

110TH CONGRESS
1ST SESSION

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To provide for statewide longitudinal data systems to improve elementary and secondary education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. BROWN (for himself, Mrs. CLINTON, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for statewide longitudinal data systems to improve elementary and secondary education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BUILDING STATEWIDE LONGITUDINAL DATA**
4 **SYSTEMS.**

5 (a) GRANTS AUTHORIZED.—The Secretary of Edu-
6 cation is authorized to award 5-year grants, on a competi-
7 tive basis, to State educational agencies to enable such
8 agencies to design, develop, and implement statewide lon-
9 gitudinal data systems to efficiently and accurately collect,
10 manage, analyze, disaggregate, and use individual student

1 data, consistent with the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6301 et seq.).

3 (b) APPLICATIONS.—Each State educational agency
4 desiring a grant under this section shall submit an appli-
5 cation to the Secretary of Education at such time, in such
6 manner, and accompanied by such information as the Sec-
7 retary may reasonably require, including how the State
8 will provide matching funds.

9 (c) MATCHING FUNDS.—As a condition of receiving
10 a grant under this section, a State shall provide non-Fed-
11 eral funds as follows:

12 (1) YEARS 1 AND 2.—In years 1 and 2 of the
13 project funded by the grant, not less than 1 non-
14 Federal dollar for every 3 Federal dollars.

15 (2) YEARS 3 AND 4.—In years 3 and 4 of the
16 project, not less than 1 non-Federal dollar for every
17 1 Federal dollar.

18 (3) YEAR 5.—In year 5 of the project, not less
19 than 3 non-Federal dollars for every 1 Federal dol-
20 lar.

21 (d) PEER REVIEW AND AWARDING OF GRANTS.—In
22 awarding grants under this section, the Secretary of Edu-
23 cation shall use a peer review process that—

24 (1) ensures technical quality (including validity
25 and reliability) and protects student privacy con-

1 sistent with section 183 of the Education Sciences
2 Reform Act of 2002 (20 U.S.C. 9573); and

3 (2) promotes the generation and accurate and
4 timely use of data that—

5 (A) is needed for States and local edu-
6 cational agencies to comply with this Act, close
7 achievement gaps, and fulfill other reporting re-
8 quirements; and

9 (B) is needed to facilitate research to im-
10 prove student academic achievement and close
11 achievement gaps.

12 (e) SUPPLEMENT NOT SUPPLANT.—Funds made
13 available under this section shall be used to supplement,
14 and not supplant, other State or local funds used for de-
15 veloping statewide data systems.

16 (f) REQUIRED USE OF FUNDS.—A State that re-
17 ceives a grant under this section shall use the grant funds
18 to build or upgrade a high quality robust statewide longi-
19 tudinal data system that includes the elements and struc-
20 tures described in section 2.

21 (g) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, and annually thereafter, the Sec-
23 retary of Education shall make publicly available a report
24 on the implementation and effectiveness of Federal, State,

1 and local efforts related to the goals of this section, includ-
 2 ing—

3 (1) an analysis of States' progress in developing
 4 statewide longitudinal data systems that include the
 5 elements and structures required by subsection (f);

6 (2) an evaluation of the ability of such systems
 7 to manage individual student and personnel data
 8 consistent with this Act, promote linkages across
 9 States, and protect student privacy consistent with
 10 section 183 of the Education Sciences Reform Act of
 11 2002 (20 U.S.C. 9573);

12 (3) an analysis of State practices regarding the
 13 use of statewide longitudinal data systems, including
 14 increasing educators' capacity to use data; and

15 (4) an identification of best practices and areas
 16 for improvement.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 18 are authorized to be appropriated \$100,000,000 for fiscal
 19 year 2008 and for each of the 5 succeeding fiscal years,
 20 for grants under this section.

21 **SEC. 2. UNDERSTANDING THE CAPACITY OF CURRENT**
 22 **DATA SYSTEMS.**

23 (a) IN GENERAL.—A State that receives a grant
 24 under section 1 shall describe, in the State's State plan
 25 required under part A of title I of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C. 6311 et
2 seq.), how, within 4 years of the date of enactment of this
3 Act, the State will have in place a statewide longitudinal
4 data system, which shall include information from stu-
5 dents in public charter schools.

6 (b) ESSENTIAL ELEMENTS.—The data system re-
7 quired under subsection (a) shall include the following es-
8 sential elements:

9 (1) A unique statewide student identifier that
10 remains stable and consistent across time.

11 (2) Information on an individual student’s—

12 (A) school, grade, and classroom-level en-
13 rollment;

14 (B) membership in a demographic group
15 specified in section 1111(b)(2)(C)(v)(II) of the
16 Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

18 (C) attendance;

19 (D) participation in—

20 (i) a program under part A of title I
21 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6311 et
23 seq.);

24 (ii) a program for English language
25 learners;

1 (iii) a bilingual education program;

2 (iv) a program under part C of title I
3 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 6391 et
5 seq.); or

6 (v) a program under subpart 6 of part
7 D of title V of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C.
9 7253a et seq.); and

10 (E) eligibility for—

11 (i) a free or reduced-price lunch under
12 the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1751 et seq.); or

14 (ii) special education and related serv-
15 ices.

16 (3) The ability to match an individual student's
17 score on an academic assessment, including an as-
18 sessment specified under section 1111(b)(3) of the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 6311(b)(3)), from year to year to meas-
21 ure academic growth.

22 (4) Information on students who were not test-
23 ed, as required under section 1111 of the Elemen-
24 tary and Secondary Education Act of 1965, and the
25 reasons the students were not tested.

1 (5) A unique, statewide teacher identifier that
2 remains stable and consistent over time and matches
3 student records to the appropriate teacher. Any use
4 of such data beyond identifying professional develop-
5 ment needs of teachers or revising instructional
6 methods and curricula (including use of such data
7 for compensation, job evaluation, continued employ-
8 ment, or other employment decisions) shall not re-
9 duce the rights or remedies of employees under any
10 other Federal, State, or local law, collective bar-
11 gaining agreement, or memorandum understanding.

12 (6) Student-level transcript information, includ-
13 ing information on courses completed and grades
14 earned.

15 (7) Student-level data on participation in and
16 performance on college admissions or placement as-
17 sessments, or both.

18 (8) Student-level data on students' entrance to
19 and exit of the education system, including first time
20 grade-level enrollment, grade-level retention, verified
21 transfer status, drop-out status, receipt of standard
22 diploma or nonstandard diploma, receipt of GED,
23 incarceration, and death.

24 (9) Ability to link information from preschool
25 through grade 12 to data systems in higher edu-

1 cation, and to gather information on college enroll-
2 ment, placement, persistence, and attainment, and
3 ability to link data systems to data from workforce
4 development, unemployment insurance, child welfare,
5 juvenile justice, and military services information
6 systems.

7 (10) A statewide data audit system assessing
8 data quality, validity, and reliability.

9 (11) Teacher elements, including grade levels
10 and subjects of teaching assignments, major and
11 minor undergraduate area of study, preparation pro-
12 gram participation, certification status, professional
13 development program participation, years of teach-
14 ing expertise, and highly qualified (as defined in sec-
15 tion 9101 of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 7801)) status. Such
17 teacher elements shall be aligned to the stable,
18 unique, consistent statewide teacher identifier.

19 (c) STRUCTURES REQUIRED.—The data system re-
20 quired under subsection (a) shall also include structures
21 to ensure the following:

22 (1) The privacy of student records, consistent
23 with the Family Educational Rights and Privacy Act
24 of 1974 (20 U.S.C. 1232g).

1 (2) Effective data architecture, including stand-
2 ard definitions and formatting, and warehousing, in-
3 cluding the ability to link student records over time
4 and across databases and to produce standardized or
5 customized reports for use by local educators and
6 policymakers.

7 (3) Interoperability, utilizing established open
8 technical standards, among software interfaces uti-
9 lized to collect, analyze, report out, and share the
10 data of such system.

11 (4) Interoperability, utilizing established open
12 technical standards, with the other State and local
13 systems developed and implemented pursuant to this
14 section.

15 (5) Interoperability, utilizing established open
16 technical standards, with the system linking migrant
17 student records required under part C of title I of
18 the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 6391 et seq.).

20 (6) Electronic portability of data and records
21 across local educational agencies and between pre-
22 kindergarten through grade 12 and postsecondary
23 institutions within a State and across States.

24 (7) Professional development for those that use
25 and operate such system.

1 (8) Researcher access to the data in such sys-
 2 tem, consistent with the Family Educational Rights
 3 and Privacy Act of 1974 (20 U.S.C. 1232g).

4 **SEC. 3. IMPROVING EDUCATION THROUGH BETTER USE OF**
 5 **DATA, ALIGNMENT OF STATE AND DISTRICT**
 6 **DATA SYSTEMS, AND TRAINING AND TECH-**
 7 **NICAL ASSISTANCE.**

8 (a) AUTHORIZATION.—The Secretary of Education is
 9 authorized to award grants, allocated 50 percent according
 10 to poverty and 50 percent according to student population,
 11 to State educational agencies to enable such agencies to
 12 implement activities to ensure the alignment and effective
 13 use of data systems.

14 (b) MATCHING FUNDS.—As a condition of receiving
 15 a grant under this section, a State shall provide a match
 16 of not less than 1 non-Federal dollar for every 3 Federal
 17 dollars received under the grant.

18 (c) SUPPLEMENT NOT SUPPLANT.—Funds made
 19 available under this section shall be used to supplement,
 20 and not supplant, other State or local funds used for en-
 21 hancing capacity to use data systems.

22 (d) DEFINITIONS.—In this section:

23 (1) STUDENT INFORMATION MANAGEMENT SYS-
 24 TEM.—The term “student information management
 25 system” means an electronic data system used to

1 hold individual student and teacher information,
2 data, and records.

3 (2) CURRICULUM MANAGEMENT SYSTEM, IN-
4 STRUCTIONAL MANAGEMENT SYSTEM, OR LEARNING
5 MANAGEMENT SYSTEM.—The term “curriculum
6 management system”, “instructional management
7 system”, or “learning management system” means
8 an electronic software system used by educators to
9 regularly assess students’ performance as compared
10 to standards and align specific and individual cur-
11 riculum activities to students’ needs.

12 (e) STATE APPLICATIONS.—Each State educational
13 agency desiring a grant under this section shall submit
14 an application to the Secretary of Education at such time,
15 in such manner, and accompanied by such information as
16 the Secretary may reasonably require, including—

17 (1) a description of how the State will build ed-
18 ucator and policymaker capacity to use data and
19 data systems to improve teaching and learning, in-
20 crease student achievement and outcomes, and close
21 achievement gaps;

22 (2) a description of how the State will support
23 local educational agencies in utilizing available data
24 and collecting and utilizing formative and other as-
25 sessment data to individualize instruction;

1 (3) a description of how the State will utilize
2 established open technical standards to align state-
3 wide longitudinal data systems with local student in-
4 formation management systems and curriculum
5 management systems, instructional management sys-
6 tems, or learning management systems;

7 (4) a description of how the State will work
8 with local educational agencies to analyze current re-
9 sources at the school and local educational agency
10 level to ensure participating jurisdictions have the
11 technology, such as Internet connections, computing
12 power, software, servers, and hard disk space, nec-
13 essary to successfully implement the data collection,
14 reporting, assessment processes, and content delivery
15 the system demands; and

16 (5) if the State plans to award subgrants, a de-
17 scription of how the State will support local grant
18 recipients in meeting the purposes, goals, and re-
19 quirements of this section.

20 (f) STATE REQUIRED USE OF FUNDS.—A State re-
21 ceiving a grant under this section shall use funds for ac-
22 tivities that build educator and policymaker, at the local
23 educational agency and school level, capacity to use data
24 and data systems, such as—

1 (1) providing data integrity training at the
2 school and local educational agency levels to address
3 technology maintenance needs at the school and
4 local educational agency levels, privacy policies (in-
5 cluding training relating to the Family Educational
6 Rights and Privacy Act of 1974 (20 U.S.C. 1232g)),
7 data integrity issues, report planning, and processes;

8 (2) providing professional development to teach-
9 ers, office personnel, and school and local edu-
10 cational agency administrators to appropriately col-
11 lect, report, and use data;

12 (3) developing processes to analyze and dissemi-
13 nate best practices, strategies, and approaches re-
14 garding pedagogical advancement that will leverage
15 the data system to enhance teaching and learning,
16 including creating opportunities for individualized
17 instruction; and

18 (4) aligning with the utilization of established
19 open technical standards, statewide longitudinal data
20 systems with local student information management
21 systems and curriculum management systems or in-
22 structional management systems.

23 (g) ALLOWABLE USE OF FUNDS.—A State receiving
24 a grant under this section may use funds to—

1 (1) hire and train dedicated personnel to sup-
2 port the collection, submission, and public reporting
3 of data requirements under this Act and the Ele-
4 mentary and Secondary Education Act of 1965 (20
5 U.S.C. 6301 et seq.);

6 (2) provide students with individualized learn-
7 ing opportunities based on data;

8 (3) utilize established open technical standards
9 to address portability and interoperability of data
10 among States, local educational agencies, or schools;

11 (4) utilize established open technical standards
12 to connect the statewide data system with other
13 State systems, including those with school funding
14 information, employment information, military infor-
15 mation, child welfare, juvenile justice, and postsec-
16 ondary education;

17 (5) conduct and publicly report on the findings
18 of data analyses to identify and fill areas in need of
19 improvement in policy and instructional practice;
20 and

21 (6) provide subgrants to local educational agen-
22 cies, or consortia of local educational agencies.

23 (h) LOCAL APPLICATIONS.—To be eligible to receive
24 a subgrant from a State educational agency under this
25 section, a local educational agency, or consortium of local

1 educational agencies, shall submit to the State educational
2 agency an application at such time, in such manner, and
3 accompanied by such information as the State educational
4 agency may require, including—

5 (1) a description of how the applicant will use
6 funds under this section to facilitate the use of data
7 to improve teaching, learning, and student outcomes;

8 (2) a description of how the applicant will align
9 its use of funds under this section to the local edu-
10 cational agency technology plan and to the local edu-
11 cational agency goals and plans for improving stu-
12 dent achievement under section 1112 of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 6312) and, if applicable, section 1116 of
15 such Act (20 U.S.C. 6316);

16 (3) a description of how the applicant will use
17 funds to promote the generation and accurate and
18 timely use of data to improve student academic
19 achievement and close achievement gaps; and

20 (4) such other information as the State edu-
21 cational agency may reasonably require.

22 (i) LOCAL USE OF FUNDS.—

23 (1) IN GENERAL.—A local educational agency,
24 or consortium of local educational agencies, receiving

1 a subgrant under this section shall use the funds
2 to—

3 (A) implement curriculum management
4 systems, instructional management systems, or
5 learning management systems, or other tools
6 and resources to facilitate the use of formative
7 assessment and individualized instruction to im-
8 prove student achievement;

9 (B) provide professional development, in-
10 cluding—

11 (i) on-going and sustainable profes-
12 sional development addressing how to uti-
13 lize curriculum management systems, in-
14 structional management systems, or learn-
15 ing management systems and formative as-
16 sessments as a means to individualize in-
17 struction to improve student achievement;

18 (ii) professional development to tie
19 curricular resources directly to standards,
20 including digital resources addressing var-
21 ious learning styles; and

22 (iii) other activities to facilitate the
23 use of data to improve teaching and learn-
24 ing; and

1 (C) improve systems and processes related
2 to the implementation and use of local student
3 information management systems, including
4 professional development and alignment with
5 State systems.

6 (2) SUPPLEMENT, NOT SUPPLANT.—Funds
7 made available under this section shall be used to
8 supplement, and not supplant, other State or local
9 funds available for local activities described in this
10 subsection.

11 (j) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, and annually thereafter, the Sec-
13 retary of Education shall make publicly available a report
14 on the implementation and effectiveness of Federal, State,
15 and local efforts related to the uses of funds under this
16 section.

17 (k) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$100,000,000 for fiscal year 2008 and for each succeeding
20 fiscal year.

21 **SEC. 4. SUPPORTING THE STATE EDUCATION DATA CEN-**
22 **TER.**

23 There are authorized to be appropriated such sums
24 as may be necessary for contracts or grants as part of

- 1 a jointly funded project for support of a State education
- 2 data center and State educational data coordinators.

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