

Education Data Legislation Review

2021 STATE ACTIVITY

In 2021, state legislators remained focused on using data to address COVID-19 and its impact on education and the workforce.

In 2021, legislators in 45 states introduced 361 bills to govern the use of data about education or the workforce, and leaders in most states (38) enacted a new education data law. This level of legislative activity that is focused on education data collection, use, protection, and reporting is nothing new. But the ongoing pandemic left unique footprints on policymakers' legislative priorities this year. This year's state legislation illustrated several education and workforce development themes:



Renewing conversations about education equity



Changing postsecondary plans and pathways into the workforce



Protecting privacy while providing online learning



Understanding learning loss and the use of assessments

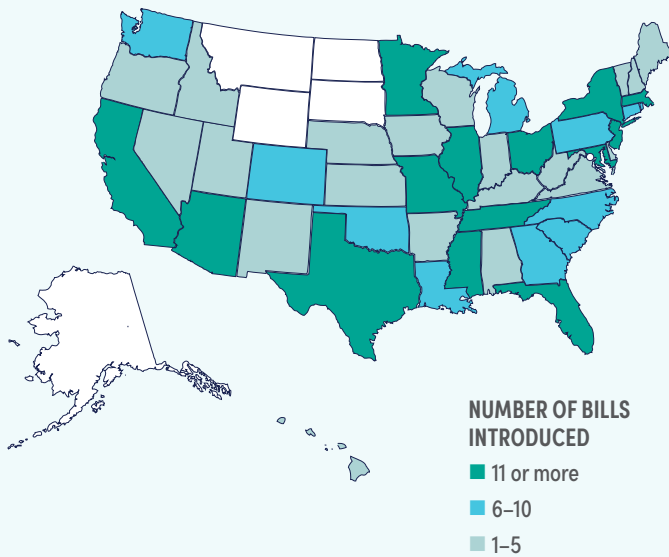


Governing data systems and generating insights

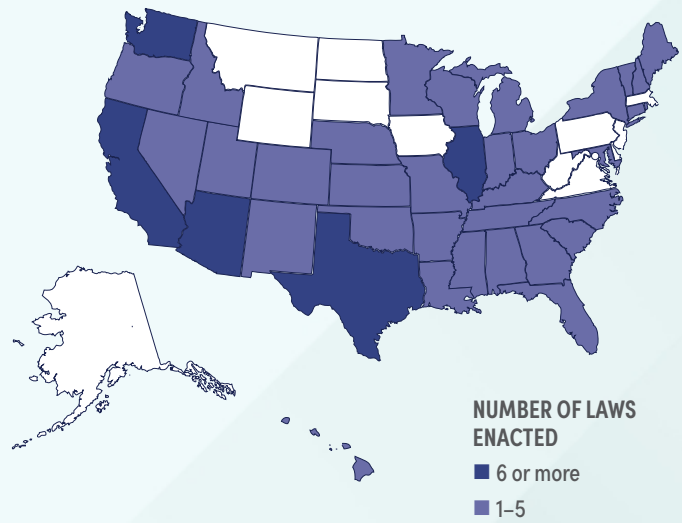
Each of these themes played out in state legislation this year in ways that highlight the importance of data to understand and address the challenges facing educators and families.

2021 SUMMARY

361 education data bills were introduced in 45 states



111 bills were passed into law in 38 states



This list includes bills introduced as of July 15, 2021, and laws enacted by October 29, 2021.



Renewing conversations about education equity

When schools and districts abruptly transitioned to distance and virtual learning in 2020, education disruptions exacerbated already-existing inequities for students. Data is a critical tool for understanding the nature and impact of education inequities. This year, state legislators considered 42 bills that included equity-related topics, including disaggregating data across different student populations, collecting data on student experiences and school climate, and using data to target services for students who have persistently been left behind.



A new law in Illinois expands data collection and disaggregation. These changes require the state board of education to report statistical data on the age, sex, disability status, sexual orientation, gender identity, and primary or preferred language demographics of program participants for each major program administered by the state board of education.



Legislators in Vermont created the Task Force on Equitable and Inclusive School Environments. This task force is charged with collecting and compiling data on school discipline that will be used to conduct strategic planning, guide decisionmaking and resource allocation, and measure the effectiveness of relevant policies.



A new law in Washington requires higher education institutions to survey students, faculty, and staff on diversity, equity, and inclusion issues. This law also requires related training for faculty and staff; data will be used to evaluate the impact of this professional development on campus climate.



A new law in Maryland adds child welfare data to the data collected, disaggregated, reported on, and analyzed by the Maryland Longitudinal Data System Center. It also requires the center to publish data on the experience of children who were formerly in out-of-home placements to be published in a data dashboard annually.



Changing postsecondary plans and pathways into the workforce

Understanding the pandemic's impacts on the transitions of college-going students and young people into the workforce will take years. But families and education leaders will undoubtedly need robust, longitudinal data on students' postsecondary pathways to navigate the pandemic's long-term affects. This year, state legislators considered 86 bills and passed 32 new laws that touch on data about postsecondary transitions.



A new law in Arkansas directs the Arkansas Higher Education Coordinating Board to create a higher education consumer guide with data from the US Department of Education and postsecondary outcomes data from the state's data system. The coordinating board must provide the consumer guide to higher education institutions to be used by prospective students as they apply for college.



A bill introduced in Washington, DC, would have established an Office of Graduate Support to serve recent DC Public Schools graduates. The office would have been charged with collecting data on graduates' outcomes, including their enrollment in higher education or current employment, salary, barriers to securing work, and other relevant factors.



A new law in Hawaii requires the State Board for Career and Technical Education to compile, disaggregate, and report information about students' attainment of industry-recognized credentials.

RIGHT TO KNOW LEGISLATION

The most prominent way that state policymakers sought to address postsecondary transition needs was by introducing legislation to provide families with actionable information. Like the federal Student Right to Know Before You Go Act that inspired them, these eight state bills (five of which became law) charged state agencies with collecting and publishing data about postsecondary and workforce pathways for students and other members of the public to use.

While each state's bill was slightly different, they generally required the state to publish data on the cost of attending any postsecondary institution (including vocational programs), average student loan amounts after completion, loan default rates, and years to completion. The bills required this information to be disseminated to students directly or through schools, guidance counselors, and/or an interactive online tool.



Texas's new law requires the Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Workforce Commission to use the state's existing P-20W Workforce Data Repository as the central location to better connect career and education data from across the state.



Tennessee's new Students Right to Know law requires the state to collect data on in-demand jobs, student loans, student persistence in postsecondary programs, and salaries. The collected data will be published on the state's public database and reported annually.



Maine's new law directs the State Education and Employment Outcomes Task Force to make improvements to the Department of Labor's educational outcome database by adding information on student loans, financial aid awards, and loan default rates.



Protecting privacy while providing online learning

When schools closed in spring 2020 in response to COVID-19, educators adopted numerous online learning tools and platforms to support remote learning efforts. Correspondingly—and mirroring a privacy priority of the last several years—many education data privacy bills this year focused on the use of third-party online service providers. State policymakers introduced 40 bills related to the privacy of education data and passed six of these bills into law.

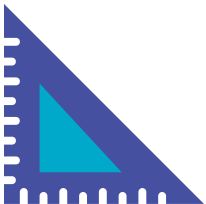


A bill in Massachusetts would have taken a comprehensive approach to statewide privacy policy by governing multiple actors who have a role in protecting student data. The bill would have created new governance policies for the Massachusetts Department of Education, including requiring the designation of a chief privacy officer, and would have placed limits on the activities of school internet and technology service providers.



A new law in Texas requires each state agency and higher education institution to implement best practices for managing and securing data. Additionally, when each state agency enters or renews a contract with a third-party vendor, the vendor will need to meet security controls that are appropriate for their role. Vendors will also need to periodically provide evidence that they are meeting the established security controls, ensuring that they are collecting and using only necessary data.

In addition to the bills that were exclusively about education data privacy, another 61 state bills this year included privacy as just one component of a more holistic data bill.



Understanding learning loss and the use of assessments

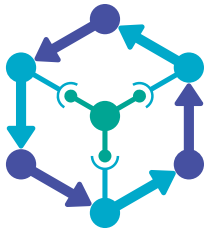
As many schools reopened for in-person learning this fall, educators and leaders struggled to understand what their students learned last year and how to address learning loss. And without data from last year's statewide annual assessments to look to as they determine student needs, many state leaders are reevaluating how they measure student learning and how they use assessments.



A new law in Indiana requires the state's board of education to conduct a study on COVID-19 learning loss and any differences in performance and growth for certain student populations, including students with disabilities and English language learners. Completion of the study requires the state department of education to report both assessment data and skip-year student growth data. The law also requires the state board to develop a school performance dashboard with certain indicators derived from statewide assessments. Schools must post the same data on their own websites and can include their own custom measures.



A new law in Colorado requires the state to audit its assessment and accountability policies for bias and accuracy. The law charges the state with undertaking a third-party evaluation of the systems it uses to measure public education performance to ensure that these systems provide an "accurate, credible, and comparable" assessment of public education in the state.



Governing data systems and generating insights

The operational, education, and workforce disruptions caused by the pandemic prompted many state leaders to rely on their statewide data systems in new ways to streamline the administration of family services and track student learning. This year, state policymakers introduced legislation to expand, strengthen, and govern their data systems; 192 out of this year's 361 education data bills governed a statewide data collection, and 16 bills sought to better connect and govern data from across state agencies.



Policymakers in Washington, DC, introduced a bill this year to ensure that the district's data systems are high quality, accurate, and useful. The bill would have made data securely available so that policymakers could evaluate trends and understand the impacts of COVID-19 on the District's students. In the bill's intent letter, DC Councilmember Mary Cheh wrote: *"Simply put, we cannot fix what we don't measure—and certainly what we don't measure correctly. Good data is essential to identifying students in need of interventions, and for us to know whether the interventions we're providing to students are effective."*



A new law in Nevada created the Governor's Office of Workforce Innovation. As part of its responsibilities, this office is tasked with maintaining and overseeing the statewide longitudinal data system that securely links early childhood, K-12, postsecondary, and workforce data. The office must ensure that the data in the state system can be used to understand student performance through education and into employment and to assist in improving the state's education system and workforce training programs.



A new law in Connecticut established the Task Force to Study Children's Needs, which is charged with determining whether educators and local and state agencies are meeting children's needs. The law requires this task force to assess all relevant publicly available data and to make recommendations about what other data the state or local communities may need to collect.

CALIFORNIA TACKLES P-20W DATA GOVERNANCE

After years of trailing most states in their efforts to make data work for students, policymakers in California this year passed an unprecedented data system law. This new law requires the state to create a robust and user-focused statewide data system that meets stakeholder needs across the education and workforce sectors.

This legislation aims to securely connect data longitudinally across the early childhood, K-12, postsecondary, and workforce sectors. The connected data system is designed to be inclusive of perspectives from people across the state and to provide actionable insights into the state's education and workforce systems and how individuals move through them.

Even among states with very strong P-20W system governance, California's nascent work represents a particularly noteworthy effort to make state data systems secure, transparent, sustainable, equity focused, and useful to those across the state.



Conclusion

This year, policymakers continued to face extraordinary challenges and new questions about the pandemic's ongoing and inequitable impact on student experiences, educators, and schools. Accordingly, this year saw legislators consider bills to identify new data elements needed to understand the pandemic's impacts, reconsider the role of assessments and other tools, and strengthen their state's data systems. As pandemic recovery continues, data will remain a critical tool—making policymakers' ongoing investments in data vital for student success.

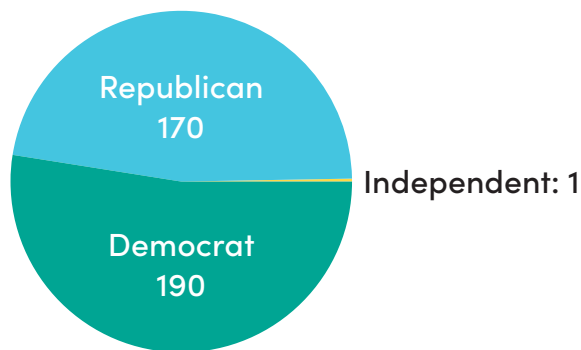
Appendix: 2021 Bills At-a-Glance

In 2021, state legislators considered 361 pieces of legislation that touched on the collection, protection, use, reporting, or governance of education and/or workforce data in some way. Data remains a key tool for addressing complex, interconnected education and workforce development issues. Collecting and using data is a strategy prized by policymakers in all states and on both sides of the aisle. This appendix provides key facts on the education data bills state legislators considered this year.

State	Bills Introduced	Laws Enacted	State	Bills Introduced	Laws Enacted	State	Bills Introduced	Laws Enacted
Alabama	2	2	Louisiana	6	5	Oklahoma	8	1
Alaska	0	0	Maine	3	2	Oregon	3	1
Arizona	12	6	Maryland	13	4	Pennsylvania	9	0
Arkansas	5	5	Massachusetts	11	0	Rhode Island	9	3
California	16	9	Michigan	9	1	South Carolina	7	1
Colorado	6	5	Minnesota	28	2	South Dakota	0	0
Connecticut	9	4	Mississippi	16	2	Tennessee	11	3
District of Columbia	0	0	Missouri	14	2	Texas	26	7
Delaware	4	0	Montana	0	0	Utah	3	1
Florida	13	4	Nebraska	4	2	Vermont	1	1
Georgia	7	2	Nevada	3	3	Virginia	3	0
Hawaii	4	3	New Hampshire	3	2	Washington	9	6
Idaho	1	1	New Jersey	19	0	West Virginia	1	0
Illinois	14	7	New Mexico	3	2	Wisconsin	1	1
Indiana	3	1	New York	12	1	Wyoming	0	0
Iowa	4	0	North Carolina	6	1	Total	361	111
Kansas	5	2	North Dakota	0	0			
Kentucky	4	1	Ohio	11	5			

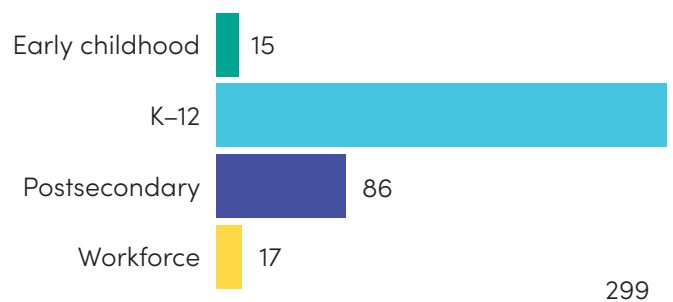
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Legislation introduced, by political party



For bills with multiple sponsors, the party of the first appearing primary sponsor was used. For bills sponsored by a committee, the party of the chair was used.

Number of bills by sector



Bills are not unduplicated. A number of bills include education data aspects from different points in life.