California Cradle-to-Career Data Request Process Homework Team Meeting Summary

October 9, 2020

This document provides a summary of a meeting to develop a proposal for the Cradle-to-Career data system data request process. Information is grouped by topic, rather than in the specific order in which statements were made. It also incorporates comments made in a pre-meeting survey.

More information about the meeting, including support materials, a recording of the meeting, and the PowerPoint, are available at https://cadatasystem.wested.org/meeting-information/policy-analytics-advisory-group (click on "Meeting Materials").

The following individuals attended the meeting:

Policy & Analytics Advisory Group

Liza Chu, Asian Americans for Advancing Justice; Su Jin Jez, California Competes; Evan White, California Policy Lab; Efrain Mercado, California Teacher's Association; Emily Putnam-Hornstein, Children's Data Network; Colleen Moore (for Andrea Venezia), EdInsights; Heather Hough, Policy Analysis for California Education; Jacob Jackson, Public Policy Institute of California; and Angela Perry, The Institute for College Access and Success.

Practice & Operations Advisory Group

Susan Savage, Child Care Resource Center; Laurie Scolari, Foothill College; Michele Bowers, Lancaster Unified School District; Roneeta Guha, Linked Learning Alliance; Catalina Cifuentes, Riverside County Office of Education; David Rattray, UNITE LA; and Tyler Wu, uAspire.

Workgroup

Thomas Vu, Association of Independent California Colleges & Universities; Barney Gomez, California Community Colleges Chancellor's Office; Bruce Yonehiro, Channa Hewawickrama, Ben Allen & Randy Bonnell, California Department of Education; Patrick Perry, California Student Aid Commission; and Matthew Case, California State University Office of the Chancellor.

Clarifying the Revised Proposal

The meeting began with Kathy Booth of WestEd providing a summary of the revised data request proposal, which incorporated feedback from the two advisory groups and members of the workgroup. Over the course of the meeting, and in the pre-meeting survey, homework team questions included:

Is there an appeals process if a data provider rejects a request? No. Particularly in cases where the requestor is asking for unitary information that could lead to an individual's identity being disclosed, the data provider makes the ultimate decision. This is the legal framework associated with federal requirements and the Interagency Data Exchange Agreement that will be used for the Cradle-to-Career data system.

Is there a creative way to provide an appeals process that fits within the legal framework? The Research Advisory Board helps to provide a neutral review. If they approve a request, but the data provider denies it, this information would be made public on the data system website, where the data provider

would also need to specify why they denied the request. The public would be able to raise concerns if a request is denied.

Have other states authorized other entities to make such decisions on behalf of the data provider, such as a postsecondary coordinating board? Yes, some states like Texas and Washington have delegated authority on behalf of the state education agencies. This requires legislation and very clear policies for appropriate uses of the data.

How much of the data would be subject to Public Records Act (PRA) requests, if any? The legislation creating the Cradle-to-Career data system will exempt it from PRA requests, on the grounds that the information is a combination of elements from existing data sets. Requests would be referred to the agency from which the relevant data originates.

Will the data providers be fully represented on the Research Advisory Board? No. The Research Advisory Board will include a subset of data providers based on their expertise in a specific stage of an individual's journey from cradle to career. However, they may not have expertise in all the types of data available at that stage. For example, if postsecondary is represented by an agency that oversees four-year institutions, that person may be unfamiliar with community college data on adult education and noncredit programs.

How will requests be prioritized? State agencies, AICCU, and education and social service providers associated with those agencies and AICCU will receive top priority.

Who provides the data? State agencies and independent colleges will load data into a cloud-based system managed by GovOps.

Some of the types of data contributors listed for the Research Advisory Board are not data contributors for phase one. Why are they included? Data for all listed roles (early learning and care, K-12, postsecondary, social service/health, and employment/workforce training) will be available through the data request process, even if the information is not included in the P20W data set, based on elements that those agencies elect to make available in phase one.

Can educational entities designate contractors and other organizations to act on their behalf? Yes, this is covered in the legal agreements section of the proposal.

Will college-level data and option of disaggregating to the level of zip codes be available in the public facing tools? Both types of disaggregation are included in the proposal that will be voted on by the workgroup in October.

Will data providers be able to review requests to ensure the appropriate data elements have been selected? Yes, this is one of the main responsibilities of data providers described in the proposal.

Who Reviews Requests

The group discussed whether data providers should make the final determination about whether a request for unitary data would be granted.

Baron Rodriguez of WestEd, who developed Oregon's longitudinal data system and previously worked for the federal government to support the implementation of longitudinal data systems, noted that it is

important to distinguish requests for unitary data from requests for summary data. Most research requests can be answered using properly deidentified data sets, which could be accessed through the publicly-available query builder or the expedited process described in the proposal. However, when requestors still require unitary data, they must meet federal requirements. Under FERPA, these data can only be release on behalf of the state education agency. HIPAA has similar requirements, and in cases where data sets are subject to both FERPA and HIPAA, the more conservative test must be applied.

Heather Hough of PACE expressed concern that the framework allows one state agency to refuse to share information with another.

Evan White of California Policy Lab, Heather Hough, and Colleen Moore of EdInsights thought that as long as a project is legally allowable, the data provider should not be able to block a request, particularly if that request had been approved by a board that includes members of the public, who are evaluating whether the proposal advances the common good.

Evan White further noted that California agencies have been more conservative in their interpretation of the FERPA concept of "improving instruction." Therefore, legislation should be passed that compels state agencies to provide data if projects are approved by the Research Advisory Board.

Bruce Yonehiro of CDE noted that whether the authority comes from a specific state education agency or is delegated to another state entity, decisions are at the discretion of that entity, without an appeals process. Given the complexity of the data system being built in California, which involves a larger number of state agencies, models from other states may not be applicable. Furthermore, agencies are held accountable to the public. For example, the state superintendent of public instruction is elected by the public, and so is more accountable than an appointed board.

Evan White expressed concern that the data providers might limit allowable requests to the research agendas that are specific to an individual agency. He felt that the data elements being provided through the public tools will not be sufficient for research studies.

David Rattray of UNITE-LA suggested that data providers be responsible for working with requestors to address concerns, so that a request could ultimately be approved once the legal constraints are appropriately addressed. Heather Hough, Evan White, and Emily Putnam-Hornstein of Children's Data Network agreed, but suggested that the Research Advisory Board be given final authority about whether the request is approved.

Bruce Yonehiro indicated that passing legislation that allows an advisory board to make a FERPA determination would violate federal law, because federal law takes precedence over state law. Evan White disagreed about this interpretation of the law.

Research Advisory Board and the Review Process
Baron Rodriguez of WestEd explained the revision to the Research Advisory Board structure to allow for the types of oversight common from a Disclosure Review Board, which is responsible for reviewing reports and data sets before they are publicly released to ensure that identifiable data has been removed.

Evan White of California Policy Lab noted that if the Research Advisory Board does not have authority to determine which research requests are granted, it should be eliminated and a Disclosure Review Board

should be created that is only involved in final review of products before they are released. The Governing Board and Governor will not be able to recruit people to serve on the Research Advisory Board if its primary purpose is to reduce the workload of the data providers, and it will unnecessarily slow down the review process.

Emily Putnam-Hornstein of Children's Data Network suggested that the Research Advisory Board only review disputed or denied projects.

Heather Hough of PACE and Evan White suggested that the criterion of evaluating the public good be removed from the list of reasons why a data provider could reject a request, particularly as the Research Advisory Board is already expected to evaluate this requirement. Instead, data providers should attend Research Advisory Board meetings where requests for their data are discussed, so they can provide their input on whether the project is in the public good at the point that it is first evaluated.

Bruce Yonehiro of CDE expressed concern about the ability of the Research Advisory Board to manage the number of requests that it would receive, particularly at a cadence of only one meeting per month. He also wondered whether the Research Advisory Board could become politicized, with public members denying requests from competitors. Randy Bonnell of CDE shared this concern, as did Angela Perry of TICAS, although her concern was that the data providers would have the conflict of interest.

Bruce Yonehiro suggested the Managing Entity would be better equipped to review requests, because it would have adequate staffing and be neutral. Evan White and Heather Hough concurred, and further suggested that the Managing Entity should have responsibility for working with requestors to help them develop and refine proposals.

Susan Savage of Child Care Resource Center suggested that the review could be blind, like journal submissions or grant submissions, to reduce bias.

Heather Hough suggested that, rather than have highly technical members of the Research Advisory Board, it should include representatives of parent or community organizations (with proper research expertise) who can provide some of the perspective on the importance of the question for the public good.

Jacob Jackson of PPIC and Heather Hough asked whether requests would only be fulfilled if they met all of the items on the rubric, and suggested that the proposal provide more specific language on how the rubric would be applied related to prioritization.

Heather Hough inquired whether there will be a cap on the number of proposals that can be accepted. She expressed concern that the data system will be overwhelmed and agreed with a suggestion that the data request process should be reviewed after the first year, to see if it is able to handle the volume of requests.

Jacob Jackson expressed concern that having the Research Advisory Board review requests for individual data providers cause be a significant increase in workload. Randy Bonnell of CDE suggested that single-agency requests be routed directly to providers, rather than through the Research Advisory Board.

Colleen Moore of EdInsights wondered whether the Cradle-to-Career data system should limit the types of requests that it would consider, such as not fulfilling requests for dissertations.

Catalina Cifuentes of the Riverside County Office of Education thought that priorities should be set based on the research having the greatest impact for students and families or the ability to generate additional resources (such as eligibility for CalFresh or additional federal dollars).

Bruce Yonehiro suggested that the Research Advisory Board be eliminated, with the Managing Entity reviewing functional eligibility and the data providers having final say about which requests are approved. However, the rest of the homework team members disagreed in an informal vote.

Additional Suggestions

Bruce Yonehiro of CDE suggested that legal expertise should be situated at the data provider level, rather than at the Research Advisory Board. In an informal vote, homework team members indicated that the Managing Entity should also have legal expertise, to ensure that proposals only move forward if they are legally allowable.

Michele Bowers of Lancaster Unified School District suggested that the Managing Entity have responsibility for helping a requestor determine where to get the information they need, if it is not available through the Cradle-to-Career data system.

Matthew Case of CSU suggested that the Managing Entity should also have responsibility to screen for research proposals that have been previously approved and alert requestors to similar studies that either have been completed or are in the request and implementation pipeline.

David Rattray of UNITE-LA recommended that the proposal state more explicitly that the Managing Entity will provide staff support to the Research Advisory Board, with the Research Advisory Board delegated day-to-day work to the Managing Entity, so that their meetings can focus on higher-level concerns. The proposal should incorporate some capacity for flexibility to adjust to a potentially variable flow of requests. In addition, the Managing Entity should monitor the process to ensure responsiveness to requestors.

Susan Savage of Child Care Resource Center suggested that files that are compiled for specific research purposes be saved, so that similar requests in the future could expedited.

Heather Hough of PACE and Evan White of California Policy Lab recommended that the Cradle-to-Career data system request forms be adopted by all data providers, to reduce confusion and workload. Otherwise, researchers may try to game the system by asking for data from multiple providers to answer a question that is about a single provider.

Bruce Yonehiro and Evan White felt that the Research Advisory Board or the Managing Entity should also review the methods being proposed (note: this responsibility was eliminated from the initial proposal at the request of other advisory group members who felt that this might prevent researchers from being approved for projects using critical race theory).

In the pre-meeting survey, Ed Sullivan of CSU expressed concern that the process does not provide enough safeguards to prevent projects that would yield little actionable information.

In the pre-meeting survey, Ed Sullivan and Heather Hough recommended that additional specifications be developed for the release time for the Research Advisory Board members.

In the pre-meeting survey, Angela Perry of TICAS suggested that documentation on agency data sources, including fields and metadata, be published or available upon request. She asked that researchers have an option to apply for a statistical sample of the data. She recommended that policies be developed on how federal agencies can obtain data. She provided specific suggestions for the construction of the cohorts in the query builder, to include: 1) entered first undergraduate program; 2) graduated from first undergraduate program; 3) entered first graduate program; 4) exited from first graduate program; as well as several age-based cohorts like 5 years old, 18 years old, and 22 years old. Finally, she asked for additional data elements including distinguishing institutions that only provide certificates and disaggregating financial aid by loan type.

Editing the Proposal

Homework team members will have from October 10-19 to edit the proposal via a Google document (or a Word document by request). The final version will be posted on October 20 and presented to the workgroup by Evan White of California Policy Lab and Tom Vu of AICCU on October 29.