

# SB3843



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3843

Introduced 2/14/2020, by Sen. Pat McGuire

#### SYNOPSIS AS INTRODUCED:

105 ILCS 13/10  
105 ILCS 13/20

Amends the P-20 Longitudinal Education Data System Act. Changes the definition of "institution of higher learning". Makes changes concerning the authority the Board of Higher Education has to collect and maintain data from nonpublic institutions of higher learning. Removes provisions allowing the Board to contract with voluntary consortiums of nonpublic institutions of higher learning established for the purpose of data sharing, research, and analysis. Removes a provision requiring the Board to seek and allowing the Board to make available grant funding to a consortium including nonpublic institutions of higher learning to provide assistance in the development of a data collection system.

LRB101 14682 NHT 63624 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 10 and 20 as follows:

6 (105 ILCS 13/10)

7 Sec. 10. Definitions. In this Act:

8 "Community College Board" means the Illinois Community  
9 College Board.

10 "Community colleges" has the meaning ascribed to that term  
11 in Section 1-2 of the Public Community College Act.

12 "Early learning" means any publicly funded education and  
13 care program supporting young children not yet enrolled in  
14 kindergarten.

15 "Elementary" means kindergarten through eighth grade.

16 "Institution of higher learning" means a public or  
17 nonpublic entity that is one or more of the following:

18 (1) A public institution of higher education that is  
19 included in the definition of "public institutions of  
20 higher education" under the Board of Higher Education Act.

21 (2) A public institution of higher education funded by  
22 a state other than this State and approved by the Board of  
23 Higher Education to operate in this State.

1           (3) A nonpublic educational institution approved by  
2           the Board of Higher Education to operate in this State  
3           pursuant to the Private Business and Vocational Schools Act  
4           of 2012.

5           (4) A nonpublic educational institution authorized or  
6           approved by the Board of Higher Education to operate in  
7           this State pursuant to the Private College Act or Academic  
8           Degree Act.

9           (5) A nonpublic educational institution exempt from  
10           authorization or approval by the Board of Higher Education  
11           as specified in the Private College Act or Academic Degree  
12           Act.

13 ~~has the meaning ascribed to that term in Section 10 of the~~  
14 ~~Higher Education Student Assistance Act.~~

15           "Longitudinal data system" means a student unit record data  
16 system that links student records from early learning through  
17 the postsecondary level, which may consist of separate student  
18 unit record systems integrated through agreement and data  
19 transfer mechanisms.

20           "Privacy protection laws" means the federal Family  
21 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),  
22 the Illinois School Student Records Act, the Personal  
23 Information Protection Act, and any other State or federal law  
24 relating to the confidentiality and protection of personally  
25 identifiable information.

26           "Research organization" means a governmental entity,

1 institution of higher learning, public policy or advocacy  
2 organization, or other person or entity conducting educational  
3 research that (i) is qualified to perform educational research  
4 and protect the privacy of student data, (ii) is seeking to  
5 perform research for a non-commercial purpose authorized by  
6 privacy protection laws, and (iii) agrees to perform the  
7 research pursuant to a written agreement meeting the  
8 requirements of privacy protection laws and this Act.

9 "School" means any elementary or secondary educational  
10 institution, charter school, vocational school, special  
11 education facility, or any other elementary or secondary  
12 educational agency or institution, but does not include a  
13 non-public school.

14 "Secondary" means ninth through twelfth grade.

15 "State Board" means the State Board of Education.

16 "State Education Authorities" means the State Board,  
17 Community College Board, and Board of Higher Education.

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

19 (105 ILCS 13/20)

20 Sec. 20. Collection and maintenance of data.

21 (a) The State Board is authorized to collect and maintain  
22 data from school districts, schools, and early learning  
23 programs and disclose this data to the longitudinal data system  
24 for the purposes set forth in this Act. The State Board shall  
25 collect data from charter schools with more than one campus in

1 a manner that can be disaggregated by campus site. The State  
2 Board may also disclose data to the longitudinal data system  
3 that the State Board is otherwise authorized by law to collect  
4 and maintain.

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

10 Subject to the availability of funding through  
11 appropriations made specifically for the purposes of this Act,  
12 the State Board shall establish or contract for the  
13 establishment of a technical support and training system to  
14 assist school districts, schools, and early learning programs  
15 with data submission, use, and analysis.

16 (b) The Community College Board is authorized to collect  
17 and maintain data from community college districts and disclose  
18 this data to the longitudinal data system for the purposes set  
19 forth in this Act. The Community College Board may also  
20 disclose data to the longitudinal data system that the  
21 Community College Board is otherwise authorized by law to  
22 collect and maintain.

23 Subject to the availability of funding through  
24 appropriations made specifically for the purposes of this Act,  
25 the Community College Board shall establish or contract for the  
26 establishment of a technical support and training system to

1 assist community colleges with data submission, use, and  
2 analysis.

3 (c) The Board of Higher Education is authorized to collect  
4 and maintain data from any public institution of higher  
5 learning, other than a community college, and disclose this  
6 data to the longitudinal data system for the purposes set forth  
7 in this Act. The Board of Higher Education may also disclose  
8 data to the longitudinal data system that the Board of Higher  
9 Education is otherwise authorized by law to collect and  
10 maintain.

11 The Board of Higher Education is authorized to collect and  
12 maintain data from any nonpublic institution of higher learning  
13 enrolling one or more students in this State. The Board of  
14 Higher Education is authorized to disclose this data to the  
15 longitudinal data system for the purposes set forth in this  
16 Act.

17 Subject to the availability of funding through  
18 appropriations made specifically for the purposes of this Act,  
19 the Board of Higher Education shall establish or contract for  
20 the establishment of a technical support and training system to  
21 assist institutions of higher learning, other than public  
22 community colleges, with data submission, use, and analysis.

23 The Board of Higher Education shall engage in a cooperative  
24 planning process with institutions of higher learning and  
25 statewide higher education associations in connection with all  
26 of the activities authorized by this subsection (c). ~~The Board~~

1 ~~of Higher Education is authorized to collect and maintain data~~  
2 ~~from any public institution of higher learning, other than~~  
3 ~~community colleges, and disclose this data to the longitudinal~~  
4 ~~data system for the purposes set forth in this Act. The Board~~  
5 ~~of Higher Education may also disclose data to the longitudinal~~  
6 ~~data system that the Board of Higher Education is otherwise~~  
7 ~~authorized by law to collect and maintain.~~

8 ~~Beginning on July 1, 2012, the Board of Higher Education is~~  
9 ~~authorized to collect and maintain data from any non public~~  
10 ~~institution of higher learning enrolling one or more students~~  
11 ~~receiving Monetary Award Program grants and any non public~~  
12 ~~institution of higher learning that confers graduate and~~  
13 ~~professional degrees, pursuant to Section 35 of the Higher~~  
14 ~~Education Student Assistance Act, and disclose this data to the~~  
15 ~~longitudinal data system for the purposes set forth in this~~  
16 ~~Act. Prior to July 1, 2012, any non public institution of~~  
17 ~~higher learning may elect to participate in the longitudinal~~  
18 ~~data system by disclosing data for one or more of the purposes~~  
19 ~~set forth in this Act to the Board of Higher Education or to a~~  
20 ~~consortium that has contracted with the Board of Higher~~  
21 ~~Education pursuant to this subsection (c).~~

22 ~~The Board of Higher Education may contract with one or more~~  
23 ~~voluntary consortiums of non public institutions of higher~~  
24 ~~learning established for the purpose of data sharing, research,~~  
25 ~~and analysis. The contract may allow the consortium to collect~~  
26 ~~data from participating institutions on behalf of the Board of~~

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



1 ~~consortium and the Board of Higher Education. Non public~~  
2 ~~institutions of higher learning submitting student level data~~  
3 ~~to a consortium that has contracted with the Board of Higher~~  
4 ~~Education pursuant to this paragraph shall not be required to~~  
5 ~~submit student level data to the Board of Higher Education.~~

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

20 (d) The State Education Authorities shall establish  
21 procedures and requirements relating to the submission of data  
22 authorized to be collected pursuant to this Section, including  
23 requirements for data specifications, quality, security, and  
24 timeliness. All early learning programs, schools, school  
25 districts, and institutions of higher learning subject to the  
26 data collection authority of a State Education Authority

1 pursuant to this Section shall comply with the State Education  
2 Authority's procedures and requirements for data submissions.  
3 A State Education Authority may require that staff responsible  
4 for collecting, validating, and submitting data participate in  
5 training and technical assistance offered by this State if data  
6 is not submitted in accordance with applicable procedures and  
7 requirements.

8 (Source: P.A. 96-107, eff. 7-30-09; 96-1249, eff. 7-23-10.)