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AB-2723 The California Cradle-to-Career Data System Act. (2023-2024)

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Assembly Bill No. 2723

CHAPTER 736

An act to amend Sections 10860, 10861, 10863, 10864, 10866, and 10870 of, and to repeal and add Article 1 (commencing with Section 10850) of Chapter 8.5 of Part 7 of Division 1 of Title 1 of, the Education Code, relating to education data, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2723, Irwin. The California Cradle-to-Career Data System Act.

Under existing law, the California Cradle-to-Career Data System is established to be a source for actionable data and research on education, economic, and health outcomes for individuals, families, and communities, and is established to provide for expanded access to tools and services that support the navigation of the education-to-employment pipeline. Under existing law, the California Cradle-to-Career Data System Workgroup is established to assess and recommend data system structural components, processes, and options for expansion and enhancement of data system functionality and to advise ongoing efforts to develop, administer, and enhance the data system. Under existing law, a governing board is established to govern the data system.

This bill would dissolve the workgroup.

Existing law defines a data set to be adopted by the governing board and approximates the size of that data set to be 160 data points.

This bill would remove that approximation.

Existing law designates all institutions represented on the governing board as data providers, with the exception of the Association of Independent California Colleges and Universities and the members of the public appointed by the Legislature.

This bill would specifically identify which institutions and persons represented on the governing board are designated as data providers, and which are not. The bill would add the Senate and Assembly representatives and the Chief Operations Officer of California School Information Services to the list of institutions and persons represented on the board not designated as data providers.

Existing law, the Information Practices Act of 1977, gives to an individual certain rights with respect to personal information, as defined, about that individual that is maintained by certain state public entities.

This bill would, among other things, prohibit individuals from having the right to inquire about, to be notified about, to inspect, or to request to amend personal information in records maintained in the data system, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 1 (commencing with Section 10850) of Chapter 8.5 of Part 7 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Article 1 (commencing with Section 10850) is added to Chapter 8.5 of Part 7 of Division 1 of Title 1 of the Education Code, to read:

Article 1. Cradle-to-Career Data System Workgroup

10850. This chapter shall be known, and may be cited, as the California Cradle-to-Career Data System Act.

10851. The California Cradle-to-Career Data System Workgroup created pursuant to former Section 10853, as it read on January 1, 2024, is hereby dissolved.

SEC. 3. Section 10860 of the Education Code is amended to read:

10860. (a) There is hereby established in state government the California Cradle-to-Career Data System for the purpose of connecting individuals and organizations to trusted information and resources. The data system shall be considered a source for actionable data and research on education, economic, and health outcomes for individuals, families, and communities, and provide for expanded access to tools and services that support the navigation of the education-to-employment pipeline.

(b) (1) The data system shall be used to provide access to data and information necessary to provide insights into critical milestones in the education-to-employment pipeline, including insight regarding early learning and care to grade 12, inclusive, and into higher education, skills training opportunities, and employment to better enable individuals to maximize their educational and career opportunities, and to foster evidence-based decisionmaking to help the state build a more equitable future.

(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.

(c) The data system shall do all of the following:

(1) Enable the linkage, management, and monitoring of information on student progress through education, workforce training, employment, health, and social services.

(2) Ensure that information contained, and available through, the data system is kept secure and that individual privacy is protected.

(3) Provide for access to actionable data on education, economic, and health outcomes for use by individuals, students, families, and communities to, among other things, illustrate inequities in opportunities and outcomes.

(4) Provide support for professional development opportunities to further policy making and to improve the functionality of the system by end users, including state agencies, schools, colleges and universities, social service providers, and students and families.

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

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

(7) Support the creation of user-facing tools and services, and access to information necessary to do all 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) Enable the streamlining and administration of college application processes and student financial aid programs.

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

(d) At all times, the data system shall act in furtherance of the public good and shall be held accountable thereto.

(e) The planning of the data system shall be subject to the Project Approval Lifecycle of the Department of Technology, pursuant to Section 4819.35 of the State Administrative Manual and all other relevant sections. The development and implementation of the data system shall be subject to the reporting and oversight requirements of the Department of Technology, pursuant to Section 4819.36 of the State Administrative Manual and all other relevant sections. The planning, development, and implementation of any additions to, or revisions of, the data system shall also be subject to these requirements.

(f) At all times, the data system shall comply with federal and state laws to protect individual privacy, including, but not necessarily limited to, all of the following:

(1) The federal Family Education Rights and Privacy Act of 1974 (Public Law 93-280, as amended).

(2) The federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, as amended).

(3) The federal Higher Education Act of 1965 (Public Law 89-329, as amended).

(4) The federal Privacy Act of 1974 (Public Law 93-579, as amended).

(g) Any data maintained under this article that meets the definition of personal information, as defined in Section 1798.3 of the Civil Code, shall not be used or disclosed except for purposes consistent with this article. Whether or not it is protected under applicable federal or state law, personal information managed under this article shall be deidentified before being released to the public.

(h) (1) All of the following rights in the 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) do not apply to records or source data from the P20W data set that are maintained under this article:

(A) The individual right to inquire and be notified as to whether the data system maintains a record about that individual, as provided in Section 1798.32 of the Civil Code.

(B) The individual right to inspect personal information in any record maintained in the data system, as provided in Section 1798.34 of the Civil Code.

(C) The individual right to request to amend any record maintained in the data system, as provided in Section 1798.35 of the Civil Code.

(2) In the event of a "security incident," as defined in the participation agreement, the managing entity shall comply with the requirements of Section 1798.29 of the Civil Code.

(3) This subdivision does not affect an individual's right to request to amend a record maintained by a data provider of record. To assist individuals who wish to exercise such rights, as applicable, the managing entity shall include on its internet website, a link to the contact information of a data provider's privacy officer and, when applicable, a link to the relevant privacy web form maintained by the data provider.

SEC. 4. Section 10861 of the Education Code is amended to read:

10861. For purposes of this article, the following definitions apply:

(a) "Advisory boards" means the advisory boards established pursuant to Section 10865.

(b) "A–G coursework" means the 15-unit pattern of courses across seven subject areas that pupils must complete during high school to meet minimum eligibility requirements for admission to the California State University or the University of California.

(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) "California College Guidance Initiative" (CCGI) means the public-nonprofit partnership of Student Friendly Services, established pursuant to Item 6100-172-0001 of the annual Budget Act, authorized by Section 60900.5, and administered by the Foundation for California Community Colleges established pursuant to Section 72670.5, or a successor agent.

(e) "Data providers" means entities that submit the individual, educational, academic, training, employment, social service, health, and other information used to create the data system.

(f) "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.

(g) "Data system" means the Cradle-to-Career Data System established pursuant to this chapter.

(h) "eTranscript California" means an electronic transcript service administered by the California Community Colleges, or a successor agent.

(i) "Governing board" means the governing board established pursuant to Section 10864 that is subject to Sections 10865 and 10866.

(j) "Managing entity" means the office created in Section 10862 that is responsible for Section 10867.

(k) "Operational tools" means the publicly supported educator-, student-, and parent-facing tools that use student-specific data to support college planning and education transitions, including, but not limited to, the CCGI and eTranscript California. All tools under this definition shall comply with the student privacy provisions of Section 49073.1. Pursuant to subdivision (d) of Section 10870, a local educational agency shall not be required to enter into a contract with a provider of publicly supported "operational tools" as defined in this subdivision.

(l) "Participation agreement" means the legal framework used by the state to establish the conditions under which data may be shared and used, and may include the use of a master data exchange agreement or other agreements between partner entities, data providers, and the managing entity.

(m) "P20W data set" means the data set adopted by the governing board and requested from the data providers, including, but not limited to, the data points described in the report to the Department of Finance and the Legislature required by subdivision (a) of former Section 10856, as it read on January 1, 2024, and as adjusted by the governing board. The governing board may add or remove requested data points based on changes in the usage of the element. As required by the 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 the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), data providers shall retain sole control over their source data and may reject, add, or remove data elements contributed to the P20W data set, as reflected in its participation agreement with the managing entity.

SEC. 5. Section 10863 of the Education Code is amended to read:

10863. In fulfilling their roles, all governing board members, advisory board members, and managing entity employees shall do all of the following:

(a) Prioritize the needs of students and families.

(b) Comply with federal and state laws to protect individual privacy, including, but not necessarily limited to, all of the following:

(1) The federal Family Educational Rights and Privacy Act of 1974 (Public Law 93-280, as amended).

(2) The federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, as amended).

(3) The federal Higher Education Act of 1965 (Public Law 89-329, as amended).

(4) The federal Privacy Act of 1974 (Public Law 93-579, as amended).

(c) Consider and respond to stakeholder input.

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

(e) 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.

SEC. 6. Section 10864 of the Education Code is amended to read:

10864. (a) The data system shall be governed by a governing board composed of the following 21 members:

- (1) The Superintendent of Public Instruction or the Superintendent's designee.
- (2) The Chancellor of the California Community Colleges or the chancellor's designee.
- (3) The Chancellor of the California State University or the chancellor's designee.
- (4) The President of the University of California or the president's designee.
- (5) The President of the Association of Independent California Colleges and Universities or the president's designee.
- (6) The Chief of the Bureau for Private Postsecondary Education or the chief's designee.
- (7) The Executive Director of the Student Aid Commission or the executive director's designee.
- (8) The Executive Director of the Commission on Teacher Credentialing or the executive director's designee.
- (9) The Secretary of California Health and Human Services or the secretary's designee.
- (10) The Secretary of Labor and Workforce Development or the secretary's designee.
- (11) Four public members, to be appointed by the Governor, as follows:
 - (A) Two elementary and secondary education practitioners to serve as a representative of elementary and secondary educators, counselors, and administrators.
 - (B) Two members of the public who meet the requirements of paragraph (1) of subdivision (c).
- (12) Four members of the public, to be appointed by the Legislature, as follows:
 - (A) Two members of the public to be appointed by the Speaker of the Assembly.
 - (B) Two members of the public to be appointed by the President Pro Tempore of the Senate.
- (13) One Senator appointed by the President Pro Tempore of the Senate, or the Senator's designee.
- (14) One Assembly Member appointed by the Speaker of the Assembly or the Assembly Member's designee.
- (15) The Chief Operations Officer of California School Information Services.

(b) A designee serving at the pleasure of a governing board described in paragraphs (1) to (10), inclusive, of subdivision (a) shall be qualified and authorized to make decisions on behalf of the appointed member.

(c) All of the following shall apply to the public member appointments made pursuant to paragraphs (11) and (12) of subdivision (a):

- (1) It is the intent of the Legislature that, in appointing members, the appointing authority shall make every effort to ensure the membership of the governing board is reflective of the cultural, racial, geographical, economic, and social diversity of California, taking into consideration factors including, but not limited to, diversity in data user experience, diversity in expertise with educational data, diversity in professional experience, and representation from different geographical and socioeconomic backgrounds.
- (2) The public members shall represent the public beneficiaries of the data system, including, but not limited to, practitioners, families, students, adult learners and workers, community organizations, research organizations, or advocates.
- (3) A public member shall serve a term of no more than three years, and shall not serve more than two consecutive terms or more than six years.
- (4) The public members shall have staggered terms.
- (5) For the first appointment of public members to the governing board only, to create staggered terms, the terms of those members shall be as follows:

(A) The terms of the public members appointed pursuant to subparagraph (A) of paragraph (11) of subdivision (a) shall be for three years.

(B) The terms of the public members appointed pursuant to subparagraph (B) of paragraph (11) of subdivision (a) shall be for one year.

(C) The terms of the public members appointed pursuant to paragraph (12) of subdivision (a) shall be for two years.

(d) Notwithstanding subdivisions (b) and (c), the governing board may expand membership on the governing board to include new data contributors and ex officio governing board members.

(e) (1) Institutions and persons represented on the governing board pursuant to paragraphs (1) to (4), inclusive, and paragraphs (6) to (10), inclusive, of subdivision (a) shall be data providers.

(2) Institutions and persons on the governing board described in paragraphs (5) and (11) to (15), inclusive, of subdivision (a) are not data providers.

(f) 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).

SEC. 7. Section 10866 of the Education Code is amended to read:

10866. (a) 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.

(b) The governing board shall be responsible for, in consultation with the advisory boards, 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 and technical assistance.

(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 maintained data set, beyond the P20W data set, by doing both of the following:

(A) Approving additional data providers.

(B) Requesting additional data points from data providers, in the context of data quality, legal concerns, costs, and preserving the neutrality of the data system. The governing board shall not require a data provider to collect data that the data provider is not legally allowed, under other applicable laws, to collect.

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

(6) Creating, and revising from time to time, in consultation with the advisory boards, 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 10861.

(c) (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 10861.

(d) The governing board shall provide oversight of the data system and operational direction to the managing entity to ensure the data system is serving its intended purpose. This may include, but is not limited to, all of the following activities:

- (1) Adopting an annual strategic plan and reviewing and revising that plan as needed.
- (2) Approving budget requests for inclusion in the governing board's annual budget request.
- (3) Ensuring continued use of a user-centered design approach by the managing entity.
- (4) Reviewing and approving all of the following:
 - (A) End user professional development, and technical assistance and communications plans, as developed by the managing entity.
 - (B) An operational tools implementation plan, as developed by the managing entity.
 - (C) Recommendations for topics to be included in reports to provide a neutral summary of information available in the data system.
 - (D) Significant content changes to the analytical tools, such as dashboard visualizations and query builder data points.
- (5) Conducting data quality audits.
- (6) Providing for other audits and evaluations.
- (7) Adopting rules and exercising authority to promulgate regulations, including emergency regulations.
- (8) Any other activities necessary to further the intent of this chapter.
- (9) 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.

(e) For purposes of compliance with the federal Family Educational Rights and Privacy Act of 1974 (Public Law 93-380, as amended), the governing board shall be designated as a state educational authority for purposes of ensuring privacy and effective use of the data system consistent with the purposes of this chapter.

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

SEC. 8. Section 10870 of the Education Code is amended to read:

10870. (a) This section is intended to reduce redundancy, improve efficiency and transparency, and provide students, parents, and counselors with an easy to use, and simple to understand, one-stop automated process to provide all of the following:

- (1) Clear, concise, and consistent messaging and tools to increase and monitor student readiness for college admission and attendance.
- (2) A single point of entry to submit California college and university applications and applications for student financial aid, including the Free Application for Student Financial Aid and the California Dream Act Application.
- (3) Other technological efficiencies that shift the burden away from students and families and to the institutions serving them.

(b) Operational tools, as defined by Section 10861, shall be provided by the data system for use by both of the following:

- (1) Public schools offering any of grades 6 to 12, inclusive, to facilitate college readiness and transition.
- (2) Institutions of higher education in the state, to facilitate streamlined application, admissions, assessments, and placements.

(c) The requirements of subdivision (a) shall be phased in by July 27, 2026, based on a timeline to be developed by the governing board pursuant to subdivision (d) of Section 10866.

(d) Notwithstanding Section 49073.1, a local educational agency shall not be required to issue a formal contract with a provider of operational tools, as defined in Section 10861.

SEC. 9. The Legislature finds and declares that Section 3 of this act, which amends Section 10860 of the Education Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies

within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Given the alternate mechanism for amending records in paragraph (3) of subdivision (h) of Section 10860 of the Education Code, as provided in Section 3 of this act, and given the privacy interests in the information to be maintained in this database, the limitations on public access to information provided in paragraph (1) of subdivision (h) of Section 10860 of the Education Code, as provided in Section 3 of this act, are de minimus and serve the valuable purposes of avoiding undue expenditure of public resources to create duplicative channels for accessing and amending personal information and of protecting private personal information.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that the California Cradle-to-Career Data System is a source for actionable data and research on education, economic, and health outcomes for individuals, families, and communities, and provides for expanded access to tools and services that support the navigation of the education-to-employment pipeline, it is necessary for this act to take effect immediately.