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## WISCONSIN LEGISLATIVE COUNCIL

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### SCHOOL DATA

Room 412 East  
State Capitol

September 14, 2016  
10:05 a.m. – 5:00 p.m.

[The following is a summary of the September 14, 2016, meeting of the Study Committee on School Data. Visit <http://www.legis.wisconsin.gov/lc> to access links to the agenda, a video recording of the meeting on the Wisconsin Eye website, and copies of documents prepared for or submitted to the committee during the meeting.]

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### Call to Order and Roll Call

Chair Thiesfeldt called the committee to order and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Jeremy Thiesfeldt, Chair; Sen. Devin LeMahieu, Vice Chair; Reps. David Bowen and David Murphy; Sen. Chris Larson; and Public Members Kevin Bruggink, Sally Flaschberger, Wendy Greenfield, Nicole Hafele, Kelly Hoyland, John Humphries, Margaret Murphy, and Ann Steenwyk.

COMMITTEE MEMBERS EXCUSED: Rep. Sondy Pope and Public Member Kim Kaukl.

COUNCIL STAFF PRESENT: Katie Bender-Olson, Senior Staff Attorney, and Brian Larson, Staff Attorney, Legislative Council Staff.

APPEARANCES: Robert Meyer, Research Professor, Wisconsin Center for Education Research; Eric Camburn, Professor, Department of Educational Leadership and Policy Analysis, University of Wisconsin (UW)-Madison; Eric Grodsky, Professor, Department of Sociology, UW-Madison; Benjamin Silberglitt, Founder and Chief Strategy Officer, CedarLabs, LLC; and Doug Mesecar, Vice President, Strategic Partnerships, IO Education.

### Approval of the Minutes of the Committee's August 16, 2016 Meeting

*Ms. Murphy moved, seconded by Rep. Murphy, that the minutes of the committee's August 16, 2016 meeting be approved. The motion was approved by voice vote.*

## **Presentation on Longitudinal Student Data**

**Robert Meyer, Research Professor, Wisconsin Center for Education Research**

**Eric Camburn, Professor, Department of Educational Leadership and Policy Analysis, UW-Madison**

**Eric Grodsky, Professor, Department of Sociology, UW-Madison**

Members of the committee heard a panel presentation by Professors Meyer, Camburn, and Grodsky regarding the use and importance of longitudinal student data for conducting research. The professors gave examples of how long-term student data was used in their own research and emphasized that such student data may have numerous future research uses. Professors Meyer, Camburn, and Grodsky identified specific examples of how longitudinal student data can be used to inform educational practice and improve student achievement. For instance, the data can be used to identify “early warning” indicators for students who may be in danger of dropping out of school so that interventions can be directed to students who exhibit these indicators. The professors also explained the process for requesting and obtaining student data from the Department of Public Instruction (DPI), as well as the security protocols that apply to the use of such data.

## **Presentation of Student Data Policy Options**

**Benjamin Silberglitt, Founder and Chief Strategy Officer, CedarLabs, LLC**

Members of the committee heard a presentation by Ben Silberglitt, CedarLabs LLC, regarding student data policy options for the state or committee to consider. Mr. Silberglitt noted the rapidly expanding market for education software and programs and the corresponding collection and storage of student data that occurs when schools and students use these programs. Mr. Silberglitt encouraged the state to be a “concierge” rather than a “provider” for the exchange of information and data. He explained this distinction to mean that the state should set standards and facilitate interoperability between educational technology or systems, but should not run the technology or systems. For example, the state could develop an approved list of education technology vendors who meet minimum data privacy requirements and negotiate a reduced price for purchasing their programs or software on behalf of school districts. Mr. Silberglitt also emphasized the importance of having districts maintain control of their data, having the state and districts use open, standards-based platforms for data integration, and having educational technology vendors provide clear privacy policies.

## **Presentation by Third-Party Vendor**

**Doug Mesecar, Vice President, Strategic Partnerships, IO Education**

Members of the committee heard a presentation by Doug Mesecar, IO Education, regarding use and treatment of student data by third-party vendor technology platforms and systems. He explained the privacy policies and practices used by IO Education and other educational technology companies. Mr. Mesecar also addressed how vendors comply with federal and state privacy laws and other requirements impacting educational technology companies, including a description of the recently passed Colorado Student Data Transparency and Security Act. He emphasized the importance of training on use of education applications and software in compliance with privacy laws and internal school district policies for teachers

and other school district employees. In addition, Mr. Mesecar described education technology industry best practices around student data privacy, such as having a clearly articulated and publicly available privacy policy and following the U.S. Department of Education Model Terms of Service.

### **Discussion of Memo No. 1, *Options for Further Study Committee Consideration***

The committee discussed topics raised during speaker presentations and directed related questions to individuals from DPI. The committee then discussed the options for further consideration contained in Memo No. 1, including: (1) a student data privacy officer; (2) a state data inventory; (3) a restriction on collecting new data elements; (4) a statement of legislative intent; (5) regulation of third-party vendors; (6) retention and disposition of student data; and (7) ownership and access to student data.

The committee requested that two bill drafts be prepared for further consideration at the next meeting. The first bill draft will assign specified, privacy-related duties to DPI, such as developing a model security plan for school districts and establishing a privacy incident response program to provide assistance to school districts in responding to a data breach. The second bill draft will require DPI to develop and post a data inventory that lists student data elements collected by the department, provides a statement of the purpose or reason for collecting each data element, and meets other conditions specified by the committee.

The committee also requested that draft recommendation language be prepared for consideration at the next meeting. The committee asked for draft language recommending that DPI develop best practices for contracting with third-party education technology vendors for school districts to consult when evaluating and entering into contracts with these vendors. In addition, the committee asked for draft language recommending that DPI provide guidance and assistance to school districts that decide to explore or implement a system for electronic transfer of student records or files.

### **Plans for Future Meetings**

Chair Thiesfeldt has scheduled the next meeting of the Study Committee for Thursday, November 17.

### **Adjournment**

The meeting adjourned at 5:00 p.m.

KBO:ksm