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**House Committee on Education and Labor**  
**Hearing on How Data Can Be Used to Inform Educational Outcomes**  
**April 14, 2010**

**Context:** The House Committee on Education and Labor held a hearing today, April 14th, to examine the use of data systems in schools. The hearing was part of a series the Committee is holding in an effort to overhaul the Elementary and Secondary Education Act (ESEA). Overall, Committee members expressed their support for using data systems to inform instruction and other education decisions but acknowledged important security and privacy considerations.

**Testimony Summary:** In his opening remarks, Chairman Miller (D-CA) noted that data is critical to education reform, permitting schools to make informed decisions about what works. Ranking Member Kline (R-MN) agreed but cautioned that a commitment to student privacy must intensify at the same pace.

The hearing witnesses were Richard J. Wenning (Associate Commissioner, Colorado Department of Education, Denver, Colorado); Joe Kitchens (Superintendent of Schools for Western Heights Schools, Oklahoma City, OK); Katie Hartley (junior high math teacher and Value Added Specialist in Miami East Local Schools, Casstown, OH); and Joel R. Reidenberg (Professor of Law and Director of the Center on Law and Information Policy, Fordham University School of Law, New York, NY).

- Mr. Wenning discussed Colorado's efforts to create an aligned longitudinal data system for state and local purposes. Colorado's instructional improvement system SchoolView informs stakeholders about school and district performance, and the Colorado Growth Model (run on open-source software) uses a common measure to describe evaluate the amount of growth each student makes. Mr. Wenning supports the use on data to create ambitious growth goals for individual students and encourages Congress to give states flexibility to build data systems.
- Mr. Kitchens noted the importance of real-time and historical student data. He additionally stressed the importance of addressing student mobility when constructing data systems.
- Ms. Hartley summarized her work as a teacher and a district and regional Value Added Specialist. She explained how value-added data informed teaching practice and teacher collaboration.
- Mr. Reidenberg emphasized the privacy issues raised by data systems, a topic analyzed in his report "Children's Educational Records and Privacy: A Study of Elementary and Secondary School State Reporting Systems." Among his criticisms of current practice, Reidenberg questioned housing individually identifiable information at the state level and noted that many states are not transparent about the data collected (including data not naturally associated with education purposes). He made three recommendations – 1) require states to justify the collection of identifiable data through statute or regulation; 2) require states to define specific data retention periods clearly linked to the purpose of data collection; and 3) require states to adopt oversight mechanisms for collection and use of student data.

**Discussion Focus:** Following the witnesses' testimony, members of the Committee participated in a question and answer session with the witnesses.

- Several members, including Chairman Miller and Reps. McCarthy (D-NJ), Holt (D-NJ), and Davis (D-CA), asked for greater detail about how student data can be used in schools and classrooms. Prompted by Chairman Miller's and Rep. Davis's interest in professional development, the witnesses agreed that data could inform educator collaboration in professional learning communities with instructional resources shared among teachers and across schools. In response to Rep. McCarthy's interest in corrective action based on student data, the witnesses noted that near-real time data would be tremendously helpful, particularly as educators are held accountable for student results. Rep. Holt wondered whether Congress should mandate systems that are built on more frequent use of data and how Congress could make sure data systems are used to inform instruction. In response, the witnesses advocated for a more comprehensive system with continued use of annual summative assessments and the added inclusion of formative and interim assessments.
- Many members pondered the student privacy issues raised in Mr. Reidenberg's testimony. Ranking Member Kline highlighted the example of juvenile justice data that is sealed and later expunged but may remain housed in a state's education data system. He also wondered why state education systems house data that appear to serve no educational purpose, such as students' health insurance coverage providers. Other questions about the balance between data use and privacy came from Reps. Scott (D-VA) and Cassidy (R-LA). Mr. Wenning agreed about the importance of security and student privacy with education data systems but disagreed with Mr. Reidenberg's assessment that housing student data at the state level posed too great a risk. Instead, Mr. Wenning suggested that states do a better job with privacy concerns, rather than placing responsibility on the many individual districts within a state.
- Rep. Polis (D-CO) commended Colorado on its open-source approach to data collection. Mr. Wenning noted that this model enables collaboration among states and leverages public and private investment by creating a market for nonprofit and for-profit vendors.
- Reps. Biggert (R-IL) and Hinojosa (D-TX) asked about the use of data for special education students and English Language Learners, respectively. Witnesses noted that data systems provide growth measures for these students that aid in best practices. Mr. Reidenberg added that housing individualized education plans in state-level data systems was problematic.
- In response to questions from Reps. Roe (R-TN), who mainly focused on the costs of data system implementation, and Woolsey (D-CA), who asked specifically about parental involvement, Mr. Kitchens discussed the importance of establishing business rules for data systems, so that information could be transferable, and the creation of a common language about data systems for stakeholders, particularly parents.
- Rep. Chu (D-CA) asked whether a growth model or a value-added model would better serve large districts with heterogeneous populations. Mr. Wenning and Ms. Hartley responded that either model was appropriate. Mr. Wenning also noted that the two models could be used simultaneously.
- Rep. Kucinich (D-OH) closed the question period with an inquiry into a more qualitative approach to evaluation, noting that the education system tends to promote linear thinking. Mr. Wenning agreed that both qualitative and quantitative measures of performance were important

considerations. He observed that part of the process Colorado employs when intervening in low-performing schools includes qualitative assessments through diagnostic and summative reviews.

**Analysis:** Overall, the tone of the Committee hearing was positive. Members agreed about the utility of data systems in improving academic outcomes, but both Members and witnesses at times discussed the security and privacy risks associated with data systems.