

CARTER FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1447

(Reference to Senate engrossed bill)

1 Page 12, between lines 2 and 3, insert:

2 "Sec. 3. Section 15-249.01, Arizona Revised Statutes, is amended to  
3 read:

4 15-249.01. Data governance commission; membership; terms;  
5 duties

6 A. The data governance commission is established in the department of  
7 education consisting of:

8 1. The chief technology managers, or the managers' designees, of each  
9 of the universities under the jurisdiction of the Arizona board of regents.

10 2. The chief technology manager, or the manager's designee, of a  
11 community college district located in a county with a population of eight  
12 hundred thousand persons or more who has expertise in technology and who is  
13 appointed by the governor.

14 3. The chief technology manager, or the manager's designee, of a  
15 community college district located in a county with a population of less than  
16 eight hundred thousand persons who has expertise in technology and who is  
17 appointed by the governor.

18 4. The chief executive officer of the Arizona early childhood  
19 development and health board or the chief executive officer's designee.

20 5. An officer or employee of a school district located in a county  
21 with a population of eight hundred thousand persons or more who has expertise  
22 in technology and who is appointed by the governor.

23 6. An officer or employee of a school district located in a county  
24 with a population of less than eight hundred thousand persons who has  
25 expertise in technology and who is appointed by the governor.

26 7. An officer or employee of a charter school located in a county with  
27 a population of eight hundred thousand persons or more who has expertise in  
28 technology and who is appointed by the president of the senate.

29 8. An officer or employee of a charter school located in a county with  
30 a population of less than eight hundred thousand persons who has expertise in

1 technology and who is appointed by the speaker of the house of  
2 representatives.

3 9. Two representatives of the business community, one of whom is  
4 appointed by the president of the senate and one of whom is appointed by the  
5 speaker of the house of representatives.

6 10. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION OR THE DIRECTOR'S  
7 DESIGNEE.

8 ~~10.~~ 11. The superintendent of public instruction or the  
9 superintendent's designee.

10 B. The initial appointed members shall assign themselves by lot to  
11 terms of two, three and four years in office. All subsequent appointed  
12 members of the commission shall serve four year terms. The chairperson shall  
13 notify the governor, the speaker of the house of representatives and the  
14 president of the senate on appointments of these terms. Members of the  
15 commission shall elect a chairperson from among the members of the  
16 commission. Members of the commission shall not receive compensation. The  
17 department of education shall provide adequate staff support for the  
18 commission.

19 C. The commission shall identify, examine and evaluate the needs of  
20 public institutions ~~who~~ THAT provide instruction to pupils in preschool  
21 PROGRAMS, kindergarten PROGRAMS, grades one through twelve and postsecondary  
22 programs in Arizona and shall:

23 1. Establish guidelines related to the following:

- 24 (a) Managed data access.
- 25 (b) Technology.
- 26 (c) Privacy and security.
- 27 (d) Adequacy of training.
- 28 (e) Adequacy of data model implementation.
- 29 (f) Prioritization of funding opportunities.
- 30 (g) Resolution of data conflicts.

31 (h) THE FORM AND FORMAT OF DATA ELEMENTS THAT ARE REQUIRED FOR STATE  
32 AND FEDERAL REPORTING AND INTERAGENCY DATA SHARING.

1           2. Provide recommendations on technology spending.

2           3. Provide analyses and recommendations of the following:

3           (a) The control of data confidentiality and data security for stored  
4 data and data in transmission.

5           (b) Access privileges and access management.

6           (c) Data audit management, including data quality metrics, sanctions  
7 and incentives for data quality improvement.

8           (d) Data standards for stored data and data in transmission, including  
9 rules for definition, format, source, provenance, element level and  
10 contextual integrity.

11           (e) Documentation standards for data elements and systems components.

12           (f) Data archival and retrieval management systems, including change  
13 control and change tracking.

14           (g) Publication of standard and ad hoc reports for state and local  
15 level use on student achievement.

16           (h) Publication of implementation timelines and progress.

17           4. ENSURE THAT THE GUIDELINES AND RECOMMENDATIONS ADOPTED PURSUANT TO  
18 THIS SUBSECTION REDUCE DUPLICATION AND ADMINISTRATIVE REQUIREMENTS FOR PUBLIC  
19 SCHOOLS, POSTSECONDARY INSTITUTIONS AND PUBLIC AGENCIES.

20           ~~4.~~ 5. Submit an annual report on or before December 1 regarding the  
21 commission's activities to the governor, the speaker of the house of  
22 representatives and the president of the senate. The data governance  
23 commission shall provide copies of this report to the secretary of state.

24 Renumber to conform

25 Page 20, between lines 10 and 11, insert:

26           Sec. 6. Section 15-828, Arizona Revised Statutes, is amended to read:  
27           15-828. Birth certificate; school records; exception

28           A. On enrollment of a pupil for the first time in a particular school  
29 district or private school offering instruction to pupils in any kindergarten  
30 programs or grades one through twelve, that school or school district shall  
31 notify the person enrolling the pupil in writing that within thirty days the  
32 person must provide one of the following:

1           1. A certified copy of the pupil's birth certificate.

2           2. Other reliable proof of the pupil's identity and age, including the  
3 pupil's baptismal certificate, an application for a social security number or  
4 original school registration records and an affidavit explaining the  
5 inability to provide a copy of the birth certificate.

6           3. A letter from the authorized representative of an agency having  
7 custody of the pupil pursuant to title 8, chapter 2 certifying that the pupil  
8 has been placed in the custody of the agency as prescribed by law.

9           B. If a child is instructed at home pursuant to section 15-802, the  
10 person who has custody of the child shall, within thirty days after the home  
11 instruction begins, provide to the county school superintendent of the county  
12 in which the child resides one of the following:

13           1. A certified copy of the child's birth certificate.

14           2. Other reliable proof of the child's identity and age, including the  
15 child's baptismal certificate, an application for a social security number or  
16 original school registration records and an affidavit explaining the  
17 inability to provide a copy of the birth certificate.

18           3. A letter from the authorized representative of an agency having  
19 custody of the pupil pursuant to title 8, chapter 2 certifying that the pupil  
20 has been placed in the custody of the agency as prescribed by law.

21           C. On presentation of a document pursuant to this section, a photocopy  
22 of the document shall be placed in the pupil's file and the document that is  
23 presented shall be returned.

24           D. A PUPIL SHALL BE ENROLLED IN THE SCHOOL OR SCHOOL DISTRICT, OR THE  
25 COUNTY SCHOOL SUPERINTENDENT SHALL RECORD THE PUPIL'S NAME, USING THE NAME  
26 THAT IS PRINTED ON THE BIRTH CERTIFICATE, OTHER RELIABLE PROOF OF THE PUPIL'S  
27 IDENTITY, OR LETTER FROM AN AGENCY HAVING CUSTODY OF THE PUPIL PROVIDED  
28 PURSUANT TO THIS SECTION. THIS SUBSECTION DOES NOT PROHIBIT A SCHOOL OR  
29 SCHOOL DISTRICT FROM CALLING A PUPIL BY ANY NAME THE PUPIL'S PARENT OR  
30 GUARDIAN WISHES THE PUPIL TO BE CALLED.

31           ~~D.~~ E. On the failure of a person enrolling a pupil or instructing a  
32 child at home to comply with subsection A or B of this section, the school,

1 school district or county school superintendent shall notify that person in  
2 writing that, unless the person complies within ten days, the case shall be  
3 referred to the local law enforcement agency for investigation. If  
4 compliance is not obtained within the ten day period, the school, school  
5 district or county school superintendent shall refer the case to the local  
6 law enforcement agency.

7 ~~F.~~ F. The school, school district or county school superintendent  
8 shall immediately report to the local law enforcement agency any affidavit  
9 received pursuant to this section which appears inaccurate or suspicious in  
10 form or content.

11 ~~F.~~ G. Within five school days after enrolling a transfer pupil from a  
12 private school or another school district, a school shall request directly  
13 from the pupil's previous school a certified copy of the pupil's record. The  
14 requesting school shall exercise due diligence in obtaining the copy of the  
15 record requested. Notwithstanding any financial debt owed by the pupil, any  
16 school requested to forward a copy of a transferring pupil's record to the  
17 new school shall comply and forward the record within ten school days after  
18 receipt of the request unless the record has been flagged pursuant to section  
19 15-829. If the record has been flagged, the requested school shall not  
20 forward the copy and shall notify the local law enforcement agency of the  
21 request. School districts shall include in the educational records required  
22 by this subsection data collected pursuant to sections 15-741 and 15-766, as  
23 prescribed by the state board of education.

24 ~~G.~~ H. Any disclosure of educational records by the school district or  
25 charter school shall comply with the family educational rights and privacy  
26 act of 1974 (20 United States Code section 1232g).

27 ~~H.~~ I. The provisions of this section do not apply to homeless pupils  
28 as defined in section 15-824, subsection C.

29 Renumber to conform

1 Page 45, between lines 36 and 37, insert:

2 "Sec. 14. Section 15-1041, Arizona Revised Statutes, is amended to  
3 read:

4 15-1041. Student accountability information system

5 The student accountability information system is established to enable  
6 school districts, JOINT TECHNICAL EDUCATION DISTRICTS and charter schools to  
7 transmit student level data and school finance data electronically through  
8 the internet to the department of education for the purposes of complying  
9 with the statutory obligations of the department of education and the state  
10 board of education.

11 Sec. 15. Section 15-1042, Arizona Revised Statutes, is amended to  
12 read:

13 15-1042. Timeline; student level data; definition

14 A. The department of education shall notify school districts, JOINT  
15 TECHNICAL EDUCATION DISTRICTS and charter schools of electronic data  
16 submission procedures and shall distribute a list of the specific student  
17 level data elements, INCLUDING THE STATUTORY OR REGULATORY REFERENCE FOR EACH  
18 DATA ELEMENT, that school districts, JOINT TECHNICAL EDUCATION DISTRICTS and  
19 charter schools are required to submit. The department of education shall  
20 not make any changes to the student level data elements to be collected  
21 UNLESS THE STUDENT LEVEL DATA ELEMENT HAS BEEN REVIEWED AND ADOPTED BY THE  
22 DATA GOVERNANCE COMMISSION ESTABLISHED BY SECTION 15-249.01. ~~except for the~~  
23 ~~following:~~

24 ~~1. Student attendance data for a joint technical education district,~~  
25 ~~including entry date and exit date, for classes that count towards the~~  
26 ~~student's graduation requirements as provided for in section 15-701.01.~~

27 ~~2. Student attendance data for a community college, unless the college~~  
28 ~~is owned, operated or chartered by an Indian tribe, including entry date and~~  
29 ~~exit date, for classes that count towards the student's graduation~~  
30 ~~requirements as provided for in section 15-701.01.~~

31 B. Each school district, JOINT TECHNICAL EDUCATION DISTRICT and  
32 charter school shall submit electronic data on a school by school basis,

1 including student level data, to the department of education in order for the  
2 school district, JOINT TECHNICAL EDUCATION DISTRICT or charter school to  
3 receive monies for the cost of educating students pursuant to this title.

4 C. The department of education shall grant a school district, JOINT  
5 TECHNICAL EDUCATION DISTRICT or charter school an extension to the deadline  
6 for the submission of student level data or may provide for an alternative  
7 method for the submission of student level data if the school district, JOINT  
8 TECHNICAL EDUCATION DISTRICT or charter school proves that good cause exists  
9 for the extension, and the school district, JOINT TECHNICAL EDUCATION  
10 DISTRICT or charter school shall continue to receive monies for the cost of  
11 educating students pursuant to this title. The request ~~by a school district  
12 or charter school~~ for an extension of the deadline for the submission of  
13 student level data PURSUANT TO THIS SUBSECTION shall include a justification  
14 for the extension and the status of current efforts towards complying with  
15 the submission of student level data.

16 D. A pupil or the parent or guardian of a pupil shall not be required  
17 to submit data that does not relate to the provision of educational services  
18 or assistance to the pupil.

19 ~~E. Each student level data element shall include a statutory reference  
20 to the law that necessitates its collection.~~

21 ~~F.~~ E. Unless otherwise prescribed, school districts, JOINT TECHNICAL  
22 EDUCATION DISTRICTS and charter schools shall begin to report new data  
23 elements on July 1 of the year that follows the effective date of the law  
24 that requires the collection of the data.

25 ~~G.~~ F. Student level data items submitted to the department of  
26 education by school districts, JOINT TECHNICAL EDUCATION DISTRICTS AND  
27 CHARTER SCHOOLS pursuant to this section shall not be used to adjust funding  
28 levels or calculate the average daily membership for the purpose of funding  
29 school districts at any time other than the fortieth, one hundredth and two  
30 hundredth days of the school year.

1           ~~H.~~ G. A school district, JOINT TECHNICAL EDUCATION DISTRICT or  
2 charter school is not required to submit student level data to the department  
3 of education more often than once every twenty school days.

4           ~~I.~~ H. Notwithstanding subsection ~~L~~ J of this section, the student  
5 level data shall include reasons for the withdrawal if reasons are provided  
6 by the withdrawing pupil or the pupil's parent or guardian. For the purposes  
7 of this subsection, the department of education shall include in the specific  
8 student level data elements that school districts, JOINT TECHNICAL EDUCATION  
9 DISTRICTS and charter schools are required to submit data relating to  
10 students who withdraw from school because the student is pregnant or because  
11 the student is the biological parent of a child.

12           ~~J. The department of education shall adopt guidelines to remove~~  
13 ~~outdated student level data collected by school districts and charter schools~~  
14 ~~from the student accountability information system.~~

15           ~~K.~~ I. All student level data collected pursuant to this section is  
16 confidential and is not a public record. The data collected may be used for  
17 aggregate research and reporting AND FOR PROVIDING ACCESS OF STUDENT LEVEL  
18 DATA TO SCHOOL DISTRICTS, JOINT TECHNICAL EDUCATION DISTRICTS, CHARTER  
19 SCHOOLS, COMMUNITY COLLEGES AND UNIVERSITIES UNDER THE JURISDICTION OF THE  
20 ARIZONA BOARD OF REGENTS.

21           ~~L.~~ J. For the purposes of this section, "student level data" means  
22 all data elements that are compiled and submitted for each student in this  
23 state and that are necessary for the completion of the statutory requirements  
24 of the department of education and the state board of education relating to  
25 the calculation of funding for public education, the determination of student  
26 academic progress as measured by student testing programs in this state,  
27 state and federal reporting requirements and other duties prescribed to the  
28 department of education or the state board of education by law. Student  
29 level data does not include data elements related to student behavior,  
30 discipline, criminal history, medical history, religious affiliation,  
31 personal physical descriptors or family information not authorized by the  
32 parent or guardian of the pupil OR OTHERWISE REQUIRED BY LAW.



1           Sec. 16. Section 15-1043, Arizona Revised Statutes, is amended to  
2 read:

3 15-1043. Student level data: confidentiality

4           A. Any disclosure of educational records compiled by the department of  
5 education pursuant to this article shall comply with the family educational  
6 RIGHTS and privacy ~~rights~~ act (20 United States Code section 1232g).

7           B. Student level data ~~is the property of the school district or~~  
8 ~~charter school and~~ may not be updated unless the change is authorized by the  
9 school district, JOINT TECHNICAL EDUCATION DISTRICT or charter school.

10           C. THE DEPARTMENT OF EDUCATION SHALL ADOPT POLICIES AND PROCEDURES TO  
11 ALLOW ACCESS OF STUDENT LEVEL DATA FOR CURRENTLY ENROLLED STUDENTS TO SCHOOL  
12 DISTRICTS, JOINT TECHNICAL EDUCATION DISTRICTS AND CHARTER SCHOOLS."

13 Renumber to conform

14 Amend title to conform

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HEATHER CARTER

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