

# Principles for Education Data Legislation

## A Checklist for State Legislators and Staff

The Data Quality Campaign (DQC) has tracked and reported on education data legislation in all 50 states and the District of Columbia since 2014. Through tracking these important data-focused actions, DQC has identified common elements of data-related legislation that successfully enables those who need data to make decisions that serve students and further policy goals.



As state legislators, you have the opportunity to create and support legislation that positions data as a tool to help decisionmakers at all levels take action to support student success. This checklist can serve as a guide as you craft legislation that addresses education data.

Data works as an effective tool only when supported by an ecosystem of policy conditions that address human capital, infrastructure, and resources. All legislative efforts must consider these pieces to ensure that investments in data have the intended impact.



### What is education data legislation?

Education data legislation includes bills that:

- ✓ Govern statewide data collections, reports, or discrete uses of data to meet education and workforce goals.
- ✓ Create policy conditions to make the collection, reporting, analysis, or use of education data possible.

If your bill reflects either of these approaches, you should consider the checklist on the following pages.

# Data legislation requires specific action

To write a bill that will improve how data is collected and used in your state, you must take action to ensure that the right conditions are in place. Use the following checklist as you are drafting legislation that governs education data.



## Leverage existing infrastructure and policy

State agencies and local entities (e.g., school districts, community colleges) all have existing systems of data policy and use. New legislation should leverage or build on what already exists. Consider how legislation can make new data collections or requirements as streamlined as possible and reduce burden on data users.

### POLICY IN PRACTICE

A [Washington law](#) uses the state's existing P–20W system and Education Research & Data Center (ERDC) to support the activities of a new work group. The law established a work group to develop recommendations for improving outcomes for students in foster care, students experiencing homelessness, or both—and calls for the use of longitudinal outcomes data to create these recommendations. Building on the state's existing infrastructure, state agencies are required to provide updated, necessary data to the ERDC, and the ERDC must provide annual reports to the work group.

### QUESTIONS TO CONSIDER

- Are there existing state or federal policies that govern this type of data collection?
- Is there existing infrastructure that can support the goal of this legislation?



**TIP** Use consistent data definitions across laws.



## Ensure data governance

Data governance provides state and local agencies a structure in which to define the roles and responsibilities needed to ensure clear processes for collecting and reporting education data and to ensure accountability for data quality and security. Often, these processes are informal or based on current staff capacity rather than formalized and role based. A more formalized structure ensures sustainability and transparency. Any legislation should provide the framework for data governance roles and practices.

### POLICY IN PRACTICE

In 2010, Maryland [passed a law](#) to create the Maryland Longitudinal Data System Center Governing Board, which oversaw the creation of the Maryland Longitudinal Data System (MLDS) as a statewide data system and established the MLDS Center to serve as a central hub for this data. The law required state actors to share data and develop and maintain relationships with one another in the process, ensuring the longevity of their efforts through formal governance structures. Notably, the law tasked the MLDS Center with ensuring compliance with federal privacy laws. Legislating a structure for governance and tasking the center with specific roles ensured that the MLDS would evolve with changing data practices and needs.

### QUESTIONS TO CONSIDER

- Who will make decisions about how this data is used and protected?
- Can you leverage existing roles and responsibilities, or do you need to create a new process?
- What entities and communities should be represented?



**TIP** Create or reference specific roles and responsibilities for data decisionmaking.



## Fund it

Data use always requires people, time, and money—which means new data requirements must be funded. When drafting legislation, it’s important to consider the cost of implementation and account for any additional resources that may be needed.

### POLICY IN PRACTICE

A Utah law appropriates funding to reauthorize the state’s existing student intervention early warning pilot program. The law requires the State Board of Education to make an online data reporting tool available to local education agencies 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. Without the funding attached to this law, implementation would be at the mercy of funding that may or may not be available in the state’s budget.

### QUESTIONS TO CONSIDER

- What is the timeframe for your effort?
- Can you leverage existing infrastructure to cut down on cost?
- What strain will this requirement put on existing systems and the staff who will implement it?



## TIP

Consider sustainability and what resources will be required to sustain this effort over the length of time you hope it takes place.



## Safeguard data

Data privacy and data use go hand in hand. All legislative efforts that direct the collection, sharing, and use of student data must provide for privacy and security. Data privacy provisions should never inhibit appropriate use and should leave room for changing tools and practices.

### POLICY IN PRACTICE

A Georgia law establishing statewide student data privacy policies clearly outlined roles and responsibilities for decisionmaking within the Georgia Department of Education about how student data is collected, protected, and used. The law mandated that the state secretary of education designate a chief privacy officer to lead the agency’s data privacy and security policies and outlined specific responsibilities for this position. By putting someone in charge of privacy, Georgia leaders sent a clear message about their priorities for safeguarding data.

### QUESTIONS TO CONSIDER

- Will this bill affect the collection or use of students’ personally identifiable information?
- What federal and state policies already apply?



## TIPS

Leverage existing state and federal privacy laws.

Focus privacy legislation on governance and establishing processes for who makes decisions about how data is used, rather than on restrictions for specific programs, applications, or devices. That way legislation won’t become obsolete as soon as schools adopt a new data tool.



## Require transparency

Legislators can ensure that publicly reported data is collected and displayed in a way that's useful to communities. They can also ensure that new data policies are transparent to the public. Meaningful stakeholder engagement is an important step in ensuring that transparency requirements meet the needs of intended groups or communities.

### POLICY IN PRACTICE

A [Hawaii law](#) requires the state's Department of Education to collect and publish data on indicators related to school climate and student achievement, including discipline data elements required by the federal Civil Rights Data Collection. This law requires transparency by asking the state agency to publish annual state- and school-level public reports, including an analysis of disproportionality of outcomes among student groups. The data must be disaggregated and downloadable so that any member of the public can dig deeper into the numbers.

### QUESTIONS TO CONSIDER

- How does your legislation require transparency or build on existing transparency requirements?
- What do stakeholders say about the transparency created with this legislation?

 **TIP** Use your bill's intent language to be clear about how changes will provide value to stakeholders.



## Incorporate flexibility

Data policies should anticipate changing information needs. Decisionmakers may have different questions and needs for data as new challenges arise, and data practices and tools are always evolving as technology becomes more sophisticated. Refrain from creating overly prescriptive policies that may quickly become outdated and unintentionally inhibit effective data use. Incorporate strategies that empower data decisionmakers to make changes as needed.

### POLICY IN PRACTICE

A [California law](#) established a work group to build the state's first P-20W data system with the goal of ensuring that individuals and communities get the data they need. After a months-long, transparent planning process, a 21-member governing board—whose diverse membership includes representation from members of the public to agency heads—is tasked with making future decisions about the data system, including creating and revising the system's governance policy. This flexibility enables the governing board to make changes to ensure the longevity and usefulness of the data system as circumstances evolve in the future.

### QUESTIONS TO CONSIDER

- How does this policy rely on current technology and data use practices?
- What mechanisms in your legislation enable change as systems and realities evolve?

 **TIPS** Build in a future checkpoint that requires relevant decisionmakers to consider how policies might need to change to adapt to new conditions or needs. Consult with data and technology experts who can provide guidance about what policy supports keep systems modern.