

# Education Data Legislation Review

# 2019

STATE ACTIVITY

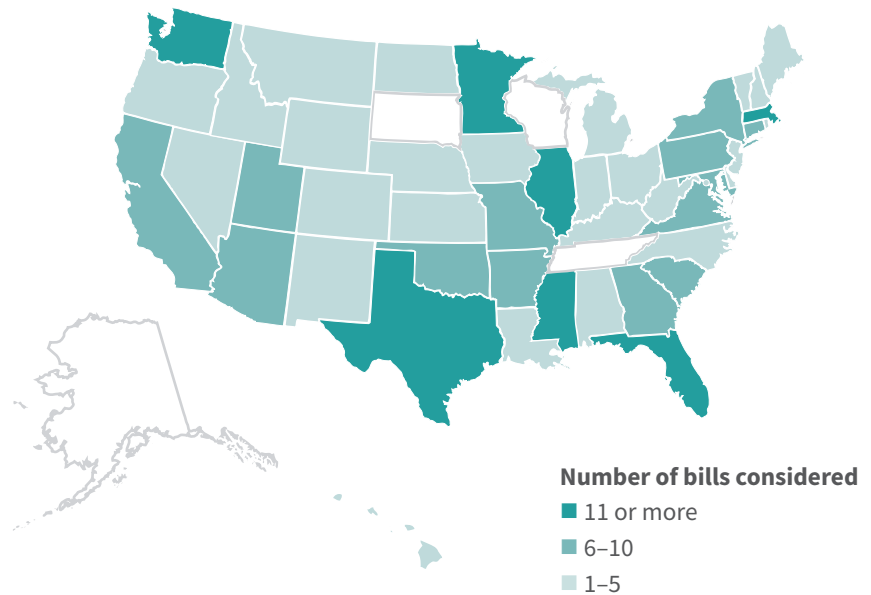


## State legislators across the country need data to meet their education goals.

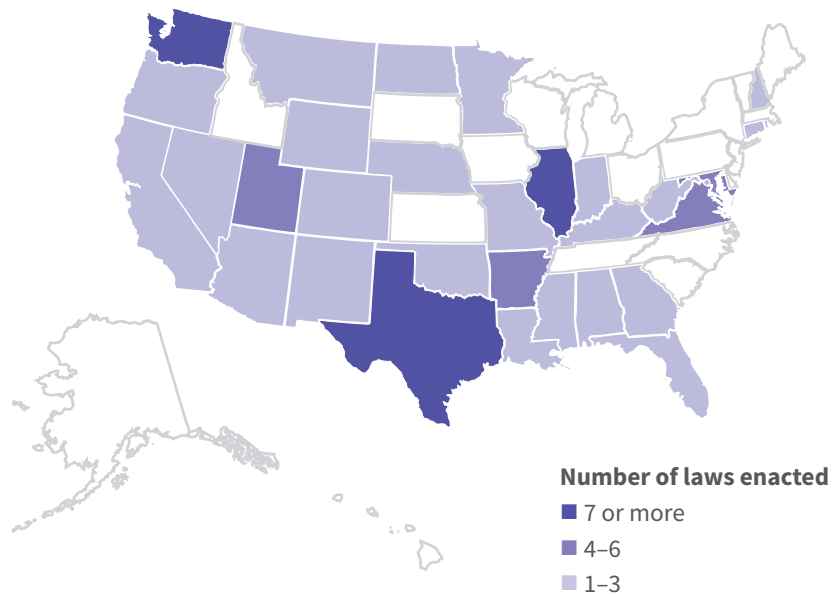
In 2019, legislators on both sides of the aisle in nearly every state proposed legislation addressing the use of data to inform decisionmaking to support students on their path to success. Through proposed legislation, many of these policymakers took steps to improve the foundational data systems and processes that make data work for students and to embed data use within broader proposals to improve public education. This year, legislation highlighted education data as a critical tool for answering states' policy questions and meeting education goals—from early childhood to K-12, postsecondary, and the workforce.

## 2019 Overview

**325 bills were introduced in 47 states.**



**83 laws were enacted in 32 states.**

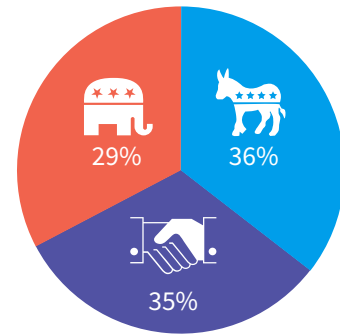


# Profile of Education Data Bills

## Using data to meet education goals is a bipartisan strategy.

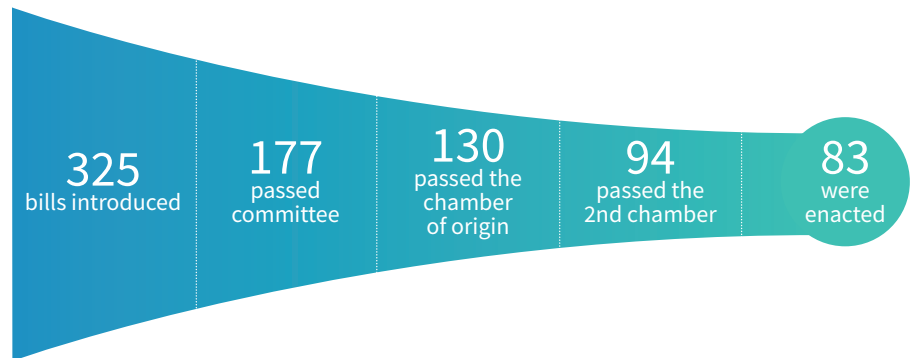
Across the country, Democratic and Republican legislators introduced bills that used data as a tool to help advance their education priorities.

While state legislatures this year are overwhelmingly partisan (only Minnesota has chambers controlled by different parties), legislators demonstrated a willingness to work with their colleagues across the aisle on education data legislation. In 2019, more than one-third of all education data bills had bipartisan sponsorship.



## Though more than half of the education data bills saw some movement, most didn't become law.

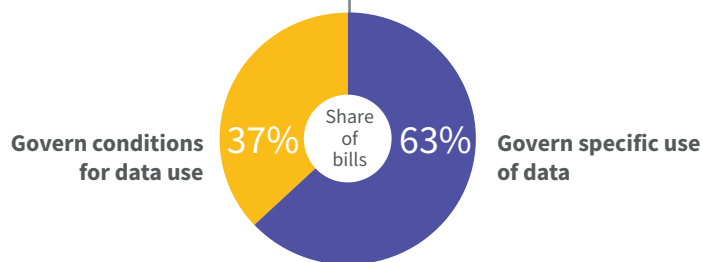
One-quarter of this year's education data bills were successfully enacted, while 45 percent did not see any movement past introduction. Though introduction is a sign of interest from a sponsor, bill movement demonstrates whether a bill was prioritized and its political viability.



## Legislators considered two main types of education data bills.

While the education data bills introduced this session defy easy classification and varied in scope, legislators largely use data in education policymaking in two ways:

Governing the conditions for education data use	Requiring specific uses of data to meet education goals
<i>Data is the central focus</i>	<i>Data plays a supporting role</i>
<p>These bills govern the foundational infrastructure and policy conditions surrounding the use of education data. They vary in scope and focus on issues such as how different types of education data are stored, shared, or protected. These bills tend to have broad impact on education data collection and use.</p> <p><b>Example:</b> Legislation that creates statewide policies to govern student data privacy and security</p>	<p>These bills use data to inform, guide, or measure broader proposals to improve education. In most cases these bills describe a limited data collection or use tied to a specific initiative or issue. They represent the many ways in which data can inform and improve policy and practice.</p> <p><b>Example:</b> Legislation that requires an evaluation of a pilot program to improve the quality of physical education programs in schools</p>
<p><b>Govern conditions for data use</b></p>	<p><b>Govern specific use of data</b></p>



*These approaches are distinct but intertwined. Both are important strategies state legislators can use to support the effective use of data across their education, youth services, and workforce development priorities.*

# How Did Legislation Govern Conditions for Education Data Use?

**Thirty-six states considered 119 bills that would build on foundational policies that support the ability of everyone with a stake in education to use data to serve students.**

These bills included policies to create or change statewide data infrastructure and practices such as the following:

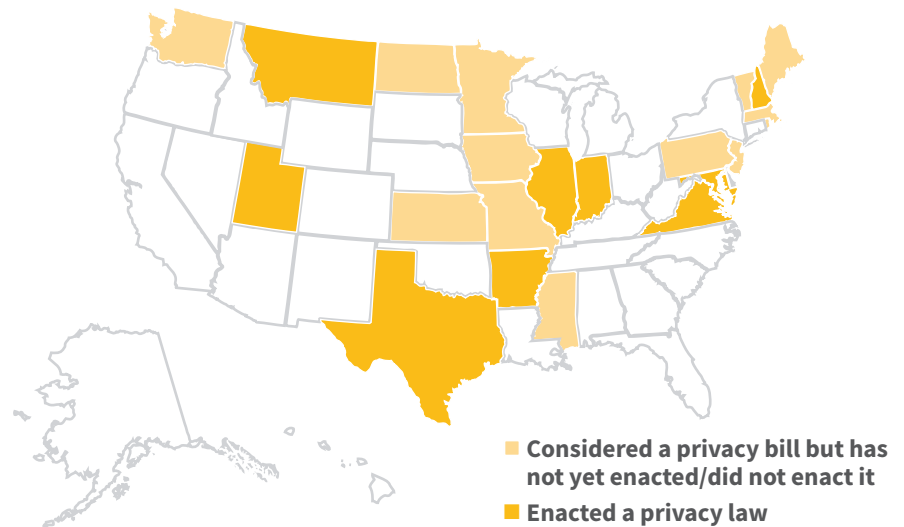
- data privacy, security, and confidentiality
- data governance
- cross-agency linkages
- cross-sector data sharing
- data access for those closest to students
- tools for local data use
- public reporting and open data

State leaders don't need legislation to establish these policies. But codifying them into law helps ensure that practices are sustainable, especially for changes that require cooperation among different agencies or sectors. Every state has its unique political context that affects the role of legislation in creating and maintaining policies that make data work for students.

## Student data privacy bills were the most common.

Enacting policies that safeguard student information in the digital era has been a consistent priority for state legislatures. In 2019, 54 bills expressly addressing the privacy, security, or confidentiality of student information were introduced in 22 states. Twelve of these bills were signed into law in nine states. Overall, there were fewer privacy bills this year compared to past years.

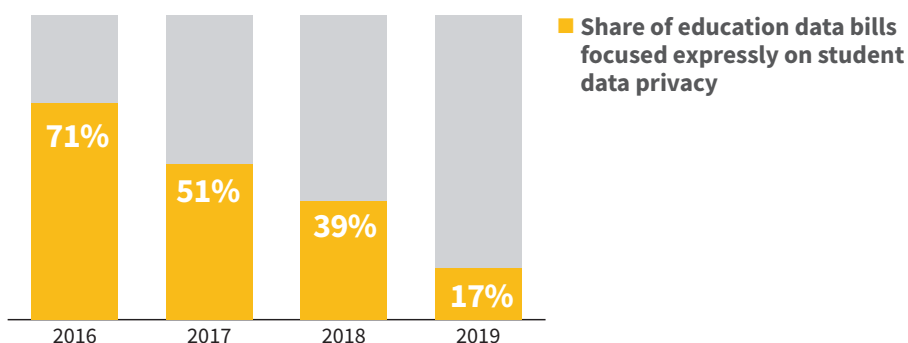
Since 2013, every state has introduced a bill expressly addressing the privacy and security of education data, and 45 states have enacted 168 laws related to student data privacy. As states have developed new provisions to govern the protection of education data over the past several years, many policymakers have adopted and adapted ideas from each other, leading numerous states to enact similar privacy laws and approaches. In 2019, state legislation again covered some of the most common privacy-related topics, such as state education agency data governance practices, service provider contracts, and data breach notification. But as states have implemented privacy laws, new privacy legislation has become more diverse. This year some states considered unique bills based on their context and priorities.



**Washington** considered a bill to expand its existing privacy law governing the activities of school service providers to cover all services used in schools, whether or not the services were intentionally designed for that purpose. This bill acknowledged that students often use platforms that were not necessarily targeted for classroom use and that when student use these platforms they require the same protections as when they use traditional education tools.

**Maryland** enacted a law that establishes a Student Privacy Council charged with evaluating the impact of the state's 2015 Student Data Privacy Act and making recommendations based on the council's findings. State efforts to safeguard privacy and govern the appropriate use of education data don't end with the passage of a law; this law highlights the critical role of stakeholder engagement and continuous improvement in crafting and refining effective policies.

More and more, states are incorporating privacy provisions in the course of other legislation that affects data, in addition to standalone privacy bills. While privacy was the most common strategy for supporting data use, standalone privacy bills accounted for a smaller share of education data legislation compared to past years.



## Some states took major steps toward building transformative infrastructure and governance.

While many bills this year addressed statewide data use and practices, the steps these states took regarding infrastructure and governance could profoundly improve their ability to use data in service of their students. Examples include the following:

A new **California law** establishes a statewide longitudinal data system. For more than a decade, California has been one of the few states without a statewide data system securely linking early education, K–12, postsecondary, and the workforce. With this legislation and support from the state’s new governor, California now has an opportunity to build the foundation for transformative data use and to empower parents, students, leaders, educators, and communities with the information they need to support student success.

A new **Maryland law** expands the data included in its longitudinal data system to provide a more complete picture of student learning and pathways. Maryland will now include juvenile delinquency and discipline records in its state longitudinal data system and create a seat for the secretary of juvenile services on the data governing board. Since the creation of the Maryland Longitudinal Data System in 2010, the state has prioritized inclusive governance and responsive policymaking to meet evolving state data needs. This law illustrates how data governance can help states manage their data and use it to answer their own changing and emerging policy questions.

A new **Utah law** will create the infrastructure to streamline sharing of student data between districts and the State Board of Education. Along with creating a process to standardize how districts collect and report data, this law requires the state to implement an information management system that can seamlessly connect to district data systems. This new law could help districts use statewide longitudinal data more effectively and help the state implement a previously passed law to create student data “backpacks”—individual digital records that students bring with them as they progress through school and that parents can choose to share with tutors or other trusted adults.

“If we are to accept the challenge of preparing our students for the future, it is imperative that we understand the role that synthesized data plays in boosting and improving our education system. The point of coordinating data is to make good and informed policy decisions that lead to student success in higher education and ultimately the workforce.”

—California Senator **Steve Glazer** on the importance of data system legislation

“Systems should be able to communicate. . . . [This bill] will pay off dividends in good information and good policy decisions down the road.”

—Utah Senator **Jake Anderegg** on the importance of data system legislation

# How Did Legislation Require Specific Uses of Data to Meet Education Goals?

**Legislators in 47 states introduced 206 bills to use education data to inform, measure, and address myriad education issues.**

Education data legislation addressed many different education priorities, including the following:

- accountability or school improvement
- improving the quality of early childhood education
- school choice
- school safety
- flexible pathways, including career and technical education and dual enrollment
- mental health
- workforce development
- teacher quality

*Data is critical no matter what issues are on a legislator's education policy agenda.*

**Bills tied to specific initiatives would require various uses of data, such as to understand student outcomes across pathways, evaluate programs, or support new responsibilities for schools and districts.**

**BEYOND K-12.** Several bills addressed using education data to answer policy questions about how students fare outside of K-12, including in early childhood, postsecondary, and the workforce.

Twenty-seven bills addressed early childhood data and focused largely on improving the collection of data related to early learners.

**Texas** HB 3, a new law in the state that overhauls school funding formulas, will increase the availability of data about the quality of early childhood education in the state. The law requires districts to set early childhood literacy and math proficiency goals and publicly report on progress.

Twenty bills addressed using workforce data to improve the quality of K-12 or postsecondary education.

A new **Florida** law establishes the Florida Talent Development Council, which will use data to align education and workforce needs. For example, the Council is tasked with assessing whether postsecondary degrees and credentials are aligned with the job market and recommending ways to improve the consistency of workforce education data reported by public postsecondary institutions and school districts.

**EVALUATION.** Sixty-one bills would require the use of data to understand outcomes or the effectiveness of a program or strategy. While reporting on program outcomes is an important step, legislators should consider how these analyses will inform practice and be shared with stakeholders beyond the state level.

A new law in **Arizona** requires an analysis of the state's English language-learning immersion programs using data on the length of time students are classified as English language learners and their academic performance on the statewide assessment for the two years after they achieve proficiency. This longitudinal information is intended to help the state auditor identify the most effective programs for the state's English language learners.

**LOCAL RESPONSIBILITIES THAT RELY ON DATA.** Thirty-four bills would create responsibilities for local actors that would require data use, especially for priorities such as school improvement or school safety. But only 10 bills would actually create tools, trainings, or guidance to support local data use. Legislators should consider how they can support the ability of those closest to students to use data to carry out these new responsibilities.

**Colorado's** new school funding law establishes a “ninth-grade success” grant program requiring grantees to have a data system that allows leaders and teachers real-time access to integrated data concerning a student’s behavior, including attendance and grades. Grantees will also be required to ensure that ninth-grade teachers receive data concerning incoming students before the start of the school year and receive training on how to use this data to inform instruction.

**USING DATA FOR BROAD EDUCATION REFORM EFFORTS.** Some states considered bills that would transform the governance and accountability of K–12 schools and considered the role of data in these efforts.

Legislators in **South Carolina** considered a sweeping education reform bill that addressed many ways data could be used in support of broad reforms to the state’s public education system. For example, this bill would have

- required preservice training for teachers to use data to differentiate instruction;
- required the state education agency to implement a reporting system to monitor the reading and early numeracy progress of students in kindergarten through third grade; and
- established a Zero to Twenty committee, which would have set performance benchmarks for the education and workforce pipeline and reported this information to the public annually to show progress toward meeting each goal.

## State Legislators Have a Role in Making Data Use Possible

Legislation that addresses education data largely focuses on systems and ensuring that the right data is collected, protected, and shared. While creating and sustaining high-quality, secure data systems is important to ensure that people at all levels have data to answer their questions, systems alone are not enough. Year after year, **teachers cite time and training** as their main obstacles to using data to support students. Yet very few bills this session contained dollars, training, or incentives that would systematically support the ability of people in classrooms and school buildings

to use and act on high-quality data to inform practice to serve students.

As they continue to include data as a critical tool to help advance their education priorities, legislators should explore ways they can use their unique role to create and promote policies that support the ability of both state-level decisionmakers and those closest to students to use this data to take action to support student success.

### SCHOOL SAFETY

#### What information do those closest to students need to know?

**School safety** was an important consideration for state legislatures this year, and 17 bills considered the role of education data in addressing school safety. These efforts include the formation of threat assessment teams, reporting tools, and new data collections and databases. Legislation that attempts to store sensitive information about students to find potential threats is particularly controversial because of the types of data schools might collect. States must consider the equity implications of their efforts to use data as part of school safety measures. It is critical that these leaders consider **good data practices** as a part of these conversations and ensure that data is used only to help students and never to harm them.

## Appendix: Number of Bills and Laws by State

State	Bills Introduced	Laws Enacted
Alabama	2	1
Arizona	8	2
Arkansas	7	6
California	10	1
Colorado	5	3
Connecticut	8	1
DC	2	1
Delaware	1	0
Florida	13	3
Georgia	6	1
Hawaii	4	0
Idaho	3	0
Illinois	26	7
Indiana	3	2
Iowa	3	0
Kansas	1	0
Kentucky	5	2
Louisiana	2	2
Maine	2	0
Maryland	10	6
Massachusetts	12	0
Michigan	3	0
Minnesota	29	1
Mississippi	13	1

State	Bills Introduced	Laws Enacted
Missouri	8	1
Montana	2	2
Nebraska	3	1
Nevada	1	1
New Hampshire	2	1
New Jersey	4	0
New Mexico	4	2
New York	8	0
North Carolina	3	0
North Dakota	3	1
Ohio	4	0
Oklahoma	9	2
Oregon	4	3
Pennsylvania	6	0
Rhode Island	4	1
South Carolina	7	0
Texas	24	8
Utah	9	6
Vermont	1	0
Virginia	6	4
Washington	29	7
West Virginia	4	1
Wyoming	2	2
<b>Total</b>	<b>325</b>	<b>83</b>



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).