

111TH CONGRESS  
2D SESSION

# S. 3204

To authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 14, 2010

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, 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. SHORT TITLE.**

4        This Act may be cited as the “Measuring and Evalu-  
5       ating Trends for Reliability, Integrity, and Continued Suc-  
6       cess (METRICS) Act”.

7       **SEC. 2. DEFINITIONS.**

8        In this Act:

(1) CURRICULUM MANAGEMENT SYSTEM; INSTRUCTIONAL MANAGEMENT SYSTEM; LEARNING MANAGEMENT SYSTEM.—The terms “curriculum management system”, “instructional management system”, and “learning management system” mean an electronic software system used by educators to regularly assess students’ performance as compared to standards and align specific and individual curriculum activities to students’ needs.

## 1 SEC. 3. IMPROVING THE USE OF STATEWIDE LONGITU- 2 DINAL DATA SYSTEMS.

3       (a) GRANTS AUTHORIZED.—The Secretary is author-  
4       ized to award grants of not more than 5 years, on a com-  
5       petitive basis, to State educational agencies to enable such  
6       agencies to improve access to, sharing of, and use of, edu-  
7       cation data to improve student outcomes.

8 (b) ELIGIBILITY.—

13 (A) The required data elements of a state-  
14 wide education longitudinal data system de-  
15 scribed in section 6401(e)(2)(D) of the America  
16 COMPETES Act (20 U.S.C. 9871(e)(2)(D)).

17 (B) The following design elements:

18 (i) Compliance with section 444 of the  
19 General Education Provisions Act (com-  
20 monly known as the “Family Educational  
21 Rights and Privacy Act of 1974”) (20  
22 U.S.C. 1232g).

23 (ii) Ability to generate data easily for  
24 continuous improvement and decision-  
25 making such as timely reporting to par-

3 (iii) Ability to facilitate the exchange  
4 of data among agencies within a State and  
5 between States utilizing standard data  
6 structures, standards, formats, and data  
7 definitions.

8 (iv) A data warehouse, data reposi-  
9 tory, or systemic capacity to link statewide  
10 data systems that stores, organizes, and  
11 links student, school, and district informa-  
12 tion over time with the ability to customize  
13 queries.

14 (v) A State data audit process to en-  
15 sure data quality, validity, and reliability.

## 22 (c) USES OF FUNDS.—

7 (i) linking State data systems with  
8 early learning, postsecondary education,  
9 workforce, social services, and other critical  
10 State agency data systems, and linking  
11 data across programs and activities within  
12 State agencies;

13 (ii) identifying processes to guide data  
14 collection, sharing, and use; and

15 (iii) improving State data warehouses,  
16 repositories, or systemic capacity to link  
17 statewide data systems across agencies;

18 (B) improve opportunities to access, ana-  
19 lyze, and use data from integrated statewide  
20 education longitudinal data systems, through  
21 activities such as—

22 (i) creating portals for teachers, lead-  
23 ers, parents, students, and the public to  
24 access data in a way that respects student

1 and educator privacy and is appropriate to  
2 each stakeholder's role;

3 (ii) creating progress reports with in-  
4 dividual student data that provide informa-  
5 tion educators, parents, and students can  
6 use to improve student performance;

7 (iii) creating reports that include lon-  
8 gitudinal statistics on school systems and  
9 groups of students to guide school-, dis-  
10 trict-, and State-level improvement efforts;  
11 and

12 (iv) making data efficiently available  
13 to researchers, analysts, and evaluators,  
14 consistent with student and educator pri-  
15 vacy protections, to facilitate the identifica-  
16 tion of effective programs and practices  
17 through data analysis; and

18 (C) build the capacity of teachers, leaders,  
19 parents, students, researchers, and the public to  
20 use longitudinal data for effective decision-  
21 making, through activities such as—

22 (i) implementing strategies to ensure  
23 that educators know how to access, ana-  
24 lyze, and use data appropriately, through  
25 activities such as—

(I) providing data integrity training at the school and local educational agency levels to address technology maintenance needs at the school and local educational agency levels, privacy policies (including training relating to 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, report planning, and processes;

(II) providing professional development to teachers, office personnel, and school and local educational agency administrators about how to collect, verify, report, access, and use data;

(III) embedding data and assessment literacy skills into credentialing requirements; or

(IV) developing partnerships with pre-service educator programs to improve educators' data and assessment literacy;

(ii) raising public and policymaker awareness of available data and how to access, analyze, and use it;

4 (iii) collaborating with universities, re-  
5 searchers, organizations, intermediaries, or  
6 other experts to conduct research using  
7 longitudinal data;

14 (v) building State agency capacity for  
15 research, analyses, and evaluation using  
16 longitudinal data.

1       (d) APPLICATIONS.—Each State educational agency  
2 desiring a grant under this section shall submit an appli-  
3 cation to the Secretary that includes the following:

4           (1) A description of how the State's data sys-  
5 tem currently meets the eligibility requirements of  
6 subsection (b) through—

7              (A) a demonstration of the State data sys-  
8 tem's current capabilities; and

9              (B) a description of plans and funding al-  
10 ready in place to meet those requirements.

11           (2) A description of the State's integrated  
12 statewide education longitudinal data systems' cur-  
13 rent ability to match student-level postsecondary  
14 education data to data from other State systems, in-  
15 cluding workforce development, unemployment insur-  
16 ance, child welfare, juvenile justice, military services  
17 information systems, and migrant students records  
18 system.

19           (3) A description of previous Federal and non-  
20 Federal funds the State has received for building  
21 and expanding integrated statewide education longi-  
22 tudinal data systems, including funds received under  
23 section 208 of the Educational Technical Assistance  
24 Act of 2002 (20 U.S.C. 9607) and section 6401 of  
25 the America COMPETES Act (20 U.S.C. 9871).

10 (5) A description of how the activities funded  
11 under the grant will promote the sharing of best  
12 practices related to data collection, access, and  
13 usage.

14 (6) A description of how the activities funded  
15 under the grant will advance the utility of integrated  
16 statewide education longitudinal data systems.

5 (9) A budget that details how grant funds and  
6 other resources will be used to carry out the activi-  
7 ties described in subsection (c).

15 (12) A description of the State's governance  
16 structure that defines data collection, access, and  
17 use.

18 (13) Other information as reasonably required  
19 by the Secretary.

20 (e) STUDENT PRIVACY.—The data system required  
21 by subsection (b)(1) may provide for the disclosure of per-  
22 sonally identifiable information from students' education  
23 records, without written parental consent, between the  
24 system and authorized representatives of State or local  
25 public agencies responsible for early childhood education,

1 postsecondary education, workforce development, unem-  
2 ployment insurance, child health and welfare, mental  
3 health, juvenile justice, or child protective services to ad-  
4 dress the education, employment, and social welfare needs  
5 of individuals that they serve and to evaluate or audit such  
6 program if interagency agreements or State laws or regu-  
7 lations provide for the protection of that information in  
8 a manner which will not permit the personal identification  
9 of students and their parents by other than representa-  
10 tives of such agencies with a legitimate interest to carry  
11 out these purposes.

12 (f) AWARDING OF GRANTS.—

13 (1) PEER REVIEW.—In awarding grants under  
14 this section, the Secretary shall use a peer review  
15 process that—

16 (A) ensures that the selected proposals  
17 have technical quality, validity, and reliability;  
18 (B) promotes linkages across States; and  
19 (C) protects student privacy consistent  
20 with section 444 of the General Education Pro-  
21 visions Act (commonly known as the “Family  
22 Educational Rights and Privacy Act of 1974”)  
23 (20 U.S.C. 1232g).

4 (A) States that propose coordinating ef-  
5 forts with local educational agencies; and

6 (B) States that propose to coordinate ef-  
7 forts or work together.

11 (g) SUPPLEMENT NOT SUPPLANT.—Funds made  
12 available under this section shall be used to supplement,  
13 and not supplant, other State or local funds used for de-  
14 veloping integrated statewide education longitudinal data  
15 systems linking early childhood, elementary, secondary,  
16 postsecondary, and workforce data.

17 (h) REPORT.—Not later than 1 year after the award-  
18 ing of grants under this section, and annually thereafter,  
19 the Secretary shall make publicly available a report on the  
20 implementation and effectiveness of uses of funds under  
21 this section.

22 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section  
24 \$65,000,000 for fiscal year 2011 and for each succeeding  
25 fiscal year.

1 **SEC. 4. IMPROVING LOCAL USE OF DATA TO IMPROVE STU-**2 **DENT OUTCOMES.**

3 (a) GRANTS AUTHORIZED.—The Secretary is author-  
4 ized to award grants of not more than 5 years of sufficient  
5 size and scope, on a competitive basis, to eligible local edu-  
6 cational agencies, or consortia of eligible local educational  
7 agencies, to improve educators' use of data to improve  
8 teaching, learning, and student outcomes.

9 (b) ELIGIBILITY.—

10 (1) IN GENERAL.—To be eligible to receive a  
11 grant under this section, a local educational agency  
12 shall be high need.

13 (2) DEFINITIONS.—In this subsection:

14 (A) GRADUATION RATE.—The term “grad-  
15 uation rate” has the meaning given the term in  
16 section 1111(b)(2)(C)(vi) of the Elementary  
17 and Secondary Education Act of 1965 (20  
18 U.S.C. 6311(b)(2)(C)(vi)), as clarified in sec-  
19 tion 200.19(b)(1) of title 34, Code of Federal  
20 Regulations.

21 (B) HIGH NEED.—The term “high need”,  
22 when used with respect to a local educational  
23 agency, means that the agency—

24 (i) is eligible for assistance under part  
25 A of title I of the Elementary and Sec-

## 10 (c) USES OF FUNDS.—

17 (A) provide teachers, leaders, parents, stu-  
18 dents, researchers, and the public with access to  
19 student education data in a way that respects  
20 student and educator privacy;

(B) coordinate with State agency efforts to build the integrated statewide education longitudinal data systems;

24 (C) regularly analyze and share student  
25 education data with educators, counselors and

1 school staff, parents, and students, through ac-  
2 tivities such as—

3 (i) using key indicators of progress,  
4 such as early warning indicators or the re-  
5 sults on local educational agency interim  
6 tests;

7 (ii) providing school-based staff with  
8 school-level analyses and comparative per-  
9 formance results for schools served by the  
10 local educational agency and other schools  
11 enrolling students with similar demo-  
12 graphic profiles to schools on a regular  
13 basis;

14 (iii) publicly reporting school-level  
15 data on school report cards;

16 (iv) embedding additional key indica-  
17 tors, such as percent of students on-track  
18 to graduation, into local accountability and  
19 improvement systems;

20 (v) sharing data to guide school and  
21 classroom instructional decisions and prac-  
22 tices;

23 (vi) regularly discussing data and  
24 school improvement plans with school lead-  
25 ership teams; or

(vii) using data to communicate effec-

tively with parents and other stakeholders;

(D) improve school leaders' use of data to

guide school improvement efforts and support

classroom use of data through high-quality

training and professional development address-

ing issues such as—

(i) establish

(i) establishing a culture of data use;

9

(iii) data-informed instruction, such

as how results from interim or formative

tests can be used

group instruction.

(E) improve teachers' effective use of data

through on-going, sustainable, and high-quality

professional development activities that address

issues such as—

(i) educators' data literacy;

(ii) use of data to individualize in-

## struction and interventions;

(iii) use of technology to facilitate im-

proved and personalized instruction; and

(iv) development and regular use of

formative assessment;

1 (F) ensure that source data used at the  
2 local level is consistent with source data used to  
3 report indicators as required by State or Fed-  
4 eral law; and

5 (G) provide training to address use of data  
6 collection software, privacy policies (including  
7 training relating to section 444 of the General  
8 Education Provisions Act (commonly known as  
9 the “Family Educational Rights and Privacy  
10 Act of 1974”) (20 U.S.C. 1232g)), data integ-  
11 rity issues, report planning, and processes.

17 (A) to build or improve longitudinal stu-  
18 dent data systems that allow for management,  
19 analysis, disaggregation, and State, Federal,  
20 and public reporting of student, teacher and  
21 school data that—

22 (i) includes the data elements and de-  
23 sign features described in section  
24 6401(e)(2)(D) of the America COM-  
25 PETES Act (20 U.S.C. 9871(e)(2)(D));

(ii) conforms and aligns with state-

wide common data standards and defini-

tions for linking data systems and sharing

information; and

(iii) includes additional local data ele-

6 ments, such as—

(I) student-level attendance, be-

8 behavior, or other information;

## (II) student participation in pro-

10 grams or interventions;

(III) interim, benchmark, or

12 formative assessment information;

#### (IV) parental educational and lit-

14 eracy status; or

## (V) teacher attendance and par-

16 ticipation in formal professional develop-

### opment sessions:

18 (B) to use new assessment tools that pro-

19 vide timely data to educators that can be used

to identify individual students' learning needs

21 and guide appropriate, per-

Interventions such as—

23 (j) formative assessment:

(ii)

1 (iii) curriculum management systems,  
2 instructional management systems, or  
3 learning management systems; or

4 (iv) other tools and resources;

5 (C) to analyze and disseminate best prac-  
6 tices, strategies, and approaches regarding ped-  
7 agogical advancement that will leverage the  
8 data system to enhance teaching and learning,  
9 including opportunities for individualized in-  
10 struction; or

11 (D) to hire staff, at the central office or  
12 school level, to support data use.

13 (d) APPLICATIONS.—Each local educational agency  
14 desiring a grant under this section shall submit an appli-  
15 cation to the Secretary that includes the following:

20 (2) A description of the local educational agency's current data systems.  
21

22 (3) A description of how activities funded under  
23 the grant will improve access to, and use of, data  
24 provided by the current data systems at the local  
25 and State level.

5 (5) A description of how the activities funded  
6 under the grant will promote the sharing of best  
7 practices related to data collection, access, and  
8 usage.

22 (9) An analysis of current resources at the  
23 school and local educational agency level to ensure  
24 participating jurisdictions have the technology, such  
25 as Internet connections, bandwidth, computing

1 power, software, servers, and hard disk space, and  
2 data security necessary to successfully implement  
3 the data collection, reporting, assessment processes,  
4 and content delivery the system demands.

5 (10) A description of the indicators the appli-  
6 cants will use to determine if funds are effectively  
7 used and their impact on improving teaching, learn-  
8 ing, and student outcomes.

9 (11) If applying as a consortium of local edu-  
10 cational agencies, the role of each.

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

13 (e) AWARDING OF GRANTS.—

14 (1) PEER REVIEW.—In awarding grants under  
15 this section, the Secretary shall use a peer review  
16 process that ensures technical quality, validity and  
17 reliability, promotes linkages across States, and pro-  
18 tects student privacy consistent with section 444 of  
19 the General Education Provisions Act (commonly  
20 known as the “Family Educational Rights and Pri-  
21 vacy Act of 1974”) (20 U.S.C. 1232g).

22 (2) DIVERSITY.—The Secretary shall ensure, to  
23 the extent possible, that grantees are diverse in  
24 terms of geography, size, and location within an  
25 urban, rural, or suburban area.

4 (f) REPORT.—Not later than 1 year after the date  
5 of enactment of this Act, and annually thereafter, the Sec-  
6 retary shall make publicly available a report on the imple-  
7 mentation and effectiveness of the uses of funds, including  
8 efforts to protect student and educator privacy, under this  
9 section.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this section  
12 \$65,000,000 for fiscal year 2011 and for each succeeding  
13 fiscal year.

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