

Bill as
Introduced

SB 503 - AS INTRODUCED

2010 SESSION

10-2948

04/09

SENATE BILL **503**

AN ACT relative to unique pupil identification.

SPONSORS: Sen. Kelly, Dist 10; Sen. Odell, Dist 8

COMMITTEE: Education

ANALYSIS

This bill:

I. Requires early childhood programs and postsecondary institutions to submit a report to the department of education containing information on certain pupil indicators and requires the department of education to collect and integrate such information into the data warehouse.

II. Requires early childhood programs and postsecondary institutions to participate in the unique pupil identification system.

.....

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to unique pupil identification.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:

2 193-E:3 Delivery of an Adequate Education.

3 I. Annually, beginning with the 2002-2003 school year, each school district shall report data
4 to the department of education at the school and district levels on the indicators set forth in this
5 paragraph. The department of education shall develop a reasonable schedule to phase-in the
6 reporting of new data required by federal law. The requirements for data keeping and the form of
7 the report shall be established in accordance with rules adopted by the state board of education.
8 Indicators shall include the following areas:

- 9 (a) Attendance rates.
- 10 (b) Annual and cumulative drop-out rates of high school pupils and annual drop-out
11 rates for pupils in grades 7 and 8.
- 12 (c) School environment indicators, such as safe-schools data.
- 13 (d) Number and percentage of graduating pupils going on to post-secondary education,
14 military service, and advanced placement participation.
- 15 (e) Performance on state tests administered pursuant to RSA 193-C and other
16 standardized tests administered at local option.
- 17 (f) Expulsion and suspension rates, including in-school and out-of-school suspensions,
18 which shall be reported for each school year.
- 19 (g) Number and percentage of classes taught by highly qualified teachers.
- 20 (h) Teacher and administrative turnover rates at the school and district levels.
- 21 (i) ***Pupil course information.***

22 II.(a) The department of education, with the approval of the legislative oversight committee
23 established in RSA 193-C:7, may implement and report data on any additional indicators deemed
24 relevant to the purposes of this section.

25 (b) *The department of education shall obtain prior approval from the board of*
26 *trustees of the university system of New Hampshire or the community college system of*
27 *New Hampshire, or both, if necessary, for the reporting of any additional indicators*
28 *applicable to postsecondary institutions within their respective jurisdictions which are not*
29 *required under paragraph VI.*

30 III.(a) Not later than December 1, 2003, and annually thereafter, the department of
31 education shall issue a public report on the condition of education statewide and on a district-by-

1 district and school-by-school basis. This report shall be entitled "New Hampshire School District
2 Profiles" and shall be made available at every school administrative unit for public review. It shall
3 include demographic and pupil performance data reported in paragraph I and other relevant
4 statistics as determined by the department of education. Comparisons with state averages shall be
5 provided for all data reported. Comparisons of each district and school to itself based on its own
6 statewide improvement and assessment performance for the prior school year and its most recent 3-
7 year rolling averages shall be provided. Statewide rankings of each district and school shall be
8 provided, including a statewide ranking of each school and school district based on the percentage
9 increase of improvement as compared with the same school district's performance in the previous
10 year. The report shall be organized and presented in a manner that is easily understood by the
11 public and that assists each school district with the identification of trends, strengths, and
12 weaknesses and the development of its local school education improvement plan.

13 *(b) Beginning with the annual report issued in 2013, the department of*
14 *education shall include information and data provided by early childhood programs,*
15 *districts, and postsecondary institutions.*

16 IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall
17 include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils
18 in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and
19 multi-racial groups.

20 V. In order to reduce school districts' administrative time and costs, the department of
21 education shall develop and utilize user-friendly, computer forms and programs to collect the data
22 set forth in ~~[paragraph]~~ *paragraphs I, VI, and VII* ~~[and all enrollment and cost data related to~~
23 ~~determining the cost of an adequate education].~~

24 *VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary*
25 *institution as defined in RSA 193-E:4 shall submit a report to the department of education*
26 *containing information on indicators in the following areas:*

- 27 *(1) Remedial education courses.*
28 *(2) Entry, withdrawal, and transfers.*
29 *(3) Degrees and certificates granted.*

30 *(b) The department of education shall integrate all data collected into the data*
31 *warehouse. The department of education shall have access to data solely to conduct*
32 *studies, track and report annual and longitudinal pupil outcomes, and improve*
33 *postsecondary readiness, retention, and articulation.*

34 *(c) The state board of education, in consultation with the university system of*
35 *New Hampshire board of trustees and the community college system of New Hampshire*
36 *board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used*
37 *for the report and to establish requirements for data maintenance.*

1 **VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood**
2 **program as defined in RSA 193-E:4 shall submit a report to the department of education**
3 **containing information on indicators in the following areas:**

4 **(1) Program participation.**

5 **(2) Entry, exit, and type of program.**

6 **(3) Participant demographics.**

7 **(b) The department of education shall integrate all data collected into the data**
8 **warehouse. The department of education shall have access to data solely to conduct**
9 **studies, track and report annual and longitudinal pupil outcomes, and improve education**
10 **programs.**

11 **(c) The state board of education, in consultation with the department of health**
12 **and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be**
13 **used for the report and to establish requirements for data maintenance.**

14 2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as
15 follows:

16 193-E:4 Definitions. In this subdivision:

17 I. "Commissioner" means the commissioner of the department of education.

18 II. "Data warehouse" means the electronic system that maintains the information about
19 each public school pupil as set forth in RSA 193-E:3, I. The data warehouse shall not contain the
20 name, address, telephone number, e-mail address, social security number, or any other personally
21 identifiable information about any pupil.

22 III. "District" means a New Hampshire public school district.

23 IV. "District of origin" means the district in which the pupil resides at the point at which the
24 pupil first enters the New Hampshire educational system, whether in an early childhood program,
25 district, or postsecondary education level.

26 V. "Early childhood program" means a preschool or childcare program receiving Head Start
27 or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program
28 operated by a district. Early childhood programs not operated by a district shall report data only for
29 pupils for which Head Start or child care scholarship funds are received.

30 VI. "Postsecondary institution" means the university system of New Hampshire or the
31 community college system of New Hampshire.

32 VII. "Random number generator" means the electronic system that creates unique pupil
33 identification numbers and assigns a unique pupil identification number to a pupil when an early
34 childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth,
35 town of birth, and gender. The system shall maintain that information and the name of the district
36 of origin, and no other information. This system shall not retain the unique pupil identification
37 number.

1 VIII. "Unique pupil identifier" means a randomly generated number assigned to an early
2 childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil
3 level data.

4 IX. "Unique pupil identification system" means an electronic system comprised of the data
5 warehouse and the random number generator.

6 3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

7 193-E:5 Unique Pupil Identification.

8 I. The department of education shall, using federal funds only, implement and maintain a
9 unique pupil identification system on a statewide basis that complies with the following
10 requirements:

11 (a) No personally identifiable information about a pupil including but not limited to
12 name, date of birth, gender, or social security number, shall be collected or maintained by the state
13 in such a manner as to allow such information to be connected with the unique pupil identifier.
14 Under no circumstances shall the department of education obtain or use a social security number as
15 ~~[an]~~ **a unique pupil** identifier for any pupil, or use unique pupil identifiers except in connection
16 with the data warehouse and such use shall not be accessible to the public.

17 (b) The random number generator shall make available to each **early childhood**
18 **program**, ~~[school]~~ district, **or postsecondary institution** a unique pupil identifier for each pupil
19 enrolled in a New Hampshire **early childhood program**, ~~[public-school]~~, **district, or**
20 **postsecondary institution**. The unique pupil identifier itself shall not permit pupil identification
21 within a sub-category including, but not limited to, **early childhood program**, ~~[school]~~ district,
22 **postsecondary institution**, sex, age, grade, or county of residence.

23 (c) The unique pupil identifier shall be requested and maintained by the **early**
24 **childhood program**, ~~[local-school]~~ district, **or postsecondary institution**. The unique pupil
25 identifier shall **be requested when the pupil enrolls and shall** remain in the pupil's file
26 throughout his or her ~~[elementary and secondary]~~ academic career in New Hampshire.

27 (d) Access to the random number generator shall be limited to **an early childhood**
28 **program director**, a **district** superintendent or designee, **or a postsecondary institution**
29 **registrar or designee**, and only for pupils enrolled in that **early childhood program**, ~~[school~~
30 ~~administrative unit]~~, **district, or postsecondary institution**. Any person who knowingly violates
31 this provision is guilty of a class B felony and may be subject to involuntary termination of
32 employment.

33 (e) The random number generator shall create and maintain a comprehensive audit trail
34 for all users accessing the system **for the purpose of requesting unique pupil identifiers**.

35 (f) The data warehouse shall create and maintain an audit trail for all users accessing
36 secure information.

1 (g) No person, including an individual, business, government, or governmental entity,
2 shall require an individual to provide a unique pupil identifier as a condition of doing business,
3 providing a service, or receiving a benefit of any kind. *An early childhood program, district, or*
4 *postsecondary institution shall furnish the unique pupil identifier for any enrolled pupil*
5 *who applies for admission to, or enrolls in, another early childhood program, district, or*
6 *postsecondary institution.* Any person or entity *who knowingly* violating the provisions of this
7 paragraph shall be liable for actual damages or \$25,000, whichever is greater, for each violation.
8 Each denial of services or benefits shall constitute a separate offense under this paragraph.

9 (h) If a pupil's records become part of an administrative action outside of the pupil's
10 [school] *early childhood program, district, or postsecondary institution*, or a part of any
11 judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil
12 identifier shall be redacted by the [school] *early childhood program, district, or postsecondary*
13 *institution* prior to release.

14 (i) The information maintained in the data warehouse, except for the unique pupil
15 identifier, shall be available to the [department of education and to the] public using the [same
16 database] *data* maintained by the department of education. No personally identifiable information
17 shall be required as a condition of access or usage under this subparagraph, nor shall such access or
18 usage be tracked. Under no circumstances shall the unique pupil identifier be made available to [the
19 department of education or to] the public.

20 (j) Information maintained in the random number generator shall be exempt from the
21 provisions of RSA 91-A.

22 (k) Authorized personnel at the department of education shall administer and maintain
23 the unique pupil identification system.

24 (l) *The department of education shall provide* no personally identifiable information
25 *collected pursuant to this chapter*, including but not limited to name, date of birth, gender, or
26 social security number, [shall be provided] to any person or entity, *other than an early childhood*
27 *program, district, or postsecondary institution authorized to access this data*, absent a court
28 order[~~and~~]. Under no circumstances shall personally identifiable information be provided to any
29 person or entity outside of New Hampshire *without permission from the pupil or the pupil's*
30 *legal guardian*. Any person who knowingly violates this provision is guilty of a class B felony and
31 may be subject to involuntary termination of employment.

32 (m) *Early childhood programs not receiving Head Start or Child Care*
33 *scholarship funds, private schools comprised of kindergarten through grade 12, and all*
34 *private postsecondary institutions may participate in the data warehouse and random*
35 *number generator. Participating early childhood programs may volunteer to include data*
36 *for pupils for which Head Start or Child Care scholarship funds are not received. For the*

1 *purposes of this section, such voluntary participating early childhood programs shall be*
2 *included in the definition set forth in RSA 193-E:4.*

3 *(n) The commissioner of the department of education may, in writing, grant*
4 *individuals access to the data warehouse for the purpose of connecting information in the*
5 *warehouse with the random number generator.*

6 *(o) At the request of the district, the department of education shall provide*
7 *pupil data from the data warehouse to a district for pupils educated in that district.*

8 *(p) At the request of the pupil, the department of education shall provide pupil*
9 *data from the data warehouse to a postsecondary institution.*

10 *(q) At the request of the parent or legal guardian, the department of education*
11 *shall provide pupil data from the data warehouse to an early childhood program.*

12 II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in
13 RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

14 III. Any contracts or agreements necessary to implement the provisions of this section shall
15 be approved by the governor with the consent of the executive council, and the fiscal committee
16 established in RSA 14:30-a.

17 4 Effective Date. This act shall take effect 60 days after its passage.

SB 503 - AS AMENDED BY THE SENATE

03/17/10 1014s

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4 to the department of education at the school and district levels on the indicators set forth in this
5 paragraph. The department of education shall develop a reasonable schedule to phase-in the
6 reporting of new data required by federal law. The requirements for data keeping and the form of
7 the report shall be established in accordance with rules adopted by the state board of education.
8 Indicators shall include the following areas:

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10 (b) Annual and cumulative drop-out rates of high school pupils and annual drop-out
11 rates for pupils in grades 7 and 8.

12 (c) School environment indicators, such as safe-schools data.

13 (d) Number and percentage of graduating pupils going on to post-secondary education,
14 military service, and advanced placement participation.

15 (e) Performance on state tests administered pursuant to RSA 193-C and other
16 standardized tests administered at local option.

17 (f) Expulsion and suspension rates, including in-school and out-of-school suspensions,
18 which shall be reported for each school year.

19 (g) Number and percentage of classes taught by highly qualified teachers.

20 (h) Teacher and administrative turnover rates at the school and district levels.

21 (i) ***Pupil course information.***

22 II.(a) The department of education, with the approval of the legislative oversight committee
23 established in RSA 193-C:7, may implement and report data on any additional indicators deemed
24 relevant to the purposes of this section.

25 (b) ***The department of education shall obtain prior approval from the board of***
26 ***trustees of the university system of New Hampshire or the community college system of***
27 ***New Hampshire, or both, if necessary, for the reporting of any additional indicators***
28 ***applicable to postsecondary institutions within their respective jurisdictions which are not***
29 ***required under paragraph VI.***

1 III.(a) Not later than December 1, 2003, and annually thereafter, the department of
2 education shall issue a public report on the condition of education statewide and on a district-by-
3 district and school-by-school basis. This report shall be entitled "New Hampshire School District
4 Profiles" and shall be made available at every school administrative unit for public review. It shall
5 include demographic and pupil performance data reported in paragraph I and other relevant
6 statistics as determined by the department of education. Comparisons with state averages shall be
7 provided for all data reported. Comparisons of each district and school to itself based on its own
8 statewide improvement and assessment performance for the prior school year and its most recent 3-
9 year rolling averages shall be provided. Statewide rankings of each district and school shall be
10 provided, including a statewide ranking of each school and school district based on the percentage
11 increase of improvement as compared with the same school district's performance in the previous
12 year. The report shall be organized and presented in a manner that is easily understood by the
13 public and that assists each school district with the identification of trends, strengths, and
14 weaknesses and the development of its local school education improvement plan.

15 ***(b) Beginning with the annual report issued in 2013, the department of***
16 ***education shall include information and data provided by early childhood programs,***
17 ***districts, and postsecondary institutions.***

18 IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall
19 include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils
20 in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and
21 multi-racial groups.

22 V. In order to reduce school districts' administrative time and costs, the department of
23 education shall develop and utilize user-friendly, computer forms and programs to collect the data
24 set forth in ~~[paragraph] paragraphs I, VI, and VII [and all enrollment and cost data related to~~
25 ~~determining the cost of an adequate education]~~.

26 ***VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary***
27 ***institution as defined in RSA 193-E:4 shall submit a report to the department of education***
28 ***containing information on indicators in the following areas:***

- 29 ***(1) Remedial education courses.***
30 ***(2) Entry, withdrawal, and transfers.***
31 ***(3) Degrees and certificates granted.***

32 ***(b) The department of education shall integrate all data collected into the data***
33 ***warehouse. The department of education shall have access to data solely to conduct***
34 ***studies, track and report annual and longitudinal pupil outcomes, and improve***
35 ***postsecondary readiness, retention, and articulation.***

36 ***(c) The state board of education, in consultation with the university system of***
37 ***New Hampshire board of trustees and the community college system of New Hampshire***

1 *board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used*
2 *for the report and to establish requirements for data maintenance.*

3 *VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood*
4 *program as defined in RSA 193-E:4 shall submit a report to the department of education*
5 *containing information on indicators in the following areas:*

6 *(1) Program participation.*

7 *(2) Entry, exit, and type of program.*

8 *(3) Participant demographics.*

9 *(b) The department of education shall integrate all data collected into the data*
10 *warehouse. The department of education shall have access to data solely to conduct*
11 *studies, track and report annual and longitudinal pupil outcomes, and improve education*
12 *programs.*

13 *(c) The state board of education, in consultation with the department of health*
14 *and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be*
15 *used for the report and to establish requirements for data maintenance.*

16 2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as
17 follows:

18 193-E:4 Definitions. In this subdivision:

19 I. "Commissioner" means the commissioner of the department of education.

20 II. "Data warehouse" means the electronic system operated by the department of education
21 that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data
22 warehouse shall not contain the name, address, telephone number, e-mail address, social security
23 number, or any other personally identifiable information about any pupil.

24 III. "District" means a New Hampshire public school district.

25 IV. "District of origin" means the district in which the pupil resides at the point at which the
26 pupil first enters the New Hampshire educational system, whether in an early childhood program,
27 district, or postsecondary education level.

28 V. "Early childhood program" means a preschool or childcare program receiving Head Start
29 or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program
30 operated by a district. Early childhood programs not operated by a district shall report data only for
31 pupils for which Head Start or child care scholarship funds are received.

32 VI. "Postsecondary institution" means the university system of New Hampshire or the
33 community college system of New Hampshire.

34 VII. "Random number generator" means the electronic system that creates unique pupil
35 identification numbers and assigns a unique pupil identification number to a pupil when an early
36 childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth,
37 town of birth, and gender. The system shall maintain that information and the name of the district

1 of origin, and no other information. This system shall not retain the unique pupil identification
2 number.

3 VIII. "Unique pupil identifier" means a randomly generated number assigned to an early
4 childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil
5 level data.

6 IX. "Unique pupil identification system" means an electronic system comprised of the data
7 warehouse and the random number generator.

8 3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

9 193-E:5 Unique Pupil Identification.

10 I. The department of education shall, using federal funds only, implement and maintain a
11 unique pupil identification system on a statewide basis that complies with the following
12 requirements:

13 (a) No personally identifiable information about a pupil including but not limited to
14 name, date of birth, gender, or social security number, shall be collected or maintained by the state
15 in such a manner as to allow such information to be connected with the unique pupil identifier.
16 Under no circumstances shall the department of education obtain or use a social security number as
17 ~~[an]~~ *a unique pupil* identifier for any pupil, or use unique pupil identifiers except in connection
18 with the data warehouse and such use shall not be accessible to the public.

19 (b) The random number generator shall make available to each *early childhood*
20 *program*, ~~[school]~~ district, *or postsecondary institution* a unique pupil identifier for each pupil
21 enrolled in a New Hampshire *early childhood program*, ~~[public-school]~~, *district, or*
22 *postsecondary institution*. The unique pupil identifier itself shall not permit pupil identification
23 within a sub-category including, but not limited to, *early childhood program*, ~~[school]~~ district,
24 *postsecondary institution*, sex, age, grade, or county of residence.

25 (c) The unique pupil identifier shall be requested and maintained by the *early*
26 *childhood program*, ~~[local-school]~~ district, *or postsecondary institution*. The unique pupil
27 identifier shall *be requested when the pupil enrolls and shall* remain in the pupil's file
28 throughout his or her ~~[elementary and secondary]~~ academic career in New Hampshire.

29 (d) Access to the random number generator shall be limited to *an early childhood*
30 *program director*, a *district* superintendent or designee, *or a postsecondary institution*
31 *registrar or designee*, and only for pupils enrolled in that *early childhood program*, ~~[school~~
32 ~~administrative unit]~~, *district, or postsecondary institution*. Any person who knowingly violates
33 this provision is guilty of a class B felony and may be subject to involuntary termination of
34 employment.

35 (e) The random number generator shall create and maintain a comprehensive audit trail
36 for all users accessing the system *for the purpose of requesting unique pupil identifiers*.

1 (f) The data warehouse shall create and maintain an audit trail for all users accessing
2 secure information.

3 (g) No person, including an individual, business, government, or governmental entity,
4 shall require an individual to provide a unique pupil identifier as a condition of doing business,
5 providing a service, or receiving a benefit of any kind, *except that an early childhood program,*
6 *district, or postsecondary institution shall request a unique pupil identifier for any pupil*
7 *who applies for admission to, or enrolls in, an early childhood program, district, or*
8 *postsecondary institution.* Any person or entity ~~[violating]~~ *who knowingly violates* the
9 provisions of this ~~[paragraph]~~ *subparagraph* shall be liable for actual damages or \$25,000,
10 whichever is greater, for each violation. Each denial of services or benefits shall constitute a
11 separate offense under this ~~[paragraph]~~ *subparagraph.*

12 (h) If a pupil's records become part of an administrative action outside of the pupil's
13 ~~[school]~~ *early childhood program, district, or postsecondary institution,* or a part of any
14 judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil
15 identifier shall be redacted by the ~~[school]~~ *early childhood program, district, or postsecondary*
16 *institution* prior to release.

17 (i) The information maintained in the data warehouse, except for the unique pupil
18 identifier, shall be available to the ~~[department of education and to the]~~ public using the ~~[same~~
19 ~~database]~~ *data* maintained by the department of education. No personally identifiable information
20 shall be required as a condition of access or usage under this subparagraph, nor shall such access or
21 usage be tracked. Under no circumstances shall the unique pupil identifier be made available to ~~the~~
22 ~~department of education or to]~~ the public.

23 (j) Information maintained in the random number generator shall be exempt from the
24 provisions of RSA 91-A.

25 (k) Authorized personnel at the department of education shall administer and maintain
26 the unique pupil identification system.

27 (l) *The department of education shall provide* no personally identifiable information
28 *collected pursuant to this chapter,* including but not limited to name, date of birth, gender, or
29 social security number, ~~[shall be provided]~~ to any person or entity, *other than an early childhood*
30 *program, district, or postsecondary institution authorized to access this data,* absent a court
31 order~~[-and]~~. Under no circumstances shall personally identifiable information be provided to any
32 person or entity outside of New Hampshire *without permission from the pupil or the pupil's*
33 *legal guardian.* Any person who knowingly violates this provision is guilty of a class B felony and
34 may be subject to involuntary termination of employment.

35 (m) *Early childhood programs not receiving Head Start or Child Care*
36 *scholarship funds, private schools comprised of kindergarten through grade 12, and all*
37 *private postsecondary institutions may participate in the data warehouse and random*

1 *number generator. Participating early childhood programs may volunteer to include data*
2 *for pupils for which Head Start or Child Care scholarship funds are not received. For the*
3 *purposes of this section, such voluntary participating early childhood programs shall be*
4 *included in the definition set forth in RSA 193-E:4.*

5 *(n) Notwithstanding subparagraphs (a)-(m), to enable the department of*
6 *education to conduct studies, track and report annual and longitudinal outcomes, the*
7 *commissioner of the department of education may, in writing, grant individuals access to*
8 *the data warehouse for the purpose of connecting information in the warehouse with the*
9 *random number generator.*

10 *(o) At the request of the district, the department of education shall provide*
11 *pupil data from the data warehouse to a district for pupils educated in that district.*

12 *(p) At the request of the pupil, the department of education shall provide pupil*
13 *data from the data warehouse to a postsecondary institution.*

14 *(q) At the request of the parent or legal guardian, the department of education*
15 *shall provide pupil data from the data warehouse to an early childhood program.*

16 II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in
17 RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

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03/17/10 1014s
13May2010... 1824h
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to unique pupil identification.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:

2 193-E:3 Delivery of an Adequate Education.

3 I. Annually, beginning with the 2002-2003 school year, each school district shall report data
4 to the department of education at the school and district levels on the indicators set forth in this
5 paragraph. ***The report shall not contain personally identifiable information including but***
6 ***not limited to name, gender, or social security number.*** The department of education shall
7 develop a reasonable schedule to phase-in the reporting of new data required by federal law. The
8 requirements for data keeping and the form of the report shall be established in accordance with
9 rules adopted by the state board of education. Indicators shall include the following areas:

10 (a) Attendance rates.

11 (b) Annual and cumulative drop-out rates of high school pupils and annual drop-out
12 rates for pupils in grades 7 and 8.

13 (c) School environment indicators, such as safe-schools data.

14 (d) Number and percentage of graduating pupils going on to post-secondary education,
15 military service, and advanced placement participation.

16 (e) Performance on state tests administered pursuant to RSA 193-C and other
17 standardized tests administered at local option.

18 (f) Expulsion and suspension rates, including in-school and out-of-school suspensions,
19 which shall be reported for each school year.

20 (g) Number and percentage of classes taught by highly qualified teachers.

21 (h) Teacher and administrative turnover rates at the school and district levels.

22 (i) ***Pupil course information.***

23 II.(a) The department of education, with the approval of the legislative oversight committee
24 established in RSA 193-C:7, may implement and report data on any additional indicators deemed
25 relevant to the purposes of this section.

26 (b) ***The department of education shall enter into an agreement with the board***
27 ***of trustees of the university system of New Hampshire or the community college system of***
28 ***New Hampshire, or both, if necessary, to determine additional indicators applicable to***

1 *postsecondary institutions within their respective jurisdictions which are not required*
2 *under paragraph VI.*

3 III.(a) Not later than December 1, 2003, and annually thereafter, the department of
4 education shall issue a public report on the condition of education statewide and on a district-by-
5 district and school-by-school basis. This report shall be entitled "New Hampshire School District
6 Profiles" and shall be made available at every school administrative unit for public review. It shall
7 include demographic and pupil performance data reported in paragraph I and other relevant
8 statistics as determined by the department of education. Comparisons with state averages shall be
9 provided for all data reported. Comparisons of each district and school to itself based on its own
10 statewide improvement and assessment performance for the prior school year and its most recent 3-
11 year rolling averages shall be provided. Statewide rankings of each district and school shall be
12 provided, including a statewide ranking of each school and school district based on the percentage
13 increase of improvement as compared with the same school district's performance in the previous
14 year. The report shall be organized and presented in a manner that is easily understood by the
15 public and that assists each school district with the identification of trends, strengths, and
16 weaknesses and the development of its local school education improvement plan.

17 (b) *Beginning with the annual report issued in 2013, the department of*
18 *education shall include data provided by early childhood programs, districts, and*
19 *postsecondary institutions.*

20 IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall
21 include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils
22 in advanced placement programs, economically disadvantaged pupils, and pupils of major *ethnic*,
23 racial, and multi-racial groups.

24 V. In order to reduce school districts' administrative time and costs, the department of
25 education shall develop and utilize user-friendly, computer forms and programs to collect the data
26 set forth in ~~[paragraph]~~ *paragraphs I, VI, and VII* ~~[and all enrollment and cost data related to~~
27 ~~determining the cost of an adequate education]~~.

28 VI.(a) *Annually, beginning with the 2011-2012 school year, each postsecondary*
29 *institution as defined in RSA 193-E:4 shall submit a report, which shall not include any*
30 *personally identifiable information such as, but not limited to, name, gender, or social*
31 *security number, to the department of education containing information on indicators in*
32 *the following areas:*

33 (1) *Remedial education courses.*

34 (2) *Entry, withdrawal, and transfers.*

35 (3) *Degrees and certificates granted.*

36 (b) *The department of education shall integrate all data collected into the data*
37 *warehouse. The department of education shall have access to data solely to conduct*

1 *studies, track and report annual and longitudinal pupil outcomes, and improve*
2 *postsecondary readiness, retention, and articulation between educational institutions.*

3 *(c) The state board of education, in consultation with the university system of*
4 *New Hampshire board of trustees and the community college system of New Hampshire*
5 *board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used*
6 *for the report and to establish requirements for data maintenance.*

7 *VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood*
8 *program as defined in RSA 193-E:4 shall submit a report, which shall not include any*
9 *personally identifiable information such as, but not limited to, name, gender, or social*
10 *security number, to the department of education containing information on indicators in*
11 *the following areas:*

12 *(1) Program participation.*

13 *(2) Entry, exit, and type of program.*

14 *(3) Participant demographics as identified in RSA 193-E:3, IV.*

15 *(b) The department of education shall integrate all data collected into the data*
16 *warehouse. The department of education shall have access to data solely to conduct*
17 *studies, track and report annual and longitudinal pupil outcomes, and improve education*
18 *programs.*

19 *(c) The state board of education, in consultation with the department of health*
20 *and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be*
21 *used for the report and to establish requirements for data maintenance.*

22 2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as
23 follows:

24 193-E:4 Definitions. In this subdivision:

25 I. "Commissioner" means the commissioner of the department of education.

26 II. "Data warehouse" means the electronic system operated by the department of education
27 that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data
28 warehouse shall not contain the name, address, telephone number, e-mail address, social security
29 number, or any other personally identifiable information about any pupil.

30 III. "District" means a New Hampshire public school district or a district outside of
31 New Hampshire educating publicly funded New Hampshire pupils.

32 IV. "District of origin" means the district in which the pupil resides at the point at which the
33 pupil first enters the New Hampshire educational system, whether in an early childhood program,
34 district, or postsecondary education level.

35 V. "Early childhood program" means a preschool or childcare program receiving Head Start
36 or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program
37 operated by a district. Early childhood programs not operated by a district shall report data only for

1 pupils for which Head Start or child care scholarship funds are received.

2 VI. "Postsecondary institution" means the university system of New Hampshire or the
3 community college system of New Hampshire.

4 VII. "Random number generator" means the electronic system that creates unique pupil
5 identification numbers and assigns a unique pupil identification number to a pupil when an early
6 childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth,
7 town of birth, and gender. The system shall maintain that information and the name of the district
8 of origin, and no other information. This system shall not retain the unique pupil identification
9 number.

10 VIII. "Unique pupil identifier" means a randomly generated number assigned to an early
11 childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil
12 level data.

13 IX. "Unique pupil identification system" means an electronic system comprised of the data
14 warehouse and the random number generator.

15 3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

16 193-E:5 Unique Pupil Identification.

17 I. The department of education shall, using federal funds only, implement and maintain a
18 unique pupil identification system on a statewide basis that complies with the following
19 requirements:

20 (a) No personally identifiable information about a pupil including ~~[but not limited to]~~
21 name~~[-, date of birth, gender, or]~~ **and** social security number, shall be collected or maintained by the
22 state in such a manner as to allow such information to be connected with the unique pupil identifier.
23 Under no circumstances shall the department of education obtain or use a social security number as
24 an identifier for any pupil~~[-or]~~. **The department shall not** use unique pupil identifiers except in
25 connection with the data warehouse and such use shall not be accessible to the public.

26 (b) The random number generator shall make available to each ~~[school]~~ **early**
27 **childhood program**, district, or **postsecondary institution** a unique pupil identifier for each
28 pupil ~~[enrolled]~~ **pursuing an education** in a New Hampshire ~~[public school]~~ **early childhood**
29 **program, district, or postsecondary institution**. The unique pupil identifier itself shall not
30 permit pupil identification within a sub-category including, but not limited to, **early childhood**
31 **program**, ~~[school]~~ district, **postsecondary institution**, sex, age, grade, or county of residence.

32 (c) The unique pupil identifier shall be requested and maintained by the **early**
33 **childhood program**, ~~[local school]~~ district, or **postsecondary institution**. The unique pupil
34 identifier shall remain in the pupil's file throughout his or her ~~[elementary and secondary]~~ academic
35 career in New Hampshire.

36 (d) Access to the random number generator shall be limited to **an early childhood**
37 **program director or designee, a district superintendent or designee, or a postsecondary**

1 *institution registrar or designee*, and only for pupils [~~enrolled~~] *pursuing an education* in that
2 *early childhood program*, [~~school administrative unit~~], *district, or postsecondary institution*.
3 Any person who knowingly violates this provision is guilty of a class B felony and may be subject to
4 involuntary termination of employment.

5 (e) The random number generator shall create and maintain a comprehensive audit trail
6 for all users accessing the [~~system~~] *random number generator*.

7 (f) The data warehouse shall create and maintain an audit trail for all users accessing
8 secure information.

9 (g) No person, including an individual, business, government, or governmental entity,
10 shall require an individual to provide a unique pupil identifier as a condition of doing business,
11 providing a service, or receiving a benefit of any kind, *except as provided in RSA 193-E:5, I(c)*.
12 Any person or entity [~~violating~~] *who knowingly violates* the provisions of this [~~paragraph~~]
13 *subparagraph* shall be liable for actual damages or \$25,000, whichever is greater, for each
14 violation. Each denial of services or benefits shall constitute a separate offense under this
15 [~~paragraph~~] *subparagraph*.

16 (h) If a pupil's records become part of an administrative action outside of the pupil's
17 [~~school~~] *early childhood program*, *district, or postsecondary institution*, or a part of any
18 judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil
19 identifier shall be redacted by the [~~school~~] *early childhood program, district, or postsecondary*
20 *institution* prior to release.

21 (i) The information maintained in the data warehouse [~~, except for the unique pupil~~
22 ~~identifier,~~] shall be available to the department of education and to the public using the [~~same~~
23 ~~database~~] *data* maintained by the department of education. No personally identifiable information
24 shall be required as a condition of access or usage under this subparagraph, nor shall such access or
25 usage be tracked. Under no circumstances shall the unique pupil identifier be made available to [~~the~~
26 ~~department of education or to~~] the public.

27 (j) Information maintained in the random number generator shall be exempt from the
28 provisions of RSA 91-A.

29 (k) Authorized personnel at the department of education shall administer and maintain
30 the unique pupil identification system.

31 (l) *The department of education shall provide* no personally identifiable information
32 *collected pursuant to this chapter*, including but not limited to name, date of birth, [~~gender,~~] or
33 social security number [~~, shall be provided~~] to any person or entity, *other than an early childhood*
34 *program, district, or postsecondary institution authorized to access this data*, absent a court
35 order [~~, and~~]. Under no circumstances shall personally identifiable information *or the unique pupil*
36 *identifier* be provided to any person or entity outside of New Hampshire. Any person who
37 knowingly violates this provision is guilty of a class B felony and may be subject to involuntary

1 termination of employment.

2 *(m) Early childhood programs not receiving Head Start or child care*
3 *scholarship funds, private schools comprised of kindergarten through grade 12, and all*
4 *private postsecondary institutions may participate in the data warehouse and random*
5 *number generator. Participating early childhood programs may volunteer to include data*
6 *for pupils for which Head Start or child care scholarship funds are not received.*
7 *Permission of a parent or legal guardian of a pupil enrolled in an early childhood*
8 *program shall be obtained before a pupil may participate in the data warehouse and*
9 *random number generator. For the purposes of this section, such voluntary participating*
10 *early childhood programs shall be included in the definition set forth in RSA 193-E:4.*

11 *(n) Notwithstanding subparagraphs (a)-(m), to enable the department of*
12 *education to ensure the accuracy of the data, the commissioner of the department of*
13 *education may, in writing, grant individuals access to the data warehouse, including but*
14 *not limited to, access to the unique pupil identifier for the purpose of connecting*
15 *information in the warehouse with the random number generator.*

16 *(o) At the request of an early childhood program, district, or postsecondary*
17 *institution, the department of education shall provide pupil-level data from the unique*
18 *pupil identification system to an early childhood program, district, or postsecondary*
19 *institution for pupils pursuing an education in that entity. The department shall not*
20 *provide any personally identifiable pupil-level data to an entity not directly involved with*
21 *the pupil's education.*

22 *(p) New Hampshire home educated pupils pursuing an education in a*
23 *postsecondary institution who have not been assigned a unique pupil identifier may,*
24 *without penalty, opt out of being included in the unique pupil identification system for*
25 *postsecondary pupils.*

26 *(q) Nothing in this chapter shall prohibit institutions in the university system of*
27 *New Hampshire and the community college system of New Hampshire from exchanging*
28 *data between themselves without the consent or involvement of the department of*
29 *education.*

30 II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in
31 RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

32 III. Any contracts or agreements necessary to implement the provisions of this section shall
33 be approved by the governor with the consent of the executive council, and the fiscal committee
34 established in RSA 14:30-a.

35 4 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Sen. Merrill, Dist. 21
Sen. Kelly, Dist. 10
March 11, 2010
2010-0972s
04/01



Amendment to SB 503

1 Amend RSA 193-E:4, II as inserted by section 2 of the bill by replacing it with the following:

2

3 II. "Data warehouse" means the electronic system operated by the department of education
4 that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data
5 warehouse shall not contain the name, address, telephone number, e-mail address, social security
6 number, or any other personally identifiable information about any pupil.

7

8 Amend RSA 193-E:5, I(g) as inserted by section 3 of the bill by replacing it with the following:

9

10 (g) No person, including an individual, business, government, or governmental entity,
11 shall require an individual to provide a unique pupil identifier as a condition of doing business,
12 providing a service, or receiving a benefit of any kind, *except that an early childhood program,*
13 *district, or postsecondary institution shall request a unique pupil identifier for any pupil*
14 *who applies for admission to, or enrolls in, an early childhood program, district, or*
15 *postsecondary institution.* Any person or entity [~~violating~~] *who knowingly violates* the
16 provisions of this [~~paragraph~~] *subparagraph* shall be liable for actual damages or \$25,000,
17 whichever is greater, for each violation. Each denial of services or benefits shall constitute a
18 separate offense under this [~~paragraph~~] *subparagraph.*

19

20 Amend RSA 193-E:5, I(n) as inserted by section 3 of the bill by replacing it with the following:

21

22 (n) *Notwithstanding subparagraphs (a)-(m), to enable the department of*
23 *education to conduct studies, track and report annual and longitudinal outcomes, the*
24 *commissioner of the department of education may, in writing, grant individuals access to*
25 *the data warehouse for the purpose of connecting information in the warehouse with the*
26 *random number generator.*

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6 number, or any other personally identifiable information about any pupil.

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8 Amend RSA 193-E:5, I(g) as inserted by section 3 of the bill by replacing it with the following:

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10 (g) No person, including an individual, business, government, or governmental entity,
11 shall require an individual to provide a unique pupil identifier as a condition of doing business,
12 providing a service, or receiving a benefit of any kind, *except that an early childhood program,
13 district, or postsecondary institution shall request a unique pupil identifier for any pupil
14 who applies for admission to, or enrolls in, an early childhood program, district, or
15 postsecondary institution.* Any person or entity [~~violating~~] *who knowingly violates* the
16 provisions of this [~~paragraph~~] *subparagraph* shall be liable for actual damages or \$25,000,
17 whichever is greater, for each violation. Each denial of services or benefits shall constitute a
18 separate offense under this [~~paragraph~~] *subparagraph.*

19

20 Amend RSA 193-E:5, I(n) as inserted by section 3 of the bill by replacing it with the following:

21

22 (n) *Notwithstanding subparagraphs (a)-(m), to enable the department of
23 education to conduct studies, track and report annual and longitudinal outcomes, the
24 commissioner of the department of education may, in writing, grant individuals access to
25 the data warehouse for the purpose of connecting information in the warehouse with the
26 random number generator.*

Committee Minutes

**SENATE CALENDAR NOTICE
EDUCATION**

Senator Molly Kelly Chairman ✓
 Senator Amanda Merrill V Chairman
 Senator Martha Fuller Clark ✓
 Senator Bette Lasky ✓
 Senator Peter Bragdon
 Senator Robert Letourneau ✓

For Use by Senate Clerk's Office ONLY	
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12:15
open

12:16
recess
HEARINGS

Date: February 16, 2010

Tuesday

3/2/2010

EDUCATION

LOB 103

10:15 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

10:15 AM SB486-FN-L

relative to the school building aid program.

11:00 AM SB503

relative to unique pupil identification.

11:15 AM SJR3

in support of the New England secondary school consortium.

Sponsors:

SB486-FN-L

Sen. Molly Kelly

Sen. Harold Janeway

Sen. Lou D'Allesandro

SB503

Sen. Molly Kelly

Sen. Bob Odell

SJR3

Sen. Molly Kelly

Rep. Emma Rous

2/19/00/06

Donna Nelson 271-4151

Sen. Molly Kelly

Chairman

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on 503 -An act relative to unique pupil identification.

HEARING DATE: March 2, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Kelly, Fuller Clark, Lasky, and Letourneau.

MEMBERS OF THE COMMITTEE ABSENT: Senators, Merrill and Bragdon.

Sponsor(s): Sen. Kelly, Dist 10; Sen. Odell, Dist 8

What the bill does: This bill:

I. Requires early childhood programs and postsecondary institutions to submit a report to the department of education containing information on certain pupil indicators and requires the department of education to collect and integrate such information into the data warehouse.

II. Requires early childhood programs and postsecondary institutions to participate in the unique pupil identification system.

Who supports the bill: Sen. Kelly, Dist. 10, Kathy Salisbury, USNH, Shannon Reid, Community College System of NH

Who opposes the bill: None

Neutral position: None

Summary of testimony received:

Senator Kelly, Dist 10- Prime Sponsor of SB 503

- Hearing called to order at 12:15pm

- SB 503 is a result of study committee.
- Asked that SB 503 be recessed until Monday, March 8, 2010 at 3:00pm.

Hearing was recessed at 12:17pm

Funding: *Not applicable.*

Future Action: Executive action pending.

MSR

File: SB 503

Date: March 2, 2010

aej

Date: March 2, 2010
Time: 12:15 a.m.
Room: LOB 103

The Senate Committee on Education held a hearing on the following:

SB 503 relative to unique pupil identification.

Members of Committee present: Senator Kelly
Senator Fuller Clark
Senator Lasky
Senator Letourneau

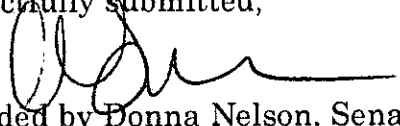
The Chair, Senator Martha Fuller Clark, opened the hearing on SB 503 and invited the prime sponsor, Senator Molly Kelly, to introduce the legislation.

Senator Molly Kelly, D. 10: It's now scheduled for Monday at three o'clock because of town meetings on Tuesday, could be a conflict, but that's where it's scheduled.

Senator Martha Fuller Clark, D. 24: Thank you so very much, and with no further testimony, I will now recess Senate Bill 503.

Hearing recessed at 12:17 p.m.

Respectfully submitted,



Recorded by Donna Nelson, Senate Committee Secretary
Transcribed by Addie Shankle, Senate Committee Secretary
6/15/10

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Heidi Mitchell, *Legislative Aide*

RE: Hearing report on **SB 503**, continued – *AN ACT* relative to unique pupil identification.

HEARING DATE: March 8, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Kelly, Merrill and Lasky

MEMBERS OF THE COMMITTEE ABSENT: Senators Bragdon, Fuller Clark and Letourneau

Sponsor(s): Sen. Kelly, Dist. 10; Sen. Odell, Dist. 8

What the bill does: This bill:

I. Requires early childhood programs and post-secondary institutions to submit a report to the department of education containing information on certain pupil indicators and requires the department of education to collect and integrate such information into the data warehouse.

II. Requires early childhood programs and post-secondary institutions to participate in the unique pupil identification system.

Who supports the bill: Senator Kelly; Representative Emma Rous; Judith Fillion, Director of Division of Program Support in the Department of Education; Michael Schwartz, Department of Education; Kathy Salisbury, University System of New Hampshire; Chuck Annal, Community College System of New Hampshire; Ellen C Wheatley, PhD, Department of Health and Human Services' Child Development Bureau

Who opposes the bill: No one.

Summary of testimony received:

Senator Molly Kelly

- Senator Kelly introduced SB 503 and discussed the 2004 passage of a unique student identifier for every K-12 public school student in New Hampshire. She said the purpose of the unique identifier was to capture critical and secure

information about students. This information now guides many policy decisions throughout the state.

- This enabled the Department of Education (DOE) to collect accurate drop-out information, implement a state accountability system and to identify funding projections for state adequacy aid. Schools now use the data generated to enhance their curriculum for students.
- This bill is needed to optimize the use of the unique student identifier by including post-secondary and early childhood education data.
- By expanding RSA 193-E to include post-secondary education data, state educators will be able to measure students' successes in post-secondary education and its correlation to K-12 preparation. This will inform K-12 curriculum, instruction and assessment systems.
- The intent of this bill is to measure success and apply it to K-12 curriculum.
- By expanding RSA 193-E to include early childhood education data will create a way to share education between preschool and the primary grades. This will allow analysis of early childhood education data in relationship to early elementary achievement and inform policy to optimize early childhood programs, which in turn will help facilitate student readiness.
- Federal legislation called the America Competes Act requires the linking of early education and post-secondary student level educational data with K-12 student level education data.
- Expansion of the use of the unique student identifier will provide a common link to early education, K-12 and post-secondary data systems.
- Senator Kelly asked that the Committee support the bill so that we can move forward to determine what is successful and what is working in students' education.

Judith Fillion, Director, Division of Department Support in the Department of Education

- SB 503 extends the K-12 data collection for students, which will clarify current data collection practices.
- Data-driven instruction has enhanced school curriculum for all students and differentiated instruction for individual students.

Michael Schwartz, Consultant with the Department of Education

- Mr. Schwartz discussed the role of the unique pupil identifier over the last few years, stating that it helped collect data and informs us of what programs are working, what programs aren't working in order to improve education in NH.
- He provided an example: in Haverhill Cooperative Middle School, 2 of the 3 schools were out-performing in math. Given this data, the math teachers were able to coordinate and share best practices.
- SB 503 helps provide clarification of the role of DOE in collecting data
- SB 503 would allow a change in the discussion from what is the dropout rate to how we can better address the dropout rate and help keep students in school.
- By linking K-12 to post-secondary education we can find out what programs lead to success in college. The same goes for early childhood education, we can find

out what helps and improve the education of students by better linking these systems.

- The DOE has work with DHHS, various groups and Senators as a team and the outcome of this bill is an important issue to all these groups.
- Senator Merrill asked what pupil course information would be gathered under the new language (SB 503 as introduced, P. 1, line 21)?
- Michael Schwartz said that it would be specific to the courses each child takes.
- Senator Merrill asked how the words “information” and “data” are different in P. 2, sub-paragraph (b).
- Michael Schwartz said that information is contextual dialogue about data, information describes what data means.
- Senator Merrill asked, in regards to the data warehouse, what does a school district has to do differently? (SB 503 as introduced, P. 3, line 18) Now that we’re including post-secondary and early childhood education, that which is defined in the current text seems too narrow.
- Michael Schwartz agreed with Senator Merrill’s observation and agreed to help draft new language that would expand to include post-secondary and early childhood education data.
- Senator Kelly thanked Mr. Schwartz for his help in clarifying the intent of the bill.

Chuck Annal, Vice Chancellor of the Community College System of New Hampshire

- Dr. Annal spoke in favor of the bill, stating that the bill leaves the state in a unique position to bridge the gap between remedial education and bacheloriolate education.
- With this expansion of the unique pupil identifier, CCSNH would be able to follow the successes of a student’s first year at community college and collaborate with post-secondary education institutions to understand what better prepares students who transfer out to a university.
- The data would also provide information regarding initiatives CCSNH has already undertaken, such as eStart and Running Start programs – a partnership that allows students to earn dual high school and college credits for courses taught by CCSNH faculty.
- CCSNH has virtually no way of tracking the success of students who participate in eStart. It is a clunky process at best and not very accurate because it is a manual process.
- This bill would allow CCSNH to track students as they go through the university system and will affect how CCSNH works with the university system in the future – tracking former Running Start students and understanding their success, assessing student readiness, understanding what programs have lead to students’ successes when they transfer into the university system.
- CCSNH has made a commitment toward data collection as a way of influencing decision making. They already have a data warehouse of their own that dovetails with what is being proposed in this bill.
- Senator Kelly asked how many community college students take remedial math classes.

- Dr. Annal commented that around 65% of the students within NH's community colleges have to take remedial math courses.

Representative Mary Rous, Strafford District 17

- Rep. Rous was the Chair of the Assessment Oversight Committee which is where the idea for this bill started. She spoke in favor of the bill.
- A good system of data collection is a national priority.
- There has been a decrease in the number of college graduates between the ages of 25-30, but universities don't have access to data to tell them why.
- The corrections in this bill will help address the remedial issue, give insight to students who take 5 years of more to finish their post-secondary degrees – or who don't finish them at all.
- Having the right data will address all of these issues and the language will protect the identity of each student, privacy issues are addressed.
- This bill also meshes with the goals of the Governor's P-16 Council and having this data will be an asset to it as well.

Dr. Ellen C. Wheatley, Administrator, Child Development Bureau (DHHS)

- Dr. Wheatley spoke in favor of the bill, stating that the Division for Children, Youth and Families would be able to track children who receive scholarship opportunities early on and pass the information on to early child care programs in order to improve the quality of their programs.

Funding: Not Applicable.

Future Action: The Committee took the bill under advisement.

hmm

[file: SB 503.2 Report]

Date: March 9, 2010

Date: March 8, 2010
Time: 3:01 p.m.
Room: LOB 103

MS

The Senate Committee on Education held a hearing on the following:

SB 503 relative to unique pupil identification.

Members of Committee present: Senator Kelly
Senator Merrill
Senator Lasky
Senator Letourneau

The Vice Chair, Senator Amanda Merrill, reconvened the hearing on SB 503 and invited the prime sponsor, Senator Molly Kelly, to introduce the legislation.

Senator Molly Kelly, D. 10: Thank you, members of the Senate Education Committee. And for the record, I am Senator Molly Kelly, and represent District 10, the City of Keene, and the towns of Surry, Chesterfield, Marlborough, Dublin, Swanzey, Troy, Fitzwilliam, Richmond Winchester and Hinsdale. I am here this afternoon to introduce important education legislation.

In 2004, the legislative session passed legislation that created a unique student identifier for every K through 12 public student in New Hampshire. This unique identifier captured critical and secure student information that now guides many policy decisions across our state. That legislation enabled the Department of Education to collect accurate dropout information to implement the state accountability system and to identify funding projections for state adequacy aid. Additionally, schools across the state are now using data driven instruction to enhance the curriculum for all students.

Although the state has experienced significant success as a result of this legislation, the bill before you, SB 503, is needed to optimize the use of the unique student identifier. SB 503 requires RSA 193-E to include post-secondary and early childhood education data. Expanding RSA 193-E to include post-secondary education will allow state educators to measure students' successes in post-secondary education and its correlation to K

aid

through 12 preparation. This information can then be used to inform K through 12 curriculum instruction and assessment systems.

Measuring success and applying it to K through 12 curriculum is the intent of this bill. Expanding RSA-193-E to include early childhood education data as well will create a way to share education data between pre-school and the primary schools. Analysis of early childhood education data in relationship to early elementary achievement can inform policy to optimize early childhood programs. This information will help to facilitate student readiness for success in the early grades. As well, the America Competes Act, a federal legislation which is defined as creating opportunities to meaningfully promote excellence in technology education and science requires the linking of early education and post-secondary student level education data with K through 12 student level education data. Expansion of the use of the unique student identifier will provide a common link to early education, K through 12 and post-secondary data systems and so I ask that you support this important legislation.

This legislation also came about through the Oversight Committee on Assessment and a lot of work by many people on the Committee. And this is important for us to move forward so that we can determine what is successful, what is working, and apply that then across the board to our students. And we need to include early childhood as well as post-secondary, not just K through 12.

There are others here who know more detail about this legislation than I do, and I look forward to their testimony. So I hope that you will consider supporting this legislation. Thank you.

Senator Amanda Merrill, D. 21: Thank you, Senator Kelly. Any questions for Senator Kelly?

Senator Bette R. Lasky, D. 13: No.

Senator Amanda Merrill, D. 21: Okay.

Senator Molly Kelly, D. 10: Thank you. I'm going to call on Michael Schwartz in the Department of Education and Judith Fillion. Are you team tagging today?

Judith Fillion: Yes we are.

Senator Molly Kelly, D. 10: Okay, thank you.

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Ms. Fillion: Good afternoon, Madam Chairman and members of the Committee. My name is Judith Fillion and I am the Director of the Division of Program Support for the Department of Education. The Bureau of Data Management which houses the data warehouse is in that division. I'm here to strongly support Senate Bill 503.

This proposed legislation extends the currently authorized K through 12 collection. And it also makes certain changes to clarify the data collection practices that are used in the Department. Michael Schwartz is with me to give a brief overview of our accomplishments to date and how we plan to build on prior achievements. Mike works with us on several projects. He is a contractor rather than a Department employee but he is responsible for the success of what we've done in this area. Michael.

Michael Schwartz: Thank you, and thank you, Madam Chairperson and Senators, and thank you, Senator Kelly and Senator Odell for introducing this important legislation. Just talk briefly about, what, how the unique pupil identifier has played a role over the past four years or so in the Department of Education. And as we've heard, the legislation, this amendment really does two things. It expands the scope of the unique pupil identifiers. It allows us to expand to post-secondary as well as prior to kindergarten and to the early childhood arena. It also does some, a little bit of clarification just to clarify the role of the Department of Ed in collecting data.

The unique pupil identifier has really played a significant role over the past three or four years in terms of New Hampshire's and schools' ability to both collect data, but more importantly, to make policy decisions and understand how data, using data to inform educators on how students are performing, what programs are working in schools, what programs aren't, and how education will be differentiated for every child to help improve education for our children in the state. We've found, through the development of this data warehouse and giving the ability to school districts to leverage this data, I'm going to give you some examples of how some school districts are finding success.

In Franklin, for example, teachers are able to take a look at multiple assessments. So, rather than looking at just a state assessment, we're looking at multiple different assessments for students, and using different assessments to understand where students' strengths really are and where they are having difficulties. So not relying on one test for one child and saying, "This child isn't doing well in math," we're looking across multiple assessments and really understanding, is there a pattern we're seeing in certain instructional areas?

In Haverhill, Haverhill Cooperative is a good example of where multiple schools were able to better collaborate through looking at data. They were able to, through this information, look and understand that two of their schools were outperforming a third in geometry measurements or one of different mathematic strands. I'm not sure which one it was. But identifying that two schools were having different results than a third, they were able to bring the elementary schools together. This was coordinated through their middle school that they all fed into. Bringing them together and have them, the math teams actually work together to understand and share best practices across the schools. So it was a great example of ways that multiple schools were able to look at their results across the across the schools and help collaborate.

There's a variety of different examples. A Special Education Coordinator is better at being able to understand information and make decisions around IEPs. Information allowing schools to create their own local assessments as well so they can do some of their own assessing of student. So through a variety of ways and those are just a few examples of the many examples that we've seen in terms of how schools are able to improve instruction for their students.

We've also, as we heard earlier, been able to use this data for instance to change the discussion from, "What is the drop-out rate in New Hampshire?" to the discussions of, "How can we better address the dropouts and help prevent kids from dropping out completely?" So it's really shifted the conversation from understanding data to, "How can we use the data to make a difference improving children's education?" So again, the scope of this primarily is to expand it so we can do the wonderful things we've been doing around K through 12 education so we can expand to post-secondary and early childhood.

We have heard colleges talk a lot about the need for remedial education of the students when they get to college. By linking K to12 and college we will have a better ability to understand what programs in high schools and K to12 are impacting success in college or what programs in K to12 are causing or resulting in remedial work in college. So it allows the better be able to address and identify the strong programs in K to 12 to improve success in college. Same thing with early childhood where we know there's a lot of good programs done in early childhood. The communication of what students have learned in that environment doesn't translate well into kindergarten and first grade and early K to12 schools. So by better linking these systems we'll be able to better share that information between early childhood and our K

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to 12 or primarily our elementary schools. So, again, it will be a way for us to improve the education for the children at those early years.

So hopefully that gives you a little bit of an idea of the importance of this. We, as Senator Kelly mentioned earlier, we've been working as part of that legislative oversight committee around assessments and accountability. We work closely with the higher ed group and the preschool or early childhood Health and Human Services groups that have collectively worked on, with the Senators, worked on this legislation. I have a feeling that really as a team this is important to all of us, all these different groups. So I know that they've signified their support as well and I think that we might hear from them also.

Senator Molly Kelly, D. 10: Thank you. Any questions? Senator Merrill.

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. I had a few questions if that's okay.

Senator Molly Kelly, D. 10: Go right ahead.

Senator Amanda Merrill, D. 21: Thank you. First, on the first page where it lists indicators. Indicators shall include the following areas. And, at least on my copy on line 21, it adds an "(i)," pupil course information. You've got, you're still looking at "as introduced" right?

Senator Molly Kelly, D. 10: I've got, yeah.

Senator Amanda Merrill, D. 21: Yes, okay.

Senator Molly Kelly, D. 10: It's as introduced. So where are you?

Senator Amanda Merrill, D. 21: Just on three, two.

Senator Molly Kelly, D. 10: Two?

Senator Amanda Merrill, D. 21: Okay.

Senator Amanda Merrill, D. 21: Just, I wasn't sure what that meant. Does that mean just courses that are offered in the school, or?

Mr. Schwartz: Right, so that's the types of courses, the courses that students are taking. So if they're taking a history course or a foreign language course or a different course, it's the information about the different courses that they're taking in schools.

Senator Amanda Merrill, D. 21: So it's specific to the child then, the student?

Mr. Schwartz: Yes. Yes.

Senator Amanda Merrill, D. 21: Okay. And then, on page two, there's new language, a new subparagraph (b) that starts on line 13. And it says that you shall include information and data. And I just, I just didn't know, what's the difference between information and data?

Mr. Schwartz: Right. I mean, my interpretation of this is that the information just might mean the contextual dialogue about the data to help put it in, to some more meaning. So the idea that there would be a report issued the beginning 2013 and along with maybe tables of data there would be contextual information describing what that meant.

Senator Amanda Merrill, D. 21: And then?

Senator Molly Kelly, D. 10: Mhm.

Senator Amanda Merrill, D. 21: There's one other reference that I wasn't, I just needed to know whether it was accurate or not. On page three,

Senator Molly Kelly, D. 10: On the definitions?

Senator Amanda Merrill, D. 21: Yeah. Under definitions line 18, is the definition of-

Senator Molly Kelly, D. 10: It starts with data warehouse.

Senator Amanda Merrill, D. 21: Data, yeah, data warehouse. And it refers back to information as set forth in 193-E:3 I, which is existing language about what the school district has to do. So I didn't know whether that needs to, given that now you're going to include post-secondary and preschool, whether that reference is still, if that's too, if that reference is too narrow. 'Cause the data warehouse will have, well, all three levels of information now won't it?

Mr. Schwartz: It's a good question. Good point. It seems to me now looking at it right now that you would want to include two and three.

Senator Molly Kelly, D. 10: Roman numeral two and Roman numeral three is that what you're saying, Mike?

Senator Amanda Merrill, D. 21: Or maybe, I don't know, maybe page two. That new language about the annual report including everything-

Mr. Schwartz: Probably.

Senator Amanda Merrill, D. 21: covers it. I don't know. I just wasn't sure.

Mr. Schwartz: Actually-

Ms. Fillion: We can check that, Senator.

Senator Amanda Merrill, D. 21: Anyway, I just assumed you wanted the data warehouse to cover all of it.

Mr. Schwartz: Yeah, I guess it would actually be Roman numeral six and seven, that are for the post-secondary early childhood.

Senator Molly Kelly, D. 10: It would need to include Roman numerals six and seven?

Mr. Schwartz: Seems to me.

Senator Molly Kelly, D. 10: Or did you want to take a look at, Michael? Okay. Any other questions? Okay, Senator Lasky?

Senator Bette R. Lasky, D. 13: No, nothing, thank you.

Senator Molly Kelly, D. 10: I want to thank you, both of you, for the time you spent on this and working so hard with the legislative committee. And I know that this is really important legislation so that we're not just looking at a subset of students but we're, now we have the whole parameter up, early education right through post-secondary. So I want to make sure that we are using the most successful tools and programs that we can in the schools so all children have success. And I think that's the intent of your bill. Is that correct?

Mr. Schwartz: Absolutely. Yep.

Senator Molly Kelly, D. 10: Thank you.

Mr. Schwartz: Thank you very much.

Ms. Fillion: Thank you.

Senator Molly Kelly, D. 10: Okay, I'm going to call Chuck, is that?

Chuck Annal: Annal.

Senator Molly Kelly, D. 10: Annal. Thank you, I'm sorry. And you wish to speak in favor of the bill.

Mr. Annal: I do. Thank you, Madam Chair and members of the Senate Education Committee, for giving me this opportunity. I come today on behalf of the Community College System of New Hampshire in support of this bill.

As you know, our system occupies a kind of unique position of the educational spectrum of the state, sitting as we do between, on the one hand, secondary education and on the other hand baccalaureate education and we are in many respects, a bridge between the two of those. And over the years have had a number of collaborations with each of those systems. We of course transfer a number of students into the university system, colleges and universities. We have a program that began about a year ago, called the New Hampshire Connections Program where students who are denied admission into University System of New Hampshire colleges, can be guaranteed admission if they spend one year at a community college and meet certain kinds of requirements.

We have had a number of collaborations with secondary. Probably the one you're most familiar with would be the Running Start Program which is our concurrent high school and college credit program. We've started a new program called E-Start which is a kind of an online version of Running Start. All the courses are delivered in a 100% online format. We've had a very successful math project with secondary over the last three years working with math, high school math teachers, working with our college math teachers on math readiness.

Even though we've had all of these collaborations going on, the one thing that we haven't been able to do very well, which this bill will provide for us is the ability to track students' success. We can track students into the University System but its kind of a clunky process right now. It's a manual process and in fact the University System is the one who actually provides us with the data. Our sense is that it's not very accurate and that's by agreement with the University System folks, because it's a manual process.

This bill will allow us to be able to track our students, our graduates, our transfer students, into the University System, into the programs they go into and see what kind of success they have. And that's a crucial piece in forming collaboration with the University System around curriculum development in

our system. We want our students to be successful in the University System and we want them to be well prepared.

Right now, we really don't have a good way of finding that out. We'd like to track former Running Start students who come into our system. We know we have them, but again, we're not sure where they're coming from. We don't have a real good way to track how successful they are as they come into our system, and a bill like this would allow us to do that.

Michael kindly referenced one of the things that I was going to mention and that was student readiness. I think some of you have heard me speak before on the math readiness issue in our system. So many students who come to us place in remedial math. And what we would like to be able to do is to track those students who are successful, who do place into our credit maths immediately coming in, look at the high schools and the programs that they have and see what kinds of programs contribute to the success of students in the math area as they come into the system and something like this would allow us to do that.

The other thing I should point out, I think, is that our system has really made a commitment in this last year towards data collection and data driven decision making. We now have institutional researchers on each of our campuses. That's brand new. We have a new data warehouse of our own that allows us to extract information out of our system in ways that we haven't been able to do before. So this bill really dovetails very nicely with that commitment that we've made to better data collection and better decision making. So I come here on behalf of the Community College System in support of this bill.

Senator Molly Kelly, D. 10: Thank you. The only question I have is, did you, you said in remedial math, how many students are, how many students come into the community college actually take a remedial math?

Mr. Annal: It's, the latest data we have, it's probably about 65%

Senator Molly Kelly, D. 10: Sixty-five percent.

Mr. Annal: Take remedial math. So there's 35% who come in successful.

Senator Molly Kelly, D. 10: And you want to know.

Mr. Annal: And we want to know where they're coming from and what programs are contributing to that.

Senator Molly Kelly, D. 10: Okay, thank you. Any questions? Thank you for your testimony.

Mr. Annal: Thank you.

Senator Molly Kelly, D. 10: Representative Rous.

Representative Rous: Thank you, Senator Kelly. As the Chair of the Assessment Oversight Committee that looked at this proposal before it came before you in the form of a bill, I just wanted to add a couple of thoughts in support of the importance of this bill. We know that a good system of data tracking has become a national priority. It's one of the basic assurances required of Race to the Top which the state still hopes to get in the second round.

We just heard in the Public Higher Education Oversight Committee this morning that there is a decrease in the number of college graduates in, I think, the 25-30 year age range. There are so many things that we're working on, that we don't have enough data to really be able to study and support in a good accurate way and this data tracking into the post-secondary level I think would really help us do that. It will help us with the remedial issue as the Community College System just said.

Students when they leave high school will tell us that they plan to attend post-secondary but we don't really have a good way to follow whether they actually do that. We don't know how many students are taking five years and more to finish post-secondary. There are lots of questions, lots of areas in our educational system that we'd really like to be able to improve. And having the right data will help us really be able to address those issues.

So I just want to encourage you to support this. I think it's really important. I think that the privacy issues have been addressed in the bill. I think that privacy is well-protected by the bill. I guess I would just add that the Governor's P-16 Council which is looking at smooth transitions, good articulations all the way from pre-K through post-secondary and improving graduation rates and completion of post-secondary, that those goals really mesh with having this good data to work with.

Senator Molly Kelly, D. 10: Thank you. Any questions? Okay, thank you. Okay, Ellen Wheatley?

Dr. Ellen C. Wheatley: Good afternoon, Chairperson Kelly and Senators. My name is Dr. Ellen Wheatley. I am the administrator for the Child Development Bureau at DCYF. My responsibilities include administering all

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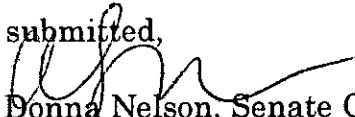
of the Childcare Scholarship Program. That is the subsidy for children living in income eligible homes.

And through this bill we would be able to track children receiving that scholarship from where they are in their childcare programs through early elementary school and beyond. We know that it's important for elementary schools to be able to find these children early, to know how they're doing when they come in, but we also anticipate the ability to get information back from third grade reading and math scores to be able give information to childcare programs, about how they're doing in preparing children and hopefully to improve the quality. And that's it.

Senator Molly Kelly, D. 10: Thank you. Thank you for that. Any questions? Kathy Salisbury is signed up in favor but not speaking. Thank you. And I believe that's it. Is there anybody else here who did not have an opportunity to speak on SB 503? Okay, I'm going to go ahead and close the hearing then on SB 503.

Hearing concluded at 3:25 p.m.

Respectfully submitted,



Recorded by Donna Nelson, Senate Committee Secretary
Transcribed by Addie Shankle, Senate Committee Secretary
6/15/10

Speakers

Testimony

Sen. Merrill, Dist. 21
Sen. Kelly, Dist. 10
March 11, 2010

04/01

09723

Amendment to SB 503

1 Amend RSA 193-E:4, II as inserted by section 2 of the bill by replacing it with the following:

2 II. "Data warehouse" means the electronic system operated by the department of education that
3 maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data
4 warehouse shall not contain the name, address, telephone number, e-mail address, social security
5 number, or any other personally identifiable information about any pupil.

6
7 Amend RSA 193-E:5, I(g) as inserted by section 3 of the bill by replacing it with the following:

8 (g) No person, including an individual, business, government, or governmental entity, shall
9 require an individual to provide a unique pupil identifier as a condition of doing business, providing
10 a service, or receiving a benefit of any kind, **except that an early childhood program, district, or**
11 **postsecondary institution shall request a unique pupil identifier for any pupil who applies**
12 **for admission to, or enrolls in, an early childhood program, district, or postsecondary**
13 **institution.** Any person or entity [~~violating~~] **who knowingly violates** the provisions of this
14 [~~paragraph~~] **subparagraph** shall be liable for actual damages or \$25,000, whichever is greater, for
15 each violation. Each denial of services or benefits shall constitute a separate offense under this
16 [~~paragraph~~] **subparagraph.**

17
18 Amend RSA 193-E:5, I(n) as inserted by section 3 of the bill by replacing it with the following:

19 (n) **Notwithstanding subparagraphs (a)-(m), to enable the department of education to**
20 **conduct studies, track and report annual and longitudinal outcomes, the commissioner of**
21 **the department of education may, in writing, grant individuals access to the data**
22 **warehouse for the purpose of connecting information in the warehouse with the random**
23 **number generator.**

24

1
2

3 Amend RSA 193-E:4, II as inserted by section 2 of the bill by replacing it with the following:

4 2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as
5 follows:

6 193-E:4 Definitions. In this subdivision:

7 II. "Data warehouse" means the electronic system operated by the department of education
8 that maintains the information about pupils as set forth in RSA 193-E:3, I, VI and VII. The data
9 warehouse shall not contain the name, address, telephone number, e-mail address, social
10 security number, or any other personally identifiable information about any pupil.

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this
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11 Amend RSA 193-E:5, I (g) as inserted by section 3 of the bill by replacing it with the following:

12 3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

13 193-E:5 Unique Pupil Identification.

14 I. The department of education shall, using federal funds only, implement and maintain a
15 unique pupil identification system on a statewide basis that complies with the following
16 requirements:

17 (g) No person, including an individual, business, government, or governmental entity, shall
18 require an individual to provide a unique pupil identifier as a condition of doing business,
19 providing a service, or receiving a benefit of any kind. ~~Notwithstanding the foregoing, A an~~
20 ~~early childhood program, district, or postsecondary institution shall furnish request the~~
21 ~~unique pupil identifier for any enrolled pupil who applies for admission to, or enrolls in,~~
22 ~~another early childhood program, district, or postsecondary institution.~~ Any person or
23 entity ~~who knowingly violating~~ the provisions of this paragraph shall be liable for actual
24 damages or \$25,000, whichever is greater, for each violation. Each denial of services or
25 benefits shall constitute a separate offense under this paragraph.

a ←

26 Amend RSA 193-E:5, I (n) as inserted by section 3 of the bill by replacing it with the following:

27 (n) ~~Notwithstanding the foregoing,~~ ^{(a) & (m)} to enable the department of education to conduct
28 studies, track and report annual and longitudinal student outcomes, ~~the commissioner of~~
29 the department of education may, in writing, grant individuals access to the data
30 warehouse for the purpose of connecting information in the warehouse with the random
31 number generator.

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Kelly
Submission (A)

March 8, 2010

SB 503

**Thank you to Members of the Senate Education
Committee**

**For the record, I am Senator Molly Kelly and represent
District 10, the City of Keene and the Towns of Surry,
Chesterfield, Marlborough, Dublin, Swanzey, Troy,
Fitzwilliam, Richmond, Winchester and Hinsdale.**

**I am here this morning to introduce important
education legislation.**

**In the 2004 Legislative session we passed legislation that
created a unique student identifier for every K-12
public student in New Hampshire. This unique
identifier captured critical and secure student
information that now guides many policy decisions
across the state. That legislation enabled the**

Department of Education to collect accurate drop-out information, to implement the state accountability system and to identify funding projections for state adequacy aid. Additionally, schools across the state are now using data driven instruction to enhance their curriculum for all students.

Although the state has experienced significant success as a result of this legislation, the Bill before you SB 503 is needed to optimize the use of the unique student identifier.

SB 503 requires RSA 193-E to include postsecondary and early childhood education data.

Expanding RSA 193-E to include postsecondary will allow state educators to measure students' successes in postsecondary education and its correlation to K-12 preparation. This information can then be used to

inform K-12 curriculum, instruction, and assessment system. Measuring success and applying it to K-12 curriculum is the intent of this Bill.

Expanding RSA 193-E to include early childhood education data will create a way to share education data between preschool and the primary grades.

Analysis of early childhood education data in relationship to early elementary achievement can inform policy to optimize early childhood programs.

This information will help to facilitate student readiness for success in the early grades.

As well, the America Competes Act, Federal Legislation defined as Creating Opportunities to Meaningfully Promote excellence in Technology, Education, and Science, requires the linking of early education and post-secondary student level education data with K-12 student level education data.

Expansion of the use of the unique student identifier will provide a common link to early education, K-12 and post-secondary data systems and so I ask that you support this important legislation.

Recommended Expansion of RSA 193

Schools across the state are now embracing data driven instruction as they enhance their curriculum for all students and differentiate instruction for individual students. We have also realized the limitations in our K-12 data system – limitations that impact the ability to assess curriculum strengths and weaknesses before kindergarten begins and throughout postsecondary education. High schools have minimal ability to understand how their programs translate into college success. Elementary schools and preschools have limited ability to identify how different early childhood programs prepare students for kindergarten. The current ARRA funding opportunities offer a potential resource to fill this gap and broaden the ability to inform instruction through data. To enable this enhanced understanding of education and to try and capture ARRA funds we are suggesting changes to RSA 193.

Agenda for this Discussion:

What has been accomplished over the past four years...

How can the legislation change to build on prior achievements...

Why is now the right time...

What has been accomplished over the past four years...

RSA 193-E5 has transformed the way education is practiced in K-12 schools throughout NH.

The accomplishments of RSA 193-E5: a summary of what we have done:

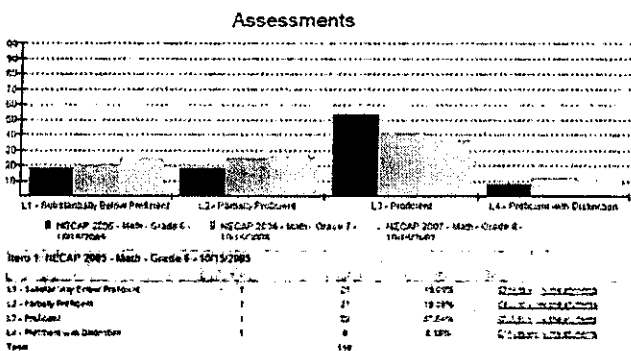
- We have built a secure data warehouse with reliable data***
With the implementation of RSA 193-E5, the DOE developed the i4see initiative (Initiative for School Empowerment & Excellence) to build a data warehouse.
 - Focus on quality data
 - Support and collaboration with districts
 - A focus on value for districts/schools
- Schools and Districts have changed the way they deliver education***
The RSA has enabled school districts to leverage data to inform instruction – helping individual students and populations of students. The DOE worked with districts to implement the Performance Plus system to enable data driven decision instruction
 - Schools embrace at their own pace
 - New Hampshire has been recognized as a leader in New England and nationally (www.relnei.org).
 - We reached 8,000 logins during the short month of June (400 per day).

Students benefit on a daily basis – there is a new culture in so many schools informing teaching and learning.

Educators across the state are using data to inform instruction....

- Teachers across the state are using multiple assessments to triangulate their understanding of student performance with quantitative data, to identify students' success and challenges with given state standards. (Franklin)
- Districts are looking across their schools to increase collaboration – for example, bringing together math leads after realizing two feeding elementary schools were out performing a third in a specific topic. (Haverhill Cooperative)
- Schools are using data to inform their reading initiative as they focus on literacy. (Pembroke).
- Curriculum directors are able to analyze the connection between their students' performance on standards, with the curriculum being taught in their schools. Strengths, weaknesses and gaps in the curriculum are quickly identified when analyzing the data. (Derry)
- Special education coordinators and case managers are monitoring and tracking individual student growth and needs (Allenstown).
- Districts are using data to build personal learning plans to guide the education for every student. (Lin-wood)
- Schools are building their own local assessments to monitor student progress throughout the year. (Manchester, Derry)
- And many, many more uses of data driving instruction....

Sample Reports....



Item ID	Item Description	Level	Count	Percentage
1	Recall & Reproduction (DoK1) - Mult Choice	Level 1	46	31.51%
2	Apply & Connect (DoK2) - Open Ended	Level 2	66	45.21%
3	Apply & Connect (DoK2) - Open Ended	Level 3	13	8.80%
4	Recall & Reproduction (DoK1) - Mult Choice	Level 4	18	12.33%
5	Apply & Connect (DoK2) - Open Ended	Level 1	3	2.05%
6	Apply & Connect (DoK2) - Open Ended	Level 2	0	0%

Report: Item Analysis
 Subject: Mathematics
 Grades: Fourth Grade
 Filter: Assessments: NECAP 2007 - Math - Grade 5 10/15/2007
 Assessment: NECAP 2007 - Math - Grade 5 10/15/2007

Question: Look at this set of stars.
 Points: 1 Level: Recall & Reproduction (DoK1) Type: Mult Choice
[Click here to view](#)

Answer	Count	Frequency	View Students
A	46	31.51%	Click to view
B (Correct)	66	45.21%	Click to view
C	13	8.80%	Click to view
D	18	12.33%	Click to view
BLANK	3	2.05%	Click to view
MULT	0	0%	

Display: 10
 Pages: 1 / 2

Subject: Mathematics
 Grades: 4th Grade
 Filter: Assessments: NECAP 2007 - Math - Grade 5 10/15/2007

Look at these blocks.

Key: represents 1

What is the value of these blocks?
 Done 4.100%

Answer	Count	Percentage
A	46	31.51%
B	66	45.21%
C	13	8.80%
D	18	12.33%
BLANK	3	2.05%
MULT	0	0%

How can the legislation change to build on prior achievements...

We are drafting a proposed enhancement to RSA 193 with three primary needs:

1. *Clarification*
Modification to clarify the role of the Department of Education in their efforts under the existing scope of the RSA, to ensure data quality and security.
2. *Helping students achieve success in postsecondary education*
Expansion to help increase students aspirations, participation and graduation in postsecondary education.
3. *Helping to bridge the connection between preschool and the primary grades*
Expansion to help improve our students' ability to be successful in their early years of school (K-5) through improved connections with preschools.

Districts, preschools and postsecondary institutions will be able to collaborate to ensure students complete high school, encourage students to aspire for college and increase student enrollment and graduation from postsecondary institutions.

Some initial examples...

- Early childhood programs can better understand how well they support children's development when data are available to inform practice and curricula.
- We can form a culture of collaboration as elementary school principals and kindergarten teachers begin working with early childhood programs.
- When children in early childhood programs are assigned unique pupil identifiers, NH will have improved capacity for longitudinal tracking.
- Data sharing will improve the experience of young children and their families as they transition from early childhood programs to their local public school.
- When NH has a system for data sharing among various departments and early childhood programs (e.g., NH DOE, NH DHHS, child care, Head Start, etc.), there will be enhanced capacity to examine child and student progress and outcomes more holistically.
- High schools can better understand how alternative programs are preparing students for success in postsecondary institutions.
- A high school principal can better understand what high school programs result in remedial work in college.
- Postsecondary institutions will be able to collaborate with guidance councilors at a high school to assist students who have a desire to go to college, but may otherwise not apply.
- Postsecondary institutions can better understand the strengths, gaps and needs of high school students.
- Postsecondary institutions can better collaborate as students transfer between schools.
- These are just some example of how expanded legislation can change the culture of the P-20 education system.

Why is now the right time...

Over the past four years school have benefited tremendously due to the unique pupil identifier as established in RSA 193.

We have the opportunity to expand upon these successes. The current RSA has limitations that inhibit significant benefits.

2. RTTT Funds may be in jeopardy
 - ✓ SFSF Requires the creation of a statewide P16 data system.
“(i) The State’s process and timeline for developing and implementing, as soon as possible but no later than September 30, 2011, a statewide longitudinal data system that fully includes all 12 elements [described in section 6401(e)(2)(D) of the America COMPETES Act]” (e.g. “a unique statewide student identifier [P-16]”).
 - ✓ The Department can not mandate collection of data beyond PK-12 for public school students. P-16 is required.
3. The Department is limited as to what data can be collected. This prevents critical analysis on program effectiveness and student success.
 - ✓ There is no mandate for postsecondary or preschools to collect information regarding student achievement.
 - ✓ No SASIDs could be created for students outside SAU responsibility (195-E:5 I(d)).
 - ✓ For students with a SASID, postsecondary can not require SASID (195-E:5 I(g)).
 - ✓ Preschools can not request SASIDs.
 - ✓ Legislation limits collection to public school students (193-E:4 IV+).
 - ✓ It is not clear, but the Department may need to receive legislative approval to collect data from postsecondary, preschool or other agencies (193-E:3 II).
4. The ability to achieve the P16 Council’s Five Goals will be diminished.
 - ✓ Tracking student progression from K-12 to Post Secondary will be limited.
 - ✓ Understanding program effectiveness (at Primary, Secondary and Postsecondary levels) will be diminished.
5. Data will lack accuracy
 - ✓ It will be more difficult to match data across agencies if SASID is not shared and result in poor data quality.
 - ✓ Lack of complete data will impede quality research and limit effective policy definition.
6. Data submission will be more onerous on school officials.
 - ✓ Without a single student identifier, it will require additional effort by school officials to share data, verify the accuracy of data and identify gaps in missing data.

Voting Sheets

Senate Education Committee

EXECUTIVE SESSION

Bill # SB503

Hearing date: 3/8/10

Executive session date: 3/16/10

Motion of: OTP - Amendment

VOTE: 3-0

<u>Made by</u> Kelly <input type="checkbox"/>	<u>Seconded</u> Kelly <input checked="" type="checkbox"/>	<u>Reported</u> Kelly <input type="checkbox"/>
<u>Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input checked="" type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>
Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>
Lasky <input checked="" type="checkbox"/>	Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>
Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>
Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>

Motion of: OTP/A ~~XXXXXXXXXX~~

VOTE: 3-0

<u>Made by</u> Kelly <input type="checkbox"/>	<u>Seconded</u> Kelly <input checked="" type="checkbox"/>	<u>Reported</u> Kelly <input checked="" type="checkbox"/>
<u>Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>
Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>
Lasky <input checked="" type="checkbox"/>	Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>
Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>
Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Kelly, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 16, 2010

THE COMMITTEE ON Education

to which was referred Senate Bill 503

AN ACT relative to unique pupil identification.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-0

AMENDMENT # 1014s

Senator Molly Kelly
For the Committee

Donna Nelson 271-4151

New Hampshire General Court - Bill Status System

Docket of SB503

Docket Abbreviations

Bill Title: relative to unique pupil identification.*Official Docket of SB503:*

Date	Body	Description
02/10/2010	S	Introduced and Referred to Education, SJ 6 , Pg.80
02/16/2010	S	Hearing: March 2, 2010, Room 103, LOB, 11:00 a.m.; SC8
03/03/2010	S	Hearing: === RECESSED === March 2, 2010, Room 103, LOB, 11:00 a.m.; SC10
03/03/2010	S	Hearing: === RECONVENE === March 8, 2010, Room 103, LOB, 3:00 p.m.; SC10
03/16/2010	S	Committee Report: Ought to Pass with Amendment 1014s, 3/17/10; SC11B
03/17/2010	S	Committee Amendment 1014s, AA, VV; SJ 10 , Pg.162
03/17/2010	S	Ought to Pass with Amendment 1014s, MA, VV; OT3rdg; SJ 10 , Pg.162
03/17/2010	S	Passed by Third Reading Resolution; SJ 10 , Pg.169
03/18/2010	H	Introduced and Referred to Education; HJ 27 , PG.1441
03/23/2010	H	Public Hearing: 4/13/2010 10:30 AM LOB 207
04/21/2010	H	Executive Session: 5/4/2010 10:00 AM LOB 207
05/04/2010	H	Majority Comm Report: Ought to Pass with AM #1824h for May 12 (Vote 14-6; RC); HJ 37 , PG.1739-1740
05/04/2010	H	Proposed Majority Committee Amendment #1824h; HJ 37 , PG.1851-1854
05/04/2010	H	Minority Committee Report: Ought to Pass with Amendment #1942h; HJ 37 , PG.1739-1740
05/04/2010	H	Proposed Minority Committee Amendment #1942h; HJ 37 , PG.1854-1857
05/12/2010	H	Special Order to Next Session Day, Without Objection; HJ 41 , PG.2097
05/13/2010	H	Majority Committee Amendment #1824h Adopted, VV; HJ 42 , PG.2132-2135
05/13/2010	H	Floor Amendment #2028h (Rep B.Shaw) Failed, DIV 127-157; HJ 42 , PG.2135-2138
05/13/2010	H	Ought to Pass with AM #1824h: MA RC 209-82 ; HJ 42 , PG.2132-2140
05/19/2010	S	Sen. Kelly Moved Nonconcur with House Amendment 1824h; Requests C of C, MA, VV; SJ 20 , Pg.646
05/19/2010	S	President Appoints: Senators Kelly, Merrill and Bragdon; SJ 20 , Pg.646
05/19/2010	H	House Accedes to Request for Comm of Conf (Rep Hess): MA VV; HJ 46 , PG.2242
05/19/2010	H	Speaker Appoints: Reps Rous, B.Ward, Yeaton & Casey; HJ 46 , PG.2242
05/21/2010	S	Committee of Conference Meeting: 5/24/2010 12:00 p.m., Room 103, State House
05/27/2010	H	Conference Committee Report #2159, House Amendment + New Amendment, Filed; HC 43 , PG.2160

06/02/2010	H	Conference Committee Report #2159 Adopted, RC 218-142
06/02/2010	S	Conference Committee Report 2159; Adopted, VV; SJ 21 , Pg.725
06/02/2010	H	Enrolled
06/02/2010	S	Enrolled; SJ 21 , Pg.776
07/20/2010	S	Signed by the Governor on 07/20/2010; Effective 09/18/2010; Chapter 0356

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301*

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 603 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # 10143 ____ - AMENDMENT # _____
____ - AMENDMENT # 9723 ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

____ **PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)**

List by letter [a thru g or a, b, c, d] here: A

EXECUTIVE SESSION REPORT

____ **OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):**

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/30/2010



COMMITTEE SECRETARY