

**Assembly Committee on Education**  
**January 15, 2014**

**Department of Public Instruction Testimony**  
**on 2013 Assembly Bill 618**

I want to thank Chairman Kestell and members of the committee for the opportunity to testify before you today on behalf of the State Superintendent in opposition to Assembly Bill 618 (AB 618). My name is Mike Thompson and I am the Deputy State Superintendent for the Department of Public Instruction. With me today is Jeff Post, IT Customer Services Team Director to assist in answering any questions.

AB 618 has many policy implications that would make it more challenging for the state to meet both state and federal reporting requirements, ties the hands of locally elected school boards in providing services to the pupils they serve, and raises questions surrounding education reform initiatives based on research.

The bill prohibits the department from collecting information for the student information system that is not required to be submitted on the effective date of this bill. State and federal reporting requirements have changed over time and will continue to change on a regular basis as new and innovative education programs are implemented at both the state and federal levels. At the state level, this bill would make it more difficult to collect value-added information and implement new initiatives such as educator effectiveness, innovative charter schools, and the school accountability system that is currently being developed through state legislation. The state would not be able to provide any new or modified information for any of these programs. In addition, federal legislation such as ESEA, IDEA, and Carl Perkins consistently change reporting requirements when they are reauthorized. The state runs the risk of losing federal funding by being out of compliance if reauthorization includes information that is not covered when this bill is enacted.

This bill also prohibits a school district from sharing pupil records with contractors, consultants, volunteers, or other persons to whom the school board has outsourced school services or functions. School boards across the state currently contract with outside entities to provide services that cannot be performed properly without access to pupil records. Districts use contractors, consultants, or volunteers for a variety of reasons including cost savings, lack of expertise in the district, or when the need for services is not full time work.

Under this bill school boards could be prohibited from contracting for these services, resulting in potential higher costs to employ staff to perform the services, or the dropping of the services entirely.

- CESA-provided services
- Legal services

- Occupational therapy
- Physical therapy
- Student health services
- Bus service
- Food and nutrition service
- Student information system vendors
- Grade book vendors
- Library management systems
- Parent volunteers for field trips

This bill makes changes to statutes governing data sharing agreements between state agencies and public and private research organizations. This bill doesn't define personally identifiable information, which raises significant questions related to the department's ability to calculate value-added data as required for educator effectiveness and potential school accountability legislation. The department believes that the provisions in this bill related to public and private research organizations are at best unnecessary and at worst potentially harmful due to the potential impact on education reform enacted by this legislature.

Please note that in addition when conducting research, research organizations must submit their design and plan to an Institutional Review Board (IRB). IRBs follow very specific provisions and stringent protections of all state and federal privacy and human subjects' laws including FERPA (Federal privacy law).

Finally, the bill prohibits the sharing of personally identifiable information with the federal government. This is consistent with both federal law and with current practice.

The department supports transparency and the protection of personally identifiable information, but not at the expense of meeting state and federal requirements or of local school boards being able to serve their students.

At this time I would be happy to answer any questions you may have.