

RESEARCH/LDS ATTACHMENT II

WAICU LDS and Wisconsin LDSs: Frequently Asked Questions

November 8, 2021

Question 1: What are the Wisconsin LDSs?

Response: A Longitudinal Data System (LDS) is a collection of data gathered over a period of time. LDSs can follow individuals and, in Wisconsin, an LDS is being built that tracks Wisconsin public PK-12 students through their higher education. WAICU, the organization, has been directed by the WAICU Board (the presidents) to act as the sole representative of WAICU member schools in this federally mandated and federally funded effort, a partnership with the Wisconsin Department of Public Instruction (DPI), the University of Wisconsin System (UW), and the Wisconsin Technical College System (WTCS). 2009 Wisconsin Act 59, passed by both houses of the Legislature and signed by Governor Doyle, created four separate, interoperable LDSs—WAICU's, DPI's, WTCS's, and UW's. On January 25, 2010, the WAICU Board (the presidents) authorized WAICU president, Rolf Wegenke, to sign the compact with the partners creating the Wisconsin LDSs framework. For WAICU-member institutions, participation in the WAICU LDS is voluntary, with the decision to participate or not to participate in the data collection resting solely with each WAICU-member's president.

The WAICU LDS will be a compilation of data elements collected for specific Wisconsin students during the time they are enrolled at a WAICU-member institution (if the institution decides to participate voluntarily in the WAICU LDS). The WAICU LDS will be under the sole ownership and control of WAICU. WAICU processes have been examined and deemed federal Family Educational Rights and Privacy Act (FERPA)-compliant by legal counsel at Foley and Lardner and all data exchanges and analyses will be sectorwide aggregations, not institution by institution.

The UW System, WTCS, and DPI each will be the owner of its own separate data system. However, their participation, unlike that of WAICU members, is mandatory—they have no “opt-in/opt-out.” Therefore, in Wisconsin, we do not have a single, consolidated system (there is not one LDS), but rather four separate, yet interoperable, systems known as the Wisconsin LDSs.

Question 2: How did we get to the Wisconsin LDSs?

Response: Here are the most important points to know about the history behind the Wisconsin LDSs and the WAICU LDS.

The U.S. Department of Education has advocated for creation of a national Student Unit Record Data System (SURDS) for many years. In 2008, WAICU worked successfully with then-Senator Russ Feingold of Wisconsin in support of legislation outlawing a single federal SURDS. Meanwhile, since 2005, an organization called the Data Quality Campaign has been orchestrating efforts to compel the creation of longitudinal data systems of student-level records. The organization's efforts did not gain serious momentum until the passage of the American Recovery and Reinvestment Act (ARRA) of 2009

(also known as the stimulus bill). Under ARRA, each governor was required to make assurances that his or her state would develop a statewide LDS that follows individual students from pre-kindergarten through college. By establishing separate state systems, ARRA managed to circumvent the Feingold amendment.

ARRA mandates require states to collect the following elements: (1) student-level enrollment, demographic, and program participation information; (2) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete education programs; (3) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and (4) other information deemed necessary to address alignment and adequate preparation for success in postsecondary education.

Initially the UW System proposed that the UW own and operate the Wisconsin LDS, encompassing the UW, DPI, WTCS, and WAICU. The WAICU presidents had anticipated the UW move and, in 2006, unanimously voted that WAICU should take on the primary responsibility for managing WAICU members' participation in any future LDS—parallel to the role WAICU plays with the Integrated Postsecondary Education Data System (IPEDS). Specifically, the minutes of the April 19, 2006, Board meeting state:

The Board adopts a resolution confirming that the only way Wisconsin's private colleges and universities will participate in the Quality Data Project [now LDS] is if WAICU performs the collection, aggregation, and analysis of the data in full compliance with FERPA and other laws. It is unacceptable to WAICU members for the UW or any governmental agency to play this role.

Question 3: What is Act 59?

Response: In November 2009, the Legislature passed Wisconsin Act 59 authorizing WAICU, UW System, WTCS, and DPI to each create and be the owner of its own separate data system. Therefore, in Wisconsin, we do not have a single consolidated system, but rather four separate yet interoperable systems, known as the Wisconsin LDSs.

Wisconsin—alone among the 50 states, to WAICU's knowledge—has four separate LDSs and no warehousing of data with a governmental agency. Wisconsin's private, nonprofit colleges and universities individually decide whether to participate in the data collection, providing their data only to WAICU, and have sole control over both the participation in the data collection and in any use of their data (always aggregated by sector) in any subsequent studies.

Act 59 required that the four parties (WAICU, UW System, WTCS, and DPI) sign a written agreement (the "Compact") by February 1, 2010. The Compact only established an initial "roadmap" or "framework" by which the four parties will collaborate in order to create the four separate but interoperable systems of LDSs. The WAICU Board (the presidents) convened a special meeting on January 25, 2010, and voted to authorize WAICU's president to sign the Compact. Subsequently, the Compact was signed by all four partners, meeting the February 1 statutory deadline.

Through Act 59, WAICU enshrined in state law a guarantee that each WAICU member president will have independent, discretionary authority on: (1) whether his or her institution's data will be provided to the WAICU LDS, and (2) whether those shared data can be used in any subsequent study. The provisions of Act 59 were affirmed by the Compact, which established the initial roadmap by which the four parties will collaborate in order to create the four separate but interoperable systems of LDSs.

Question 4: What is the current funding for the Wisconsin LDSs?

Response: In May 2010, WAICU learned that DPI was awarded a three-year, later extended to four-year, federal grant to underwrite the cost of organizing the statewide LDSs. WAICU, along with UW System and WTCS, are "sub-grantees" of the DPI grant. Under the sub-grant, WAICU's expenses for designing/planning and implementing our LDS were covered. Moreover, participating WAICU-member colleges and universities may have had expenses related to the WAICU LDS reimbursed from the WAICU sub-grant (although WAICU members will not be "sub-sub-grantees"). The reimbursement to individual participating members may or may not have covered 100 percent of the actual costs.

The grant work officially commenced on July 1, 2010, and was completed by June 30, 2014. From this point on, the expectation/assumption is that WAICU and WAICU members will cover the operating costs of the LDS, just as they do IPEDS, out of their regular operating budgets. In late August 2010, the four partners (previously known as the four parties) completed a project charter outlining the work that will be accomplished under the auspices of the grant. The objectives include: (1) upgrading the technical infrastructure at each partner so that each may effectively build its LDS; (2) establishing, implementing, and maintaining a set of common data elements across the LDSs; (3) creating and implementing a method by which DPI's Wisconsin Student Number (WSN), a unique identifier for each Wisconsin resident student, can be attached to Wisconsin students' records within each partner's LDS, while still maintaining the confidentiality of this student identifier; (4) actually building each partner's LDS; and (5) demonstrating the potential interoperability of the LDSs.

Question 5: What has happened since Act 59?

Response: In 2010, the official, ongoing LDSs working group comprised of the four partners (DPI, WAICU, UW System, and WTCS) completed a project charter outlining the work that will be accomplished under the auspices of the grant. The grant work was completed by June 30, 2014.

In 2011, the working group focused on accomplishing action items on its work schedule, including testing data exchanges between DPI and WTCS (using WTCS data), and sharing information, perspectives, and challenges. The operational tasks focused on testing systems and the minimum set of data elements that need to be collected, as well as the process for attaching the DPI Wisconsin Student Number (WSN)—a unique identifying number—to students' records, while still maintaining the confidentiality of the student. In addition, WAICU focused on developing a FERPA-compliant process and preparing the FERPA-compliant opt-in/opt-out package for consideration by presidents.

During 2012, each partner built and tested their individual systems to obtain the Wisconsin Student Numbers from DPI (WAICU used dummy data in its testing). In addition, each WAICU president reviewed the opt-in/opt-out package and made his or her initial decision about his or her college's or

university's participation in the WAICU LDS data collection phase. Based on WAICU-member input gathered in November and December 2012, the WAICU LDS data dictionary and reporting specifications were also finalized.

In late 2012, the four partners began meeting to discuss data sharing agreement templates and other interoperability protocols and this work will continue into the first half of 2013. In spring 2013, participating WAICU members began submitting WAICU the data needed for the WAICU LDS.

Question 6: When did each president make the initial decision about his or her institution's participation?

Response: In late February 2012, the opt-in/opt-out packages were mailed to WAICU presidents. During the summer of 2012 each president made his or her initial decision regarding participation. To be clear, the decisions going forward—whether to participate in the data collection and in subsequent research studies—will be INDIVIDUAL PRESIDENTIAL DECISIONS. There are two main sets of decisions for each president to make: (1) initially, whether his or her institution will contract with WAICU to identify the institution's students with Wisconsin Student Numbers (see Question 10 below) and to collect and store data for those students in the WAICU LDS; and (2) on a case-by-case basis whether his or her institution will participate in a specifically defined study and separately contract with WAICU to perform the approved study. WAICU staff is available on request to meet with the president and/or his or her staff as questions arise.

Question 7: What is involved in the "opt-in/opt-out" decisions?

Response: Your President's First Decision: Contracting with WAICU and Participating in the WAICU LDS: During summer 2012 each WAICU president made the first decision about "opting-in" or "opting-out" of the WAICU LDS, the "data collection phase." To aid in the decision-making process, each president had: (1) a contract drafted by legal counsel at Foley & Lardner between WAICU (office) and each WAICU member that decides to have its data included in the WAICU LDS; (2) the list of variables that WAICU will collect; (3) more details about the process by which a unique student identifier, the Wisconsin Student Number, will be assigned to the applicable records; (4) a legal opinion from Foley & Lardner verifying that federal FERPA criteria are met under the contract; (5) a description of the process WAICU will use; and (6) estimated time frames.

Response: Your President's Second, Later Decision: Contracting with WAICU to Perform Specific Research Projects: Once the WAICU LDS is functional the information to assist each president in making case-by-case opt-in/opt-out decisions on research study proposals will be provided, vetted by WAICU staff as research proposals are received and before they are forwarded to participating presidents for a decision.

Question 8: In making the Opt-in/opt-out decision, are there any federal or Wisconsin legal requirements for private colleges and universities to participate in the LDS?

Response: There is no current federal or state requirement that private colleges participate in the LDS. However, every state (including Wisconsin) that accepted federal stimulus money is required to have an

LDS. In April 2009, then-Governor Doyle signed an assurance that Wisconsin will have an LDS. The National Center for Education Statistics (NCES) of the U.S. Department of Education (USDE) has said the “ideal” LDS will have private college participation.

Second, in Wisconsin it is officially recognized by statutory enactment that the participation of individual private, nonprofit colleges and universities is voluntary. Each WAICU college or university president will make the ultimate decisions regarding the level of involvement of his or her campus.

Third, WAICU has full and equal authority to determine the minimum set of variables that will be common across the LDSs and the process and protocols for use of these data. Also, each WAICU member volunteering to have data in the WAICU LDS, in consultation with WAICU, will decide what studies may be done and the parameters of the studies.

Question 9: Does the LDS require new data – data not currently collected by WAICU members?

Response: With the exception of the DPI Wisconsin Student Number, the current list of 50 (down from 53 in the last draft) variables only includes data elements that are already collected by WAICU members. What some counted as 300 variables was the “worst case” list developed for three “pilot” colleges working with WAICU staff.

Question 10: What is the Wisconsin Student Number? How will participating WAICU members identify students who may have a Wisconsin Student Number?

Response: The Wisconsin Student Number (WSN) is a unique, unduplicated number assigned to each student who has enrolled in any Wisconsin public PK-12 school since 2005. The WSNs also will become the unique statewide identifier in all four of Wisconsin’s LDSs so that Wisconsin students’—including those students who transfer across institutions and sectors—progress can be followed from the PK-12 level through the post-secondary level. However, the underlying notion of using a WSN is to protect the personal information and confidentiality of each individual student.

To ascertain the WSNs for WAICU students, each participating WAICU member will use its best judgment to identify the students who may have a WSN on file with DPI. These students will be individuals who currently are Wisconsin residents and/or who graduated from a Wisconsin high school (private or public) anytime since 2005. Wisconsin private high school graduates are included because there is a chance they may have previously attended a public Wisconsin school and therefore may have a WSN. Students meeting one or both criterion will be “candidates.” The initial group of candidates will be students who were enrolled at the participating WAICU member institution during academic year 2011-12. Successive groups of candidates will be students who were enrolled in subsequent academic years.

Only DPI can attach a WSN. This has caused many energetic, even creative, exchanges between WAICU and DPI staff exploring potential alternative methods to move information, without compromising confidentiality or identifying an institution and without having a state agency in any way control WAICU-member information. WAICU’s solution accomplishes the goals of the LDS project while at the same time protecting WAICU members. A participating WAICU member gives limited

student information first and **only** to WAICU. Minimal data include name, date of birth, unique student ID number, and the Wisconsin high school from which the student graduated. Those data are combined with data from all participating WAICU members, but with names of the colleges and universities removed. WAICU then sends the whole private, nonprofit sector's combined information to DPI for WSN assignment via a fully automated securely managed file transfer protocol.

DPI sends WAICU the WSNs; DPI destroys the data sent by WAICU. WAICU members separately send WAICU the LDS data (the 50 variables) which are tied to (concatenated with) WSNs at WAICU. WAICU destroys all name data. DPI never gets the WAICU LDS data, nor does DPI ever know which data are associated with an individual WAICU member.

Question 11: The draft list of data includes extremely sensitive and private information, such as parental income, financial aid information, etc. Why are these data needed? Overall, why are so many variables needed? Is this process FERPA-compliant?

Response: As a result of several rounds of WAICU-member input, the list of WAICU LDS variables was finalized in December 2012. The final list has 50 variables. With the exception of the Wisconsin Student Number, **all** of the data elements already are collected by WAICU members.

On October 26, 2011, the **draft** list of variables had 53 variables down significantly from the draft list of 130 variables (which some counted as 300) that was originally sent to the WAICU pilot schools (Alverno, Concordia, and Wisconsin Lutheran) in September 2009.

It is most important to stress that the September 2009, November 2010, and October 2011 draft lists do **not** include students' names or Social Security numbers. Moreover, as committed to by WAICU, the final list of WAICU LDS variables does **not** include students' names or Social Security numbers. Excluding these variables will help ensure that the LDS data collected by WAICU cannot and could not be used by WAICU, or by anyone else, to identify an individual student.

In regards to the variables on parental income and financial aid when the draft lists were composed, it was (and still is) anticipated that the Governor, state legislators, and Congress are going to want to know more about how many Wisconsin students are getting various types of financial aid, how that aid is related to family income, and what proportion of students who receive financial aid graduate in a timely manner. Also it is anticipated that the Governor, state legislators, and Congress are going to want to know how low-income students fare within each higher education sector.

Although each LDS data collection starts at a micro level (as does any data collection) and in this case starts with data about individual students, in the end, each LDS is not about individuals. The LDSs are about what aggregated data suggest about the success Wisconsin, and its various education **sectors**, have in educating students who share some particular characteristic. In other words, the data will be used to ascertain whether there is a statistically validated and identifiable pattern of success for various groups and what factors appear to be related to that success.

Furthermore, each WAICU president (if his or her institution is participating in the WAICU LDS) will decide on a case-by-case basis whether or not his or her institution's data can be used in any particular study. Any WAICU LDS data that are part of an approved study will be aggregated by (private, nonprofit) sector to prevent identification of any particular WAICU member. In addition, student-level data will be aggregated with at least ten individuals required to be in the group, in order to prevent the identification of any particular student. Of course, a WAICU-member president may decide to self-identify as an institution, and WAICU would honor that request.

Question 12: Student unit record tracking is already possible using the National Student Clearinghouse (e.g., StudentTracker). Why is a WAICU LDS needed? Why does WAICU want to collect these data?

Response: DPI explored what information can be directly obtained through the Clearinghouse. However, when the USDE mandated the LDS, they were unwilling to recognize the Clearinghouse as an alternative to the LDS as requested by the National Association of Independent Colleges and Universities (NAICU).

Question 13: Isn't there a very real potential for negative consequences regarding the handling, distribution, security, and sharing of sensitive and identifiable student data by an outside entity?

Response: WAICU gives top priority to protecting the security and confidentiality of student and other WAICU member data and will employ the strictest measures to protect the security and confidentiality of the data. WAICU has been working with legal counsel from Foley & Lardner to ensure the proper security measures are in place. More details about these measures were included in the opt-in/opt-out package and information given to each WAICU president.

In addition, any research studies that are conducted will be in a manner that does not permit personal identification of individual students. Any personally identifiable information will only be used to meet the purposes of the study as stated in the written contract that governs the study. Except for the core WAICU LDS data, all other data and information used in the research (such as computer routines and subsets of data) will be destroyed as specified in the contract when they are no longer needed for the purposes for which the study was conducted. Furthermore, any WAICU LDS data that are part of a WAICU participating member approved study, and that would be disclosed to others with participating members' approval, will be aggregated by (nonprofit) sector to prevent identification of any particular WAICU member. In addition, student-level data will be aggregated, with at least ten individuals required to be in the group or each sub-group, in order to prevent the identification of any particular student.

Question 14: What types of specific end products or reports will be created and reported based on these data?

Response: Right now, it is not possible to state what research projects will be conducted or what type of end products will result from that research. However, the Compact provides that all research must be for the purpose of improving student academic achievement. The president of each WAICU member participating in the WAICU LDS will decide, on a case-by-case basis, the studies that can be conducted using the participating member's data and the parameters of any such studies. No participating member,

nor WAICU (staff or other member), can compel other participating members to allow their data to be used in a study.

It is anticipated that the following entities may request research: the other Wisconsin LDSs partners—DPI, UW System, and WTCS (singly or jointly); federal and other state government officials; WAICU; WAICU members participating in the WAICU LDS; WAICU members not participating in the WAICU LDS; and other organizations. WAICU members participating in the WAICU LDS will contract with WAICU to serve as the intermediary between entities requesting a study and the WAICU members participating in the WAICU LDS. The research proposal: would specify the purpose, scope, and duration of the proposed research, would identify the suggested research methodology to be employed, and would explain how the proposed research may help improve student academic achievement.

If studies are approved by one or more participating members, WAICU would be named as the entity responsible for conducting the research. A separate written contract between the participating member(s) and WAICU will govern each approved study. The contract will specify the party (or parties) requesting the study; the authorized individuals who will perform the research; the purpose, scope, and duration of the study and the information to be disclosed; the research methodology to be employed; and an explanation of how the proposed research may help improve student academic achievement. Every study will be fully compliant with FERPA.

Question 15: Could a president decide to delay participation?

Response: Yes. For many reasons—timing, strategic or tactical planning, access to resources, etc.—a president might choose to wait to participate. WAICU staff will work with WAICU members to include a member at a later date. However, eligibility for expense reimbursement through WAICU has expired. In addition, participating in a study may be problematic if your data have not been collected and incorporated in the WAICU LDS.

Question 16: May I read copies of the Compact that establishes the initial framework for the LDSs and the Foley & Lardner legal opinion concerning the Compact?

Response: Yes. To read a copy of the Compact click [here](#). To read a copy of Foley & Lardner's legal opinion about the Compact, click [here](#).

Question 17: What is the work plan for the WAICU LDS?

Response: Working with our partners (DPI, UW, and WTCS), WAICU has established the following general work plan that covers November 1, 2011 through June 30, 2013:

- Late 2011 through early 2012: Meetings of the four partners to further refine the process for assigning the Wisconsin Student Number (WSN) to student records.
- Early to mid-2012: WAICU worked with individual WAICU members to finalize each president's decision to opt-in/opt-out of the WAICU LDS, and to negotiate final contract terms for those that opted-in. WAICU staff visited campuses at the requests of the presidents.

- Mid-to-late 2012: Participating WAICU members and WAICU staff developed and finalized file layouts, a data dictionary, data extract scripts and data collection plans.
- Spring 2013: Participating WAICU members sent the first round of LDS data to WAICU.
- Summer 2012 through 2014: The four partners developed data sharing agreement templates and other interoperability protocols.
- Summer 2014 and thereafter: Participating WAICU members, in conjunction with WAICU, consider research proposals on a case-by-case basis, and WAICU conducts WAICU member-approved studies.

Question 18: Why should our institution consider participating in the WAICU LDS?

Response: The primary benefit of having a WAICU LDS is that it provides WAICU members with a powerful new tool to demonstrate collectively, and individually (if a participating member chooses to do so), that higher education in Wisconsin is just not about the University of Wisconsin System—it is also about Wisconsin’s private, nonprofit colleges and universities. Clear data—on, for example, minority graduation rates—makes our case that we are places of educational opportunity.

We know the significant role WAICU members play in providing educational opportunities to Wisconsin residents. However, we have very little aggregate data to demonstrate our substantial contribution and success to others outside of WAICU. The WAICU LDS will provide a mechanism for WAICU members to collect, aggregate, and report through collective results—in a way that is under the control of the participating members, that protects student privacy, and that shields individual institutions if they choose not to release their individual results. The UW System and WTCS already have the data to document their roles. Their participation in the Wisconsin LDSs will further enhance their ability to do so. WAICU members’ participation in the LDS with these partners can enhance our reputation with state and federal policy makers because we can demonstrate both our effectiveness and efficiency. Both the state and federal governments—Democrats and Republicans—are demanding more data and more accountability. Opting out of the LDS could expose your institution to the risk of being branded by the government and by our competitors as being uncooperative and unaccountable.

There is the potential that state and/or federal legislation could mandate the participation of all private, nonprofit colleges and universities in the Wisconsin LDSs. By coming to the table voluntarily, WAICU (under the direction of the WAICU presidents) has secured protections in Act 59 and in the Compact that: (1) WAICU, and its members, have separate, independent control of our data; (2) WAICU has a full and equal seat at the table in determining LDS protocols; and (3) WAICU members participate as a sector while deciding individually, on a case-by-case basis, if their data can be used in a particular study or research project. By continuing to voluntarily participate, WAICU members will allow WAICU to further establish and engrain precedents and protocols that protect WAICU-member interests. If participation in the LDS were to become mandatory, we will have an opportunity to sustain what has already been established operationally.

Question 19: What happens next?

Response: The Data Quality Campaign (DQC) continues to push its LDS agenda and currently has clout with the Obama Administration. In fact, DQC efforts are shaping federal government mandates regarding each state's LDS. Moreover, the U.S. Department of Education itself, as part of the reauthorization of No Child Left Behind, is clearly working to make LDS participation mandatory for private, nonprofit colleges and universities.

It is because of the developments that occurred at the federal level with ARRA and at the state level with Act 59 that WAICU began working to create the infrastructure and protocols for a WAICU LDS. However, it is important to keep in mind that regardless of WAICU's work, each individual WAICU college or university president will make the decision about his or her institution's participation in the WAICU LDS.

It is anticipated that WAICU, as the statutorily recognized organization representing Wisconsin's private, nonprofit colleges and universities, will receive recurring federal and state government requests for certain types of information about specific groups of WAICU college students. Member approved research based on WAICU LDS data could be used to fulfill these federal and state government requests in an efficient and timely manner. Federal and state officials are expected to use this information as they work to improve educational outcomes and/or evaluate the efficacy of student financial aid programs.

If a research project is initiated that is of interest to your institution, it will be easier for your institution's data to be incorporated into the project if your institution has already become a WAICU LDS participant; it might even be impractical or impossible for your institution's data to be a factor in the specific research if the process, protocols, etc., have not been previously established and tested. By having data incorporated into the WAICU LDS, each participating WAICU member ultimately keeps more of its options open.

Under any and all circumstances, WAICU will remain vigilant to the goals and principles established by the WAICU board (the presidents) that are:

- WAICU has prevented WAICU members' data from access to or control by the University of Wisconsin System and/or any other governmental entity.
- WAICU has limited the data elements on the Wisconsin LDSs to the minimum possible under the law and, in all but one instance, to data already collected by member colleges and universities.
- WAICU staff worked with legal counsel to ensure that any process established for using, transferring, storing, accessing, and/or researching student information or other data meet federal Family Educational Rights and Privacy Act (FERPA) requirements so that the WAICU LDS is legally "FERPA compliant."
- WAICU has met the letter of federal and state law, worked with our partners in the UW System, Wisconsin Technical College System (WTCS), and the Department of Public Instruction (DPI),

while maintaining the independence (including independent decision-making authority of presidents) of WAICU members.

- WAICU has secured grant funding to partially reimburse members' costs should members choose to participate in the LDS. (Current grant funding ended June 30, 2013.)
- WAICU data will be combined/aggregated on a sectorwide basis so that no WAICU institution can be identified by outside agencies or organizations.

To ask additional questions, please contact Ms. Linh Anh Le, WAICU director of research and analysis, at linhanh.le@waicu.org, or 608.204.5224.