

Putting the Proof in the Pudding

How State Legislatures are Using Evidence to Drive Better Results

BY CARRINGTON SKINNER

As many 2023 state legislative sessions come to a close, the results are clear: State legislatures are increasingly turning to evidence and data to assist with decision-making throughout the policymaking and budgeting process. Across the country, hundreds of bills were introduced this year that require evidence to be directly embedded into policy areas ranging from healthcare, the environment, criminal justice, education, housing and mental health. These actions are intended to incorporate tools and practices that help lawmakers target resources to effective programs and build a culture of continuous improvement and innovation. Though notable similarities exist among actions taken by legislatures, there is also a great deal of variation in what states can do to enhance their use of evidence.

Getting Specific and Consistent Program Requirements and Evidence Definitions

States interested in incorporating more data and evidence into government processes and decision-making have a multitude of tools to consider, including targeted efforts to require evidence in specific programs or policy areas. Maryland, for example, passed a bill in 2018 establishing the [Maryland Early Literacy Initiative](#) which explicitly seeks to assist schools in implementing evidence-based literacy programs. Similarly, Illinois' 2021 Reimagine Public Safety Act requires the state's Office of Firearm Violence Prevention to make grants to organizations for "[evidence-based violence prevention services](#)." These services are defined by statute as those that "have been proven effective or are considered to be best practice for reducing violence within the field of violence intervention research and practice."

In addition to program-specific directives, states can also require or encourage the use of evidence across programs and agencies. One way to standardize what qualifies as evidence throughout

Key Takeaways

- Many states require that performance measures be embedded into the budget process to give decision-makers more information about what programs are successful at achieving their intended outcomes.
- State legislatures are taking varied and innovative approaches to incorporating evidence and data into decision-making through legislative action.
- Embedding evidence requirements into specific programs and defining evidence in statute can promote consistent standards and ensure funds are directed to programs that are proven effective.
- Several states have enacted legislation that builds capacity for evidence use, including creating chief data officer positions or entire agencies to oversee evidence use and data integration across state government.

state government is to define the term in statute. Mississippi, for example, passed a bill in 2019 to update its performance-based budgeting law with [revised definitions](#) of "evidence-based," "research-based," and "promising" programs. The law requires agency programs to be inventoried and categorized using these definitions to provide actionable information to the legislature about a program's evidence base and effectiveness. New Mexico's [SB 58](#) from 2019 also defines evidence levels for agency programs, as well as terms including "cost beneficial" and "outcome" that must be included in agency performance-based budget requests and program inventories. Likewise, Colorado's [SB 284](#), passed in 2021, requires agencies to incorporate consistent definitions of evidence into their budget requests to help the Joint Budget Committee determine program and agency funding levels.



Building Capacity Agencies, Officers and Labs

In recent years, many legislatures have looked to build capacity for their state’s use of data and evidence, frequently through the creation of new government agencies and officer positions. For example, Indiana lawmakers created the [Indiana Management Performance Hub \(MPH\)](#) in 2017 to build upon prior efforts to support data-driven decision-making and promote data sharing across state government. The agency, housed within the Office of Management and Budget, plays a key role in establishing data privacy and security standards, conducting operational and procedural audits of state agencies, and advising agencies on implementing continuous process improvement. In addition, MPH maintains the [Indiana Data Hub](#), which securely houses actionable data from state agencies to promote analysis, collaboration and innovation. To increase state employee knowledge of data issues, MPH launched a [data proficiency program](#) in 2021. State employees can earn badges by completing lessons and passing quizzes focused on real world applications of data.

Indiana’s MPH is led by a chief data officer—a position several states have created to advise state agencies and lead state efforts on data issues. Connecticut, for example, established a chief data officer position through [legislation in 2018](#) to promote data use and management and to facilitate data sharing across state agencies. Connecticut’s chief data officer, along with agency data officers, must also develop a state data plan and make recommendations concerning standardizing and integrating agency data systems. Several other states, including Arkansas, Massachusetts, New Jersey, Oregon, Virginia and Texas, have also enacted legislation in recent years to create chief data officer positions.

Legislative action has also led to the creation of agencies such as Alabama’s [Commission on the Evaluation of Services \(ACES\)](#), established in 2019. The [legislation that created ACES](#) specifies that its purpose is to advise the legislature and governor regarding evaluations of services, which includes evidence-based policy-making. ACES is comprised of members of the legislature and governor appointees. The commission produces [reports](#) evaluating a range of state programs, from teacher recruitment to programs impacting crime.

Oklahoma has taken a different approach to bolstering its data use by launching a state agency housed within the legislative branch. Created by [SB 1](#) during the 2019 legislative session, the [Oklahoma Legislative Office of Fiscal Transparency](#), also known as LOFT, seeks to help the legislature “in making informed, data-driven decisions that will serve the citizens of Oklahoma by ensuring accountability in state government, efficient use of resources, and effective programs and services.” To that end, LOFT conducts financial analyses, performance evaluations and independent comprehensive performance audits to provide data and information about how state agencies are operating. A 14-member committee of state legislators oversees LOFT’s work and can direct the office to conduct agency investigations.

Within legislatures, states have also created task forces and other committees that seek to enhance data-driven governing and improve service delivery. A [2019 bill in Arkansas](#) established a Data-Sharing and Data-Driven Task Force, which consists of 12 state legislators tasked with studying and exploring the potential for a statewide data sharing system.

States are also allocating funds for partnerships and collaborations with research institutions to enhance capacity and support evidence-informed policymaking. New Jersey's [2021 budget provided \\$1 million](#) to establish a policy lab at Rutgers University. The [New Jersey State Policy Lab](#) conducts rigorous research to improve data use in the development and evaluation of state programs. Recent reports produced by the lab have analyzed telemedicine's impact on health equity gaps, how cannabis-related businesses affect home prices and the COVID-19 pandemic's effects on childcare.

Measuring Performance Budget Process and Beyond

State legislatures are also turning to performance measures to inform funding decisions and to better understand government operations. For example, [Minnesota law](#) requires agency performance data to be included in budget proposals to allow the legislature to determine how successful programs are, to encourage agencies to develop program goals and to strengthen accountability. Utah recently established a performance reporting system through 2021's [HB 326](#) (which was modified in 2023 by [SB 296](#)) that requires the Office of the Legislative Fiscal Analyst (OLFA) and the Governor's Office of Planning and Budget (GOPB) to work with agencies to develop performance measures for certain funding items. In addition, OLFA and GOPB will develop a system to collect, track and publish these measures and report relevant performance information to legislative appropriations committees and the governor, respectively.

New Mexico's Legislative Finance Committee has taken an innovative approach to promote data-driven conversations about agency performance by launching the [LegisStat initiative](#) in August 2021. As part of LFC's "Legislating for Results" framework, the LegisStat initiative is centered on regular, committee-driven hearings that focus on tracking agency performance measures over time and addressing any issues through action plans. To date, several state agencies, including the Tourism Department, Department of Workforce Solutions, and Higher Education Department, have participated in the LegisStat process.

Outside the budgeting process, states are also using performance measures to track and report on progress in other areas. For instance, Washington state has incorporated data and performance metrics into its focus on promoting equity through the creation of the [Office of Equity](#) in 2020 legislation. Among other duties, the office is charged by statute with creating data collection standards and performance metrics to track population-level outcomes of communities. Part of this work includes creating an online performance dashboard that will show state agency performance on measures of equity.

Conclusion

State legislatures have myriad strategies and options to enhance data and evidence use in state government. From requiring evidence to support programs in targeted policy areas to creating agencies tasked with overseeing and facilitating the use of data and evidence, states have diverse tools at their disposal. If trends seen in recent years are any indication, state legislatures will continue to innovate and find new ways to incorporate the best available information, evidence and data into their funding decisions and ultimately drive better results.

NCSL's Center for Results-Driven Governing has resources and tools for helping states use data and evidence to inform policy and budget decisions. Visit the [CRDG homepage](#) for more information.



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