



**Education Data Advisory Committee (EDAC)  
2015-16 Annual Report to the State Board of Education and the  
Education Committees of the Senate and House of Representatives**

*July 1, 2015 - June 30, 2016*

**EDAC Summary**

The Education Data Advisory Committee (EDAC) is a statewide representative group of school district volunteers, which reviews all Colorado Department of Education (CDE) and other state agency PK-12 data collections including grant applications, surveys, plans, reports, assessments, evaluations and automated data exchange systems. EDAC determines whether the benefits derived from a data collection outweigh the administrative burden of producing the data, determines and recommends the most efficient ways of collecting data, determines if recommendations for new data collections are redundant and proposes alternatives, and reviews data collection procedures and recommends improvements. Each EDAC-approved data collection is given a stamp which informs districts and BOCES whether the form is mandatory, required to obtain benefit, or voluntary. Collections without an EDAC stamp are not required to be completed.

In 2015-16, EDAC formally met ten times, conducted two emergency reviews (via e-mail) and in total reviewed 163 CDE data collections, a 10.9 percent increase from the 147 collections reviewed in 2014-15. Accomplishments include emphasizing the importance of data governance, use, privacy, and security in our discussions and review process. In a special section at the end of this report, EDAC addresses the importance of ethical education data practices, and provides recommendations for both the General Assembly and CDE.

**Accomplishments**

- Reviewed 163 data collections, sixteen more than in 2014-15. Of these, 51 collections were closed or one time only collections from the previous year and 39 collections were new. Another 28 collections were biennial or further spaced collections, former grants that were not funded in the prior year or previous collections that skipped a review.
- Built relationships with stakeholders by bringing state and local education data use, privacy and security to the forefront, including the importance of data governance at all levels.
- Incorporated a review of how data is protected and secured during the collection process.
- Took a firm stance on redundant data collections.
- Continued an intensive schedule to meet the April 1<sup>st</sup> advance notice requirement of 22-2-306(3)(a), C.R.S. About a quarter (23.3%) or 38 collections were reviewed in March.

**Future Focuses**

- Publicize EDAC broadly, including non-approved collection policy and tool usage.
- Determine responsibilities of the Student Data Transparency and Security Act (HB16-1423).
- Advise CDE about data privacy training and prioritization of local training needs.
- Concentrate on collection justification by asking requestors to provide detailed explanations.
- Encourage CDE to integrate and streamline data collection systems.
- Enforce submission timelines, specifically April 1<sup>st</sup> for mandatory collections and one full week prior to monthly meetings.

## Forms Review

**Form Compliance.** EDAC spends the bulk of its efforts on forms review. EDAC has two levels of review. A full review is for any collection which has not been previously reviewed or to which programmatic or substantial changes are being made since its last review. An update approval is for any collection which has previously been reviewed and only has date and other minor changes. A collection may only have a maximum of three consecutive update approvals before it must return to EDAC for a full review. Stamps are attached to each data collection declaring whether a form is mandatory, required to obtain benefit or voluntary. The definitions of these labels are:

- **Mandatory.** This form must be completed by all appropriate agencies. Funding may or may not be attached to this collection but it is statutorily required. Any funding that an agency would otherwise receive may be withheld if this form is not completed.
- **Required to Obtain Benefit.** Funding or services are attached to the completion of this form. An agency may choose not to complete the form but the related funding/services will then not be available.
- **Voluntary.** The collection is not a direct requirement of state or federal legislation but may yield useful data with sufficient and representative sample size.

About two-fifths (41%) of collections which EDAC reviewed in 2015-16 are labeled ‘Required to Obtain Benefit’. A similar amount (40%) is ‘Mandatory’ and one-fifth (19%) are ‘Voluntary’. These 2015-16 percentages represent an even shift by increasing mandatory and decreasing required for benefit collections. If districts or BOCES are interested in securing particular funds or services, then some amount of data collection is associated with the benefits derived. In exceedingly rare circumstances, the EDAC chairman may issue a small collections stamp to an extremely small data collection without EDAC review. For example, the confirmation of local education agency contacts for a particular program would fall in this category. Fifty-one collections were discontinued from the prior year.

<b>Form Compliance</b>	<b>Mandatory</b>	<b>Required to Obtain Benefit</b>	<b>Voluntary</b>	<b>Total</b>
• <b>Full Review</b>	41	46	25	112
• <b>Update Approvals</b>	24	21	6	51
<b>Total Reviews</b>	65	67	31	163
• <b>Review Approval Withheld/Revoked</b>	1	0	0	1
• <b>No Approval Required</b>				0
• <b>Informational Briefings</b>				17
• <b>Small Collection</b>				0
• <b>Closed Collections</b>	5	27	19	51

**Review Outcomes.** EDAC is tasked with making recommendations to improve the efficiency and effectiveness of data collection instruments. Very few collections move through the EDAC full review process without some suggestions for improvement. Most are approved unanimously with some minor adjustments, others with more detailed issues are invited to resubmit the collection before a stamp is issued, and in extremely rare circumstances, a data collection is not approved. A collection may not be approved because the collection was distributed prior to EDAC review, the requested data is already available, the survey is poorly designed or the collection is withdrawn for later EDAC reconsideration. EDAC also encourages the automation of data collection.

	<b>Approved No Changes</b>	<b>Approved With Changes</b>	<b>Not Approved Resubmit</b>	<b>Not Approved (No stamp issued)</b>	<b>Total</b>
<b>Review Outcomes</b>	125	32	5	1	163

**Review Preparation.** EDAC posts its meeting schedule well in advance of the upcoming school year so that CDE staff can schedule an EDAC review as part of their regular routine within their data collections. EDAC must be given the review materials in a timely manner so that members have sufficient time to prepare judicious input to share with the data collector. EDAC acknowledges that in extremely rare circumstances, department data requestors may need to submit reviews during periods for which no regular meetings are scheduled. Emergency conference calls or electronic mail reviews are available if a change in state statute or some unforeseen circumstance occurs which prevents the collection from being presented at a regularly scheduled EDAC meeting. EDAC conducted five emergency reviews on two separate occasions in 2015-16, decreasing from eighteen emergency reviews on four separate occasions in 2014-15. EDAC is committed to keeping emergency reviews to a minimum.

	<b>Meeting Materials Submitted On-Time</b>	<b>Meeting Materials Submitted After Deadline</b>	<b>Emergency Reviews</b>	<b>Not Reviewed</b>	<b>Total</b>
<b>Review Preparation</b>	146	12	5	0	163

**Type of Collection.** A large majority of EDAC reviews centered on existing CDE data collections. One-quarter (23.9%) of the data collections EDAC reviewed in 2015-16 were newly required through legislation or rule. The number of new collections decreased to 39 in comparison to 68 new collections in 2014-15. EDAC is continuing to make every effort to identify and bring to the table those CDE data requestors who are not yet familiar with the EDAC review process. There were no delayed reviews in 2015-16.

	<b>New Collections</b>	<b>Existing Collections On-Schedule Reviews</b>	<b>Existing Collections First Time or Delayed Reviews</b>	<b>Total Reviews</b>
<b>Type of Collection</b>	39	124	0	163

## **2016 Legislative Follow-up**

There were three legislative recommendations highlighted in the *Education Data Advisory Committee 2014-15 Annual Report*. EDAC recommended 1) providing financial resources for local education agency (LEA) data collection and reporting, 2) requiring vendor protections for data, and 3) providing a governance structure for the full spectrum of education and related data. EDAC continues to reiterate the need for supplemental LEA financial resources for data collection and reporting demands. This recommendation is carried forward as LEAs have a multitude of additional requirements related to the recently passed privacy legislation. This Student Data Transparency and Security Act (House Bill 16-1423), sponsored by Representatives Lundeen and Garnett and Senator Hill, does call for contractors to protect personally identifiable information, but fails to speak to educator data protections as well as a governance structure for education data stretching from preschool to workforce and beyond. Members of the Colorado General Assembly should continue to consider unaddressed recommendations as the next legislative session ensues.

EDAC also recommended that CDE provide additional privacy tools and resources to local education agencies, and re-examine existing policies and practices to further protect personally identifiable information. The General Assembly was insightful to include vendor protections, the provision of further privacy tools and resources, and the review of existing guidelines and procedures to further protect personally identifiable information within the new transparency and security legislation.

## **2017 Legislative Recommendations**

- **Make financial resources available to fund privacy, data collection and reporting.** With recent legislative transparency and security as well as data demands, local education agencies feel overwhelmed by privacy and reporting requirements. Districts, BOCES and CDE need additional financial resources to address the new privacy demands created by House Bill 16-1423 and reporting requirements such as the data burden created by teacher-student data link (TSDL) required as part of Senate Bill 10-191. Local education agencies face competing resources and often must prioritize. The common focus is to utilize current funds to educate students and downplay added data requirements. Without more resources, districts may not take new security, transparency and reporting requirements seriously.
- **Encourage data stewardship.** Fully implementing the privacy legislation will take time and additional resources. Legislators should be cognizant to limit additional LEA data requirements while encouraging the appropriate utilization of education data currently collected. As one example, educator data should be protected at the same level as student data. The current practice of collecting Social Security Number must be examined. Also, inappropriate data connections will call into question the need for specific data. Members of the General Assembly should pay attention to the data reported and the benefits associated with it. A preschool to workforce data governance body statutorily charged with managing the cross-departmental data needs of state government would promote increased data stewardship and assist to serve the greatest good for the people within the state of Colorado.
- **Align education legislation.** With the opportunities offered by the Every Student Succeeds Act (ESSA), it is critical that Colorado requirements do not limit or conflict with those of this newly enacted federal legislation. As ESSA requirements are defined and finalized, currently enacted laws and State Board of Education rules may need to be rewritten or clarified. ESSA creates new data reporting requirements, therefore it bears repeating that Colorado should not impose additional data burden as well.

## Ethical Education Data Practices

Supporting the concept that educational data should be used to increase and support student learning and success is a given. Data is a valuable asset to the mission of education and there is a plethora of information thanks to requirements of various federal and state education laws. EDAC finds itself in a precarious position, in that our role requires us to be both a protector of data as well as a catalyst for data. Regardless, all individuals involved must responsibly collect, protect, access, use and manage educational information. Data ethics matter!

Each educational organization should have a simple, yet comprehensive, set of standards that encourage the ethical use of data and promote strong data governance practices. Addressing integrity, data quality and security, these standards along with intensive training ensure that data handlers are equipped to perform their responsibilities in an ethical manner. The Code of Data Ethics as published by the National Forum on Education Statistics makes ethical principles understandable and actionable to education staff as they work with data. Of the nine canons or core ethical principles within the code, the five pertaining to the legislative and CDE recommendations below are enumerated.

- Demonstrate honesty, integrity, and professionalism at all times
- Be aware of applicable statutes, regulations, practices, and ethical standards governing data collection and reporting
- Be accountable and hold others accountable for ethical use of data
- Promote data quality by adhering to best practices and operating standards
- Safeguard sensitive data to guarantee privacy and confidentiality

*National Forum on Education Statistics. (2010). Forum Guide to Data Ethics (NFES 2010–801). U.S. Department of Education. Washington, DC: National Center for Education Statistics.*

These principles are critical to every educational organization and should be followed and endorsed by educators, educational leadership and lawmakers. To promote and safeguard the use of educational data, please find below EDAC's recommendations.

### Legislative Recommendations

- ✓ Carefully weigh the benefit/value of new data reporting requirements, in addition to data burden, to local education agencies as well as to the state. A collection in which districts spend an inordinate amount of time and receive little to no useful information back is strongly discouraged.
- ✓ Create a governance structure for the full spectrum of education and related data. There is an abundance of statewide data that if ethically utilized, secured and managed by an empowered early childhood to workforce data governance body, can lead to improving the well-being of the Colorado citizenry, including each individual's educational path.

### CDE Recommendations

- ✓ Inform data providers how collected data is or will be used. Utilizing data for what it is intended, keeps the trust and collaborative spirit strong between the state and local education agencies. Define acceptable data uses and spell out misuses.
- ✓ With the Student Data Transparency and Security Act (House Bill 16-1423) in effect, the privacy protections placed on student data should be employed for other personally identifiable information as well. Re-examine existing policies and practices to protect educator and staff data. Assure that both types of data are secured, used and shared in the most efficient and effective manner.