representative identified in b(14), and b(15) shall not serve for more than two consecutive terms and a particular group or entity shall not have more than one representative on the governing board at any given time.~~

(g) *All meetings of the governing board shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).*

- Section 10861 – Adds the following under the jurisdiction of the Governing Board to ensure the data system is serving its intended purpose. [Aligns with Governor’s TBL EDC Section 10866]

(e) *The governing board shall appoint an executive officer to oversee the managing entity. The executive officer shall be exempt from civil service consistent with subdivision (e) of Section 4 of Article VII of the California Constitution, including setting the terms of employment, and annual compensation shall be commensurate with other like positions in state government. The executive officer shall employ such other employees as they deem necessary for the effective conduct of the work of the managing entity.*

Adds language authorizing the Governing Board to adopt the P20W data set; to makes changes to the P20W data set including deleting the data points based on changes in the usage of the element.

(f) *The governing board shall be responsible for the strategic direction and implementation of the data system, including, but not limited to, all of the following:*

(1) *Adopting a timeline for phasing in the data system, including a timeline for the development of analytical tools, operational tools, and offering professional development.*

(2) Ensuring that the data system is serving its intended purposes by submitting recommendations to the Governor and the Legislature to adjust the data system's vision, mission, and strategic objectives, particularly recommendations related to improving educational outcomes and reducing opportunity gaps.

(3) Adopting and adjusting as necessary a data dictionary, data standards, and security protocols to ensure interoperability between the data system, the source data, and other state data systems using the same source data.

(4) Expanding the collected data set, beyond the P20W data set, by doing both of the following:

(A) Approving additional data providers.

(B) Adopting additional data points, in the context of data quality, legal concerns, costs, and preserving the neutrality of the data system.

(5) Creating new analytical and operational tools that would help the public interact with the data.

(6) Creating, and revising from time to time, a data request process for use by researchers, policymakers, education systems, schoolsites, and college campuses for information that is all of the following:

(A) In compliance with federal and state laws to protect individual privacy.

(B) Not otherwise available via the public query tools maintained by the managing entity.

(C) Allows for expedited access to summary data that has been properly deidentified.

(D) Allows for data providers to approve data requests in the public interest, as defined pursuant to Section 10851.

(g) (1) The governing board shall be responsible for adopting best practice policies related to privacy and security, including creating policies, in accordance with federal and state law, governing the collection and use of personally identifiable information from data providers, which may include the creation of an "opt out" policy for students and families.

(2) This section does not hinder the use of personally identifiable information for educator- and student-facing college guidance and planning tools, defined as operational tools in Section 10851.

- Section 10862 – Adds the following to the section regarding the Governing Boards purpose to monitor technical legal, and data implementation of the data system [Aligns with Governor's TBL Section 10866]

(a) Adopting an annual strategic plan and reviewing and revising that plan as needed.

(h) Conducting data quality audits.

(i) Providing for other audits and evaluations.

(j) Providing annual reports to the Governor, the Legislature, and the public. The reports to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(k) Adopting rules and exercising authority to promulgate regulations, including emergency regulations.

(l) Any other activities necessary to further the intent of this chapter.

(m) Providing regular reports to the Legislature and Governor related to the implementation of this chapter. The reports to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(n) The governing board may create any other policies and procedures necessary to further the intent of this chapter.

- Section 10866 – Adds the following language to the section pertaining to the managing entity’s role to manage the technical infrastructure of the data system

(a) Creating, managing, procuring, securing, and maintaining a master data management model to match individual records in accordance with the Department of Technology’s SIMM 19 Project Approval Lifecycle. The findings, research, and recommendations produced by the Cradle-to-Career working group shall be reviewed, considered and, if appropriate, satisfy these requirements.

(b) Creating, managing, procuring, securing, and maintaining the infrastructure and tools to support data contributions and to receive and process research requests in accordance with the Department of Technology’s SIMM 19 Project Approval Lifecycle. The findings, research, and recommendations produced by the Cradle-to-Career working group shall be reviewed, considered and, if appropriate, satisfy these requirements.

Adds language requiring all projects regarding the technical infrastructure of the data system are subject to the Department of Technology’s SIMM 19 Project Approval Lifecycle. The findings, research, and recommendations produced by the Cradle-to-Career working group

- Section 10867– Adds the following language to the section pertaining to the managing entity’s role in providing support of the data system [Aligns with Governor’s TBL EDC Section 10867].

(1) Supporting data requests, among other activities, including, but not limited to, all of the following:

(A) Determining if the content and the purpose of the request is sufficiently clear.

(B) Aligning the request with available data and tools and advising the requestor of other similar analyses that have been conducted using the data system.

(C) Advising the requestor on how best to access the information.

(D) Determining and advising the requestor as to whether there are any legal impediments to the request, and supporting the requestor to identify legally appropriate options.

(E) Coordinating the execution of legal agreements with data providers.

(F) Contracting with the Committee for the Protection of Human Subjects for the California Health and Human Services Agency to serve as the institutional review board regarding the use of personally identifiable information.

(G) Facilitating the timely resolution of concerns and the provision of data.

(H) Ensuring that the data request process is accessible and transparent, including making the criteria and status for requests publicly available and ensuring this information is posted in a prominent location on the data system's internet website. Data requests that are denied must be provided a rationale for the denial that is made available to requestor within 30 days of the decision to deny the request.

~~a review process for data requests on behalf of the partner entities and other data providers, including the assessment of whether the request form is fully completed, cannot be answered using the public-facing query tools, does not violate any local, state, or federal law regarding privacy, and seeks information that is available from partner entities or other data providers through the data system.~~

- Adds Section 10868 to the bill – Adds language permitting the Governing Board and the managing entity to charge a fee to compensate for excessive use of the data system. [Aligns with Governor's TBL EDC Section 10869]

10868. Notwithstanding Section 11010 of the Government Code, and the State Administrative Manual, the governing board and the managing entity may implement a data request fee policy to compensate for excessive use of the data system, to recover costs that would otherwise typically be borne by the requesting data researcher, or both. A data request fee policy implemented pursuant to this section shall be reviewed and approved by the governing board, revised periodically, and made publicly available and posted in a prominent location on the data system's internet website.

- Adds Section 10868.1 to the bill – Adds language requiring data providers to submit at least annually data points contained in the P20W data set. Provides clarifying amendments specifically about data sharing agreements [Aligns with Governor's TBL EDC Section 10871].

10868.1 (a) Data providers, as defined in Section 10851, shall submit, at least annually, the data points contained in the P20W data set, as defined in Section 10851.

(1) Source data shall be consistent with data definitions and standards adopted by the governing board. Data providers shall make every effort to ensure source data is of the highest quality before submitting the data to the managing entity for inclusion in the data system.

(2) Data sharing agreements necessary to effectuate this section shall use the IDEA/BUCP process, as defined in Section 10851, or a successor process by which state entities share data.

(b) The managing entity shall work with data providers to ensure data quality, in furtherance of subdivision (b) of Section 10867.

- Adds Section 10872 to the bill – Adds language exempting individual records from being disclosed under the California Public Records Act [Aligns with Governor’s TBL EDC Section 10872]

10872. Notwithstanding any other law, individual records contained in the data system shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

- Makes clarifying and technical amendments.

Previous Legislation. SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, enacted policy and appropriated monies as the education omnibus budget trailer bill and established the California Cradle-to-Career Data System Act.

REGISTERED SUPPORT / OPPOSITION:

Support

California Alternative Payment Program Association
California Association of Student Councils
California Chamber of Commerce
California Charter Schools Association
California Competes: Higher Education for a Strong Economy
California Edge Coalition
California Hospital Association
California State Student Association
Campaign for College Opportunity
Career Ladders Project
Coalition for Humane Immigrant Rights (CHIRLA)
Los Angeles Community College District
National Skills Coalition
Silicon Valley Leadership Group
Small Business Majority
Teach Plus - California
The Education Trust - West
The Institute for College Access and Success
Unite-LA, INC.

Opposition

None on file.

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