

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-3165/4	Introduction Number AB-0618	
Description The student information system, the disclosure of personally identifiable student data, and the disclosure of pupil records		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input checked="" type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

DPI 1/14/2014

LRB Number	13-3165/4	Introduction Number	AB-0618	Estimate Type	Original
Description The student information system, the disclosure of personally identifiable student data, and the disclosure of pupil records					

Assumptions Used in Arriving at Fiscal Estimate

1. Current state law requires a school board to disclose a pupil's records to persons employed by the school district that the pupil attends who are required to hold a license issued by the Department of Public Instruction (DPI), law enforcement officers who are individually designated by the school board and assigned to the school district, and other school district officials who have been determined by the school board to have legitimate educational interests in the records.

The federal regulations adopted under the authority of the federal Family Educational Rights and Privacy Act (FERPA) include a similar provision, but also provide that a contractor, consultant, volunteer, or other party to whom a school has outsourced school services or functions may be considered a school official under certain conditions. See 34 CFR 99.31 (a) (1).

This bill explicitly excludes from the term "school district official" in state law a contractor, consultant, volunteer, or any other person to whom a school board has outsourced school services or functions.

2. Current state law requires a school board, upon request, to provide a copy of a pupil's progress records to an adult pupil or the parent or guardian of a minor pupil. Progress records are records that include the pupil's grades, the courses he or she has taken, the pupil's attendance record, the pupil's immunization and lead screening records, and the pupil's extracurricular activities.

This bill requires a school board, upon request, to provide a copy of all of a pupil's records to an adult pupil or the parent or guardian of a minor pupil.

3. Current law directs DPI, the Board of Regents of the University of Wisconsin System, the Department of Children and Families, the Department of Workforce Development, and the Technical College System Board (and the Wisconsin Association of Independent Colleges and Universities, if it wishes to participate) to enter into a written agreement to establish and maintain a longitudinal data system of student data. Any of the specified entities may submit student data to the longitudinal data system, to another of the specified entities or to a public or private research organization to support an evaluation or study of education programs operated or supervised by one or more of the entities in order to improve student academic achievement. A specified entity may disclose personally identifiable student data, however, only if the disclosure is in connection with a data-sharing agreement that:

- Specifies the purpose, scope, and duration of the data-sharing agreement;
- Requires the recipient to use personally identifiable student data only for the purpose specified in item a.;
- Describes the specific data access, use, and security restrictions with which the recipient will comply;
- Requires that the personally identifiable student data be destroyed or returned when it is no longer needed for the purpose specified or upon expiration of the data-sharing agreement, whichever occurs first; and
- If the disclosure is to a public or private research organization, prohibits the identification of any person by individuals other than the authorized representatives of the recipient who have legitimate interests in the information.

These provisions mirror those found in the FERPA regulations. See 34 CFR 99.31 (a) (6).

This bill provides that a specified entity may provide personally identifiable student data to a public or private research organization only if the conditions described above are met and the student, if an adult, or the student's parent or guardian, if the student is a minor, consents in writing.

The bill requires a specified entity to maintain a written record of all disclosures of personally identifiable student data made to the longitudinal data system, to another entity, or to a public or private research organization.

The bill also explicitly authorizes the attorney general or any district attorney to enforce the provisions described above.

4. Current law directs DPI to develop a proposal for a multiple-vendor student information system (SIS). DPI must submit the proposal to the Joint Committee on Finance (JCF) for its approval. If JCF approves the proposal, DPI must implement it and must ensure that information about pupils enrolled in charter schools and about pupils enrolled in private schools participating in a parental choice program (PCP) is collected and maintained in the SIS. Current law also provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school is using the SIS, and that every private school participating in a PCP is either using the SIS or is using a system that is interoperable with the SIS.

This bill prohibits DPI from collecting for the SIS, from public schools, charter schools, or private schools participating in a PCP, any information that is not required to be submitted to DPI on the bill's effective date.

5. The bill directs DPI to annually post on its Internet site a comprehensive list of every distinct type of individual pupil data that it collects and the reason for collecting it.

6. The bill prohibits DPI from providing individual pupil data to an agency of the federal government.

State Fiscal Effect:

This bill prohibits the department from collecting for the student information system, from public schools, charter schools, or private schools participating in a parental choice program, any information that is not required to be submitted to the department on the bill's effective date. To the extent that the department is not able to meet changing federal reporting requirements, federal funding may be at risk. It is unknown what reporting requirements may change or what funding may be jeopardized. In 2012-13, the department received approximately \$800,000,000 in federal grants.

This bill requires the department to annually post on the department's Internet site a comprehensive list of every distinct type of pupil data that the department collects and the reason for collecting it. The cost to compile and publish this list is unknown and could be absorbed within the department's existing budgets.

This bill provides that the department may provide personally identifiable student data to a public or private research organization only if certain conditions are met and the student, if an adult, or the student's parent or guardian, if the student is a minor, consents in writing. The department will need to establish a mechanism to collect written consent from students, if an adult, or the student's parent or guardian, if the student is a minor. The cost to develop this mechanism is unknown and could not be absorbed within the department's current budget.

The bill requires the department to maintain a written record of all disclosures of personally identifiable student data made to the longitudinal data system, to another entity, or to a public or private research organization. The department will need to establish a mechanism to record all such disclosures. The cost to develop this mechanism is unknown and could not be absorbed within the department's current budget.

The overall fiscal effect on the department is indeterminate and could not be absorbed within the department's current budget.

Local Fiscal Effect:

This bill prohibits the department from collecting for the student information system, from public schools, charter schools, or private schools participating in a parental choice program, any information that is not required to be submitted to the department on the bill's effective date. To the extent that the department is not able to meet changing federal reporting requirements, federal funding for school districts may be at risk. It is unknown what reporting requirements may change or what funding may be jeopardized.

This bill requires a school board, upon request, to provide a copy of all of a pupil's records other than the pupil's behavioral records to an adult pupil or the parent or guardian of a minor pupil. This is consistent with current practice in school districts and is expected to have minimal financial impact.

This bill excludes from the definition "school district official" a contractor, consultant, volunteer, or any other person 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 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.

- 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

It is unknown how many school districts contract for these types of services and for how many hours the services are contracted for. It is also unknown how much the cost difference is for providing these services using school staff, paying a salary and benefits, as opposed to through a contractor. Further, it is unknown if individual school districts utilize these services enough to warrant a full time employee.

In the event that school districts may continue to offer these services using a district employee the cost to school districts will either increase or decrease based on the difference in cost between contractors and district employees. To the extent that school districts cease to utilize these services all together, costs to school districts will decrease.

The overall fiscal impact on school districts is indeterminate.

Long-Range Fiscal Implications