

The Cradle-to-Career Data System Governance Options, Explained

Key Takeaways

- » As policymakers home in on the technical aspects of the California Cradle-to-Career Data System, they must put a finer point on who will oversee the system. Governance is critical.
- » Cradle-to-Career Data System governance is so important because California's higher education system does not have a coordinating entity, as most other states do. This data system governing board will make decisions with lasting impacts on education and employment.
- » The data system's governance should balance data provider interests with public interests and be specific around leadership.

California has made great strides in developing a statewide longitudinal data system in its planning for the Cradle-to-Career Data System. The year-long public planning process that thoughtfully engaged a wide swath of stakeholders has led to the design of the country's most comprehensive and equity-driven data system. The swift launch of the data system will be a game-changer for California, allowing teachers and students to make informed decisions about their educations and allowing policymakers and education leaders to craft more effective policies and programs. The next steps around the technicalities of building the data system will be crucial for its success but are not sufficient. The governance of the data system must complement the investment in the technical aspects of the system.

Other states' data systems that are underutilized all fell short because they failed to focus on issues of governance, including accountability and decision-making. Careful attention to the structure of the governing board will promote the state's major investment and advance Californians' access to critical information.

In this brief, we home in on the governance of the data system. First, we outline the two current proposals (the Department of Finance Trailer Bill Language and Assembly Bill 99). Then we discuss the major considerations in examining the governing boards.

“

Data governance is the people part that the state must get right if they're going to leverage the tech part effectively. Otherwise, you're just building a big box of data.

— Paige Kowalski, Executive Vice President of the Data Quality Campaign

”

The governing board’s decisions can ultimately drive the data system’s success or stifle its usefulness. More specifically, the Cradle-to-Career workgroup proposal lays out the following board responsibilities:

- Ensuring that the Cradle-to-Career Data System is serving its intended purpose
- Providing operational oversight of the managing entity
- Overseeing participation in the Cradle-to-Career Data System and governance structure
- Determining the types of information available through the Cradle-to-Career Data System
- Recommending improvements to the mechanisms for accessing information in the Cradle-to-Career Data System
- Monitoring technical, legal, and data implementation of the Cradle-to-Career Data System
- Hiring, evaluating, and firing the executive director

Figure 1. Cradle-to-Career Workgroup Governing Board Proposal



Source: [Cradle-to-Career First Legislative Report \(December 2020\)](#)

Current Proposals

Two proposals are under consideration—one proposed by the Cradle-to-Career workgroup and included in budget trailer bill language, and one proposed via a bill in the legislature. Both proposals maintain similar structures but do have important differences. Both proposals maintain the workgroup’s recommendation to house the data system in the [California Government Operations Agency \(GovOps\)](#) and build from the data submitted by multiple state agencies and departments. This brief focuses on the governing board of the Cradle-to-Career Data System situated in GovOps.

Cradle-to-Career Workgroup Proposal Provides a General Framework

The Cradle-to-Career workgroup’s governing board proposal, as detailed in its [report for the legislature](#), notes the voting threshold, number of seats, and general seat assignments. In this structure, there are 18 seats: 12 data providers and 6 public members, 2 of which are designated for K–12 representatives. Of the 18 members, a two-thirds voting threshold is required. See Figure 1 for detail.

Trailer Bill Language Increases Accountability by Naming Governing Board Members

The Department of Finance builds off the workgroup’s proposal in its trailer bill language (see language specific to governing entity structure in [appendix A](#)). The [trailer bill language](#) specifically names the executive of the data provider’s system, agency, or department as the governing board member. For example, the workgroup’s legislative report notes one seat for the California Community Colleges (CCC). The trailer bill language assigns this seat specifically to the Chancellor of the CCC (or designee). This small change is critical, as it holds the named individual responsible for decisions made by him or her (or designee). This language has the potential to greatly improve the governing board’s accountability, thereby improving the usefulness of the Cradle-to-Career Data System.

AB 99 Strengthens Representativeness of Public Members and Increases Legislature’s Appointees

Assemblymember Jacqui Irwin’s [AB 99](#) makes two tweaks to the working group’s proposal to strengthen democratic aspects of the governing board (see language specific to governing entity structure in [appendix B](#)). One change affects who appoints public members and the other affects who the public members represent.

Increasing Legislature Appointees and Decreasing Gubernatorial Appointees

Most notably, AB 99 shifts who appoints public members to increase the number of public members appointed by the state legislature. In the workgroup's proposal and the trailer bill language, the governor appoints four and the legislature appoints two (one each by the senate and assembly). AB 99 allows for two public members to be appointed by the governor and four by the legislature (two each by the senate and assembly).

Naming Who (Legislatively Appointed) Public Members Should Represent

AB 99 also provides more guidance on who the public member appointees should represent. For example, AB 99 states that the public members appointed by the legislature will “represent the members of the public that are intended to benefit from the data system or are affected by the data, including, but not limited to, practitioners, families, students, adult learners and workers, community organization staff, research organization staff, and advocacy organization staff.”

Considerations

This brief reviews two main components of the governing board: membership (the number of members and who those members are) and voting threshold. Together, these components have a significant impact on the entity's governance.

Membership

The membership of the governing body is a key factor in shaping the decision-making of the data system. Both the number of seats and who fills those seats are critically important. The governing board should represent key stakeholders of the data system who balance the public good with the practical realities of overseeing such a system. At the same time, the size of the governing board should be large enough to provide adequate representation to key stakeholders and breadth of expertise and interests, while balancing the challenges of governing with a large board.

Voting Threshold

A separate but related factor of the governing board is its voting threshold. A simple majority is a common voting threshold for public entities. However, for decisions with higher stakes, public entities may require a supermajority voting threshold, such as three-fifths, two-thirds, or three-quarters. The higher the voting threshold, the more consensus is needed to pass a vote. This ensures more agreement on the matter under consideration but also can lead to gridlock.

The California Context

Transformational Plan

Being one of the later states to develop a statewide longitudinal data system, California benefits from being able to study other states' systems and integrate successful practices into its planning. The proposal from the workgroup sets out a plan to link multiple data systems beyond just education and workforce, promotes data privacy, and keeps the users in mind in its design. With the development of this data system, California will move light-years ahead in its ability to advance effective policies and programs and improve not only education, but also early child and workforce outcomes.

Lack of a Higher Education Coordinating Entity (HECE)

California is one of two states without an HECE. While a data system does not require the existence of a coordinating body, the lack of a coordinating entity puts more pressure on the governing body of the data system. Other states often have both a coordinating entity and a data system. They may or may not be formally linked, but either way, a coordinating entity can help set statewide goals and priorities that can inform the data collection, analysis, and sharing efforts of the data system. Without a coordinating entity, the governance of the data system is all the more important, and a well-structured governing board is a critical part of this, as the governing board will need to make decisions without the guidance or support of a coordinating entity.

Historical Resistance to a Data System

The fact that California is one of the last states to build a longitudinal education data system is not random or by coincidence. Political and educational leaders have been resistant to the development of such a system. In fact, the data providers could have long ago worked together and built this on their own. But California needed a law to make it happen. In considering the governance of the data system, we must keep in mind the deep historical resistance to the data system in California by state and educational leaders.

Other Higher Education Governance Structures

In considering what the Cradle-to-Career Data System's governing body should look like, we can first turn to what other similar governing bodies look like. We will lay out what governing bodies for California higher education and data entities look like, along with other states' statewide longitudinal data system governing bodies. While no entity will have the same goals or function of the Cradle-to-Career Data System, this analysis may shed some light on options and approaches taken elsewhere. However, it is critical to remember that because the data system is an interagency effort with a significant public user function, more voices must be at the table than is the case for many other governing boards.

California Higher Education Governance Structures

No single model exists for California's education governing boards. Boards in other states vary in size (as small as 11 to as large as 26), who the members are (such as named executives or nonvoting student members), and how they are selected (such as by role or appointment). See [appendix C](#) for details on another state's data system governance structure as a point of comparison and [appendix D](#) for an overview of other education governing board structures in California.

Other States' Data System Governing Structures

Other states have approached governing their data systems in a variety of ways. Some states do not have a governing board. In other states, the data system is nested within a larger agency whose governing board also oversees the data system. Additional variance exists in the number of public members, who sits on the board, who is able to vote, and more. In the development of the Cradle-to-Career Data System's governance structure, the workgroup and advisory groups considered various formats. The state system with the most similar format to what was ultimately recommended by the workgroup and proves to be most informative is [Maryland's Longitudinal Data System Center](#).

Maryland's data system is governed by a board made up of 13 members (see [appendix C](#) for details on Maryland's structure):

- seven named executives of key educational and workforce agencies and institutions, including the president of the historically black university in the state;
- two representatives of local educational agencies and sites; and
- four public members, with a requirement that one of the public members has data expertise.

Pros and Cons of Main Options

Each permutation of a governing body's membership has its strengths and weaknesses. Table 1 (on page 5) outlines several membership models for the governing board and the major pros and cons of the main options that have been raised.

Preferences depend on the reviewer's priorities and values. For example, those who seek to balance public and data provider voices but do not want the governing board to be larger than 18 should consider Options E and F. Those who are concerned about a two-thirds vote threshold causing gridlock should consider Options D and F. Of course, there are variations and combinations of the options outlined above that can be considered. These permutations may be built to optimize for the reviewer's priorities.

No Matter What, Review in Three

Regardless of the ultimate configuration of the governing board, we recommend revisiting the structure in three years and making recommendations to the legislature on the effectiveness of the current structure.

Notes

1. California Competes. (2018). The case for a statewide higher education coordination entity. <https://californiacompetes.org/assets/general-files/Coordination-Doc-Final.pdf>

This brief was made possible through support from the Bill & Melinda Gates Foundation, College Futures Foundation, and the VMware Foundation. We are grateful to Paige Kowalski of the Data Quality Campaign, the members of the California Higher Education Equity Coalition, the members of the Data Partners Group, and Elizabeth Hill for their expert feedback and advice on this brief. All errors are our own.

Table 1. Pros and Cons of Major Governance Structure Options

Option A. Trailer Bill Language		
<p>18 members:</p> <ul style="list-style-type: none"> • 12 named data contributors • 6 public members: <ul style="list-style-type: none"> ◦ 4 governor appointees ◦ 2 legislature appointees <p>Allows for future seats for future data providers; no mention of additional future seats for public members</p>	<p>By naming the entity’s executive, this model increases accountability</p>	<ul style="list-style-type: none"> ✗ No guidance provided for the role of the public members appointed by the legislature ✗ If data are added by new data providers in the future, the board may grow to provide representation to the new providers; however, no accommodation for growth of public members, so imbalance between public members and data providers may grow
Option B. AB 99 (Irwin)		
<p>18 members:</p> <ul style="list-style-type: none"> • 12 unnamed data contributors • 6 public members: <ul style="list-style-type: none"> ◦ 2 governor appointees ◦ 4 legislature appointees 	<p>Provides guidance for the role of legislatively appointed public members</p>	<ul style="list-style-type: none"> ✗ Representatives of data contributors are unnamed, reducing accountability ✗ Language for governor’s appointees should note that these members should represent K–12 teachers and administrators
Option C. Just high-impact sharpening of language		
<p>18 members:</p> <ul style="list-style-type: none"> • 12 named data providers • 6 public members, focused on representing key public constituencies <p>It allows for growth of the board and ensures that public membership grows with growth of data provider membership</p>	<p>By naming the entity’s executive, this model increases accountability</p> <p>Provides guidance for the role of public members</p> <p>Provides guidance on the growth of the board</p>	<ul style="list-style-type: none"> ✗ Does not address concerns about data contributors being able to pass items without a vote from any public members
Option D. Ensure half of the board is made up of public members (Legislative Analyst’s Office recommendation)		
<p>24 members:</p> <ul style="list-style-type: none"> • 12 named data providers • 12 public members, some appointed by governor and others appointed by legislators of both parties, focused on representing key public constituencies <p>It allows for growth of the board and ensures that public membership grows with growth of data provider membership</p>	<p>By naming the entity’s executive, this model increases accountability</p> <p>Provides guidance for the role of public members</p> <p>Provides guidance on the growth of the board</p> <p>Requires proposals to be supported by at least one public member and at least one data provider</p> <p>Could lower voting threshold to simple majority without jeopardizing public voice</p>	<ul style="list-style-type: none"> ✗ Increases the size of the board
Option E. Collapse number of data providers		
<p>16 members:</p> <ul style="list-style-type: none"> • 10 named data providers (remove the Director of the Employment Development Department [EDD] and the Director of the California Department of Social Services [CDSS]) • 6 public members, focused on representing key public constituencies <p>It allows for growth of the board and ensures that public membership grows with growth of data provider membership</p>	<p>By naming the entity’s executive, this model increases accountability</p> <p>Provides guidance for the role of public members</p> <p>Provides guidance on the growth of the board</p> <p>Requires proposals to be supported by at least one public member and at least one data provider</p> <p>Removing the Director of EDD and CDSS reduces the size of the board</p>	<ul style="list-style-type: none"> ✗ Requires the Secretary of the California Labor and Workforce Development Agency (LWDA) and the Secretary of the California Health and Human Services Agency (CHHS) to represent the interests of EDD and CDSS, respectively
Option F. Data providers on board when data are included or when planned for future addition		
<p>13 members:</p> <ul style="list-style-type: none"> • 7 named data providers (only executives whose entity or agency is contributing or will soon be contributing data) • 6 public members, focused on representing key public constituencies <p>It allows for growth of the board and ensures that public membership grows with growth of data provider membership</p>	<p>Focuses early governance responsibilities with those contributing data (or on deck)</p> <p>By naming the entity’s executive, this model increases accountability</p> <p>Provides guidance for the role of public members</p> <p>Provides guidance on the growth of the board</p> <p>Requires proposals to be supported by at least one public member and at least one data provider</p>	<ul style="list-style-type: none"> ✗ Data providers who have been engaged in the planning process but whose data will not be phased in until later will not be on the governing board

Appendixes

Appendix A. Trailer Bill Language

SEC 12. Section 10864 of the Education Code is added to read:

10864

(a) The Data System shall be governed by a Governing Board composed of the Data Providers and shall additionally include public members representing the public interest.

(b) The Governing Board shall be composed of the following 18 members:

- (1) Superintendent of Public Instruction or his/her designee
- (2) Chancellor of the California Community Colleges or his/her designee
- (3) Chancellor of the California State University or his/her designee
- (4) President of the University of California or his/her designee
- (5) President of the Association of Independent California Colleges and Universities or his/her designee
- (6) Chief of the Bureau for Private Postsecondary Education or his/her designee
- (7) Executive Director of the California Student Aid Commission or his/her designee
- (8) Executive Director of the Commission on Teacher Credentialing or his/her designee
- (9) Director of the California Department of Social Services or his/her designee
- (10) Secretary of the California Health and Human Services Agency or his/her designee
- (11) Secretary of the California Labor and Workforce Development Agency or his/her designee
- (12) Director of the Employment Development Department or his/her designee

(13) Four public members, to be appointed by the Governor, as follows:

(A) Two K–12 practitioners to serve as a representative of K–12 educators, counselors and administrators.

(B) Two members of the public who meet the requirements of paragraph (1) of subdivision (d).

(14) Two members of the public, to be appointed by the Legislature, as follows:

(A) One member of the public to be appointed by the Speaker of the Assembly.

(B) One member of the public to be appointed by the President Pro Tempore of the Senate.

Appendix B. AB 99

10860. (a) The California Cradle-to-Career Data System Governing Board is hereby established in state government, consisting of 12 data contributors and 6 public members, as provided pursuant to subdivisions (b) and (c).

(b) (1) The 12 data contributors shall be appointed as follows:

(A) A representative from the State Department of Education, appointed by the Superintendent.

(B) A representative from the California Community Colleges, appointed by the Board of Governors of the California Community Colleges.

(C) A representative from the California State University, appointed by the Trustees of the California State University.

(D) A representative from the University of California, appointed by the Regents of the University of California.

(E) A representative from the Bureau for Private Postsecondary Education, appointed by the bureau chief.

(F) A representative from the Association of Independent California Colleges and Universities, appointed by its executive committee.

(G) A representative from the Labor and Workforce Development Agency, appointed by the Secretary of the Labor and Workforce Development.

(H) A representative from the Employment Development Department, appointed by the Director of Employment Development.

(I) A representative from the Student Aid Commission, appointed by the Chair of the Student Aid Commission.

(J) A representative from the Commission on Teacher Credentialing, appointed by the Chair of the Commission on Teacher Credentialing.

(K) A representative from the California Health and Human Services Agency, appointed by the Secretary of California Health and Human Services.

(L) A representative from the State Department of Social Services, appointed by the Director of Social Services.

(2) A representative appointed pursuant to paragraph (1) shall serve until replaced by the appointing authority for that representative.

(3) A representative appointed pursuant to paragraph (1) may delegate their voting rights to an alternate, so long as that alternate has the authority to make decisions on behalf of the appointed representative.

(4) The appointing authority described in paragraph (1) shall be accountable for their entity's participation in the data system.

(c) (1) The six public members of the governing board shall have expertise with data systems and their use and be appointed as follows:

(A) One public member who is a classroom teacher in a public elementary or secondary school, appointed by the Governor.

(B) One public member who is a school leader of a public elementary or secondary school, including, but not limited to, an administrator, superintendent, principal, or counselor, appointed by the Governor.

(C) Two public members who represent the members of the public that are intended to benefit from the data system or are affected by the data, including, but not limited to, practitioners, families, students, adult learners and workers, community organization staff, research organization staff, and advocacy organization staff, appointed by the Speaker of the Assembly.

(D) Two public members who represent the members of the public that are intended to benefit from the data system or are affected by the data, including, but not limited to, practitioners, families, students, adult learners and workers, community organization staff, research organization staff, and advocacy organization staff, appointed by the Senate Committee on Rules.

Appendix C. Maryland's Governing Board

(a) There is a Governing Board of the Center.

(b) The Governing Board shall include the following members:

(1) The Secretary of Higher Education, or the Secretary's designee;

(2) The Chancellor of the University System of Maryland, or the Chancellor's designee;

(3) The President of Morgan State University, or the President's designee;

(4) The State Superintendent of Schools, or the Superintendent's designee;

(5) The Secretary of Juvenile Services, or the Secretary's designee;

(6) The Secretary of Labor, or the Secretary's designee;

(7) A representative of local superintendents of schools, appointed by the Governor with the advice and consent of the Senate;

(8) The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

(9) The President of the Maryland Independent College and University Association, or the President's designee; and

(10) Four members of the public, appointed by the Governor with the advice and consent of the Senate.

(c) One of the public members of the Governing Board shall have expertise in large data systems and data security.

Appendix D. California Education Governing Boards

Educational Entity	Board Structure
<u>California Student Aid Commission</u>	<p>There are 15 members. The chair of the Senate Rules Committee and the Speaker of the Assembly each appoint two members. The other 11 members, who are appointed by the governor and approved by the senate, are:</p> <ul style="list-style-type: none"> • Three representatives of the public • One representative of a secondary school • Two students enrolled in a California postsecondary institution • One representative of UC • One representative of CSU • One representative of CCC • One representative of an independent college or university • One representative of a public, proprietary, or nonprofit postsecondary institution
<u>University of California Regents</u>	<p>There are 26 members. They are:</p> <ul style="list-style-type: none"> • 18 regents appointed by the governor and approved by the senate • One student regent • President and vice president of the UC alumni association • President of the UC • Governor • Lieutenant governor • Speaker of the Assembly • Superintendent of public instruction
<u>California State University Board of Trustees</u>	<p>There are 25 members. They are:</p> <ul style="list-style-type: none"> • Two student representatives (one is nonvoting) • 16 trustees appointed by the governor and approved by the senate • One representative of CSU alumni association • One tenured CSU faculty member • Governor
<u>California Community College Board of Governors</u>	<p>There are 18 members. They are:</p> <ul style="list-style-type: none"> • 12 members appointed by the Governor and approved by the senate, two of whom are current or former members of local community college district governing boards • Two student members (one is nonvoting) • Two tenured CCC faculty members • One classified CCC employee • Lieutenant governor <p>Additionally, each of the 72 community college districts has its own board of trustees.</p>
<u>Bureau for Private Postsecondary Education Advisory Committee</u>	<p>There are 12 members. They are:</p> <ul style="list-style-type: none"> • Three institutional representatives, appointed by Department of Consumer Affairs (DCA) director • Three consumer advocates, one each appointed by Senate Committee on Rules, the Speaker of the Assembly, and the DCA director • Two public members, one appointed by Senate Committee on Rules and one appointed by Speaker of the Assembly • Two current or past students of private postsecondary institutions • Chair of an assembly policy committee with related jurisdiction, appointed by Speaker of the Assembly, or his/her designate (nonvoting) • Chair of a senate policy committee with related jurisdiction, appointed by Senate Committee on Rules, or his/her designate (nonvoting)

California
Postsecondary
Education
Commission
(defunded)

There were 16 members. They were:

- Nine public representatives, three each appointed by governor, Senate Rules Committee, and Speaker of the Assembly
- Two student representatives
- Representative of UC
- Representative of CSU
- Representative of CCC
- State board of education (SBE) president or another SBE member designated by president
- Representative of Association of Independent California Colleges and Universities

State Board of
Education

There are 11 members. Each member, including one student member, is appointed by the Governor.