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112th CONGRESS
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S. 1464

To enable States to implement integrated statewide education
longitudinal data systems.

IN THE SENATE OF THE UNITED STATES

August 1, 2011

Mr. Blumenthal (for himself and Mr. Brown of Ohio) introduced the
following bill; which was read twice and referred to the Committee on
Health, Education, Labor, and Pensions

A BILL

To enable States to implement integrated statewide education
longitudinal data systems.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Measuring and Evaluating Trends for
Reliability, Integrity, and Continued Success (METRICS) Act of 2011''
or the ``METRICS Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ESEA definitions.--The terms ``elementary school'',
``local educational agency'', ``secondary school'',
``Secretary'', and ``State educational agency'' have the
meanings given the terms in section 9101 of the Elementary and
Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) Aligned statewide education longitudinal data
systems.--The term ``aligned statewide education longitudinal
data systems'' means 1 or more statewide data systems that
house and link the longitudinal data of individual students,
including such students' early childhood, elementary school,
secondary school, postsecondary education, and workforce data.

(3) Eligible local entity.--The term ``eligible local
entity'' means--

- (A) a high-need local educational agency;
- (B) a consortium of high-need local educational agencies; or
- (C) a high-need local educational agency or a consortium of high-need local educational agencies and an external partner.

(4) Eligible state entity.--The term ``eligible State entity'' means a State educational agency, which may partner with another public State agency, such as a State higher education agency, an early childhood agency, a State workforce agency, or a multi-agency State group (such as a preschool through grade 20 (P-20) council).

(5) External partner.--The term ``external partner'' means an entity, such as a nonprofit organization, community-based organization, local education fund, service organization, educational service agency, or institution of postsecondary education, that has demonstrated expertise and effectiveness in providing targeted support (such as data analysis, professional development, or the provision of non-academic support and integrated student services) to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students, including students who are failing to make sufficient progress to graduate in the standard number of years or students who have dropped out of secondary school.

(6) High-need local educational agency.--The term ``high-need local educational agency'' means a local educational agency--

- (A) that serves not less than 10,000 children who are from families with incomes below the poverty line; or
- (B) for which not less than 20 percent of the children served by such agency are from families with incomes below the poverty line.

(7) Poverty line.--The term ``poverty line'' means the poverty line (as defined and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

SEC. 3. IMPROVING THE USE OF STATEWIDE LONGITUDINAL DATA SYSTEMS.

(a) Grants Authorized.--From the funds appropriated under section 8 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible State entities to enable such eligible State entities to improve access to, sharing of, and use of education data to improve student outcomes.

(b) Duration.--Each grant awarded under this section shall be for a period of not more than 5 years.

(c) Applications.--

(1) Contents of application.--Each eligible State entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

- (A) A list of State agencies whose cooperation will be necessary for the implementation of the grant program, and an assurance of support from--
 - (i) each such agency;

- (ii) the chief State school officer;
- (iii) the Governor of the State; and
- (iv) any other entity that will comprise the eligible State entity.

(B) A description of the State's status relating to each priority activity described in subsection (e)(2), including--

- (i) a demonstration that the State has implemented the priority activity;
- (ii) a demonstration that the State has, at the time of the application, received funding from another source and made plans for the implementation of the priority activity; or
- (iii) a statement that the State has not, at the time of the application, implemented, or received funds to implement, the priority activity.

(C) For each priority activity whose status is categorized under subparagraph (B)(iii), a description of how the eligible State entity plans to use grant funds under this section to carry out such activity.

(D) A description of how the eligible State entity plans to use grant funds to carry out the permissible activities described in subsection (e)(3), if the eligible State entity--

- (i) categorizes the status of many of the priority activities described in subsection (e)(2) under clause (i) or (ii) of subparagraph (B); and
- (ii) anticipates the possibility of having remaining grant funds after ensuring implementation of each priority activity described under subsection (e)(2).

(E) A description of how activities funded under the grant program will--

- (i) support the State's policy and reform goals;
- (ii) support alignment between State and local data systems; and
- (iii) support coordination with, or alignment or advancement of, related activities that are funded through other Federal programs, including such programs under section 208 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9607), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the Race to the Top fund under section 14006 of such Act, including the Race to the Top Early Learning Challenge fund under sections 14005, 14006, and 14013 of such Act (as amended by, and subject to the requirements of, section 1832 of the Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10)), and the Workforce Data Quality Initiative under section 171(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(c)(2)).

(F) A budget that details how grant funds and other

funding resources, including State and Federal funding, will be used to carry out the proposed activities.

(G) An assurance of the State's long-term financial commitment to--

(i) implementing and supporting aligned statewide education longitudinal data systems; and

(ii) maintaining such systems after the end of the grant program.

(H) A description of the indicators that the eligible State entity will use to determine--

(i) if grant funds are being used effectively; and

(ii) the impact of grant funds on improving teaching, learning, and student outcomes.

(I) Any other information that the Secretary may reasonably require.

(2) Form of application.--In establishing the application described under this subsection, the Secretary shall, where practicable, require each eligible State entity to provide a demonstration of the capabilities of any system that the eligible State entity is, at the time of the application, using to track data, in lieu of a description of such capabilities.

(d) Awarding of Grants.--

(1) In general.--In awarding grants under this section, the Secretary shall--

(A) use a peer review process, as described in paragraph (2);

(B) select applications that demonstrate technical quality, validity, and reliability;

(C) promote multi-state collaboration; and

(D) ensure that applications protect student and educator privacy, including through compliance with the requirements of Federal, State, and local privacy laws (including section 444 of the General Education Provisions Act (commonly known as the ``Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)).

(2) Peer review process.--The Secretary shall award grants under this section through a peer review process that, to the extent practicable, includes--

(A) educators;

(B) users and consumers of statewide longitudinal data systems, including representatives of State educational agencies;

(C) individuals with demonstrated technical expertise in data system construction, integration, or implementation; and

(D) representatives of business and the workforce.

(3) Competitive priorities.--In awarding grants under this section, the Secretary may give priority to eligible State entities that--

(A) propose to coordinate efforts with other State educational agencies;

(B) propose to coordinate efforts with local educational agencies;

(C) fulfill other criteria relating to the purposes

of this section, as determined by the Secretary.

(e) Uses of Funds.--

(1) In general.--

(A) Requirement relating to priority activities.-- Each eligible State entity shall use grant funds to carry out the priority activities described in paragraph (2), before such entity may use any remaining funds to carry out the permissible activities described in paragraph (3).

(B) Exception.--An eligible State entity is deemed to satisfy the requirements of paragraph (1) if such entity demonstrates that the State has funding for, and has in place, or has developed and is implementing a plan that will result in the existence of, aligned statewide education longitudinal data systems and related activities that meet the requirements of paragraph (2).

(2) Priority activities.--An eligible State entity receiving a grant under this section shall use grant funds to carry out the following activities:

(A) Implementing aligned statewide education longitudinal data systems that include the following:

(i) With respect to preschool through grade 12 education and postsecondary education--

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) With respect to preschool through grade 12 education--

(I) yearly test records of individual students with respect to State assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned;

and

(V) student-level college readiness test scores.

(iii) With respect to postsecondary education, data that provide--

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(B) Establishing inter- and intra-agency governance strategies that define policies and procedures for the collection, access, and use of education data.

(C) Establishing and implementing comprehensive policies and procedures to protect the privacy, security, and confidentiality of student and educator data, including--

(i) justifying that data being collected, stored, and shared are necessary, useful, accurate, and valid;

(ii) limiting access to personally identifiable information to necessary and appropriate individuals;

(iii) protecting shared data from inappropriate use;

(iv) implementing a data security framework (including regular and comprehensive training and professional development) for the use, dissemination, storage, and maintenance of data;

(v) providing parental and public notice about data collection, information about data policies, and information relating to the accessibility and use of data;

(vi) ensuring compliance with the requirements of Federal, State and local privacy laws, including section 444 of the General Education Provisions Act (commonly known as the ``Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g); and

(vii) aligning data policies and procedures with best practices for data stewardship, including best practices identified by the Secretary.

(D) Establishing the capacity to link education data with workforce data.

(E) Enabling the matching of the teacher identifier described in subparagraph (A)(ii)(III) with information about certification or licensure and teacher preparation programs, including the development of linkages with pre-service programs that enable the matching of teacher certification and preparation

programs to--

- (i) the postsecondary institutions at which teachers received their training;
- (ii) job placement;
- (iii) retention rates; and
- (iv) teacher impact on student academic achievement.

(F) Enabling standardization of education data through the use of openly developed common education data standards.

(G) Providing the State with the ability to meet Federal reporting requirements, including reporting requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(3) Permissible activities.--An eligible State entity receiving a grant under this section may use remaining grant funds, after ensuring the implementation of the priority activities described in paragraph (2), to carry out activities that--

(A) expand the ability of aligned statewide education longitudinal data systems to align data that covers the time a student enters preschool through the time that such student graduates from secondary school or an institution of postsecondary education, and enters and spends time in the workforce;

(B) improve opportunities to access, analyze, communicate about, and use data from aligned statewide education longitudinal data systems; or

(C) build the capacity of teachers, school leaders, parents, students, researchers, external partners, and the public to use longitudinal data for effective decisionmaking.

(f) Supplement Not Supplant.--Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing integrated statewide education longitudinal data systems linking early childhood, elementary school, secondary school, postsecondary, or workforce data.

SEC. 4. IMPROVING LOCAL USE OF DATA TO IMPROVE STUDENT OUTCOMES.

(a) Grants Authorized.--From the funds appropriated under section 8 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local entities to enable educators to improve access to, sharing of, and use of education data to improve student outcomes.

(b) Duration.--Each grant awarded under this section shall be for a period of not more than 5 years.

(c) Applications.--Each eligible local entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

- (1) A memorandum of understanding between the State

educational agency and the eligible local entity, which shall include--

(A) a description of the State educational agency's level of participation in the grant;

(B) an assurance that the State educational agency agrees to--

(i) provide the eligible local entity with--

(I) appropriate access to student data from State data systems; and

(II) cooperation in efforts to align local educational agency data with data from State data systems;

(ii) provide training to the eligible local entity to address the use of data collection software, privacy policies, Federal, State, and local privacy laws (including section 444 of the General Education Provisions Act (commonly known as the ``Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)), data integrity issues, reporting, planning, and processes;

(C) a description of the State educational agency's strategy for the dissemination of information about the successes and challenges of the grant activities under this section; and

(D) a description of how the State will fund the activities described in subparagraph (B), including information about any grant funds that the eligible local entity will give to the State educational agency to carry out the activities described in such subparagraph.

(2) A description of how the local educational agencies that are part of the eligible local entity, and any educators working for such agencies, submit data to, access, and use existing statewide education longitudinal data systems, at the time of the application.

(3) A description of the data systems used by the eligible local entity at the time of the application.

(4) A description of how activities funded under the grant will improve local access to, and use of, data that is, at the time of the application, provided by data systems at the local and State level.

(5) A description of how the eligible local entity will use funds received under this section to carry out the proposed activities in order to improve teaching, learning, and student outcomes.

(6) A mechanism for soliciting the feedback of educators, school leaders, parents, and external partners in developing, revising, and implementing plans and activities under this section.

(7) A description of how the eligible local entity will align the use of funds under this section with the technology plan of each local educational agency served under the grant.

(8) A description of the indicators that the eligible local entity will use to determine--

(A) if grant funds are being used effectively; and

(B) the impact of grant funds on improving teaching, learning, and student outcomes.

(9) Such other information as the Secretary may reasonably require.

(d) Awarding of Grants.--

(1) In general.--In awarding grants under this section, the Secretary shall--

(A) use a peer review process, as described in paragraph (2);

(B) select applications that demonstrate technical quality, validity, and reliability; and

(C) protect student and educator privacy, consistent with the requirements of Federal, State, and local privacy laws (including section 444 of the General Education Provisions Act (commonly known as the ``Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)).

(2) Peer review process.--In awarding grants under this section, the Secretary shall, to the extent practicable, use a peer review process that--

(A) ensures technical quality, validity, and reliability;

(B) ensures that applications protect student and educator privacy, consistent with the requirements of Federal, State, and local privacy laws (including section 444 of the General Education Provisions Act (commonly known as the Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g)); and

(C) includes--

(i) educators;

(ii) users and consumers of a local educational data systems;

(iii) individuals with demonstrated technical expertise in data system construction, integration, or implementation; and

(iv) representatives of business and the workforce.

(3) Considerations.--In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that grants are awarded to eligible local entities that are diverse in terms of geography, size, and location within an urban, rural, or suburban area.

(e) Uses of Funds.--

(1) Required uses of funds.--An eligible local entity receiving a grant under this section shall use grant funds to develop and implement a comprehensive plan for using data to improve teaching, learning, and student outcomes. Such plan shall include strategies designed to--

(A) provide teachers, school leaders, parents, students, researchers, external partners, and the public with access to student education data in a way that ensures the quality and integrity of data contained in data systems and respects student and educator privacy, including through compliance with the requirements of Federal, State, and local privacy laws (including section 444 of the General Education

Provisions Act (20 U.S.C. 1232g));

(B) regularly analyze and share appropriate student data with educators, counselors, school staff, parents, students, and external partners in a way that ensures the quality and integrity of data contained in data systems and respects student and educator privacy, including through compliance with the requirements of Federal, State, and local privacy laws (including section 444 of the General Education Provisions Act (20 U.S.C. 1232g)); and

(C) improve the ability of school leaders to--

(i) use student data to guide school improvement efforts; and

(ii) support classroom use of data through high-quality training and professional development;

(D) improve the ability of teachers to effectively use student data through on-going, sustainable, and high-quality professional development activities in order to ensure that educators have the capacity to--

(i) analyze data and monitor academic outcomes;

(ii) modify instructional activities as needed; and

(iii) differentiate student instructions.

(2) Allowable uses of funds.--An eligible local entity receiving a grant under this section may use grant funds to carry out any of the following activities:

(A) Supplementing statewide longitudinal data systems existing at the time of the application by improving local data systems through--

(i) the collection of local data elements that support decisionmaking about school improvement;

(ii) enhancing the ability of educators to manage, analyze, disaggregate, or report student, teacher, and school data; or

(iii) standardization through use of openly developed common education data standards.

(B) Using new assessment tools that provide timely data to educators, which can be used to identify the learning needs of individual students and guide appropriate, personalized instructional interventions.

(C) Using external partners, central office staff, or data specialists in order to build educator capacity to effectively use data to improve teaching and learning.

(D) Analyzing and disseminating best practices, strategies, and approaches regarding pedagogical advancement that will leverage the local educational agency's or State educational agency's data system to enhance teaching and learning, including opportunities for individualized instruction.

(E) Analyzing data and realigning existing resources to maximize impact on student achievement, including the use of early warning data to target resources.

(F) Coordinating activities with other local agencies providing services to students.

(G) Coordinating activities with educator preparation programs in order to build educators' capacity to use data.

SEC. 5. NATIONAL ACTIVITIES TO SUPPORT EFFECTIVE DATA USE.

From the funds appropriated under section 8 for a fiscal year, the Secretary may carry out the following national activities:

(1) Providing technical and policy assistance to grantees and non-grantees in order to facilitate implementation, and improve the quality of, student longitudinal data systems, including technical assistance to ensure the protection of personally identifiable information.

(2) Identifying or promoting activities that improve data coordination, quality, and use at the national, State, and local levels (including activities that improve the coordination, quality, and use of education data for Indian tribes, tribal organizations, and schools operated or funded by the Bureau of Indian Education).

(3) Implementing innovative strategies to advance the use of data.

(4) Conducting research on emerging trends and challenges relating to the collection and use of education data.

(5) Awarding prizes (consistent with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719)).

(6) Providing funding to support the innovative use of data for pilot programs, in order to identify and promote models of effective data use in emerging areas.

SEC. 6. REPORT.

Not later than 3 years after the Secretary awards a grant under this Act, and annually thereafter, the Secretary shall make publicly available a report on the implementation, actual costs, and effectiveness of the activities carried out through grants under this Act, including efforts to protect student and educator privacy.

SEC. 7. TRANSPARENCY.

(a) Reporting Requirements.--

(1) In general.--Not later than 1 year after the date of enactment of this Act, the Secretary shall make publicly available a comprehensive and searchable description of all reporting requirements of the Department that apply to State educational agencies, local educational agencies, or schools. Such description shall include, for each reporting requirement, the following information:

(A) The definition of the required data element or indicator.

(B) The purpose of the particular data collection.

(C) The legislative or regulatory source of the reporting requirement.

(D) The level of data (such as the State educational agency, local educational agency,

institution of postsecondary education, or school).

(E) The mechanism of data collection.

(F) Information about whether data relating to the reporting requirement is publicly available.

(2) Updates.--The Secretary shall update the description required under subsection (a) annually.

(b) Assurance.--The Secretary shall ensure that if a new reporting requirement becomes effective, or if a reporting requirement is changed, on or after the date of enactment of this Act, each State shall have not less than 90 days to comply with such requirement.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$100,000,000 for fiscal year 2012 and such sums as may be necessary for each succeeding fiscal year.

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