

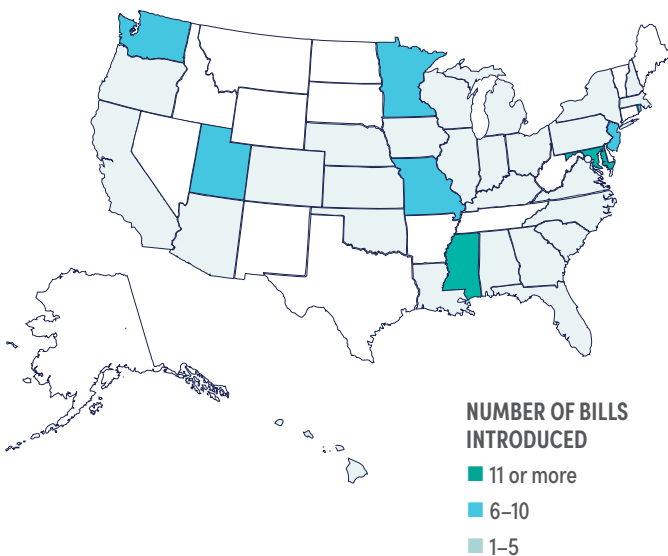
Education Data Legislation Review

What Happened in 2022?

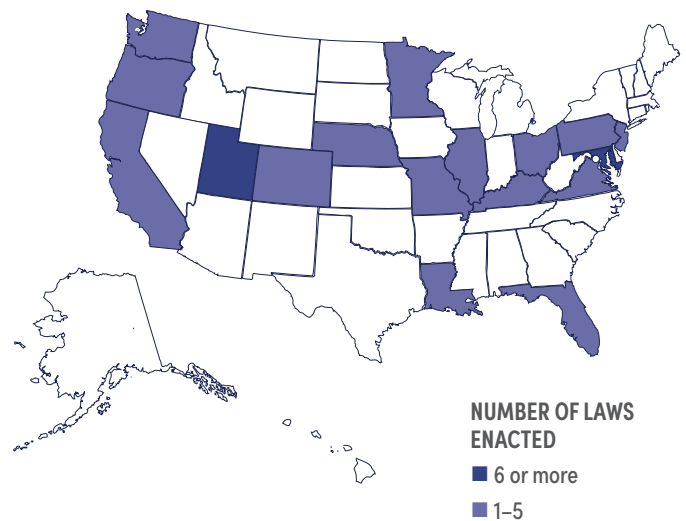
2022 Themes

Each year, state legislators craft new policies that drive data use across their states, and as part of a comprehensive review of state education data legislation, the Data Quality Campaign (DQC) keeps track. In 2022, state legislators introduced 131 bills in 35 states—42 of which became law in 17 states—that would govern the use of data along the early childhood to workforce continuum.

131 education data bills were introduced in 35 states



42 bills were passed into law in 17 states



This list includes bills introduced by July 1, 2022, and laws enacted by July 31, 2022.

This year's data-related bills addressed two realities:



People need data.

More than half of the bills we tracked in the 2022 session included provisions that would make new or existing state data available to nonpolicymaker audiences including students (16 bills), families (18 bills), or the public (40 bills).

To understand and address emerging issues, state leaders have new data needs and policy goals.

These new policy goals were most commonly reflected in legislation meant to accomplish the following:

- **Understanding students' K-12 learning experiences beyond academics.** Legislators are prioritizing data collections that shine a light on learning environments and supports that students receive beyond academics. Legislation sought to provide context for learning, focusing on issues including school climate (6 bills), attendance (8 bills), and discipline patterns (16 bills).



New Jersey legislators passed a [law](#) that requires school report cards to include the number of school mental health professionals, the ratio of students to the total number of mental health professionals, and the number of school security personnel. Including this information on report cards will shed light on the schools that have disproportionately fewer mental health professionals or those that have significantly higher ratios of security personnel.

- **Supporting post-high school transitions.** A number of this year's data bills (35) focused on generating more information about post-high school outcomes and pathways in states or designing data tools to help individuals navigate these pathways.



A new **Virginia** [law](#) requires the Virginia Department of Education to make data available to the public that will help high school students make decisions about their futures—including the average cost of attending institutions of higher education and median annual wages for individuals who graduate from these institutions. Virginia is the eighth state that has enacted a policy like this, known in some states as the [Students' Right to Know Act](#), in the past two years.

Where to Go From Here

DQC has been tracking state legislative efforts since 2014. In that time, we've learned what makes data legislation promising or not, such as:

- Practices that are encouraging to include;
- Areas in which to proceed with caution; and
- Provisions to avoid because they will prevent legislators from meeting their goals.

During the 2022 legislative sessions, we saw bills that landed in all three categories.

Practices That Are Encouraging to Include

This year, we saw state legislative efforts that pursued these encouraging practices:

- Cross-agency data governance;
- Community feedback;
- Data disaggregation; and
- Clarifying data privacy policies to account for new practices.

↔ Cross-agency data governance

Few states have taken the steps to codify formal cross-agency data governance bodies for their P-20W data systems (systems that include early education, K-12, postsecondary, and the workforce), but doing so is the most effective way for state leaders to ensure that linked data systems can meet evolving state data needs. Data governance creates clear processes for decisionmaking about data, including requiring agency leaders and other potential data users to come to a shared table to make these decisions. All of these steps are critical for building trust and ensuring that data can be put to work to meet state goals. Seven bills incorporated data governance provisions this year.



Alabama considered legislation that would have codified a governance body and the use of linked data alongside other measures, including improving credential transparency. The bill would have established a P-20W Council charged with making decisions about how to collect, use, and protect linked data, including ensuring that prospective students had access to the information to search, compare, and analyze information about their postsecondary and career pathways. Critically, this governance body would have included members of the public; including a broad group of perspectives at the decisionmaking table is an important way legislators can use their role to build trust and ensure that data decisions reflect the needs of many users. By establishing clear, representative governance alongside a new data policy initiative, this bill sought to create a lasting policy foundation to ensure that linked data would meet state policy goals over the long term.

Community feedback

People will use data only if it meets their needs. When legislators create policies that generate new data initiatives, they should require that the intended audiences be consulted in the process. Gathering feedback from potential users builds trust with those audiences and helps state leaders ensure that investments in data meet the needs of the individuals they intend to serve. Seven bills incorporated feedback requirements as part of new data initiatives this year.



Mississippi considered the [College Sticker Price Act](#), which would have required postsecondary institutions to publish a net price calculator to offer prospective students information on the price of attendance. This bill charged state-level agencies with consulting students, families, and other potential consumers of this data about the calculator and making changes based on their feedback. By including this feedback requirement, legislators signaled that meeting user needs was important for this new tool and took an extra step toward ensuring that this state investment would have its desired impact.

Data disaggregation

Disaggregating data—or breaking down information by different groups (e.g., students, schools, regions)—is [critical](#) for decisionmakers to be able to identify opportunity gaps and the supports that are needed to ensure that all students have equitable access to education. Of the 131 data bills we tracked in 2022, 26 required some form of data disaggregation.



Colorado's new law requires the Colorado Department of Education to publish annual district reports that are user friendly and provide insights about students' experiences at school and about school climate, including suspensions and expulsions, arrests and referrals, and chronic absenteeism. These reports must be disaggregated by gender, grade level, ethnicity, English language learner status, free and reduced-price lunch status, students with disabilities, and students experiencing homelessness. Breaking down information in this way will allow data users to better understand how the experiences of students differ and trends that need to be addressed.

Clarifying data privacy policies to account for new practices

Over the past eight years, most states have enacted new student data privacy laws to protect student information, and state agencies have been implementing these new policies. Data privacy policies must evolve with data practices, and state leaders should regularly revisit existing student data privacy policies to determine where updates need to be made to account for changes in technology and classroom data use. Seven bills sought to clarify data privacy policies to account for new practices this year.



Maryland leaders [codified](#) recommendations of the [Student Data Privacy Council](#), which studied the implementation of the state's 2015 privacy law. The recommendations included amending Maryland's privacy law to clarify certain definitions to account for new uses of student information and adding to the definition of covered information to include disciplinary information and online behavior when it can be linked to a specific student. Other state legislatures can learn from Maryland's example and take steps to revisit and amend existing privacy laws to account for new data practices and needs.

Areas in Which to Proceed with Caution

Passing legislation takes time and effort, but implementation can have an outsized impact on how these legislative efforts work in practice. Too often, legislation contains noteworthy data efforts that can quickly slip into compliance-oriented, box-checking exercises. While well intentioned, these types of bills need to be carefully crafted to ensure that they have their intended impact: promoting the value of data. The following examples are bills that could have become box-checking exercises but incorporated policies and practices that make the legislation stronger.

New data collections

Generating new data to answer state questions is necessary and important, but legislators should consider how to ensure that new data is high quality and can be put to work to meet data goals. Steps to make sure new data collections are useful include providing data definitions and designating funding to support these new collections. Of this year's bills, 120 required new data collections or updates to existing ones.



A **Rhode Island** bill considered the support needed for a new data collection. Aimed at generating new data about rates of harassment, bullying, and violence in schools, this bill would have required the Rhode Island Department of Education to provide ongoing staff training to those responsible for fulfilling these new reporting requirements. By making sure that those people who must fulfill new mandates have the support they need to do it well, this provision is a step in the right direction for improving data quality.

Reporting requirements

Making data publicly available is important, and reporting requirements have long been a common policymaker tool. But we know from our [annual review of state report cards](#) that these mandates don't always result in useful public data. When generating reporting provisions, legislators can convey their intention for making public data useful by articulating the conditions for how data should be published, with a focus on ensuring that the data is easier to find, use, and understand. Forty-nine of this year's bills established new public-facing data, whether on existing school report cards (14 bills) or some other format.



A **Utah** law shows how legislators can get more specific about how data is presented to make it easy to find, use, and understand. This law requires the state to provide an online tool for parents to search for public schools within a given radius or within a school district. The tool must provide a side-by-side data comparison to make school choices easier for parents. By making the audience for this tool and their needs explicit, legislators have taken an important step to ensure that those responsible for implementation will consider these needs in the tool's design.

Provisions to Avoid

In some cases, legislative efforts as written will not move states toward data goals and may even move states backward. Efforts of this kind—like mandates without state support or community engagement and overly narrow privacy policies—should be avoided.

✘ Local data use mandates without state support or community engagement

More than a third (51) of this year's bills issued new data requirements for districts, schools, or postsecondary institutions, but these requirements were rarely paired with training, funding, or model policies to support the implementation of those requirements. For example, one bill mandated that districts conduct school climate surveys, analyze the resulting data, and adopt a plan to address

issues that arise from that data, without considering the additional resources that would be needed for districts to have the time, tools, and talent to complete this new responsibility. New requirements must be bolstered by these investments as well as the level of community support that comes with engaging potential data users throughout the planning and implementation processes.

✘ Overly narrow privacy policies

In 2022, some legislatures attempted to address privacy and the role of parents in their child's education by trying to expand parental consent rights for certain data collections. Parents should be partners in their child's education, but parental consent policies are not the best way to address this need. As they draft privacy policies, legislators should carefully consider the implications of those policies in the classroom. Educators and school staff need data to support students. Extending parents the right to opt

out of data collections that are essential for school functioning is a poor way to ensure student privacy and prevents students from receiving the support they need. Instead, legislators should focus on other policy approaches that empower parents and protect privacy, such as ensuring that parents have a clear understanding of their existing opt-out rights and supporting schools and districts to establish data governance policies that maintain transparency about how student data is protected.



Legislators Should Invest in Systems and People

In 2023, we encourage legislators to continue to make investments in their state’s data systems and continue to create policies that will ensure that everyone—from individuals to policymakers—can use data to support decisionmaking. Leaders should focus on investing in statewide data infrastructure to ensure that state data systems enable and support access and on providing the resources that individuals need to use data to make decisions.

Without these ongoing investments, state data systems will not meet the moment. While generating new data is important, data collection and transparency mandates must be paired with support for the state data systems. States also need the policies required to ensure that high-quality, linked data is available and useful for individuals, communities, educators, and leaders. For data to support decisionmaking, states must ensure that they have the people in place with the training they need to collect and use new data and make it available to those who need it.



When used well, legislation can move state leaders toward their data goals. But the details of policy matter. Legislators must consider all of the conditions necessary to allow data policies to have their intended impact and must account for those conditions when proposing legislation. Our [*Principles of Data Legislation*](#) checklist details the provisions that legislators should consider to ensure that legislation will meet their data goals.



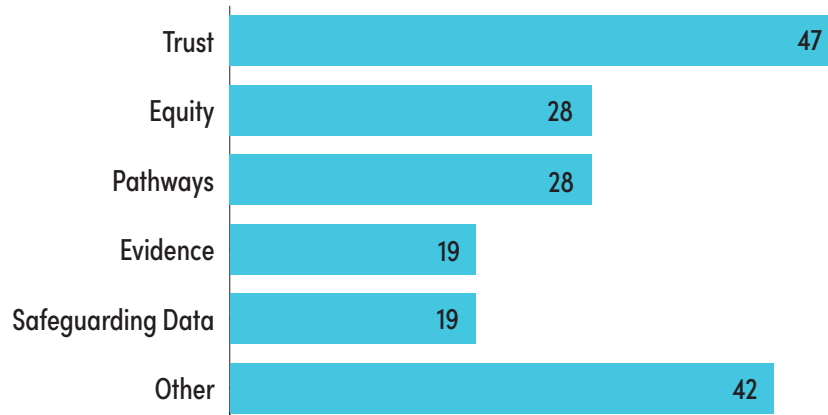
Appendix

2022 Bills At-a-Glance

State	Bills Introduced	Laws Enacted	State	Bills Introduced	Laws Enacted
Alabama	1	0	Montana	N/A	N/A
Alaska	0	0	Nebraska	2	1
Arizona	1	0	Nevada	N/A	N/A
Arkansas	0	0	New Hampshire	2	0
California	5	2	New Jersey	9	5
Colorado	4	4	New Mexico	0	0
Connecticut	0	0	New York	2	0
Delaware	0	0	North Carolina	4	0
District of Columbia	1	0	North Dakota	N/A	N/A
Florida	2	1	Ohio	1	1
Georgia	2	0	Oklahoma	1	0
Hawaii	1	0	Oregon	2	1
Idaho	0	0	Pennsylvania	4	2
Illinois	4	1	Rhode Island	6	0
Indiana	3	0	South Carolina	1	0
Iowa	1	0	South Dakota	0	0
Kansas	2	0	Tennessee	0	0
Kentucky	4	1	Texas	N/A	N/A
Louisiana	4	3	Utah	6	6
Maine	0	0	Vermont	0	0
Maryland	15	7	Virginia	4	3
Massachusetts	2	0	Washington	8	2
Michigan	1	0	West Virginia	0	0
Minnesota	8	1	Wisconsin	1	0
Mississippi	11	0	Wyoming	0	0
Missouri	6	1	Total	131	42

Montana, Nevada, North Dakota, and Texas were not in session in 2022.

Number of Bills by Topic Area



These numbers are not unduplicated; bills may fall into multiple categories.