

ADMINISTRATIVE REGULATION

BALTIMORE CITY PUBLIC SCHOOLS

PROCEDURES FOR CONDUCTING RESEARCH AND SURVEYS IN CITY SCHOOLS AND OBTAINING DATA

I. Purpose

This administrative regulation sets forth procedures for vendors (including those who qualify as school officials) and researchers to file requests with City Schools for student and personnel data, including student data covered by FERPA. It also establishes procedures for establishing data sharing agreements. This administrative regulation does not supersede FERPA or any other law or regulation and any inconsistency, ambiguity, conflict, or omission between this administrative regulation and such law or regulation will be resolved in accordance with the law or regulation.

II. Guidelines

A. FERPA

1. The release of City Schools' student data must be in compliance with FERPA. In general, FERPA prohibits the disclosure of personally identifiable information from education records without prior written consent from the parent/legal guardian/eligible student. However, FERPA contains exceptions that permit such disclosure without consent. These exceptions include:
 - a. the disclosure of education records or personally identifiable information contained therein to organizations conducting studies for, or on behalf of, City Schools for the purpose of (1) developing, validating, or administering predictive tests; (2) administering student aid programs; or (3) improving instruction – if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;
 - b. the disclosure of education records for the purpose of auditing or evaluating a federally or State-supported education program, or to enforce requirements related to those programs: Provided, that except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those

officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal or state legal requirements; and

- c. the disclosure to other school officials, which includes City Schools teachers and external non-City Schools parties, who have been determined to have legitimate educational interests in the students' education records.

B. Sharing of Public Data

1. City Schools makes available to the general public data (aggregated to the district and school levels) on a variety of test scores and other metrics. Such data are made available via the district's website. In addition, City Schools will provide information as required by the Maryland Public Information Act.
2. City Schools will apply data suppression of school-level or district-level data if the number of students in an aggregated group could lead to the identification of a single student. In most cases, groups of 9 or less are suppressed.

C. Data Sharing Agreements

1. In general, third parties, including vendors, researchers and external school officials, who wish to access data from City Schools must secure the applicable written agreement, which is a Memorandum of Understanding (MOU) or Professional Services Agreement (PSA), as specified by Administrative Regulation DJA-RA. An MOU defines a bilateral or multilateral agreement between or among parties, indicating an intended common line of action. In addition, DJA-RA states that an MOU involves no cost to City Schools. A PSA involves an agreement in which an individual or entity provides services to City Schools that require advanced education or training, and a high level of proficiency, and for which the individual or entity receives payment.
2. Access to individual-level student or staff data from City Schools requires an MOU or PSA that includes data sharing language. Access to school-level or district-level data generally does not require such an agreement.
3. Third parties who wish to access data from City Schools must work with the City Schools office or department for which they are providing services or conducting activities to craft an MOU or PSA. It is the responsibility of the City Schools office or department to initiate the MOU or PSA approval process. Third parties proposing research studies will contact the Office of Achievement and Accountability to secure an MOU.
4. The MOU or PSA shall set forth the data sharing arrangements between City Schools and the third party. The agreement will describe the data items being

requested. Any data found to be exempt by law from disclosure will not be provided to a third party under any data sharing agreement.

5. The MOU or PSA also will specify the third party's obligations regarding any data, report, evaluation, and/or products it must provide to City Schools. Any MOU or PSA must be reviewed and approved by the Office of Legal Counsel and signed by the Chief Executive Officer of City Schools before any data can be provided.
6. City Schools will process data sharing agreements as expeditiously as possible; however, such processing activity will be balanced against other duties and responsibilities of City Schools' employees.

D. Sharing of Data With External Partners

1. External vendors under contract with City Schools to perform administrative, counseling, academic, student support, or research tasks (that would otherwise be provided or conducted by staff members of City Schools) within one or more schools may be considered "school officials" with a "legitimate educational interest" under FERPA. School officials with legitimate educational interest may be granted access to Personally Identifiable Information (PII) needed for the performance of their contracted roles. External school officials who do not demonstrate a "legitimate educational interest" as determined by the CEO/designee will not be granted access to PII. The external school official shall be under the direct control of City Schools with respect to the use and maintenance of PII.
2. Access to PII granted to external school officials is limited to the authorized representative(s) who is providing the actual service or task in connection with the student(s), and is not a broad grant of access to PII for the external school official as a whole.
3. Access to PII for external school officials under this regulation is subject to the following restrictions:
 - a. The data being requested are necessary for the performance of appropriate tasks as specified by a contract agreement or an official's position description;
 - b. The data requested are to be used within the context of school business only and not for purposes extraneous to the school or the official's area of responsibility;
 - c. The data requested are relevant for a task or determination about one or more students; and
 - d. The data requested may be used only to meet the purpose or purposes stated in the MOU or PSA.

4. Data accessed by external school officials under this administrative regulation shall not be disclosed to any third party that is not a party to the partner's MOU or PSA without the express written consent of City Schools and the parent/legal guardian or eligible student.
 5. External school officials under this administrative regulation who receive access to data from City Schools shall, at their own expense, protect all information they possess from disclosure.
 - a. Each external school official shall maintain, at their own expense, a data security program for the protection of data received from City Schools, whether those data are stored in hard copy or electronically. Standards for protecting these data shall be consistent with and comply with the safeguards for protection of student records, and information of a similar character, as set forth in all applicable federal and state law and written policy of the Board or the Maryland State Board of Education concerning the confidentiality of student records. City Schools reserves the right to inspect data security programs to ensure compliance. Data security programs shall include, but not be limited to, the following safeguards:
 - i. A process for reviewing policies and security measures on an annual basis;
 - ii. A security policy for partner employees related to the storage and access of data containing PII;
 - iii. Reasonable restrictions on access to data containing student records, including access to any locked storage where such records are kept;
 - iv. Creating secure access controls to student records, including but not limited to passwords; and
 - v. Encryption of data that are stored on laptop computers and other portable devices, as well as data that are transmitted electronically.
 6. An external school official and its affiliates shall notify City Schools within no more than 24 hours after they become aware of or suspect any breach of data security involving Personally Identifiable Information to which the official has been provided access.
 7. City Schools may revoke access to data for any external school official found to be in violation of any section of Policy LCA and this administrative regulation.
 8. City Schools may decline to share data if it is determined that the provisions of this administrative regulation have not been satisfied.
- E. Sharing of Data for Research Purposes
1. Types of research covered by this administrative regulation include contracted research, external research, and internal research.

2. Researchers who propose to conduct research studies must submit proposals to OAA. This requirement applies to research proposals involving only a data request, as well as to studies that involve data collection activities. Internal research activities do not require the approval of OAA, but shall be approved by the immediate supervisor of the City Schools staff member conducting the internal research.
3. Research studies involving only a data request will require submission of a research proposal to OAA, and may require the completion of a MOU for the sharing of data. The Research Proposal form is available [here](#).
 - a. Research proposals must include a description of the data being requested. The description must include the type of data requested (e.g., attendance, assessment, enrollment, other); the academic years for the data requested; the preferred data format (text, CSV, or Excel); and the level of aggregation needed (district, school, grade, or individual). No individual-level data will be provided without a MOU or parental consent for the use of the data. Data aggregated to the school, grade, or district level generally do not require an MOU. Researchers also must outline how each requested data element is connected to the research objectives.
4. Research studies involving data collection activities, such as classroom observations, interviews, surveys, focus groups, or other activities that involve collecting data from human subjects, require submission of a research proposal to the City Schools Institutional Review Board (IRB), which is operated by OAA. Proposals are submitted to the IRB via an [online form](#), which can be accessed at: <http://www.k12insight.com/survey.aspx?k=RQsUVRYSRXWVsPsPsP&lang=0&data=>. The IRB meets on a monthly basis, including summer months, to review research proposals for approval. Proposals submitted to the IRB for review must include the following:
 - a. The title, objectives, and hypothesis of the research project, as well as research questions;
 - b. A description of how the research project will benefit City Schools or contribute to the field of education;
 - c. A description of study participants, including sample size, how participants will be selected, and how informed consent from participants will be obtained;
 - d. A description of the form, amount, and schedule of incentives that will be provided to study participants, if applicable;
 - e. A description of the study methodology;

- f. A proposed research timeline that includes estimated date of completion, data analysis plan, data security plan, and any risks or benefits associated with participation in the study; and
 - g. A description of the type of data being requested (e.g., attendance, assessment, suspension, enrollment, other), a justification that explains how these data are connected to the research activities, and the level of aggregation needed (district, school, or individual level). Individual-level data requires an MOU for data sharing.
5. A full description of IRB proposal requirements can be obtained from OAA or the [City Schools website](http://www.baltimorecityschools.org/community/research_in_city_schools) at:
http://www.baltimorecityschools.org/community/research_in_city_schools.
 6. Researchers are not permitted to request data directly from schools or from other departments within City Schools, but must request directly from OAA.
 7. City Schools may decline to share data with researchers if it is determined that the provisions of this administrative regulation have not been satisfied.
 8. Upon completion of an approved research study, the Researcher must provide in a timely manner a copy of the final research findings to OAA for review. The Researcher may not publish or otherwise disseminate research findings or reports resulting from approved research activities without first providing such findings or reports to OAA for review. OAA will complete its review of findings and reports from approved research activities within 30 days of receipt.
 9. City Schools reserves the right to use information in any research findings or reports for educational programming, planning, staff development, or any other purposes to improve instruction or services to City Schools' students.

F. Sharing of Data With Vendors

1. Vendors seeking data must secure the cooperation of the City Schools department or office for which they are providing services or conducting activities. The City Schools department or office must then initiate the MOU or PSA approval process. The data sharing provisions of the MOU or PSA shall describe the data being sought. The description shall include the type of data requested, the academic year(s) for which the data are requested, the format requested (text, CSV, or Excel), the level of aggregation (individual, school, or district), and a justification for why the data are needed. Data aggregated to the school, grade, or district level generally do not require data sharing provisions in the MOU or PSA. Any MOU or PSA must undergo review by the Office of Legal Counsel and be signed by the CEO of City Schools for the agreement to be in force. Timely renewal of any MOU or PSA is the responsibility of the Vendor.

2. Vendors who are not considered school officials with legitimate educational interests under FERPA may not receive PII except as approved by the student's parent through active parental informed consent. The Vendor must furnish a copy of any form for obtaining written parental consent for review and approval by City Schools. Vendor must keep signed copies of approved parental consent forms on file and provide copies to City Schools.
3. Data provided to Vendors are to be transmitted in a secure manner designed to reach the intended recipient only.
4. Vendors shall implement and maintain, at their own expense, a data security program for the protection of data received from City Schools, whether those data are stored in hard copy or electronically. Standards for protecting these data shall be consistent with and comply with the safeguards for protection of student records, and information of a similar character, as set forth in all applicable federal and state law and written policy of the Board or the Maryland State Board of Education concerning the confidentiality of student records. City Schools reserves the right to inspect data security programs to ensure compliance. Data security programs shall include, but not be limited to, the following safeguards:
 - a. A process for reviewing policies and security measures on an annual basis;
 - b. A security policy for partner employees related to the storage and access of data containing PII;
 - c. Reasonable restrictions on access to data containing student records, including access to any locked storage where such records are kept;
 - d. Creating secure access controls to student records, including but not limited to passwords; and
 - e. Encryption of data that are stored on laptop computers and other portable devices, as well as data that are transmitted electronically.
5. The Vendor and its affiliates shall notify City Schools within 24 hours after they become aware of or suspect any breach of security involving data from City Schools to which the Vendor has in its possession or control.
6. City Schools may decline to share data with vendors if it is determined that the provisions of this administrative regulation have not been satisfied.

G. Fees

1. City Schools is authorized to establish reasonable fees to charge Vendors and researchers to provide requested data when the work does not directly benefit City Schools.

2. Rationale for Assessing Fees: City Schools makes aggregate data on test scores and other metrics available to the general public through its website. Data on City Schools also are available through state websites, such as MD Report Card. Requests for additional data generally require staff time to define the parameters around such requests and write the computer programs necessary to extract the data requested. City Schools receives multiple data requests each year. To alleviate the financial burden that these activities create, reasonable fees may be charged to fulfill data requests.
3. Upon receipt of a data request, a staff member will contact the requesting party and discuss the details of the data request. During this discussion, the staff member will generate an estimate of the number of staff hours required to fulfill the request and the total cost of doing so. Staff time is billed at an hourly rate according to a rate schedule maintained by the office fulfilling the data request. . City Schools will not impose a fee for the first two hours spent responding to a data request.
4. City Schools and the requesting party also will agree on a timeline for fulfilling the request and delivering the requested data. Generally, data requests will be filled within 30 days from the date of the submitted request, depending on the current workload of staff and the complexity of the data being requested.

H. Compliance

1. City Schools' offices and departments shall document the number of data requests received, the number of data sharing agreements entered, and the number of data requests processed.
 2. The Office of Achievement and Accountability will provide an annual report to the Board on data sharing activity, which includes the number of data requests received, data sharing agreements entered, and data requests processed no later than September 30 of each year, with the first report due on September 30, 2017.
- I. The Office of Achievement and Accountability will provide training for City Schools' personnel who may be responsible for handling data sharing agreements and data requests on requirements and exceptions governing data sharing and access as outlined in FERPA. City Schools' employees must undergo this training within 60 days of commencement of employment with City Schools. Training may be provided in the form of an online seminar ("webinar").

III. References

Related Policies and Administrative Regulations: EHB, EHB-RA, KDA, KDA-RA

Regulation History: New Administrative Regulation, May 24, 2016