

**Response to the 12/15/20 Request for Comment from the  
Advisory Committee for Data on Evidence Building  
Submitted 2/9/21**

As philanthropies and organizations that care deeply about creating brighter futures for American youth, families and communities, we appreciate and strongly support the work of the Advisory Committee for Data on Evidence Building (the Committee). We appreciate the opportunity to submit a response to your request for comment on the effective implementation of the Evidence Act's recommendations. The themes and ideas represented in this response reflect many more individuals' and organizations' input than the signatories listed. There is great and growing interest within the philanthropic, advocacy and think tank communities to not only support the effective use of data to improve decision making and outcomes, but to ensure that the collection, analysis and use of data is informed by the people it is attempting to serve. Each of our organizations stand ready to engage with the Committee in further conversation and are eager to help bring community voices into these discussions.

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The most important challenges facing the country - on issues as diverse as economic mobility, racial equity, and recovery from the COVID-19 pandemic - cannot be solved without coordinated action across the interdependent agencies that provide vital funding, direction, and critical direct services. Equally important is the partnership of the federal government with state and local government to ensure that federal actions around data are geared towards ensuring that data is not used as a tool of compliance but to enlighten, empower and improve the results achieved for citizens. That collaboration across federal agencies and government at all levels is only possible when agencies can share information safely and broadly engage stakeholders to review, evaluate and improve the programs and policies that affect them. The Foundations for Evidence-Based Policymaking Act (Evidence Act) is an important step toward making that important work possible. However, we also believe there are specific areas which require attention in order for the federal data strategy outlined in the Evidence Act to be successfully implemented with positive results.

**Specific Areas in Need of Attention in the Federal Strategy:**

These comments put forth six areas which the Committee should prioritize to ensure successful implementation of the federal data strategy:

- 1. Strengthen Learning Agendas through a More Inclusive Development Process and Governance Structure;**
- 2. Encourage Multi-Agency Efforts to Establish Connected and Aligned Learning Agendas;**
- 3. Emphasize Equity and the Needs of Underserved Communities in Agency Learning Agendas;**
- 4. Redouble Efforts to Build and Maintain Public Trust in Federal Data;**
- 5. Ensure the National Secure Data Service is Accessible to Decision Makers at All Levels; and**
- 6. Increase the Capacity for Data-Driven Decision Making within Federal Agencies and States.**

## **Strengthen Learning Agendas through a More Inclusive Development Process and Governance Structure**

The agency learning agendas mandated by the Evidence Act represent a unique opportunity to set priorities that meet the information needs of the field and reflect the needs of communities affected by future policy. This prioritization cannot be accomplished without the field being an integral part of the process, with active participation and debate by a broad set of stakeholders including research experts, policymakers, program staff involved in service delivery and affected populations. Without clear guidance and oversight, agencies may treat creating a learning agenda as a compliance exercise limited by their existing evaluation mechanisms, partnerships and constraints related to budget and data. And without permission and encouragement to engage community voices in the agenda development and management process, we are concerned that agency evaluation officers will deliver learning agendas in 2022 and beyond that lack the compelling vision, partnerships and stakeholders necessary to pursue it.

To maximize the likelihood that the published learning agendas will be credible plans capable of mobilizing action, the Committee should encourage the Office of Management and Budget (OMB) to provide guidance to agencies encouraging them to share working drafts for comment, be transparent and explicit about who they engage for feedback and highlight areas of meaningful discussion and negotiation. Every agency should establish a governance structure responsible for this broad outreach and for communicating how the end product serves the interests of affected populations and builds on the best thinking of experts in the field. A premium should be placed on expanding beyond conventional engagement strategies and experiment with new ways to engage the public in decisions about their questions, information needs research priorities and concerns about the use of data (see for example the [Data Assembly](#) convened virtually by GovLab to inform the use of personal data in COVID-19 response).

We hope that agency learning agendas will also clearly identify the appropriate data source(s) needed to execute them. Clear signaling from federal agencies about what questions might be answered with existing state administrative data sources rather than requiring federal or nationally representative data will help motivate funding for research by state agencies and their partners (e.g., Policy Labs and members of the network convened by [Actionable Intelligence for Social Policy](#)). Agency learning agendas should also include a list of relevant and important data sources that are absent, not able to be linked or shared, or of such poor quality that prevent answering stakeholders' highest-priority questions. Calling attention to areas for data development by the federal statistical system and its state and local partners will be crucial for developing evidence about what works in policy areas such as criminal justice reform, disaster recovery and intergenerational economic mobility that have been frustrated by bad, balkanized and missing information. It would be helpful for the Committee to issue recommendations on how Congress and federal agencies could incentivize this new data development, much of which necessarily begins at the state and local level and will require modifying existing technology and reporting systems.

## **Encourage Multi-Agency Efforts to Establish Connected and Aligned Learning Agendas**

The most pressing questions facing federal policymakers are not easily solved by a single data point or data set. Questions about how to advance economic mobility, for example, require data sharing, analysis and evaluation across the Departments of Health and Human Services, Education, and Labor, and are greatly enhanced by data held by the Internal Revenue Service and Treasury. The demand for high-quality, affordable early childhood care and education raises questions at the intersection of workforce training, health and human services for which the Centers for Medicare and Medicaid

Services, Department and Housing and Urban Development and Department of Agriculture also have relevant data and discretion. And because many federal programs administered at the state level do not collect participant-level data that is often necessary to evaluate questions about program uptake and effectiveness, additional collaboration with state and local partners can be crucial.

Advocacy and constituency organizations such as Results for America and the Head Start Association have submitted recommendations ([here](#) and [here](#)) to the new Administration to develop dynamic cross-government learning agendas and to focus on the need to build governance structures that prioritize cross-sector data sharing and problem solving. The Committee should consider how to create and strengthen these mechanisms for aligning agency learning agendas, along with their data collections/analysis capacity, to create a coherent federal approach to the problems that matter most to Americans. The Committee might consider whether regional approaches such as leveraging the Regional Education Laboratories as conveners for cross-agency partnerships focused on education and health equity issues in US South and Southwest might contribute to strengthening the use of data to address real problems.

### **Emphasize Equity and the Needs of Underserved Communities in Agency Learning Agendas**

We applaud the several agencies that have published initial learning agendas for comment well in advance of the 2022 deadline, while also directing the Committee's attention to areas where even the strongest of these learning agendas would benefit from greater focus and action:

- Institute mechanisms to solicit critical feedback from program participants and their advocates. This collection of input is a requirement of the Evidence Act and part of OMB's guidance to agencies; it is important because citizens who are end-users of federal programs as student borrowers, public benefits recipients and small business owners have a perspective on the operation of those programs that is distinct from those who regulate and run them. The organizations that advocate for these groups have different criteria for "what works" and for the kinds of data that should be regularly available to the public to evaluate results. These organizations can and should be a constituency for the work of agency chief data officers and chief evaluation officers, and they need to be consulted as part of the Learning Agenda development and implementation.
- Include race and racism, as factors central to understanding many aspects of US social and economic policy, in ways that raise under-explored questions about program and policy design and implementation. Within his first hour in the Oval Office, President Biden's White House issued an [executive order on advancing racial equity](#) and support for underserved communities. Agencies developing and updating their Learning Agendas should include a discussion of what that executive order means to their data collection, learning and evaluation strategies. Agency plans should include strategies for improving the accuracy and consistency of demographic categories, which are currently captured differently between state agencies and even across different programs funded by the same federal agency. This might require guidance and support for states to update their data collection forms and systems; agencies should consider options for using data linkage processes to generate aggregate statistics on racial disparities without the additional burden and privacy concerns associated with new data collections.

- Expect and encourage meaningful partnership with the civil rights community in the creation of the learning agendas necessary to fulfill the Evidence Act. Stark examples of over and under-surveillance of minoritized communities have become more prevalent as government data collection at the local, state, and national level for monitoring and program evaluation become more commonplace. Unfortunately, these harms are often unearthed long after data-driven tools have been implemented or exist unnoticed and unresolved. Given the potential for data to accelerate both future benefits and harms, it is imperative to have a balanced approach to analyzing the contributions the learning agendas will serve. By inviting insights from the broader civil rights ecosystem, agencies may be able to better address and mitigate future harm while preserving the value of the Act and its effects.

### **Redouble Efforts to Build and Maintain Public Trust in Federal Data**

The execution of the Evidence Act is happening at a time of deep public skepticism in government collection and use of personal data. That skepticism has been informed by high-profile hacks of government agencies, a national debate about student privacy, litigation about the government's right to collect information on citizenship as a part of the decennial census, and growing awareness of how both public and private surveillance technologies have expanded into the lives of Americans over the past decade. The Committee should expect to hear arguments that the federal government already has too much data and should avoid new data collection mandates and new data services. Even with the assurance that the Evidence Act calls for little or no additional data collected and more effective use of data already available to federal agencies, the federal data strategy is still a questionable premise for many concerned about government overreach and/or who fear both deliberate and unintended misuse of data to harm certain populations.

Steps are necessary to build trust in data collection and use by the government at all levels, but in particular by the federal government which is the furthest removed from the people it serves. Critical to building trust is a commitment to transparency, to providing value, and to data minimization and security. The Evidence Act reinforced the privacy structure within the federal government through the reauthorization of the Confidential Information Protection and Statistical Efficiency Act. While this is important, there is more to trust building than strengthening privacy provisions (please see the submitted comments from the Center for Democracy and Technology for specific recommendations around this point). People will not use data (and will protest against its collection) if they don't trust it, think it may hurt them, and/or they don't find value in it.

The Committee should urge and assist OMB and federal agencies to:

- Develop clear strategies for communicating why their work under the Evidence Act benefits the public and to make a case that the reward for citizens outweighs the risks. This requires communicating in plain language that is easily accessible by the public about what data is being collected, for what specific purpose, the benefits to the community, and how it will be stored, shared, and safeguarded;
- Ensure the public and their advocates inform and critique each agency's data agenda, consistent with the recent White House memorandum on [Restoring Trust Government Through Scientific Integrity and Evidence-Based Policymaking](#) (January 27, 2021);
- Proactively engage civil rights and privacy advocates to address any concerns about Evidence Act implementation, e.g., to demonstrate the federal government's progress applying [Civil Rights](#)

[Principles for the Era of Big Data](#) (These groups are underrepresented within ACDEB and the advisory group's agencies convene to advise their research and data strategies, and their support will be crucial for allaying any fears about federal overreach in this area.);

- Address the legitimate concerns arising around the use of predictive analytics, artificial intelligence, and algorithmic / automated decision-making systems and invest in solutions to ensure that data is used to promote greater opportunity and more equitable outcomes for citizens;
- Clarify and harmonize federal privacy law across agencies to reduce the confusion that adds to unnecessary burdens on data collection and distrust that agencies are providing adequate protection to citizens. Ensure that public-facing privacy policies are written for busy parents, not lawyers (see <https://www.plainlanguage.gov>);
- Recognize that public trust in the federal data infrastructure is not limited to questions of data privacy and security, but about explicit commitments to use those data ethically and effectively to get better results for the country; and
- Build an enthusiastic constituency for this important work through partnership with local and state governments, researchers and advocates for affected communities.

### **Ensure the National Secure Data Service is Accessible to Decision Makers at All Levels**

The promise of the Evidence Act is to help inform and resolve some of the most difficult problems faced by policymakers and practitioners at all levels, and particularly at the state and local levels where better solutions are most keenly felt by citizens. If the infrastructure created by the Evidence Act becomes accessible only to federal agencies and a few of their elite research partners, it will break this promise and contribute to a cynicism among decision makers that research and evaluation are irrelevant to the practical challenges of government. This will further erode the public trust necessary for federal data efforts to be successful.

OMB should take steps to:

- Ensure that if a National Secure Data Service (NSDS) is built, it prioritizes answering questions relevant to near-term policy and resource-allocation decisions facing state and local executives (e.g., at this moment that might be related to pandemic response and understanding uptake of key safety net supports);
- Solicit ideas for using the NSDS not only for formal research and evaluation, but also for creating value-added data products not otherwise available to local and state leaders that are useful for both government transparency and management. While there is a place for gold-standard research and randomized controlled trials, the vast majority of people's information needs can be served by less burdensome, expensive and time-exhaustive analysis. The College Scorecard and new Department of Labor TrainingProviderResults.Gov site are good examples of this; where possible these new datasets should be made publicly available in easily accessible, machine-readable formats that invite additional tailoring and use.
- Partner with state data leaders, such as the State Chief Data Officer Network housed at the Beeck Center for Social Impact and Innovation at Georgetown University, to help develop and improve these kinds of practical information tools. Input from "end users" will make it more

likely that these efforts will not only inform policy, but also identify areas where federal practice and regulations are making it difficult for states and local government to use data to serve people, and there are needs to harmonize regulations around data quality, security and access. In the past decade, state and county governments have built increasingly integrated and capable data systems that have access to information that is often richer and timelier than what is available to federal agencies. Ensuring these data can be safely matched to other state and federal data through the NSDS to answer defined policy questions should be a priority and would benefit from federal coordination and support. A pilot program to promote project-specific cooperation between state data enclaves and federal agencies would help the Committee understand the sophistication and limits of states' existing infrastructure, and to appropriately leverage them for federal statistical purposes (e.g. to evaluate the completeness of the decennial census). It would also inform the understanding among agencies and the OMB of the factors constraining state data integration and evidence-building efforts, including those that could be eased through additional federal guidance.

### **Increase the Capacity for Data-Driven Decision Making within Federal Agencies and States and Communities**

The success of this effort to build and leverage an improved federal data infrastructure to pursue these ambitious learning and evaluation goals will hinge, ultimately, on government's ability to deliver better results. This will require governments at all levels - not just federal agencies - to expand their capacity for data management, analysis, applied research, and dissemination of insights. We urge the Committee to use its convening power to closely examine the need for expertise, financial support, expanded partnership with experts in the academy and private sector, and technical assistance, and to consider recommendations to:

- Expand the talent available to federal agencies to meet increased information demands. There is a growing supply of technology, data and cyber-security professionals in the private sector, reflecting the importance of informational work to the US economy and its firms. The federal government needs to carefully assess its own needs in this area and to create both short- and long-term strategies to tap this workforce to modernize the federal data enterprise. Successful programs like Intergovernmental Personnel Act (IPA) Assignments need to be expanded, and new pipelines into public service for top-tier talent from the technology sector created.
- Provide financial support to state and local governments to expand data capacity. State and local governments have made great progress establishing their data infrastructure in the past two decades, but they require funding to both incent innovation as well as to maintain capacity to keep up with growing demands for data use. Given budget cuts caused by the pandemic and economic crisis, the federal government needs to step up and provide additional resources to ensure local and state government is positioned to meet their communities' information needs. Federal support could take many forms, including:
  - Creating a new competitive grant program (or build into existing grant programs such as the Department of Education's Statewide Longitudinal Data Systems Grant Program) to encourage states to create cross-agency "mini-commissions" modeled on the Commission on Evidence-Based Policymaking to outline state priorities for

evidence-based policy, research, and data development and to broaden their engagement with experts and affected communities;

- Incentivizing states to develop and sustain data linkage capacity by increasing administrative set-aside dollars in federal programs that can be used for this purpose. Past examples of federal funding streams that supported state data capacity in this way include the Preschool Development Block Grants, Race to the Top funds, and OMB's A-87 cost allocation exception for Medicaid eligibility and enrollment systems;
- Creating a need-based capacity-building program based on evidence about data quality, so that the state and local governments with the largest capacity gaps do not get left behind; and
- Supporting research-practice partnerships to ensure that states have support from external researchers to use data and evidence in their decision-making.

The design of these grant programs and/or regulatory flexibility should be informed by the successes and failures of past efforts. We are not aware of any thorough review of state interoperability projects funded through the Medicaid A-87 exception, for example, and there are almost certainly important lessons about how states' internal capacity, interpretation of guidance around im/permissible blending and braiding of federal funds, and the composition of their leadership teams contributed to the value of these projects to future evidence-building activities.

Additionally, OMB should consider consulting representative data leaders from states and communities to ask them how to structure federal support so that it reinforces and expands existing data centers that are providing high-quality research and policy guidance and does not duplicate or undermine already-mature efforts. The State Chief Data Officers Network could be one such body.

All successful state and local applications for federal data grants should:

- demonstrate clear coordination between and endorsement by both the executive and legislative branches for new data systems development and interoperability initiatives.
  - leverage existing state infrastructure (e.g., SLDS, Policy Labs);
  - identify clear priorities for evidence-building and evidence use in policy making and management.
  - show familiarity with established best practices where they exist (for data governance, record linkage, metadata, data use in decision-making and evidence-building activities); and
  - prove broad support from civil society, including civil rights organizations.
- Create structures that promote and incentivize the use of "actionable intelligence". Federal investment in and use of data has been overwhelmingly driven by the government oversight and accountability requirements rather than focusing on the information needs of its stakeholders. When funding and attention have been directed to basic science and research, the significant insights we have gleaned (e.g., collected on registries of evidence-based social programs) have

been difficult for communities to access and apply in practice. The result within education - to take the example of No Child Left Behind which increased data collection and reporting requirements for state in the goal to hold schools accountable for results—has been a backlash around using data as a tool of punishment rather than a tool of improvement.

The Evidence Act presents an opportunity to change the negative view of data and the culture of compliance; to do so, the Committee will need to acknowledge the tendency of government to use data as a hammer rather than a flashlight, and to create countervailing incentives. Across the social services fields in particular, there is a lack of capacity in knowing how to use data as a tool of improvement and how to use data to manage for results. These are skills that must be taught, prioritized, and reinforced at every level. A great deal can be learned from decision intelligence frameworks (see the "[Decision Theater](#)" created by Arizona State University) and other "actionable intelligence" efforts. The federal data strategy must go beyond the effective collection, linkage, analysis and protection of data. The resulting insights of that information will never have impact if it is not communicated effectively and people know how to access and use it to address the challenges and questions in their lives.

We appreciate the opportunity to share these comments and stand ready to answer any further questions of the Committee.

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