



A tale of how legislative action first imperils efforts to marshal education data effectively and how better legislation prevails.

by Dana Rickman

Georgia's Balancing Act: Using, Protecting, and Legislating Student Data

By combining an overall vision for the use of data, a commitment to protecting student privacy and data integrity, and supportive legislation, Georgia emerged as a leader in the effective use of student data. But it easily could have gone another way. None of the three elements could be taken for granted when Georgia set out to develop its state longitudinal data systems over a decade ago.

A key challenge in Georgia was the entanglement of questions concerning what data should be collected and why with a contentious debate over the Common Core State Standards. The multiyear dispute surrounding Common Core, which included discussions of the proper role of the federal government in

education policy, nearly derailed the state-wide longitudinal data systems (SLDS).

SLDS ensure that states manage, use, and analyze education data effectively to support instruction and policymaking. Educators need information to help every student succeed, and at the same time, states need to protect student privacy and institute security measures to protect the integrity of the data.

While Georgia had been working on a longitudinal data system since the mid-2000s, it was only completed under the federal Race to the Top grant (RT3). In its grant application, the state had already set a clear vision for what it wanted to accomplish.¹ Georgia listed five goals:

1. Set high standards and rigorous assessments for all students—leading to college and career readiness.
2. Prepare students for college readiness, transition, and success.
3. Provide great teachers and leaders.
4. Provide effective support for all schools, including the lowest-achieving schools.
5. Lead the way in science, technology, engineering, and mathematics fields.

To achieve all five, Georgia required a robust state data and information system that would transcend all state education agencies. State leaders from the Governor’s Office, the Governor’s Office of Student Achievement, the Georgia Department of Education, and other education stakeholders including the Georgia State Board of Education (SBE) submitted a winning application during the second phase of the competition in June 2010. That year, Georgia was awarded \$400 million over four years to implement its detailed plan for public school improvement.

Included in the RT3 grant was implementation of Common Core English language arts and mathematics standards, as well as the overall vision for data usage:

- make educational data available that supports cross-agency analysis;
- establish an environment that will support data storage and access over time;
- establish an environment that will be valued by the community it supports and require minimum resources to maintain.

As part of the grant, Georgia proposed development of an accessible statewide longitudinal data system that would inform and engage stakeholders, support decision makers, and enhance overall instructional effectiveness.²

There were 33 projects under the grant, but Common Core implementation was among the most prominent. From that point forward, the Georgia public and some Georgia lawmakers linked Georgia’s data systems project to the Common Core and federal dollars. Subsequent debates over the appropriate collection and use of data would continually return to those two points.

Two Data Systems

Georgia developed and implemented two related state data systems. Georgia’s Academic and Workforce Analysis and Research Data System (GA•AWARDS) provides researchers and policymakers information about programs and overall effectiveness. Its SLDS, called Path to Personalized Learning, provides students and educators with seamless access to data that can inform instruction.

GA•AWARDS is the anchor for Georgia’s data collection and usability to track overall student achievement and inform policy. It links data across 10 education-related agencies, beginning with early learning data and spanning data collected by the Georgia Department of Labor (DOL).

The system provides data matched to the needs of each agency and allows agencies to examine trends. Georgia’s agencies use GA•AWARDS to construct and make publicly available state, district, and school report cards³ and to answer a range of potential research questions: Which educator preparation programs are most effective? What was the education background of students who experienced the least difficulty in transitioning to college? How does Georgia’s pre-K program affect later student achievement? Are Georgia’s public college graduates working in Georgia?

Knowing the answers to these and other critical outcome questions allows SBE members and other key stakeholders to continuously improve policy, instruction, operations, management, resource allocation, and overall effectiveness of the system.

Georgia’s Path to Personalized Learning contains individual student data for pre-K through twelfth grade. This system enables educators to provide individualized instruction and receive targeted professional development. It delivers student data, curriculum standards, and instructional resources directly to teachers and parents through their district’s student information system.

Taken together, GA•AWARDS and the Path to Personalized Learning provide powerful tools to inform student instruction and increase public awareness of how Georgia’s schools are performing.

Two Student Data Privacy Bills

Throughout 2013 and 2014, Common Core dominated education policy discussions in Georgia. During the 2014 legislative session, Senate Bill 167 sponsored by Senator William Ligon came close to passing but was ultimately defeated in the House. Not only would SB 167 have severed Georgia from the standards, it would have banned student assessments that reflected any national or multistate standards and imposed limits on data collection, usage, and technology that would have rendered the data system useless and made online learning challenging. In addition, it would have created a redundant review and advisory board to influence the state board's curriculum decisions.

The primary objection to which the bill gave voice was the perceived loss of local and state control over decisions related to curriculum and testing.⁴ While SB 167 was defeated, what did pass during the same session was establishment of a House study committee to review the origination of the Common Core standards, investigate their federal ties, and review any contractual agreements between state education agencies and the federal government. This review took place throughout 2014.

At the same time, Governor Nathan Deal charged the SBE to conduct its own review of the Common Core standards. In response, the board conducted 14 public comment meetings (one in each congressional district) and implemented a detailed survey of teachers and other educators.

By December 2015, the House committee had concluded that decisions on standards should be left to the SBE, and the SBE's evaluation gave legislators confidence in the board's decisions concerning standards. In testimony during House hearings, presenters were able to clarify confusion concerning the Common Core and perceived data requirements related to the standards, and they also explained the purpose of the two data systems.

During the 2015 legislative session, two competing data bills were introduced. Senator Ligon introduced SB 157, a slightly modified version of the data portion of SB 167 from the previous year. At the same time, others in Georgia wanted to focus on the security, appropriateness, and ethical use of the data managed

in Georgia's two data systems. Therefore, a bill ultimately called SB 89, first introduced in the House by Representative Buzz Brockway, focused on these issues. The Georgia Partnership for Excellence in Education joined with a coalition that included the Georgia Chamber of Commerce and the Foundation for Excellence in Education to advocate for passage of SB 89 not only to protect the powerful data systems the state had worked hard to put in place but also to ensure security and student privacy.

The two bills took different approaches. SB 157 used an approach that the national advocacy group Data Quality Campaign termed prohibitive, meaning that it sought to limit or outright ban collection of certain types of data (biometric data, in the case of this bill) or data for specific uses, such as predictive analytics.⁵ This bill both limited the types of data that could be collected and restricted interagency use of data, which was a priority in Georgia. These limitations would have severely hampered education policy research conducted using GA•AWARDS data and impeded online delivery of instruction.

SB 89 was dubbed by the Data Quality Campaign as a governance bill, which delineated procedures, supports, and roles and responsibilities of agencies and personnel to ensure data would be used appropriately.⁶ Three interrelated concepts marked the legislation: intent, governance, and transparency.

The bill's authors clearly laid out its intent in the opening sentence: "to address issues relating to the advancement and use of technology in schools."⁷ The opening paragraph highlighted the importance of data in improving student learning while acknowledging the need for accessibility, security, and transparency. Transparency was paramount. The competing bill's supporters voiced explicit concerns about the use and purposes of collected education data. There was the feeling that Big Brother was monitoring students and their families.

SB 89 governed state and local activities as well as online service providers. To develop, implement, and oversee state and local activities, the legislation established a chief privacy officer, a senior position within the Georgia Department of Education. This officer's primary duties include the following:

- establish departmentwide policies to ensure privacy protections relating to the use,

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- collection, and disclosure of student data;
- assess the impact of legislative proposals, regulations, and department program initiatives on privacy protections;
- establish and operate a Privacy Incident Response Program to ensure that incidents involving department data are properly reported, investigated, and mitigated;
- establish a model process and policy for any parent to file complaints of privacy violations;
- provide training, guidance, technical assistance, and outreach to build a culture of privacy protection, data security, and data practice transparency to students, parents, and the public.

The legislation also called for state and local districts to develop detailed security plans. These include guidelines for authorizing access, security audits, responses to protocol breaches, retention and disposal policies, and security training. The governance protocols for the state and districts also differentiated between the types of data that can be collected from those that are unnecessary and do not belong in an educational record, such as families' political affiliation, voting record, or religion.

The bill extended to private third parties as well and required technology providers that work with schools and districts to develop appropriate security procedures. It also prohibited them from selling personal information about students and using the data for targeted advertising. While both bills reflected concerns about private companies' use of education data, the legislation that prevailed found a compromise that allowed access sufficient to enable companies to provide educational services without exposing students to direct marketing campaigns or increased risk for data breaches.

SB 89 also focused on transparency. It tapped the chief privacy officer to ensure that policies and procedures governing the state data system would be publicly available. It also mandated a data inventory and a corresponding index of data elements to clarify for the public what data are and are not being collected. Finally, the legislation explicitly established a parent's right to review their child's education record, required schools to provide electronic copies of student records to parents upon request, and set up an

appeals process to correct inaccuracies within the record.

With the debate around Common Core largely settled by the start of the 2015 legislative session, the conversations around these two bills could focus on their individual merits. Citizens and policymakers needed reassurances education data were being used appropriately and securely. Many also wanted assurance that Georgia was making its own decisions with regard to data and not being directed by the federal government.

With passage of this bill, Georgia was able to stave off the more limiting bill that could have undermined education data's ability to inform instruction and policy. The new Student Data Privacy, Accessibility, and Transparency Act, signed by Governor Nathan Deal in May 2015, helps to ensure the privacy and confidentiality of students' personally identifiable information, mitigates risks related to the intentional and unintentional use of data, and establishes clarity of roles and responsibilities around data use.

Georgia has tackled the complicated student data question by balancing usability, privacy, and security. Although this issue requires constant attention, the state's experiences can serve as a model for other states facing similar challenges. ■

¹US Department of Education, "Georgia Report—Year 1: School Year 2010–2011," (Washington, DC, 2012).

²Georgia Department of Education, "Georgia's Race to the Top Application, Submitted January 2010," (Atlanta, 2010).

³The report card contains test results as well as other school-performance information relevant to student achievement and graduation. It also includes school-, district-, and state-level reports concerning accountability, Georgia and national achievement tests, indicators of success, student and school demographics, personnel and fiscal indicators, and comparison data. Data are updated annually and made available on the Office of Student Achievement website: <https://gosa.georgia.gov/contents-report-card>.

⁴See Joy Pullman, "Bill Would Withdraw Georgia from Common Core," <http://news.heartland.org/newspaper-article/2013/02/15/bill-would-withdraw-georgia-common-core>.

⁵See Rachel Anderson, "Ed Data Privacy Update 4/25/14," (Washington, DC: Data Quality Campaign), blog, <http://dataqualitycampaign.org/blog/2014/04/eddata-privacy-update-42514/>.

⁶Ibid.

⁷See Georgia Senate, Student Data Privacy, Accessibility, and Transparency Act, SB 89, <http://www.legis.ga.gov/legislation/en-US/Display/20152016/SB/89>.

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