

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 776 (Kalra) – As Amended March 26, 2019

SUBJECT: Education data: pupil identifiers: childcare and development services

SUMMARY: Requires county offices of education to issue statewide unique pupil identifiers on behalf of state and federally funded childcare and development programs that are not operated by local educational agencies. Specifically, **this bill:**

- 1) Requires county offices of education (COEs) to issue and submit a unique statewide pupil identifier to the California Department of Education (CDE) on behalf of an applicant or contracting agency that is not a local education agency (LEA), and is operating a state-funded childcare and development program within that county.
- 2) States that the current requirement in law for the CDE to establish a process by which LEAs issue, maintain, and report information using the statewide pupil identifiers for state and federally funded center-based childcare and development programs under their purview, will enable COEs to fulfill the requirement in (1) above.
- 3) Clarifies the intent of the Legislature that the design and implementation of a high-quality, comprehensive, and longitudinal education data system for California will support a system of continuous learning, from birth to higher education through career, by delivering timely, reliable, user-friendly, and relevant information to schoolsite and school district leaders, county offices of education, higher education leaders, early learning providers, teachers and faculty, education program providers, policymakers, researchers, parents, pupils, and the public-at-large.

EXISTING LAW:

- 1) Establishes the Education Data and Information Act of 2008 which, among other things:
 - a) Requires the State Chief Information Officer to convene a working group representing, at a minimum, the State Board of Education (SBE), Superintendent of Public Instruction (SPI), California Community Colleges (CCC), California State University (CSU), and the University of California (UC), for the purpose of creating a strategic plan to link education data systems from all segments and to accomplish specified tasks.
 - b) Requires the CDE to establish a process by which LEAs issue, maintain, and report information using the unique statewide pupil identifiers required for state and federally funded center-based childcare and development programs under their purview.
 - c) Authorizes the CDE, CCC, CSU, UC, the Commission on Teacher Credentialing (CTC), Employment Development Department and California Student Identification System to enter into interagency agreements to facilitate the implementation of a comprehensive longitudinal P-20 statewide data system, transfer of data from one educational segment to another, and transfer of workforce data to the educational segments. (EC 10800-10807).

- 2) Establishes the California Longitudinal Pupil Achievement Data System (CALPADS) to provide a better means of evaluating educational progress and investments over time, and provide LEAs information that can be used to improve student achievement, among other things. Existing law requires LEAs to maintain a unique student identification number, as specified. (EC 60900)
- 3) Specifies that parents of currently enrolled or former pupils have an absolute right to access all pupil records related to their children that are maintained by school districts or private schools. The editing or withholding of any of those records, except as provided for in this chapter, is prohibited. Requires each school district to adopt procedures for the granting of requests by parents for copies of all pupil records, or to inspect and review records during regular school hours, within five business days following the date of the request. (EC 49069)
- 4) Requires schools, under the federal Family Educational Rights and Privacy Act (FERPA), to have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to specified parties or under specified conditions. Also requires schools to notify parents and eligible students annually of their rights under FERPA. (United States Code, Title 20, Section 1232(g), and Code of Federal Regulations, Title 34, Part 99)
- 5) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, including a full range of supervision, health, and support services through full- and part-time programs. (EC 8200 *et seq.*)
- 6) Defines "Child care and development programs" as those programs that offer a full range of services for children from infancy to 13 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:
 - a) General child care and development.
 - b) Migrant child care and development.
 - c) Child care provided by the California School Age Families Education Program.
 - d) California state preschool program.
 - e) Resource and referral.
 - f) Child care and development services for children with exceptional needs.
 - g) Family child care home education network.
 - h) Alternative payment.

- i) Schoolage community child care. (EC 8208 (i))
- 7) States the intent of the Legislature that all families have access to childcare and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in childcare and development programs. (EC 8202)

FISCAL EFFECT: Unknown

COMMENTS: *Need for the bill.* According to the author, “Assigning SSIDs to children in these programs is a first step toward supporting more aligned data across programs, ensuring unduplicated counts of children served, and increased efficiency and efficacy in program design and delivery so that localities and the state can achieve better outcomes for children and families.”

What is CALPADS? CALPADS was created to enable California to meet federal requirements of the No Child Left Behind Act of 2001. CALPADS has been operational since 2009, and functions as a central, cohesive system that maintains quality student-level data, as well as providing a vehicle that tracks individual student enrollment history and achievement data which provides reliable longitudinal information.

CALPADS is the foundation of California’s K–12 education data system, comprising student demographic, program participation, grade level, enrollment, course enrollment and completion, discipline, and statewide assessment data. The student-level, longitudinal data in CALPADS enables program evaluation, the assessment of student achievement over time, the calculation of dropout and graduation rates, and the creation of reports to meet state and federal reporting requirements. CALPADS provides LEAs with access to longitudinal data and reports on their own students, and it gives LEAs immediate access to information on new students, enabling the LEAs to place students appropriately and to determine whether any assessments are necessary.

California law requires LEAs to retain, and report to CALPADS, individual pupil and staff records, including:

- Statewide Student Identifier (SSID) data.
- Student enrollment and exit data.
- All necessary data to produce required graduation and dropout rates.
- Demographic data.
- Other data elements deemed necessary by the SPI, with approval of the SBE, to comply with the federal reporting requirements.
- LEA maintenance of individual SSIDs includes the accurate and timely reporting of demographic, program, local student enrollment and exit data to CALPADS, and the timely resolution of SSID anomalies with other LEAs.

In accordance with student data reporting requirements by state law, the district office, county office, or charter school office, maintains and submits student data to CALPADS. All CALPADS data are maintained in compliance with state and federal privacy laws, including

FERPA. Parents and legal guardians have the right to access all pupil records related to their children that are maintained by school districts. The CDE makes student data in CALPADS available for parental or legal guardian inspection through the LEA or the independently-reporting charter school in which the student is enrolled.

The CALPADS system does not currently collect data relating to children being served in any early childhood settings. The CDE's Early Learning and Care Division, which administers the early childhood programs, does not maintain any individual child-level data in their system.

Prohibition on expansion of CALPADS. Provisional language in the Annual Budget Act has, in recent years, prohibited CDE, as a condition of receiving funds to maintain the CALPADS system, from adding additional data elements to CALPADS, requiring LEAs to use the data collected through the system for any purpose, or otherwise expanding or enhancing the system beyond the data elements and functionalities identified in the most current approved Feasibility Study and Special Project Reports and the CALPADS Data Guide v4.1. It would be necessary to address this prohibition if this bill were to be enacted.

California's childcare and development system. California has a complex system of subsidized childcare and development programs. In 2018-19 these programs received a total of \$3.8 billion in state and federal funding. Providers include LEAs, community-based providers, and family child care homes. These programs include the following:

- 1) **California State Preschool Program (CSPP)** provides both part-day (at least 3 hours per day) and full-day (at least 6.5 hours per day) services to eligible three- and four-year-olds, including: developmentally appropriate curriculum, parent education, meals and snacks, and referral to social and health services for families. CSPP can be offered in various settings, including child care centers, family child care network homes, school districts, or county offices of education. Approximately two-thirds of children in State Preschool are served by LEAs, and the remaining one-third is served by community-based organizations. In the 2018-19 fiscal year, approximately 170,000 three and four-year old children were served.
- 2) **General Child Care** programs are state and federally-funded programs that use centers and family child care home networks operated or administered by either public or private agencies and local educational agencies. These agencies provide child development services for children from birth through 12 years of age and older children with exceptional needs. These programs provide an educational component that is developmentally, culturally, and linguistically appropriate for the children served. The programs also provide meals and snacks to children, parent education, referrals to health and social services for families, and staff development opportunities to employees. In 2018-19, a total of 28,000 slots were available for children in the General Child Care program.
- 3) **Alternative Payment Programs (APP)**, funded with state and federal funds, offer an array of childcare arrangements for parents, such as in-home care, family childcare, and center-based care. The APP helps families arrange child care services and makes payment for those services directly to the child care provider selected by the family. The APP is intended to increase parental choice and accommodate the individual needs of the family. There were 45,000 slots available in the AP program in 2018-19.

- 4) **CalWORKs Child Care:** recipients of the California Work Opportunity and Responsibility to Kids (CalWORKs) grant program are required to engage in work or work preparation activities. CalWORKs programs provide an array of welfare-to-work services. Child care is provided with state and federal funds in three stages. A total of 137,000 slots were available in 2018-19 within the three stages of the CalWORKs child care program.
- 5) Other programs offer childcare and development, including those serving children with exceptional needs, migrant children, and school-age children, among others.

Linking early childhood and K-12 data. A 2016 report by the Data Quality Campaign, notes that having high quality data linkages between early childhood and K–12 data systems allows states to answer questions such as the following:

- Are children, birth to age five, on track to succeed when they enter school and beyond?
- Is the state meeting its goals in ensuring that all children enter school kindergarten ready?
- Are the policies that guide early childhood education programs aligned with the policies that guide K–12 education?
- Which early childhood experiences best prepare children from different backgrounds to be successful in school and beyond, and how can they be replicated statewide?
- How effective are state policies and programs that support high-quality early childhood education in preparing students for school?

The report further notes that, “both the early childhood and K–12 sectors can benefit from high-quality data linkages. When early childhood data are securely linked with K–12 data, public schools can use information on prior experiences to help tailor curriculum and instruction for individual students. Early childhood providers can receive feedback on how well children progress after they enroll in public schools to improve services and support the success of children. At the local level, the linked data provide a common understanding of how well children transition from early childhood experiences to the classroom to help community and school leaders develop strategies for ensuring that every child in their community arrives at kindergarten ready to engage in learning.”

Governor signals interest in a longitudinal student data system. The Governor’s 2019-20 budget proposal included the following statement:

“Although local educational agencies and the public segments of higher education both collect a significant amount of student level data, the systems that house this data are not aligned to provide a clear picture of how students advance from early education programs through K-12 schools to postsecondary education and into the workforce. This is due, in part, to the fact that California's existing educational databases operate under different legal and regulatory requirements, using different data definitions, and with varying levels of user-friendliness.

To improve coordination across educational data systems and better track the impacts

of state investments on achieving educational goals, the Budget provides \$10 million one-time non-Proposition 98 General Fund to plan for and develop a longitudinal data system. This system will connect student information from early education providers, K-12 schools, higher education institutions, employers, other workforce entities, and health and human services agencies. A portion of this funding will be used for initial planning purposes. The bulk of the funding will be available for the initial stages of system implementation, once an implementation plan is adopted by the Administration and the Legislature.

Any effort to link public educational data systems must also include steps to improve the quality of the data reported. In addition to developing options for the new data system, the Budget also requires the stakeholder committee to consider data reliability and ways to improve data quality at each education segment.”

Unique identifiers for early childhood programs would contribute to a longitudinal data system. Providing unique identifiers, or SSIDs, to children in subsidized childcare and development programs under the purview of LEAs is required by current law, subject to an appropriation for this purpose. As this has not been funded to date, such identifiers do not currently exist. This bill would add to this requirement, that COEs assist with providing identifiers to children in center-based childcare programs not operated by LEAs. Again, this would be subject to available funding for this purpose.

Funding the requirement for LEAs and COEs to provide unique identifiers for children served in center-based subsidized childcare programs would be an initial step necessary in the creation of a cradle-to-career longitudinal data system, by providing the ability to link data from early childhood programs to the K-12 system and beyond. This provision would apply to programs in which the LEA or COE is providing direct service, as well as, in the case of the COEs, for other non-LEA childcare center-based programs operating in the county, if they are providing subsidized care.

Recommended amendments. The Committee recommends the bill be amended as follows:

- 1) Clarify that eligible child care programs for the purposes of assignments of SSIDs by local education agencies include, but are not limited to, those defined in subdivision (i) of Section 8208, which are under their purview.
- 2) Clarify that the programs the COE is authorized to submit SSIDs for, are those state or federally-funded child care and development programs, including but not limited to those defined in subdivision (i) of Section 8208 within that county.

Arguments in support. The Santa Clara County Office of Education (SCOE) reports that they have evidence of the benefits of linkages across the disparate early learning landscape thanks to a local pilot project led by SCOE and First 5 Santa Clara in partnership with seven local school districts, eight community-based organizations operating state-funded early learning programs, as well as local Head Start programs. This demonstration project used student information currently collected by early learning providers as part of the enrollment process to assign CALPADS SSIDs for 2,688 children ages three and four. As a result of the pilot study, they are confident that assigning SSIDs to children in state and federally funded center-based child care

and development programs and expanding CALPADS in this way provides a mechanism to support the transition between preschool and the K-12 public education system.

Arguments in opposition. The California Right to Life Committee, states that “ascertaining effectiveness of the tax dollar is one reason for this data collection, as well as analyzing educational outcomes. CRLC challenges our legislators to find waivers for this data-sharing or choose not to participate in these federal programs because of serious privacy intrusions from criminal actions. Their own lives and families are also exposed to these real dangers.”

Prior and related legislation. SB 2 (Glazer) of this Session expresses the intent of the Legislature to establish the Statewide Longitudinal Student Database to collect and store data regarding individual students as they matriculate through P–20, and into the workforce. The bill requires the convening of a review committee to advise on the establishment, implementation, funding, and ongoing administration of the database. This bill is pending before the Senate Education Committee.

AB 1466 (Irwin) of this Session, establishes a statewide student longitudinal database taskforce which must create a document setting forth the guidelines for a forthcoming database. This bill is pending before this Committee.

SB 1224 (Glazer) of the 2017-18 Session, would have required the CDE, Chancellor of the CCC, and the CSU, and requested the UC, to establish a data collection system to ensure student data is tracked from K-12 through public postsecondary education and into the workforce. This bill was held in the Senate Appropriations Committee.

SB 885 (Simitian) of the 2010-11 Session, would have authorized the CDE, UC, CSU, Chancellor of the CCCs, the CTC, the SBE, the Employment Development Department and the California School Information Services to enter into a joint powers agreement to facilitate the implementation of a comprehensive longitudinal P-20 statewide data system, as well as the transfer of educational and workforce data. SB 885 was vetoed by Governor Brown, whose veto message read: ‘This bill is unnecessary because the majority of the entities impacted by this measure have already established an interagency agreement. Should these entities choose to form a joint powers agreement in the future, they do not need additional statutory authority to do so. Whether they should or not given the current fiscal constraints -- I have my doubts.’

REGISTERED SUPPORT / OPPOSITION:

Support

Children Now
Santa Clara County Office Of Education

Oppose

California Right To Life Committee, Inc.