

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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           (1) CURRICULUM MANAGEMENT SYSTEM; IN-  
2           STRUCTURAL MANAGEMENT SYSTEM; LEARNING  
3           MANAGEMENT SYSTEM.—The terms “curriculum  
4           management system”, “instructional management  
5           system”, and “learning management system” mean  
6           an electronic software system used by educators to  
7           regularly assess students’ performance as compared  
8           to standards and align specific and individual cur-  
9           riculum activities to students’ needs.

10           (2) EARLY WARNING INDICATORS.—The term  
11           “early warning indicators” means student data used  
12           to identify and intervene with students who are off-  
13           track to graduation or postsecondary success.

14           (3) INTEGRATED STATEWIDE EDUCATION LON-  
15           GITUDINAL DATA SYSTEMS.—The term “integrated  
16           statewide education longitudinal data systems”  
17           means 1 or more statewide data systems that house  
18           and link individual students’ longitudinal early child-  
19           hood, elementary, secondary, and postsecondary edu-  
20           cation and workforce data.

21           (4) SECRETARY.—The term “Secretary” means  
22           the Secretary of Education.

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.**—

9 (1) **IN GENERAL.**—To be eligible to receive a  
10 grant under this section, a State educational agency  
11 shall have integrated statewide education longitu-  
12 dinal data systems that includes the following:

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-

1           ents, teachers, and school leaders about  
2           student achievement.

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.

16           (2) EXCEPTION.—A State educational agencies  
17          is deemed to satisfy the requirement of paragraph  
18          (1) if it demonstrates that it has developed and is  
19          implementing a plan that will result in the existence  
20          of integrated statewide education longitudinal data  
21          systems described in such paragraph.

22          (c) USES OF FUNDS.—

23                   (1) REQUIRED USES OF FUNDS.—A State edu-  
24          cational agency receiving a grant under this section  
25          shall use the funds to—

1 (A) expand the ability of integrated state-  
2 wide education longitudinal data systems to link  
3 student-level data across the prekindergarten to  
4 higher education and workforce pipeline and  
5 across State agencies, through activities such  
6 as—

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—

1 (I) providing data integrity train-  
2 ing at the school and local educational  
3 agency levels to address technology  
4 maintenance needs at the school and  
5 local educational agency levels, privacy  
6 policies (including training relating to  
7 section 444 of the General Education  
8 Provisions Act (commonly known as  
9 the “Family Educational Rights and  
10 Privacy Act of 1974”) (20 U.S.C.  
11 1232g)) data integrity issues, report  
12 planning, and processes;

13 (II) providing professional devel-  
14 opment to teachers, office personnel,  
15 and school and local educational agen-  
16 cy administrators about how to col-  
17 lect, verify, report, access, and use  
18 data;

19 (III) embedding data and assess-  
20 ment literacy skills into credentialing  
21 requirements; or

22 (IV) developing partnerships with  
23 pre-service educator programs to im-  
24 prove educators’ data and assessment  
25 literacy;

1 (ii) raising public and policymaker  
2 awareness of available data and how to ac-  
3 cess, 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;

8 (iv) training dedicated personnel to  
9 support the collection, submission, and  
10 public reporting of data requirements  
11 under this Act and the Elementary and  
12 Secondary Education Act of 1965 (20  
13 U.S.C. 6301 et seq.); and

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

17 (2) ALLOWABLE USES OF FUNDS.—A State  
18 educational agency receiving a grant under this sec-  
19 tion may provide funds to local educational agencies,  
20 consortia of local educational agencies, and institu-  
21 tions of higher education for activities to improve ca-  
22 pacity of educators to use longitudinal data for ef-  
23 fective decisionmaking.

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).

1           (4) A description of how activities funded under  
2 the grant will align, coordinate with, and advance re-  
3 lated activities funded through other Federal pro-  
4 grams, including the programs under section 208 of  
5 the Educational Technical Assistance Act of 2002  
6 (20 U.S.C. 9607) and section 6401 of the America  
7 COMPETES Act (20 U.S.C. 9871), early childhood  
8 education programs, and workforce development pro-  
9 grams.

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.

17           (7) A description of how the State will coordi-  
18 nate the development of integrated statewide edu-  
19 cation longitudinal data systems linking early child-  
20 hood, elementary, secondary, postsecondary, and  
21 workforce data with local educational agencies using  
22 common data standards and definitions to ensure  
23 comparability and interoperability throughout the  
24 State.

1           (8) A description of how the State will enable  
2           the exchange of data with local educational agencies  
3           by utilizing standard data structures, standards, for-  
4           mats, and data definitions.

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).

8           (10) If awarding subgrants under subsection  
9           (c)(2), a description of the process for selecting,  
10          monitoring, and evaluating subgrantees.

11          (11) An assurance that the State has a long-  
12          term commitment to implementing and supporting  
13          its integrated statewide education longitudinal data  
14          systems.

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).

1           (2) COMPETITIVE PRIORITY.—The Secretary  
2           and peer review process shall give a competitive pri-  
3           ority to—

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.

8           (3) GRANT PERIOD.—The Secretary shall  
9           award a grant under this section for a period of not  
10          more than 5 years.

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-

1                   ondary Education Act of 1965 (20 U.S.C.  
2                   6311 et seq.); and

3                   (ii) serves at least 1 school that is—

4                   (I) in corrective action or restruc-  
5                   turing under section 1116 of the Ele-  
6                   mentary and Secondary Education  
7                   Act of 1965 (20 U.S.C. 6316); or

8                   (II) has a 4-year graduation rate  
9                   of less than 60 percent.

10           (c) USES OF FUNDS.—

11           (1) REQUIRED USES OF FUNDS.—A local edu-  
12           cational agency receiving a grant under this section  
13           shall use the funds to develop and implement a com-  
14           prehensive plan for using data to improve teaching,  
15           learning, and student outcomes. The plan must in-  
16           clude strategies designed to—

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;

21           (B) coordinate with State agency efforts to  
22           build the integrated statewide education longi-  
23           tudinal 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

1 (vii) using data to communicate effec-  
2 tively with parents and other stakeholders;

3 (D) improve school leaders' use of data to  
4 guide school improvement efforts and support  
5 classroom use of data through high-quality  
6 training and professional development address-  
7 ing issues such as—

8 (i) establishing a culture of data use;

9 (ii) improving teachers' data literacy;

10 or

11 (iii) data-informed instruction, such  
12 as how results from interim or formative  
13 tests can be used to re-configure small-  
14 group instruction.

15 (E) improve teachers' effective use of data  
16 through on-going, sustainable, and high-quality  
17 professional development activities that address  
18 issues such as—

19 (i) educators' data literacy;

20 (ii) use of data to individualize in-  
21 struction and interventions;

22 (iii) use of technology to facilitate im-  
23 proved and personalized instruction; and

24 (iv) development and regular use of  
25 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.

12 (2) ALLOWABLE USES OF FUNDS.—To enable  
13 grantees to implement strategies to meet the re-  
14 quirements of paragraph (1), a local educational  
15 agency receiving a grant under this section may use  
16 the funds—

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));

1           (ii) conforms and aligns with state-  
2 wide common data standards and defini-  
3 tions for linking data systems and sharing  
4 information; and

5           (iii) includes additional local data ele-  
6 ments, such as—

7               (I) student-level attendance, be-  
8 havior, or other information;

9               (II) student participation in pro-  
10 grams or interventions;

11              (III) interim, benchmark, or  
12 formative assessment information;

13              (IV) parental educational and lit-  
14 eracy status; or

15              (V) teacher attendance and par-  
16 ticipation in formal professional devel-  
17 opment sessions;

18           (B) to use new assessment tools that pro-  
19 vide timely data to educators that can be used  
20 to identify individual students' learning needs  
21 and guide appropriate, personalized instruc-  
22 tional interventions such as—

23               (i) formative assessment;

24               (ii) interim or benchmark assessment  
25 systems;

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:

16 (1) A description of how the local educational  
17 agency currently reports to, accesses, and uses the  
18 integrated statewide education longitudinal data sys-  
19 tems.

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

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.

1           (4) A description of how the activities funded  
2 under the grant will successfully integrate with the  
3 design and functionality of the integrated statewide  
4 education longitudinal data systems.

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.

9           (6) A description of how the applicant will use  
10 funds received under this section to improve teach-  
11 ing, learning, and student outcomes and carry out  
12 the activities described in subsection (c).

13           (7) A description of how the applicant will so-  
14 licit the feedback of educators, school leaders, and  
15 parents in developing, revising, and implementing  
16 plans and activities.

17           (8) A description of how the applicant will align  
18 its use of funds under this section to the local edu-  
19 cational agency technology plan and to the local edu-  
20 cational agency plan for improving student achieve-  
21 ment.

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.

1           (3) GRANT PERIOD.—The Secretary shall  
2           award a grant under this section for a period of not  
3           more than 5 years.

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.

○