



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6092

Introduced 2/11/2010, by Rep. Kevin A. McCarthy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 13/20  
105 ILCS 13/25

Amends the P-20 Longitudinal Education Data System Act. Provides that beginning on July 1, 2012, the Board of Higher Education is authorized to collect and maintain data from any non-public institution of higher learning enrolling one or more students receiving Monetary Award Program grants and any non-public institution of higher learning that confers graduate and professional degrees, pursuant to specified provisions of the Higher Education Student Assistance Act, and disclose this data to the longitudinal data system for the purposes set forth in the P-20 Longitudinal Education Data System Act. Provides that the State shall provide adequate appropriations to support the development of a consortium of data submitting institutions and that the July 1, 2012 deadline for non-public institution participation in a consortium may be extended up 2 years, pending State appropriations to support the development of the consortium. Provides that data that has been submitted to the Board of Higher Education by a consortium of non-public colleges and universities is prohibited from being included in any interstate data-sharing agreements with other states unless consortium participants agree to allow interstate data sharing. Provides that any non-public, non-profit college may prohibit its data from being shared with any other state. Provides that any non-public, non-profit college may prohibit its data from being included in any interstate data-sharing agreement. Effective immediately.

LRB096 20792 MJR 36546 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The P-20 Longitudinal Education Data System Act  
5 is amended by changing Sections 20 and 25 as follows:

6 (105 ILCS 13/20)

7 Sec. 20. Collection and maintenance of data.

8 (a) The State Board is authorized to collect and maintain  
9 data from school districts, schools, and early learning  
10 programs and disclose this data to the longitudinal data system  
11 for the purposes set forth in this Act. The State Board shall  
12 collect data from charter schools with more than one campus in  
13 a manner that can be disaggregated by campus site. The State  
14 Board may also disclose data to the longitudinal data system  
15 that the State Board is otherwise authorized by law to collect  
16 and maintain.

17 On or before July 1, 2010, the State Board shall establish  
18 procedures through which State-recognized, non-public schools  
19 may elect to participate in the longitudinal data system by  
20 disclosing data to the State Board for one or more of the  
21 purposes set forth in this Act.

22 Subject to the availability of funding through  
23 appropriations made specifically for the purposes of this Act,

1 the State Board shall establish or contract for the  
2 establishment of a technical support and training system to  
3 assist school districts, schools, and early learning programs  
4 with data submission, use, and analysis.

5 (b) The Community College Board is authorized to collect  
6 and maintain data from community college districts and disclose  
7 this data to the longitudinal data system for the purposes set  
8 forth in this Act. The Community College Board may also  
9 disclose data to the longitudinal data system that the  
10 Community College Board is otherwise authorized by law to  
11 collect and maintain.

12 Subject to the availability of funding through  
13 appropriations made specifically for the purposes of this Act,  
14 the Community College Board shall establish or contract for the  
15 establishment of a technical support and training system to  
16 assist community colleges with data submission, use, and  
17 analysis.

18 (c) The Board of Higher Education is authorized to collect  
19 and maintain data from any public institution of higher  
20 learning, other than community colleges, and disclose this data  
21 to the longitudinal data system for the purposes set forth in  
22 this Act. The Board of Higher Education may also disclose data  
23 to the longitudinal data system that the Board of Higher  
24 Education is otherwise authorized by law to collect and  
25 maintain.

26 Beginning on July 1, 2012, the Board of Higher Education is

1 authorized to collect and maintain data from any non-public  
2 institution of higher learning enrolling one or more students  
3 receiving Monetary Award Program grants and any non-public  
4 institution of higher learning that confers graduate and  
5 professional degrees, pursuant to Section 35 of the Higher  
6 Education Student Assistance Act, and disclose this data to the  
7 longitudinal data system for the purposes set forth in this  
8 Act. Prior to July 1, 2012, any non-public institution of  
9 higher learning may elect to participate in the longitudinal  
10 data system by disclosing data for one or more of the purposes  
11 set forth in this Act to the Board of Higher Education or to a  
12 consortium that has contracted with the Board of Higher  
13 Education pursuant to this subsection (c). The State shall  
14 provide adequate appropriations to support the development of a  
15 consortium of data submitting institutions. The July 1, 2012  
16 deadline for non-public institution participation in a  
17 consortium may be extended up 2 years, pending State  
18 appropriations to support the development of the consortium.

19 The Board of Higher Education may contract with one or more  
20 voluntary consortiums of non-public institutions of higher  
21 learning established for the purpose of data sharing, research,  
22 and analysis. The contract may allow the consortium to collect  
23 data from participating institutions on behalf of the Board of  
24 Higher Education. The contract may provide for consultation  
25 with a representative committee of participating institutions  
26 and a representative of one or more organizations representing

1 the participating institutions prior to the use of data from  
2 the consortium for a data sharing arrangement entered into with  
3 any party other than a State Education Authority pursuant to  
4 Section 25 of this Act. The contract may further provide that  
5 individual institutions of higher learning shall have the right  
6 to opt out of specific uses of their data or portions thereof  
7 for reasons specified in the contract. Student-level data  
8 submitted by each institution of higher learning participating  
9 in a consortium that has contracted with the Board of Higher  
10 Education pursuant to this paragraph shall remain the property  
11 of that institution. Upon notice to the consortium and the  
12 Board of Higher Education, any non-public institution of higher  
13 learning shall have the right to remove its data from the  
14 consortium if the institution has reasonable cause to believe  
15 that there is a threat to the security of its data or its data  
16 is used in a manner that violates the terms of the contract  
17 between the consortium and the Board of Higher Education. In  
18 the event data is removed from a consortium pursuant to the  
19 preceding sentence, the data must be returned by the  
20 institution to the consortium after the basis for removal has  
21 been corrected. The data submitted from the consortium to the  
22 Board of Higher Education must be used only for agreed-upon  
23 purposes, as stated in the terms of the contract between the  
24 consortium and the Board of Higher Education. Non-public  
25 institutions of higher learning submitting student-level data  
26 to a consortium that has contracted with the Board of Higher

1 Education pursuant to this paragraph shall not be required to  
2 submit student-level data to the Board of Higher Education.

3 Subject to the availability of funding through  
4 appropriations made specifically for the purposes of this Act,  
5 the Board of Higher Education shall establish or contract for  
6 the establishment of a technical support and training system to  
7 assist institutions of higher learning, other than community  
8 colleges, with data submission, use, and analysis. The Board of  
9 Higher Education may make available grant funding to a  
10 consortium of non-public institutions of higher learning to  
11 provide assistance in the development of a data collection  
12 system. The Board of Higher Education shall engage in a  
13 cooperative planning process with public and non-public  
14 institutions of higher learning and statewide higher education  
15 associations in connection with all of the activities  
16 authorized by this subsection (c).

17 (d) The State Education Authorities shall establish  
18 procedures and requirements relating to the submission of data  
19 authorized to be collected pursuant to this Section, including  
20 requirements for data specifications, quality, security, and  
21 timeliness. All early learning programs, schools, school  
22 districts, and institutions of higher learning subject to the  
23 data collection authority of a State Education Authority  
24 pursuant to this Section shall comply with the State Education  
25 Authority's procedures and requirements for data submissions.  
26 A State Education Authority may require that staff responsible

1 for collecting, validating, and submitting data participate in  
2 training and technical assistance offered by this State if data  
3 is not submitted in accordance with applicable procedures and  
4 requirements.

5 (Source: P.A. 96-107, eff. 7-30-09.)

6 (105 ILCS 13/25)

7 Sec. 25. Data sharing.

8 (a) The State Education Authorities may disclose data from  
9 the longitudinal data system collected pursuant to Section 20  
10 of this Act only in connection with a data sharing arrangement  
11 meeting the requirements of this Section.

12 (b) Any State agency, board, authority, or commission may  
13 enter into a data sharing arrangement with one or more of the  
14 State Education Authorities to share data to support the  
15 research and evaluation activities authorized by this Act.  
16 State Education Authorities may also enter into data sharing  
17 arrangements with other governmental entities, institutions of  
18 higher learning, and research organizations that support the  
19 research and evaluation activities authorized by this Act.

20 (c) Any data sharing arrangement entered into pursuant to  
21 this Section must:

22 (1) be permissible under and undertaken in accordance  
23 with privacy protection laws;

24 (2) be approved by the following persons:

25 (A) the State Superintendent of Education or his or

1 her designee for the use of early learning, public  
2 school, and non-public school student data;

3 (B) the chief executive officer of the Community  
4 College Board or his or her designee for the use of  
5 community college student data; and

6 (C) the executive director of the Board of Higher  
7 Education or his or her designee for the use of student  
8 data from an institution of higher learning, other than  
9 a community college;

10 (3) not permit the personal identification of any  
11 person by individuals other than authorized  
12 representatives of the recipient entity that have  
13 legitimate interests in the information;

14 (4) ensure the destruction or return of the data when  
15 no longer needed for the authorized purposes under the data  
16 sharing arrangement; and

17 (5) be performed pursuant to a written agreement with  
18 the recipient entity that does the following:

19 (A) specifies the purpose, scope, and duration of  
20 the data sharing arrangement;

21 (B) requires the recipient of the data to use  
22 personally identifiable information from education  
23 records to meet only the purpose or purposes of the  
24 data sharing arrangement stated in the written  
25 agreement;

26 (C) describes specific data access, use, and

1 security restrictions that the recipient will  
2 undertake; and

3 (D) includes such other terms and provisions as the  
4 State Education Authorities deem necessary to carry  
5 out the intent and purposes of this Act.

6 (d) Data that has been submitted to the Board by a  
7 consortium of non-public colleges and universities is  
8 prohibited from being included in any interstate data-sharing  
9 agreements with other states unless consortium participants  
10 agree to allow interstate data sharing.

11 Any non-public, non-profit college may prohibit its data  
12 from being shared with any other state.

13 Any non-public, non-profit college may prohibit its data  
14 from being included in any interstate data-sharing agreement.

15 (Source: P.A. 96-107, eff. 7-30-09.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.