

POLICY

BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS

CONDUCTING RESEARCH AND SURVEYS, AND DATA SHARING

I. Purpose

The Baltimore City Board of School Commissioners (“Board”) recognizes the valuable contribution that community partners, researchers, and service providers make to our students and school district, and that data and research are necessary to better serve students and to evaluate and improve the quality of educational programs. The Board also recognizes its responsibility to protect the privacy of students, parents, and employees, and to balance the privacy of individuals with the need to share data for the benefit of all parties.

II. Definitions

- A. *Data* – Any personally identifiable student-level information or staff-level information; non-personally identifiable student-level or staff-level information; and student, staff or other information aggregated to the classroom, grade, school, or district level. As set forth in this policy, not all data are subject to release, and the release of some data may require a formal, legally binding agreement with the Board or Baltimore City Public Schools (“City Schools”).
- B. *Eligible Student* – Any student who reaches the age of 18 or who attends a postsecondary educational institution at any age.
- C. *Informed Consent* – Process that takes place between a researcher and the potential participant in a study that includes full disclosure of the nature of the research and the participant’s involvement, assurance of adequate comprehension on the part of the potential participant, and written documentation of the participant’s voluntary choice to participate. When the participant is a City Schools student, *informed consent* is to be provided by the student’s parent/legal guardian.
- D. *Legitimate Educational Interest* – A need to access student education records in order to fulfill a professional responsibility on behalf of City Schools, an individual school within City Schools, or on behalf of one or more students. Such an interest may include, but is not limited to, performing or providing:
 - 1. Instructional or discipline-related tasks in connection with one or more students;
 - 2. Services to a student or student’s family, including health care, counseling, or school or job placement; or

3. Administrative or other educational responsibilities as prescribed by City Schools.
- E. *Personally Identifiable Information (PII)* – Any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- F. *Research* –
1. Various systematic investigation, evaluation, and measurement activities, including but not limited to:
 - a. systematic studies designed to develop or contribute to general knowledge;
 - b. the collection and analysis of data and information to discover new facts or draw conclusions; and
 - c. quantitative and qualitative study methods, such as observations, interviews, surveys, ethnographic studies, document analysis, secondary analysis of data, and experimental studies to examine or uncover causal or correlational activities.
 2. Categories of research under this policy include Contracted Research, External Research, and Internal Research.
 - a. Contracted research refers to research conducted by individuals or organizations under contract with the Board. This includes research or data analysis activities conducted in connection with grant applications. All such Professional Service Agreements (“PSAs”) and Memoranda of Understanding (“MOUs”) must be properly approved.
 - b. External research includes independent research conducted by individuals, organizations, or agencies not affiliated with City Schools; research conducted by City Schools’ employees for personal purposes outside of their work duties (e.g., research for the completion of a master’s thesis or doctoral dissertation); or product research conducted by a company to study its effectiveness for potential sale to City Schools. External researchers must submit a full proposal to the Coordinator for External Research within the Office of Achievement and Accountability (OAA) if they propose to conduct research.
 - c. Internal research refers to research activities conducted by City Schools’ employees for the purpose of improving services and programs within their area of responsibility, as part of a work assignment, or as part of their general job duties. This definition explicitly excludes research conducted by employees of City Schools toward the completion of master’s theses or doctoral dissertations.

- G. *Researcher* – Researcher includes any individual, organization, or agency conducting research either under written agreement with the Board or City Schools or independently, including City Schools employees conducting research outside of their work duties (e.g., research for the completion of a master’s thesis or doctoral dissertation).
- H. *School Officials* – The following may qualify as *school officials* if they meet and comply with the requirements of the Family Educational Rights and Privacy Act (“FERPA”), as set forth in the administrative regulation:
 - 1. Employees of City Schools, including administrators, teachers, or support staff (including health or medical staff and law enforcement unit personnel);
 - 2. Any operators of public charter schools, or other non-traditional public schools; and
 - 3. Volunteers and other persons or organizations under the direct supervision of a City Schools employee.

III. Policy Standards

- A. This policy applies to all data held by City Schools, including, but not limited to, the following types:
 - 1. Student achievement data, such as course grades and achievement test scores, at the individual and aggregate levels;
 - 2. Curriculum and classroom instruction, such as formative assessment results, at the individual and aggregate levels;
 - 3. Student demographic data, such as race, ethnicity, and gender, at the individual and aggregate levels;
 - 4. School climate data, such as enrollment, attendance, absenteeism, suspensions, and school survey responses, at the individual and aggregate levels;
 - 5. Personnel data, including job title, salary, and years of experience, at the individual and aggregate levels.
- B. The release of City Schools’ student data shall be in compliance with FERPA. Any data found to be exempt from disclosure under FERPA or other applicable laws or regulations will not be disclosed.
- C. Data requests and proposals to conduct research shall be reviewed with consideration of a number of factors, including, but not limited to, alignment with the goals and priorities of the Board and City Schools, and the potential to inform instructional and

- administrative decision making. The Chief Executive Officer (“CEO”)/designee also will consider available time and resources of City Schools’ staff when deciding whether to approve a data request or research proposal.
- D. Certain individual-level data are exempt by law from disclosure and may not be shared with third-parties, including, but not limited to, vendors and researchers. These data include, but are not limited to:
 - 1. Individual student-level information about whether the student receives or received, or was eligible to receive, free or reduced meals (FARMs). Such data that are aggregated to the school, grade, or district level may be disclosed.
 - 2. Individual student-level information about specific student disabilities. Such data may, however, be shared with external school officials with legitimate educational interests under FERPA.
 - E. The release of data, including personnel data, shall be in compliance with the Maryland Public Information Act (“MPIA”). Any data found to be exempt from disclosure under MPIA or other applicable laws or regulations will not be disclosed.
 - F. The CEO’s administrative regulation shall outline what types of data may be shared with whom, and the procedures for establishing a data sharing relationship.
 - G. Research, surveys, and the sharing of data shall comply with FERPA, the MPIA, and any other applicable federal or state laws or regulations.
 - H. Research proposals will be reviewed on the basis of their scientific merit, their potential benefit to City Schools and/or to the field of education, to ensure that they protect the privacy of students and staff, and to ensure that they do not cause an undue disruption to the educational process.
 - I. No research project involving students that requires home or family information, or that identifies students by name, shall be approved without informed consent. Informed consent includes furnishing the participant or parent the following information:
 - 1. The purpose of the research for which the data are being collected, maintained, or released;
 - 2. A description of the data to be collected, maintained, or released;
 - 3. The names and positions of those by whom the data may be collected, maintained, and to whom it may be released; and
 - 4. An opportunity to review questionnaires or surveys if desired.

- J. Informed consent is not required when the Board acting through the CEO, or the CEO, requires information or an evaluation of system programs, materials, activities, or issues that necessitate a staff-conducted research study for the purpose of school or program improvement.
- K. No student should be an unwilling or unknowing subject of research unless all research activities have been approved in advance.
- L. Research projects that will not be approved include:
 - 1. Proposals designed to meet requirements for credit in undergraduate courses, seminars, or workshops.
 - 2. Research proposals or studies that include questionnaires or surveys that ask students questions which might reveal potentially criminal or immoral activity.
- M. Researchers granted access to data under this policy shall provide a copy of the developed research report. An executive summary may be required, with no fee to the Board or to City Schools for provision of same.
- N. In the course of conducting school district business, it is often necessary and appropriate for departments and offices within City Schools to collaborate, which may include sharing of data. Nothing in this policy is intended to, or should be interpreted as, prohibiting such activities, provided the activities are for district business only. Employees must sign a confidentiality agreement as a condition for viewing or accessing any data under embargo ahead of public release.

IV. Implementation Strategies

- A. The CEO's administrative regulation shall:
 - 1. Explain the procedures for applying for and obtaining approval for the sharing of data, information, and statistics held by City Schools with members of the public, including community partners, researchers, and service providers;
 - 2. Ensure the privacy of current and former students under guidelines set forth in FERPA and other applicable laws and regulations;
 - 3. Ensure the privacy of current and former employees under guidelines set forth in the MPIA and other applicable laws and regulations; and
 - 4. Provide for the appropriate training of staff.
- B. All schools, administrative offices, and employees shall be responsible for adhering to this policy's requirements concerning data they collect, receive, or manage.

- C. When necessary, employees are encouraged to seek an opinion from the Board’s Ethics Panel before accepting gifts or remuneration for participating in research studies.

V. Compliance

The CEO/designee will provide an annual report to the Board on data sharing activities and research and survey projects no later than September 30 of each year, with the first report due on September 30, 2017.

VI. Legal and Policy References

A. Legal Authority

- 20 USC § 1232g (FERPA)
- 20 USC §§ 1400, *et seq.* (IDEA)
- 34 CFR § 300.8
- 34 CFR § 300.622
- 42 USC §§ 1751, *et seq.* (Richard B. Russell National School Lunch Act)
- National Research Act of 1974, PL 93-348
- 45 CFR 46 (Protection of Human Subjects)
- 21 CFR 50 (Protection of Human Subjects)
- 21 CFR 56 (Institutional Review Boards)
- §§ 4-101, *et seq.*, MD. CODE ANN., GP
- COMAR 13A.08.02

B. Policy References

Related Board Policies: DJA, EHB, KDA

C. Administrative Regulation References

DJA-RA; EHB-RA; KDA-RA

Sponsoring Officer: Chief Achievement and Accountability Officer

Policy History: New Policy, adopted May 24, 2016