

Testimony of Aimee Rogstad Guidera, Executive Director, Data Quality Campaign

New York Senate Standing Committee on Education

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Good morning, Chairman Flanagan and members of the committee.

Thank you for the opportunity to testify today on such an important topic for all of us in this country. The conversations parents, educators and others are having in New York are also taking place in communities around the nation. As a society, we are dealing with the unprecedented need to adapt to the increasing role of data in helping us make more informed decisions and attain better service and outcomes in every aspect of our lives; integral to this is a need to also discuss how we safeguard this data and protect our personal privacy.

I am Aimee Rogstad Guidera, the founder and executive director of the [Data Quality Campaign](#), a nonpartisan, nonprofit advocacy organization that works with state policymakers and others to highlight the power of effective data use at all levels to support families and educators in their efforts to improve student achievement.

Like every other sector focused on getting better results, education is using data in new and game-changing ways. We are using this data to inform decisionmaking in education and improve outcomes to the level that every parent expects. New Yorkers, like their fellow citizens across this country, are raising legitimate questions about how we safeguard data while using it for this important purpose.

This hearing provides a public forum for having these vital discussions among citizens about the value, use and protection of data. Thank you for inviting me to be part of this important discussion.

We believe that empowering parents, educators, and policymakers with the right data at the right time in the right format exponentially increases the ability of these adults to ensure our young people graduate from high school prepared for college and career.

I've included our annual report, [Data for Action](#), in your packets and for the record to give you an overview of our work and have also included New York's state profile, which looks at the capacity of this state to use education data effectively to improve student achievement.

Because of states' efforts to support the effective use of data, parents and policymakers in Kentucky can now review [high school feedback reports](#) to see how different types of students do once they enter the state's university system and which high schools are preparing students for college level work, [data coaches in Delaware](#) can help teachers pinpoint what interventions students need most, and [an early warning system in Massachusetts](#) gives educators information that, when acted upon in a timely manner, can mean the difference between a student graduating or dropping out.

I am here today because the need to move the needle on student achievement is greater than ever and resources of money and time are stretched. The newest assessment results here in New York were a sobering reminder of how much further we have to go, but also point toward opportunity. We will never meet our goal of each child graduating from high school with the knowledge and skills to succeed in the knowledge economy without changing how we use data in education.

New York, like the rest of the nation, has made unprecedented progress in building its capacity to collect and use rich, robust student data. This is part of a major shift in our country that is changing our conversations from using data for bureaucratic compliance to one in which we use data for continuous improvement of education processes and policies and classroom practices to better serve young people and their families.

We look at the efforts of states because they have a unique leadership role to play in ensuring that all stakeholders have timely access to high-quality, relevant, and actionable information about their children, schools, and districts.

It is not enough to simply collect data and report it for compliance purposes. The true power of data comes with getting it into the hands of people who need timely, actionable, relevant, contextualized information. This powerful and potentially transformative benefit of data can't be limited to only the biggest, best resourced districts; the vast majority of New York's 693 school districts don't have the technical, human, or financial capacity to ensure that students, parents and educators get the information they need by acting alone.

New York can support districts in their efforts to use data for continuous improvement by:

- Equalizing districts' varying ability to build and use data systems and tools by providing districts access to tools that complement and enhance their own data capacity.
- [Securely linking individual students' data](#) across districts and sectors—from K–12 to postsecondary to the workforce, for example, to provide a clearer picture of student success as they move through education settings, and inform decisionmaking based on that information.
- [Developing analytics](#) such as growth measures, and predictive tools that move data from providing a limited snapshot of a moment in time to a comprehensive look of students' past efforts and results, and how they can be expected to perform going forward.
- Setting [state policies](#) to support effective data use, such as teacher licensure policies supporting data literacy, or the creation of P–20 data governing boards and privacy policies.

For example, if a parent is looking to choose the best high school for their child, he needs high school graduation rates that reflect the reality that students change schools and districts throughout the year. He also cares about that high school's postsecondary enrollment and remediation data that reflects on how well its graduates were prepared for postsecondary success. District data systems alone cannot provide this information: the state has to fill in these critical information gaps.

New York, like other states, has built a robust state longitudinal data system that has the potential to deliver powerful robust information to stakeholders. For example, the Data Quality Campaign has highlighted New York's efforts to develop a high quality teacher-student data link, which not only informs teacher effectiveness policies and practices statewide, but will provide the foundation to deliver student performance data to the appropriate teachers in schools.

With the launch this fall of the Education Data Portal, New York is on the cusp of ensuring that every student, parent and teacher has access to critical data on the children in their care. [Only 5 states](#) in this county have this critical capacity; in these states, and soon in New York, parents, educators and students

will be able to have richer, more informed discussions about specific actions on which they can work together to ensure that their child is on the track for success. This portal represents several years of hard work; building data systems is the easy part. The more difficult part involves making sure that the access to information and tools has been designed to meet the needs of citizens where parents, taxpayers, and policymakers have the information they need, when they need it, at their fingertips. New York is on its way to making that a reality.

But conversations about access to and the use of data raise legitimate concerns about the privacy, security and confidentiality of student data. We must build the trust of those same stakeholders that this valuable information is being protected. Safeguarding student privacy and using data effectively to improve teaching and learning aren't mutually exclusive actions—in fact, [ensuring the privacy, security and confidentiality of our young people's data](#) is integral to building a culture that values, trusts and uses data. If people don't trust the data and believe in its protection, they will not use it.

I'm here to tell you that we can both use data to inform teaching and learning and protect privacy; the consequences of not doing so are too high for the Empire State's students. The families in Rochester, where only 5 percent of its students were deemed on track to be college and career ready, can't afford to not use every piece of information available to guide education decisions around kitchen tables, in teachers' offices, and at school board meetings to ensure that teaching is tailored to meet the need of every one of those students.

I would like to spend the rest of my time today providing tangible steps that you, as legislative leaders, can take to guarantee that data is protected and being used to improve system performance and academic outcomes. These actions will also build trust of all New Yorkers—especially the parents of your young people—in the quality, value and safety of that data.

Part of the fear about data comes from the incorrect belief that bureaucrats are sitting in cubicles looking at kids' data and mandating collections without any legitimate authority and then selling data to companies for commercial gain. (In fact, the Family Educational Rights and Privacy Act prohibits this.)

These fears are further exacerbated by the fact that most of the public has yet to see how education data is being used to empower educators to make decisions that personalize learning for students and ensure they stay on track for graduation. This is changing; in New York and elsewhere, educators, parents and other stakeholders are starting to use data as a flashlight that lights the path toward better outcomes for our students.

To reinforce the value of using education data and to mitigate the fears of its misuse, state policymakers must act now to establish state policies and practices that are designed to:

Ensure parents and educators find value in the data that is collected and understand the “who, what, where, and when” of data collection and use. This means ensuring New York's data system is built to meet stakeholder needs and isn't just focused on bureaucratic reporting purposes. The state education agency, governor and legislators in this state must be able to answer an individual user's question, “What is in it for me?” and help each stakeholder realize the stake he or she has in having access to quality data. New York legislators and other policy leaders must act now to:

- Support [policy actions](#) that ensure the effective use of data to inform decision making at every level of education. This includes:

- Linking key (but limited) data from prek-12, higher education and the workforce to provide a clearer picture of students' success as they move through education settings, and inform decisionmaking based on that information
- Providing the right data to the right people at the right time
- Building the capacity of stakeholders to use the data to make decisions
- Communicate with local stakeholders, at every opportunity, to dispel myths and misinformation and clarify the value of data to teaching, learning, and decision making.

Promote, enact and continuously review and update privacy, security, and confidentiality policies that are proactive and constructive rather than prohibitive. As our questions, policies, and technology evolve and change, so do our data needs. To keep up with this, our policies must evolve and so too must the roles and responsibilities of state leaders. The federal Family Educational Rights and Privacy Act [has been seen as sufficient](#) until now, because data privacy has been focused on how data was collected and stored in buildings and districts. But the world of paper-and-pen tests and fill-in-the bubble sheets has given way to the cloud. As states have taken a leadership and service role in this area, it is time for a new discussion about the role of the state with regard to safeguarding privacy and security. This discussion and the resulting policies should not simply be lists of prohibitions, many of which can block the important advances districts and states are making with using data and technology to get better information to educators and parents faster than ever before.

Instead, we can do a better job of protecting and using data through policy actions that involve transparent discussions about why we need data, how we are using and protecting them, and outlining how decisions are made within the state of how data are collected, stored, accessed, shared, and deleted.

Other states are also dealing with these issues through proactive, public, productive legislative processes. Believing firmly in the value of data to support teaching and learning, [Oklahoma passed and signed HB1989](#), a bill that not only addressed the concerns about how much and which data were being collected but also [ensured that there was a broad, public discussion](#) so that there was transparency and clarity about the discussion and the end result. The legislation outlined the roles/responsibilities of the state education agency, state board of education, legislature, and governor in collecting, sharing, and protecting data.

This bill limits access to personally identifiable information to necessary and appropriate individuals, protects data that are shared from inappropriate use (with policies, practices, memoranda of understanding) and implements a security framework that protects student data.

Adequate and strategic action on these fronts does not preclude the effective use of data. The education sector is not alone in its efforts to achieve this critical balance; nearly every other sector has been transformed by the use of technology and data and has tackled the challenge of ensuring the privacy, security and confidentiality of personal information. Education can learn from their experiences. The DQC has developed a primer for state policymakers on [Supporting Data Use While Protecting the Privacy, Security and Confidentiality of Student Information](#) that captures many of the lessons from other sectors, such as the generally accepted Fair Information Practices, and highlights the specific roles and responsibilities that state policymakers must take to ensure the protection of student information.

If the end goal of all of our efforts is to improve student achievement to prepare each and every child in this country for the knowledge economy, then we have to commit to having higher expectations based

on the reality of today's economy (such as the Common Core State Standards); we need assessments that provide clear, understandable progress reports to parents, teachers, students, and the public on where individual kids and groups of kids are against those goals (the assessments); and we need to personalize learning for each child based on what those assessment results and many other data points are highlighting (quality, actionable, contextual, longitudinal data).

We won't reach our goal if we just sign on to one of the three legs of this stool. If we stop at the first two legs (standards and testing), then we are simply testing students without any real way to determine the path forward. It is essential that we keep working hard to protect the privacy, security and confidentiality of individual student's data. But let's do that with the focus on enhancing the quality of education our children receive today. We can't afford to fail at either of these. The cost is too great—to individual children and families and to our society as a whole—as we can't afford to lose another child. We must prepare each and every student for the demands of our increasingly competitive knowledge-based economy.

Thank you for the opportunity to share my thoughts with you today and to be part of this conversation.