

# Education Data Legislation Review

## 2020 STATE ACTIVITY

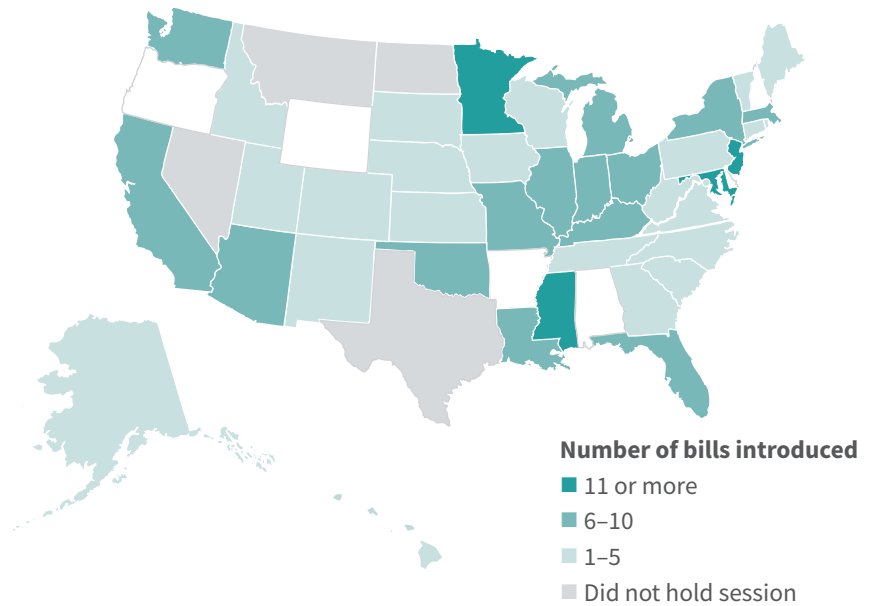


**In a year of upheaval, state legislators have remained focused on making data available to address education challenges.**

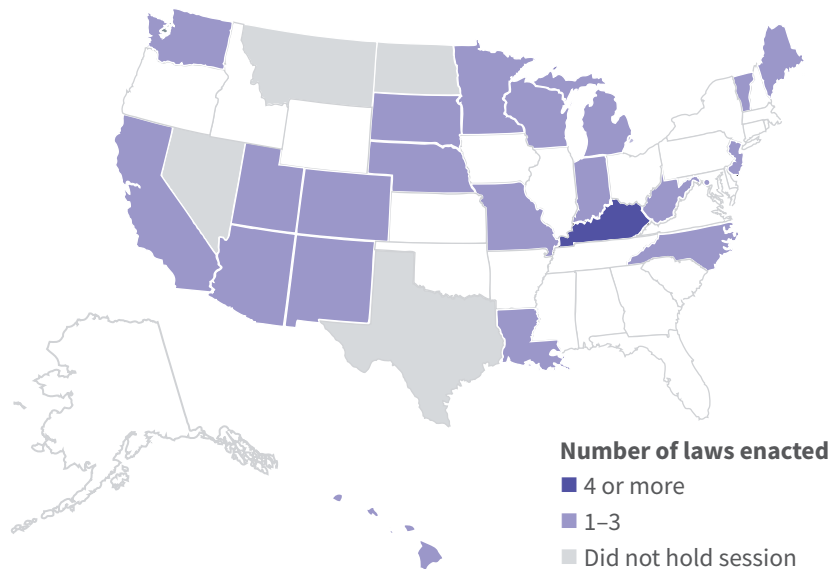
More and more, policymakers are introducing bills that would address the information needs of students, educators, parents, and the public, though most new education data laws do not systematically support data use. As the COVID-19 crisis continues, legislators should think holistically about how to leverage state data infrastructure to support decisionmaking and improvement at all levels.

### 2020 Overview

**242 education data bills were introduced in 41 states.**



**43 of these bills were signed into law in 22 states.**

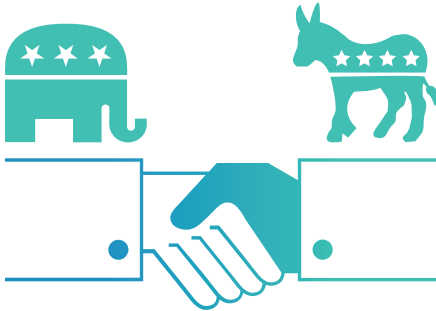


Since 2014, the Data Quality Campaign has tracked legislation in all 50 states and the District of Columbia with provisions that expressly affect the collection and use of education data. The numbers included in this summary reflect state legislative activity between January 1 and October 9, 2020. Four states did not hold a regular session in 2020 (Montana, Nevada, North Dakota, and Texas).

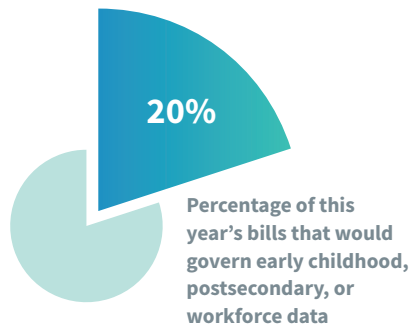
## Key Themes

In March 2020, the spread of COVID-19 brought state legislative sessions to a halt. States adjourned early or postponed activity until they determined how to resume operations safely. The crisis forced legislators to refocus their efforts on emergency priorities, including approving budget bills in the face of shrinking state revenue projections. It fundamentally changed the state policy landscape.

This year's education data bills reflected policy priorities before and during the pandemic. Even as the future remains uncertain, key themes emerged this year that hold lessons for education data policymaking in 2021:



**Regardless of political party or policy priority, legislators want information about education.** Throughout the 2020 session, state legislators across the country sought to make more education data available. More than half of this year's bills required new data collections or reports—or changes to existing ones—on a range of education issues. Democrats and Republicans sponsored education data bills in nearly equal measure, and 12 percent of this year's bills had bipartisan sponsorship.



**Many 2020 education data bills concentrated on student experiences outside of K–12 academics.** Following a years-long trend, policymakers are thinking more broadly about the indicators of an excellent education. Student well-being, early learning, workforce development, and school finance were among state leaders' priorities reflected in education data legislation this year. Twenty percent of this year's bills would govern data outside of K–12, i.e., early childhood, postsecondary, or workforce data.



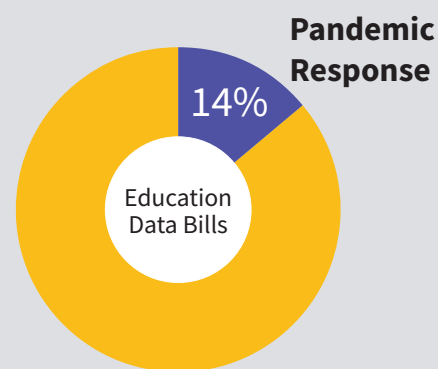
**Legislators considered policies to meet information needs beyond the statehouse.** While data collections and reports for policymakers were among the more common topics, this year's education data legislation reflected the needs of the many consumers of education data, including parents, students, and members of the public. Legislators considered bills that would, for example, increase transparency, guarantee secure access to student data for those closest to students, or require investment in useful classroom data tools.

While this year's education data bills show promising signs that legislators are working to make useful data available to people, most new advances in education data policy would have a marginal impact on data use statewide: they largely concern specific issues or groups of students. Moving forward, state legislators should think holistically about how to leverage state resources to build a statewide data ecosystem that ensures that people at all levels have the information they need in a time of uncertainty when quality, useful data has never been more important.

## COVID-19 PROMPTED STATES TO GO BACK TO DATA BASICS

Though activity slowed and legislators' focus shifted, education data remained a consideration in legislation introduced after the COVID-19 crisis began in March. Fourteen percent of education data bills focused on pandemic response. The field is only just beginning to understand how the pandemic will change education data policymaking, but some early themes emerged from these bills:

- **Attendance and enrollment data.** When the pandemic forced schools to close, state leaders had to revisit basic data requirements that were no longer feasible as written but were essential for governing public education. One of these requirements is how schools and districts calculate attendance and enrollment counts that contribute to funding formulas given school closures and ongoing remote instruction. Collecting this data continues to be a concern during the 2020–21 school year as schools navigate both in-person and online learning.
- **Assessments, reporting, and accountability.** After the US Department of Education waived the federal Every Student Succeeds Act's assessment and school accountability requirements for the 2019–20 school year, states had to revisit their own such requirements. Now state legislatures are turning their attention to how and whether to use summative assessment data for accountability and teacher evaluation for the coming school year, which will likely be a priority issue in 2021 sessions.
- **Data for state leaders to understand where students are academically.** Facing the absence of annual, statewide summative assessment data for the 2019–20 school year, some states will require districts to report data to help state leaders understand where students are relative to state standards. For example, a **Michigan** law will require districts to administer two benchmark assessments this year in English language arts and math and report aggregate results to the state.
- **Local data needs.** As educators work to support students during the crisis, the **New Jersey** legislature is considering a bill that would use federal stimulus funding to supply districts with a diagnostic tool to help identify where students are in terms of academics and well-being.
- **Effects of online learning.** As students continue to learn at home, state legislators in **Virginia** and **Pennsylvania** are considering bills that would initiate research to generate insights about the effects of online learning on academic performance and social-emotional well-being.

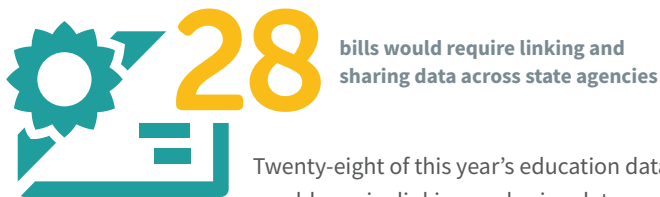


# Promising Strategies in This Year's Legislation

In 2020, beyond pandemic-response legislation, state legislators considered a broad range of policies that would address the foundational conditions that make data work for students. Following are some of the most prominent and promising strategies that became law this year.

## Breaking Down Silos to Answer State Questions

A student's learning journey does not happen in silos; over the past several years, education policy conversations have concentrated on what happens outside of the K-12 classroom and on measures of student success and school quality beyond academics. Answering state policy questions about student pathways often relies on sharing data between state agencies, and making this data useful to people requires compiling data from different sources so users can view it in one place.



Twenty-eight of this year's education data bills would require linking or sharing data across state agencies. This role is important for legislators to play as mandates help bring agencies together for a common purpose. As they pursue such strategies, legislators should also be establishing data governance policies that formalize systems and processes for who makes decisions about how such data should be used.

**Nebraska** Governor Pete Ricketts signed the [Nebraska Statewide Workforce and Education Reporting System Act](#), which requires the Department of Labor to share data with preK-12 and postsecondary to establish a P-20W data system. This bill specifies that the system allow for many uses including providing workforce data to postsecondary institutions and guiding students to successful pathways. It's important for legislators to be clear about how technical solutions will provide value that ultimately helps improve education in their states.



## MANDATES HELP GET THE HARD WORK DONE

In 2019, leaders in **California** took a groundbreaking step toward empowering Californians with information about how students move through the education system and into the workforce. Governor Gavin Newsom signed the [Cradle-to-Career Data System Act](#), establishing a statewide data system that will link data from early childhood to the workforce.

Linking and sharing data between agencies is hard because it relies on the political will of organizations with different priorities to come together around a shared student-centered vision. Rather than relying on the good will of multiple leaders to prioritize this effort, a legislative mandate is critical to ensure that this important work gets done.



As a first step in this process, the legislation charged a workgroup representing entities that would be contributing data to the system with presenting recommendations to the legislature for the structure and processes of the data system. The

workgroup met monthly in 2020 to develop these recommendations, taking feedback from two advisory groups and six technical subcommittees representing a broad range of perspectives. Every meeting has been open to the public, and meeting agendas, materials, and notes are published on a [website](#).

Building in this initial recommendations process is helping to ensure that a diversity of voices and perspectives are at the table to inform the process and that the data system will work not just for the state's leaders but also for the communities they serve.

The workgroup is set to deliver its recommendations to the legislature in December 2020.

## Providing Foundations for Meaningful Transparency

State leaders should ensure that publicly available data is easy to find, use, and understand. Sixty of this year’s education data bills considered data transparency in some way. Some of these bills included provisions that would require state agencies to collect data in a manner that intentionally aligns with use—for example, allowing for disaggregation or comparisons. Such requirements help ensure standard reporting across districts and schools that supports meaningful transparency.

**College and career pathways data.** As states face pressure to close the skills gap, they considered measures to improve the availability and transparency of pathways data as a strategy for strengthening the school-to-workforce pipeline.

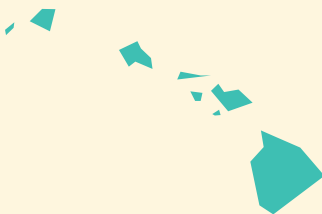
**Discipline data.** School climate and discipline were top-of-mind issues for legislators before the pandemic. In the same year that the US Department of Education proposed changes to the federal Civil Rights Data Collection (CRDC), which requires local education agencies (LEAs) and schools to report data on a range of elements including discipline practices, three states considered bills that would codify this data collection and reporting into state law.

**Financial data.** In the same year that the federal Every Student Succeeds Act requirement for all states to publish school-by-school spending data went into effect, four states considered or enacted measures to support financial data transparency.

**West Virginia’s** governor signed the Right to Know Act, which requires the state Department of Education to report certain data about postsecondary and career opportunities and outcomes to high schools and the public by October 15 each year. Seven other states considered similar bills.



A new **Hawaii** law requires the Hawaii Department of Education to collect and publish data on indicators related to school climate and student achievement, including discipline data elements required by the CRDC. This law requires the state agency to publish annual state-, complex-, and school-level public reports, including an analysis of disproportionality among student groups. The data must be disaggregated and downloadable, making it possible for any member of the public to dig deeper into the numbers.



Leaders in **New Mexico** enacted a law to establish a statewide financial reporting system based on a standard chart of accounts. This standardization will improve school spending transparency and support comparisons between LEAs and schools. The law specifies that the reporting allow for the display of certain indicators, including how school sites and LEAs budget funds to support at-risk students.



## Supporting Local Data Tools

A handful of states considered bills that would establish a state role for ensuring that those closest to students have the tools they need to gather data to support student learning, especially for specific groups of students. Legislators should consider how they can use their role to make useful data tools more broadly available across their state and engage educators as they craft such policies to ensure that they align with current classroom practice.

A new **Utah** law appropriates funding to reauthorize the state's existing student intervention early warning pilot program. It requires the State Board of Education to make an online data reporting tool available to LEAs to support their ability to implement this program. The law specifies that the tool be designed to support use by administrators, teachers, and parents, including the ability to view all relevant data on one screen.



## Safeguarding Data in the Digital Age

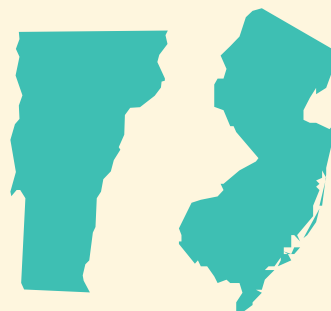
Since 2014, student data privacy—or policies for access to and use of individual student data—has been one of state policymakers' foremost education data priorities. In 2020, privacy remained a primary topic of education data legislation. Forty-three education data bills expressly focused on safeguarding student data; five of them became law. This year's privacy bills covered familiar themes, including district and school contracting practices, parental consent policies, and the activities of school service providers. States continued to consider bills modeled after California's landmark 2014 Student Online Personal Information Protection Act prohibiting school operators from using data for commercial purposes.

As COVID-19 forces colleges online and changes data sharing practices, five states considered bills that would account for postsecondary student privacy. This trend may continue next session.

A new **Louisiana** law prohibits certain disclosures of postsecondary students' directory information without consent.



Leaders in **Vermont** and **New Jersey** enacted student data privacy laws that prohibit school operators from selling or using student information for targeted advertising.



## Ensuring Secure Access to Data for Those Supporting Underserved Students

Some of this year's education data bills addressed the need to ensure that those closest to students have access to the right information at the right time, including adults who support students outside of the classroom. All of these bills focused on supporting traditionally underserved students, such as students in foster care.



A new **Kentucky** law specifies that a child's state agency caseworker shall be granted access to education records on a confidential basis. It charges the Kentucky Department of Education with reviewing protocols for the collection of student records and the transfer of those records among schools within the student information system. It also requires the department to identify ways in which the transfer of student records between schools and districts could be faster and more efficient.

## Think About the Big Picture

Recovery will require data. Most of this year's education data bills focused narrowly on specific uses of data or specific student populations. As they confront an ongoing crisis that has affected every aspect of students' lives, state policymakers should use their role to think holistically about their state's overall approach to data use and create the systemic conditions to ensure that data is a tool for decisionmaking at all levels. Legislators should take the following steps:

- **Ensure that state data collections deliver value to people.** Leaders should adopt a service mindset when it comes to data collection and use. Collecting the data they need to answer their questions and inform decisions is important for state policymakers. Because each new data collection and report requires public resources to generate, legislators should ensure that this data will be put to work to inform future decisions and consider other audiences that could benefit from the insights gleaned from this data.
- **Establish a formal data governance body for cross-agency systems.** Legislators have an important role to play in ensuring that agencies work together for the benefit of students.

Because of the increased desire to link and share data between agencies, legislators should focus their efforts on establishing data governance practices that formalize systems of decisionmaking for how cross-agency data is used. Even if such bodies already exist, codifying them in legislation ensures that this data best practice will last through leadership changes and builds trust and equity into the decisionmaking process. Legislators should also ensure that diverse perspectives are represented in data governance bodies.

- **Pursue strategies to meet the information needs of administrators and educators across the state.** Leaders need to be investing in

the capacity of administrators and educators to use data. They should guarantee that teachers have access to longitudinal student data maintained by the statewide system.

- **Engage community and practitioner perspectives when developing education data policies.** Data is more likely to be useful and used if those who need it have a say in drafting policies that govern data use. The challenges surrounding teaching and learning are changing rapidly as the pandemic continues, making engaging on-the-ground voices especially important for legislators so that policies help and never harm the communities they aim to serve.

States have made great strides in building systems and policies to make data work for students, but every state has more work to do to build on these foundations to promote a statewide culture of effective data use that will ensure that all students can get the support they need to succeed.



## Appendix: Number of Education Data Bills and Laws by State

State	Bills Introduced	Laws Enacted	State	Bills Introduced	Laws Enacted
Alabama	0	0	Montana*	N/A	N/A
Alaska	1	0	Nebraska	2	2
Arizona	9	1	Nevada*	N/A	N/A
Arkansas	0	0	New Hampshire	0	0
California	8	3	New Jersey	18	1
Colorado	3	1	New Mexico	3	1
Connecticut	3	0	New York	6	0
District of Columbia	3	2	North Carolina	4	1
Delaware	0	0	North Dakota*	N/A	N/A
Florida	9	0	Ohio	8	0
Georgia	2	0	Oklahoma	9	0
Hawaii	3	2	Oregon	0	0
Idaho	1	0	Pennsylvania	5	0
Illinois	6	0	Rhode Island	5	0
Indiana	9	3	South Carolina	2	0
Iowa	2	0	South Dakota	1	1
Kansas	3	0	Tennessee	5	0
Kentucky	7	5	Texas*	N/A	N/A
Louisiana	10	2	Utah	3	3
Maine	1	1	Vermont	2	2
Maryland	19	0	Virginia	5	0
Massachusetts	6	0	Washington	6	3
Michigan	8	3	West Virginia	2	2
Minnesota	19	1	Wisconsin	3	2
Mississippi	13	0	Wyoming	0	0
Missouri	8	1	<b>Total</b>	<b>242</b>	<b>43</b>

\*Did not hold a regular session in 2020.



The Data Quality Campaign is a nonprofit policy and advocacy organization leading the effort to bring every part of the education community together to empower educators, families, and policymakers with quality information to make decisions that ensure that students excel. For more information, go to [www.dataqualitycampaign.org](http://www.dataqualitycampaign.org) and follow us on [Facebook](#) and [Twitter](#) (@EdDataCampaign).