

Goal 5. Continuous Improvement of the U.S. Education System:

Enhance the education system’s ability to continuously improve through better and more widespread use of data, research and evaluation, evidence, transparency, innovation, and technology.

Goal Leader: Amy McIntosh, Acting Assistant Secretary, Office of Planning, Evaluation and Policy Development (OPEPD)

Public Benefit

Education stakeholders, ranging from students and parents, to teachers and principals, to superintendents and the Secretary, need access to timely, appropriate, relevant, and actionable information. Information sources, which can range from datasets to rigorous evaluations and research studies, must be accessible through reliable technology and must reach needed audiences through dissemination, while applying appropriate controls to protect student privacy. The Department must continue to invest in its information resources so that internal and external stakeholders can use this information to make evidence-based decisions.

States continue to develop systems that will collect, manage, and appropriately report the valid, reliable data that are essential to achieving improvements across education, but there is much more work to do. The Department continues ongoing efforts to develop effective SLDS, design voluntary CEDS to increase interoperability, and develop the capacity of institutions and staff to utilize data to improve teaching and learning outcomes. It is not enough to support only the development of the systems and structures that will provide education agencies across the nation with the data necessary to generate accurate pictures of student performance and other critical elements, from early learning programs through postsecondary institutions and the workforce. The Department must continue to lead the national discussion of how these systems are best and most appropriately used to support students, improve instruction, address inequities, develop future teachers, and inform practice; all while ensuring the privacy of the nation’s students is safely protected.

Additionally, the Department must serve as a model for how data are disseminated. Information that SEAs and LEAs report to the Department should be made accessible, where possible, to inform the public and help with local decision-making, but these data must be shared in ways that protect student privacy and that are in compliance with federal and state privacy laws. The collection, storage, maintenance, and use of data must be responsible and must appropriately protect student privacy. Stewards and users of data must remember that these data describe real people and ensure that systems protect the rights of those people. The Department will help practitioners in the field ensure they are properly protecting privacy and communicating with parents and students about the proper use and management of student data.

The Department continues to prioritize the use of “evidence-based” practices through its competitive programs while supporting the creation of new evidence through rigorous project evaluations. This approach helps ensure that scarce dollars have their intended impact and also empowers states and districts to become more dynamic learning organizations, especially in areas with little existing rigorous evidence. Additionally, the Department continues to provide tools to stakeholders that help them understand what types of which strategies and interventions are effective for various “problems of practice.”

Better use of information, both for policy-makers, but also educators, depends on access to reliable technology. The Department's vision for 21st-century learning requires that schools have a 21st-century technology infrastructure anchored around high-speed Internet to allow for innovation and personalization in the classroom. This vision is supported by the remarkable progress we have made towards the President's ConnectED initiative goal to connect 99 percent of students in the nation's schools to high-speed broadband by 2018. States, districts, and schools must have such infrastructure to incorporate cutting-edge methods for strengthening curriculum quality and delivery to meet more rigorous college- and career-ready standards; improving student access and engagement; developing comprehensive, formative, and summative assessment systems; and enhancing data management systems.

Analysis and Next Steps

Objective 5.2: Privacy. Provide all education stakeholders, from early childhood to adult learning, with technical assistance and guidance to help them protect student privacy while effectively managing and using student information.

Objective Leader:

Kathleen Styles, Chief Privacy Officer, Office of Management

Explanation and Analysis of Progress:

Educational institutions rely on student data to improve decision-making, to personalize learning, and to target additional support to at-risk students, and the Department itself relies on student data for key administration initiatives. Increases in the collection and use of student data, however, have fueled public concern about student privacy, and important gains are at risk due to public concern. Throughout FY 2015, student privacy was an extremely hot topic and as a result the Department had to begin, to some degree, pulling away from our long term improvement plans to respond to immediate *Family Educational Rights and Privacy Act* (FERPA) and privacy issues providing substantial, recurring technical assistance to the Hill on dozens of proposed bills dealing with student privacy. In addition, the Department responded to public and congressional criticism over the privacy of students' medical treatment records in the wake of a recent sexual assault case by issuing a draft Dear Colleague letter on the protection of student privacy in campus medical records. The Department was publicly commended for publishing the letter in draft format, to obtain public input before finalizing it in FY 2016.

While adjusting to these changing demands, there has been consistent, steady improvement in office metrics specific to privacy since we began tracking these numbers about two years ago. Our strategy has been to rely when appropriate on contractor resources, both within the office and from the contractors that staff the PTAC. These efforts in addressing the high degree of public interest in student privacy included the implementation of a new more user-friendly website, and the release of our Model Terms of Service guidance and teacher training video. Another strategy that continues to pay off is increased coordination with other Department offices engaged in privacy technical assistance as the Department expanded PTAC's work to include early childhood programs, particularly through the creation of new online resource page that curates a vast array of technical assistance resources on the privacy and security of early childhood (EC) data from across the Department's disparate EC technical assistance centers. Through PTAC and the Department's Office of the Chief Privacy Officer (OCPO), the Department conducted a number of targeted technical assistance activities on early childhood issues, including a site visits, webinars, and workshops and provided extensive internal technical assistance on privacy issues relating to the Preschool Development Grants program. As a result of this focus on efficiencies and resource utilization, using metrics to improve

performance and relying on a case tracking system that manages workload and content for both our contractor and federal staff, the average time to respond to cases was under 5 days, meeting the Department’s FY 2015 performance target of by having an average turnaround time of less than 8 days.

Challenges and Next Steps:

As we move forward into FY 2016, the Department again anticipates a significant amount of activity in the field on student privacy issues, from new state statutes, to policy statements, continued industry pledges and coordination with other enforcement agencies. The challenge for this area is to be proactive, when limited resources mandate reactivity. We are fundamentally realigning privacy processes and policy at the Department, while continuing to run a compliance and technical assistance program. It is challenging to continue to run basic operations, while redesigning processes and building for the future.

While we continued to make considerable strides in FY 2015, we still face an inherent challenge regarding inquiries seeking guidance on issues for which the Department has no answer. For example, video recording is increasingly being utilized in the educational arena (e.g., for surveillance, or remote classroom observation), and application of the regulatory framework to these situations is complicated. The Department, specifically the OCPO, will continue to use the biweekly meetings with the Department’s Office of the General Counsel (OGC) and OPEPD to examine those issues that may require regulatory or statutory change to provide answers. Now having senior support for increased resources, there is the hope that even greater strides will be realized moving forward into FY 2016 with the addition of these resources and as part of a contract recompetition, to transform and restructure PTAC from an external, contractor-run TA center, to an integral part of the OCPO. The new contract, awarded in September 2015 will improve the Department’s privacy technical assistance by leveraging and integrating the expertise and support of PTAC’s contractor subject-matter experts with the legal and policy expertise of the Department’s federal staff.

Continuous Improvement of the U.S. Education System Indicators of Success	Baseline	2013 Actuals	2014 Actuals	2015 Actuals	2015 Current Year Target	Current Year Results	2016 Out-Year Targets	2017 Out-Year Targets
5.2.A. Average time to close “cases” (PTAC + FPCO)	FY: 2013 10 days	10	9	4.9	8 days	MET	7.2 ¹	6.48 ²

NA = Not applicable.

TBD = To be determined.

Academic Year (AY) is a collegiate year spanning August–May; School Year (SY) spans August–July and is aligned with a P–12 school year; Fiscal Year (FY) corresponds to a federal fiscal year; Calendar Year (CY) spans January–December.

Data Sources and Frequency of Collection:

5.2.A. Case Tracking System (CTS); quarterly

¹ Target is being updated to reflect the goal of a 10% reduction from the prior year.

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